

Mr. HELMS. Now, I am taking this advantage as the chairman of the committee. I spoke for 26 minutes this morning. The distinguished ranking member spoke for an hour. Just for the record, how long did the distinguished Senator from Indiana speak? I ask that of the Chair.

The PRESIDING OFFICER (Mr. LUGAR). The Senator from Indiana spoke for 41 minutes.

Mr. HELMS. I see. So the Senator from North Carolina feels that maybe they have had ample opportunity thus far into the debate.

Now, I ask that the distinguished Senator from Minnesota be recognized for 7 minutes, after which time we will stand in recess for the policy luncheon.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I rise to express my support for the Chemical Weapons Convention [CWC] with the full complement of 33 conditions on U.S. participation, which are now being considered by the Senate.

As a member of the Foreign Relations Committee, I have been reviewing and studying this treaty for over a year now and have had some serious reservations about the CWC throughout that process.

Therefore, I believe the conditions in Senate Executive Resolution 75 are essential to ensuring that the CWC has real benefits for American national security and will be truly verifiable and effective. Before we commit the American taxpayers to paying more than \$100 million annually for U.S. participation in the treaty, we owe them nothing less.

Let me outline the conditions I believe are the most important.

First, I am pleased the Clinton administration has finally reversed its long-standing position that the CWC would prevent U.S. soldiers from using tear gas to rescue downed pilots or to avoid deadly force when enemy troops are using civilians as human shields.

Second, we must be sure that Russia will both comply with the existing chemical weapons destruction agreements it has already signed, and that it will ratify the CWC. Russia has the largest chemical weapons stockpile in the world and its compliance with earlier agreements will help the United States be more confident of its ability to monitor Russian compliance with the CWC.

This is especially important given reports that Russia has already developed new chemical weapons programs specifically designed to evade the treaty. More than 15 months after the United States ratified the START II Treaty, Russia has refused to follow suit. What makes us think that if we join the CWC before Russia does, it will then follow our example?

Third, the CWC will not protect American soldiers from chemical attack unless it has a serious and immediate impact on those countries that

have hostile intentions toward the United States. This means that countries which are suspected of having chemical weapons programs and are sponsors of terrorism—such as Libya, Syria, Iraq, and North Korea—must participate in the CWC. Just this morning, a newspaper article reported that a prominent North Korean defector has warned that his former country is fully prepared to launch a chemical weapons attack on its neighbors. North Korea has not yet signed the CWC.

Fourth, we need to provide as much protection as possible for U.S. Government facilities and businesses when faced with international inspections. While the CWC does allow the United States to refuse specific inspectors, it should be a matter of policy that we will not accept inspectors from terrorist states like Iran. We are certainly justified in suspecting that these inspectors would be intent on gaining access to classified or confidential business information.

Fifth, I understand the administration has offered assurances that the United States will not seek to transfer chemical technology or information about chemical defenses to countries that might put it to harmful use. But because of the vagueness of the treaty language, we need to go further to prevent the proliferation of chemical weapons. We need to close off the possibility that other countries could use language in the treaty as cover for their desires to transfer chemical technology to countries like Iran. As we have seen in Iraq and North Korea, nuclear technology acquired supposedly for peaceful purposes can advance weapon capabilities.

Sixth and finally, we need to be sure that the CWC is effectively verifiable, meaning that the United States has a high degree of confidence in its ability to detect significant violations. I strongly supported the START II Treaty because it met this traditional standard. If we don't think we can detect cheating under the CWC, it seriously calls into question the value of the treaty.

Recently, there have been reports that China is selling chemical weapons components to Iran. Both countries have signed the CWC and, therefore, are supposedly committed to banning such activity.

In conclusion, Mr. President, there are conditions in the current resolution of ratification for the CWC that address every single one of the concerns I have mentioned.

I sincerely intend to support and vote for the Chemical Weapons Convention as long as the resolution of ratification is fortified with such strong conditions. They will help ensure that this treaty will have a real impact on the proliferation of chemical weapons and provide proven protection for U.S. forces.

However, I understand that some of my colleagues may try to strip out these important conditions on the CWC. This would be very unfortunate

and would cause me to reconsider my current support for the treaty.

I urge my colleagues to vote against any killer amendments that would strike these conditions and, therefore, deprive the United States of assurances that the Chemical Weapons Convention is effective, enforceable and verifiable. The American taxpayers, who will be funding U.S. participation in the CWC, deserve a treaty that unquestionably and unambiguously advances our national security.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

EXECUTIVE SESSION

CHEMICAL WEAPONS CONVENTION

The Senate continued with the consideration of the convention.

The PRESIDING OFFICER. The Senate will now proceed, under a previous order, to a voice vote on Senate Resolution 75.

The resolution (S. Res. 75) was rejected.

The PRESIDING OFFICER. Under a previous order, the motion to reconsider is agreed to.

The resolution of ratification (S. Res. 75) is back before the Senate.

Under the previous order, the question now occurs on the first 28 conditions en bloc.

The first 28 conditions en bloc were agreed to, as follows:

SEC. 2. CONDITIONS.

The Senate's advice and consent to the ratification of the Chemical Weapons Convention is subject to the following conditions, which shall be binding upon the President:

(1) EFFECT OF ARTICLE XXII.—Upon the deposit of the United States instrument of ratification, the President shall certify to the Congress that the United States has informed all other States Parties to the Convention that the Senate reserves the right, pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

(2) FINANCIAL CONTRIBUTIONS.—Notwithstanding any provision of the Convention, no funds may be drawn from the Treasury of the United States for payments or assistance (including the transfer of in-kind items) under paragraph 16 of Article IV, paragraph 19 of Article V, paragraph 7 of Article VIII, paragraph 23 of Article IX, Article X, or any other provision of the Convention, without statutory authorization and appropriation.

(3) ESTABLISHMENT OF AN INTERNAL OVERSIGHT OFFICE.—

(A) CERTIFICATION.—Not later than 240 days after the deposit of the United States instrument of ratification, the President shall certify to the Congress that the current internal audit office of the Preparatory Commission has been expanded into an independent

internal oversight office whose functions will be transferred to the Organization for the Prohibition of Chemical Weapons upon the establishment of the Organization. The independent internal oversight office shall be obligated to protect confidential information pursuant to the obligations of the Confidentiality Annex. The independent internal oversight office shall—

(i) make investigations and reports relating to all programs of the Organization;

(ii) undertake both management and financial audits, including—

(I) an annual assessment verifying that classified and confidential information is stored and handled securely pursuant to the general obligations set forth in Article VIII and in accordance with all provisions of the Annex on the Protection of Confidential Information; and

(II) an annual assessment of laboratories established pursuant to paragraph 55 of Part II of the Verification Annex to ensure that the Director General of the Technical Secretariat is carrying out his functions pursuant to paragraph 56 of Part II of the Verification Annex;

(iii) undertake performance evaluations annually to ensure the Organization has complied to the extent practicable with the recommendations of the independent internal oversight office;

(iv) have access to all records relating to the programs and operations of the Organization;

(v) have direct and prompt access to any official of the Organization; and

(vi) be required to protect the identity of, and prevent reprisals against, all complainants.

(B) COMPLIANCE WITH RECOMMENDATIONS.—The Organization shall ensure, to the extent practicable, compliance with recommendations of the independent internal oversight office, and shall ensure that annual and other relevant reports by the independent internal oversight office are made available to all member states pursuant to the requirements established in the Confidentiality Annex.

(C) WITHHOLDING A PORTION OF CONTRIBUTIONS.—Until a certification is made under subparagraph (A), 50 percent of the amount of United States contributions to the regular budget of the Organization assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law.

(D) ASSESSMENT OF FIRST YEAR CONTRIBUTIONS.—Notwithstanding the requirements of this paragraph, for the first year of the Organization's operation, ending on April 29, 1998, the United States shall make its full contribution to the regular budget of the Organization assessed pursuant to paragraph 7 of Article VIII.

(E) DEFINITION.—For purposes of this paragraph, the term "internal oversight office" means the head of an independent office (or other independent entity) established by the Organization to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the Organization.

(4) COST SHARING ARRANGEMENTS.—

(A) ANNUAL REPORTS.—Prior to the deposit of the United States instrument of ratification, and annually thereafter, the President shall submit a report to Congress identifying all cost-sharing arrangements with the Organization.

(B) COST-SHARING ARRANGEMENT REQUIRED.—The United States shall not undertake any new research or development expenditures for the primary purpose of refining or improving the Organization's regime for verification of compliance under the Con-

vention, including the training of inspectors and the provision of detection equipment and on-site analysis sampling and analysis techniques, or share the articles, items, or services resulting from any research and development undertaken previously, without first having concluded and submitted to the Congress a cost-sharing arrangement with the Organization.

(C) CONSTRUCTION.—Nothing in this paragraph may be construed as limiting or restricting in any way the ability of the United States to pursue unilaterally any project undertaken solely to increase the capability of the United States means for monitoring compliance with the Convention.

(5) INTELLIGENCE SHARING AND SAFEGUARDS.—

(A) PROVISION OF INTELLIGENCE INFORMATION TO THE ORGANIZATION.—

(i) IN GENERAL.—No United States intelligence information may be provided to the Organization or any organization affiliated with the Organization, or to any official or employee thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the Organization to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information. These procedures shall include the requirement of—

(I) the offer and provision of advice and assistance to the Organization in establishing and maintaining the necessary measures to ensure that inspectors and other staff members of the Technical Secretariat meet the highest standards of efficiency, competence, and integrity, pursuant to paragraph 1(b) of the Confidentiality Annex, and in establishing and maintaining a stringent regime governing the handling of confidential information by the Technical Secretariat, pursuant to paragraph 2 of the Confidentiality Annex;

(II) a determination that any unauthorized disclosure of United States intelligence information to be provided to the Organization or any organization affiliated with the Organization, or any official or employee thereof, would result in no more than minimal damage to United States national security, in light of the risks of the unauthorized disclosure of such information;

(III) sanitization of intelligence information that is to be provided to the Organization to remove all information that could betray intelligence sources and methods; and

(IV) interagency United States intelligence community approval for any release of intelligence information to the Organization, no matter how thoroughly it has been sanitized.

(ii) WAIVER AUTHORITY.—

(I) IN GENERAL.—The Director of Central Intelligence may waive the application of clause (i) if the Director of Central Intelligence certifies in writing to the appropriate committees of Congress that providing such information to the Organization or an organization affiliated with the Organization, or to any official or employee thereof, is in the vital national security interests of the United States and that all possible measures to protect such information have been taken, except that such waiver must be made for each instance such information is provided, or for each such document provided. In the event that multiple waivers are issued within a single week, a single certification to the appropriate committees of Congress may be submitted, specifying each waiver issued during that week.

(II) DELEGATION OF DUTIES.—The Director of Central Intelligence may not delegate any duty of the Director under this paragraph.

(B) PERIODIC AND SPECIAL REPORTS.—

(i) IN GENERAL.—The President shall report periodically, but not less frequently than semiannually, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence information provided to the Organization or affiliated organizations and the purposes for which it was provided during the period covered by the report.

(ii) EXEMPTION.—For purposes of this subparagraph, intelligence information provided to the Organization or affiliated organizations does not cover information that is provided only to, and only for the use of, appropriately cleared United States Government personnel serving with the Organization or an affiliated organization.

(C) SPECIAL REPORTS.—

(i) REPORT ON PROCEDURES.—Accompanying the certification provided pursuant to subparagraph (A)(i), the President shall provide a detailed report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives identifying the procedures established for protecting intelligence sources and methods when intelligence information is provided pursuant to this section.

(ii) REPORTS ON UNAUTHORIZED DISCLOSURES.—The President shall submit a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after it has become known to the United States Government regarding any unauthorized disclosure of intelligence provided by the United States to the Organization.

(D) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

(E) RELATIONSHIP TO EXISTING LAW.—Nothing in this paragraph may be construed to—

(i) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)); or

(ii) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(F) DEFINITIONS.—In this section:

(i) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

(ii) ORGANIZATION.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons established under the Convention and includes any organ of that Organization and any board or working group, such as the Scientific Advisory Board, that may be established by it.

(iii) ORGANIZATION AFFILIATED WITH THE ORGANIZATION.—The terms "organization affiliated with the Organization" and "affiliated organizations" include the Provisional Technical Secretariat under the Convention and any laboratory certified by the Director-General of the Technical Secretariat as designated to perform analytical or other functions.

(6) AMENDMENTS TO THE CONVENTION.—

(A) VOTING REPRESENTATION OF THE UNITED STATES.—A United States representative will be present at all Amendment Conferences and will cast a vote, either affirmative or negative, on all proposed amendments made at such conferences.

(B) SUBMISSION OF AMENDMENTS AS TREATIES.—The President shall submit to the Senate for its advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States any amendment to the Convention adopted by an Amendment Conference.

(7) CONTINUING VITALITY OF THE AUSTRALIA GROUP AND NATIONAL EXPORT CONTROLS.—

(A) DECLARATION.—The Senate declares that the collapse of the informal forum of states known as the "Australia Group," either through changes in membership or lack of compliance with common export controls, or the substantial weakening of common Australia Group export controls and nonproliferation measures in force on the date of United States ratification of the Convention, would constitute a fundamental change in circumstances to United States ratification of the Convention.

(B) CERTIFICATION REQUIREMENT.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls;

(ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States;

(iii) the Convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and

(iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

(C) ANNUAL CERTIFICATION.—

(i) EFFECTIVENESS OF AUSTRALIA GROUP.—The President shall certify to Congress on an annual basis that—

(I) Australia Group members continue to maintain an equally effective or more comprehensive control over the export of toxic chemicals and their precursors, dual-use processing equipment, human, animal and plant pathogens and toxins with potential biological weapons application, and dual-use biological equipment, as that afforded by the Australia Group as of the date of ratification of the Convention by the United States; and

(II) the Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and that the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of the date of ratification of the Convention by the United States.

(ii) CONSULTATION WITH SENATE REQUIRED.—In the event that the President is, at any time, unable to make the certifications described in clause (i), the President shall consult with the Senate for the purposes of obtaining a resolution of continued adherence to the Convention, notwithstanding the fundamental change in circumstance.

(D) PERIODIC CONSULTATION WITH CONGRESSIONAL COMMITTEES.—The President shall consult periodically, but not less frequently than twice a year, with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, on Australia Group export control and nonproliferation measures. If any Australia Group member adopts a position at variance with the certifications and understandings provided under subparagraph (B), or should seek to gain Australia Group acquiescence or approval for an interpretation that various provisions of the Convention require it to remove chemical-weapons related export controls against any State Party to the Convention, the President shall block any effort by that Australia Group member to secure Australia Group approval of such a position or interpretation.

(E) DEFINITIONS.—In this paragraph:

(i) AUSTRALIA GROUP.—The term "Australia Group" means the informal forum of states, chaired by Australia, whose goal is to discourage and impede chemical and biological weapons proliferation by harmonizing national export controls chemical weapons precursor chemicals, biological weapons pathogens, and dual-use production equipment, and through other measures.

(ii) HIGHEST DIPLOMATIC LEVELS.—The term "highest diplomatic levels" means at the levels of senior officials with the power to authoritatively represent their governments, and does not include diplomatic representatives of those governments to the United States.

(8) NEGATIVE SECURITY ASSURANCES.—

(A) REEVALUATION.—In forswearing under the Convention the possession of a chemical weapons retaliatory capability, the Senate understands that deterrence of attack by chemical weapons requires a reevaluation of the negative security assurances extended to non-nuclear-weapon states.

(B) CLASSIFIED REPORT.—Accordingly, 180 days after the deposit of the United States instrument of ratification, the President shall submit to the Congress a classified report setting forth the findings of a detailed review of United States policy on negative security assurances, including a determination of the appropriate responses to the use of chemical or biological weapons against the Armed Forces of the United States, United States citizens, allies, and third parties.

(9) PROTECTION OF ADVANCED BIOTECHNOLOGY.—Prior to the deposit of the United States instrument of ratification, and on January 1 of every year thereafter, the President shall certify to the Committee on Foreign Relations and the Speaker of the House of Representatives that the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule I of the Annex on Chemicals.

(10) MONITORING AND VERIFICATION OF COMPLIANCE.—

(A) DECLARATION.—The Senate declares that—

(i) the Convention is in the interests of the United States only if all State Parties are in strict compliance with the terms of the Convention as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply; and

(ii) the Senate expects all State Parties to be in strict compliance with their obligations under the terms of the Convention, as submitted to the Senate for its advice and consent to ratification;

(B) BRIEFINGS ON COMPLIANCE.—Given its concern about the intelligence community's low level of confidence in its ability to monitor compliance with the Convention, the Senate expects the executive branch of the Government to offer regular briefings, not less than four times a year, to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on compliance issues related to the Convention. Such briefings shall include a description of all United States efforts in bilateral and multilateral diplomatic channels and forums to resolve compliance issues and shall include a complete description of—

(i) any compliance issues the United States plans to raise at meetings of the Organization, in advance of such meetings;

(ii) any compliance issues raised at meetings of the Organization, within 30 days of such meeting;

(iii) any determination by the President that a State Party is in noncompliance with or is otherwise acting in a manner inconsistent with the object or purpose of the Convention, within 30 days of such a determination.

(C) ANNUAL REPORTS ON COMPLIANCE.—The President shall submit on January 1 of each year to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a certification of those countries included in the Intelligence Community's Monitoring Strategy, as set forth by the Director of Central Intelligence's Arms Control Staff and the National Intelligence Council (or any successor document setting forth intelligence priorities in the field of the proliferation of weapons of mass destruction) that are determined to be in compliance with the Convention, on a country-by-country basis;

(ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to the adherence of the country to its obligation under the Convention;

(iii) the steps the United States has taken, either unilaterally or in conjunction with another State Party—

(I) to initiate challenge inspections of the noncompliant party with the objective of demonstrating to the international community the act of noncompliance;

(II) to call attention publicly to the activity in question; and

(III) to seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant party with the objective of bringing the noncompliant party into compliance;

(iv) a determination of the military significance and broader security risks arising from any compliance issue identified pursuant to clause (ii); and

(v) a detailed assessment of the responses of the noncompliant party in question to action undertaken by the United States described in clause (iii).

(D) COUNTRIES PREVIOUSLY INCLUDED IN COMPLIANCE REPORTS.—For any country that was previously included in a report submitted under subparagraph (C), but which subsequently is not included in the Intelligence Community's Monitoring Strategy (or successor document), such country shall continue to be included in the report submitted under subparagraph (C) unless the country has been certified under subparagraph (C)(i) for each of the previous two years.

(E) FORM OF CERTIFICATIONS.—For those countries that have been publicly and officially identified by a representative of the intelligence community as possessing or seeking to develop chemical weapons, the certification described in subparagraph (C)(i) shall be in unclassified form.

(F) ANNUAL REPORTS ON INTELLIGENCE.—On January 1, 1998, and annually thereafter, the Director of Central Intelligence shall submit to the Committees on Foreign Relations, Armed Services, and the Select Committee on Intelligence of the Senate and to the Committees on International Relations, National Security, and Permanent Select Committee of the House of Representatives, a full and complete classified and unclassified report regarding—

(i) the status of chemical weapons development, production, stockpiling, and use, within the meanings of those terms under the Convention, on a country-by-country basis;

(ii) any information made available to the United States Government concerning the development, production, acquisition, stockpiling, retention, use, or direct or indirect transfer of novel agents, including any unitary or binary chemical weapon comprised of chemical components not identified on the schedules of the Annex on Chemicals, on a country-by-country basis;

(iii) the extent of trade in chemicals potentially relevant to chemical weapons programs, including all Australia Group chemicals and chemicals identified on the schedules of the Annex on Chemicals, on a country-by-country basis;

(iv) the monitoring responsibilities, practices, and strategies of the intelligence community (as defined in section 3(4) of the National Security Act of 1947) and a determination of the level of confidence of the intelligence community with respect to each specific monitoring task undertaken, including an assessment by the intelligence community of the national aggregate data provided by State Parties to the Organization, on a country-by-country basis;

(v) an identification of how United States national intelligence means, including national technical means and human intelligence, is being marshaled together with the Convention's verification provisions to monitor compliance with the Convention; and

(vi) the identification of chemical weapons development, production, stockpiling, or use, within the meanings of those terms under the Convention, by subnational groups, including terrorist and paramilitary organizations.

(G) REPORTS ON RESOURCES FOR MONITORING.—Each report required under subparagraph (F) shall include a full and complete classified annex submitted solely to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee of the House of Representatives regarding—

(i) a detailed and specific identification of all United States resources devoted to monitoring the Convention, including information on all expenditures associated with the monitoring of the Convention; and

(ii) an identification of the priorities of the executive branch of Government for the development of new resources relating to detection and monitoring capabilities with respect to chemical and biological weapons, including a description of the steps being taken and resources being devoted to strengthening United States monitoring capabilities.

(H) ENHANCEMENTS TO ROBUST CHEMICAL AND BIOLOGICAL DEFENSES.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that—

(i) chemical and biological threats to deployed United States Armed Forces will continue to grow in regions of concern around the world, and pose serious threats to United States power projection and forward deployment strategies;

(ii) chemical weapons or biological weapons use is a potential element of future conflicts in regions of concern;

(iii) it is essential for the United States and key regional allies to preserve and further develop robust chemical and biological defenses;

(iv) the United States Armed Forces are inadequately equipped, organized, trained and exercised for chemical and biological defense against current and expected threats, and that too much reliance is placed on non-active duty forces, which receive less training and less modern equipment, for critical chemical and biological defense capabilities;

(v) the lack of readiness stems from a de-emphasis of chemical and biological defenses within the executive branch of Government and the United States Armed Forces;

(vi) the armed forces of key regional allies and likely coalition partners, as well as civilians necessary to support United States military operations, are inadequately prepared and equipped to carry out essential missions in chemically and biologically contaminated environments;

(vii) congressional direction contained in the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201) should lead to enhanced domestic preparedness to protect against chemical and biological weapons threats; and

(viii) the United States Armed Forces should place increased emphasis on potential threats to forces deployed abroad and, in particular, make countering chemical and biological weapons use an organizing principle for United States defense strategy and development of force structure, doctrine, planning, training, and exercising policies of the United States Armed Forces.

(B) ACTIONS TO STRENGTHEN DEFENSE CAPABILITIES.—The Secretary of Defense shall take those actions necessary to ensure that the United States Armed Forces are capable of carrying out required military missions in United States regional contingency plans, despite the threat or use of chemical or biological weapons. In particular, the Secretary of Defense shall ensure that the United States Armed Forces are effectively equipped, organized, trained, and exercised (including at the large unit and theater level) to conduct operations in a chemically or biologically contaminated environment that are critical to the success of the United States military plans in regional conflicts, including—

(i) deployment, logistics, and reinforcement operations at key ports and airfields;

(ii) sustained combat aircraft sortie generation at critical regional airbases; and

(iii) ground force maneuvers of large units and divisions.

(C) DISCUSSIONS WITH REGIONAL ALLIES AND LIKELY COALITION PARTNERS.—

(i) IN GENERAL.—The Secretaries of Defense and State shall, as a priority matter, initiate discussions with key regional allies and likely regional coalition partners, including those countries where the United States currently deploys forces, where United States forces would likely operate during regional conflicts, or which would provide civilians necessary to support United States military operations, to determine what steps are necessary to ensure that allied and coalition forces and other critical civilians are adequately equipped and prepared to operate in chemically and biologically contaminated environments.

(ii) REPORTING REQUIREMENT.—Not later than one year after deposit of the United States instrument of ratification, the Secretaries of Defense and State shall submit a report to the Committees on Foreign Relations and Armed Services of the Senate and to the Speaker of the House on the result of these discussions, plans for future discussions, measures agreed to improve the preparedness of foreign forces and civilians, and

proposals for increased military assistance, including through the Foreign Military Sales, Foreign Military Financing, and the International Military Education and Training programs pursuant to the Foreign Assistance Act of 1961.

(D) UNITED STATES ARMY CHEMICAL SCHOOL.—The Secretary of Defense shall take those actions necessary to ensure that the United States Army Chemical School remains under the oversight of a general officer of the United States Army.

(E) SENSE OF THE SENATE.—Given its concerns about the present state of chemical and biological defense readiness and training, it is the sense of the Senate that—

(i) in the transfer, consolidation, and reorganization of the United States Army Chemical School, the Army should not disrupt or diminish the training and readiness of the United States Armed Forces to fight in a chemical-biological warfare environment;

(ii) the Army should continue to operate the Chemical Defense Training Facility at Fort McClellan until such time as the replacement training facility at Fort Leonard Wood is functional.

(F) ANNUAL REPORTS ON CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE ACTIVITIES.—On January 1, 1998, and annually thereafter, the President shall submit a report to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Committee on International Relations, National Security, and Appropriations of the House of Representatives, and Speaker of the House on previous, current, and planned chemical and biological weapons defense activities. The report shall contain for the previous fiscal year and for the next three fiscal years—

(i) proposed solutions to each of the deficiencies in chemical and biological warfare defenses identified in the March 1996 report of the General Accounting Office entitled "Chemical and Biological Defense: Emphasis Remains Insufficient to Resolve Continuing Problems", and steps being taken pursuant to subparagraph (B) to ensure that the United States Armed Forces are capable of conducting required military operations to ensure the success of United States regional contingency plans despite the threat or use of chemical or biological weapons;

(ii) identification of the priorities of the executive branch of Government in the development of both active and passive chemical and biological defenses;

(iii) a detailed summary of all budget activities associated with the research, development, testing, and evaluation of chemical and biological defense programs;

(iv) a detailed summary of expenditures on research, development, testing, and evaluation, and procurement of chemical and biological defenses by fiscal years defense programs, department, and agency;

(v) a detailed assessment of current and projected vaccine production capabilities and vaccine stocks, including progress in researching and developing a multivalent vaccine;

(vi) a detailed assessment of procedures and capabilities necessary to protect and decontaminate infrastructure to reinforce United States power-projection forces, including progress in developing a nonaqueous chemical decontamination capability;

(vii) a description of progress made in procuring light-weight personal protective gear and steps being taken to ensure that programmed procurement quantities are sufficient to replace expiring battle-dress overgarments and chemical protective overgarments to maintain required wartime inventory levels;

(viii) a description of progress made in developing long-range standoff detection and

identification capabilities and other battlefield surveillance capabilities for biological and chemical weapons, including progress on developing a multi-chemical agent detector, unmanned aerial vehicles, and unmanned ground sensors;

(ix) a description of progress made in developing and deploying layered theater missile defenses for deployed United States Armed Forces which will provide greater geographic coverage against current and expected ballistic missile threats and will assist in mitigating chemical and biological contamination through higher altitude intercepts and boost-phase intercepts;

(x) an assessment of—

(I) the training and readiness of the United States Armed Forces to operate in a chemically or biologically contaminated environment; and

(II) actions taken to sustain training and readiness, including training and readiness carried out at national combat training centers;

(xi) a description of progress made in incorporating chemical and biological considerations into service and joint exercises as well as simulations, models, and war games and the conclusions drawn from these efforts about the United States capability to carry out required missions, including missions with coalition partners, in military contingencies;

(xii) a description of progress made in developing and implementing service and joint doctrine for combat and non-combat operations involving adversaries armed with chemical or biological weapons, including efforts to update the range of service and joint doctrine to better address the wide range of military activities, including deployment, reinforcement, and logistics operations in support of combat operations, and for the conduct of such operations in concert with coalition forces; and

(xiii) a description of progress made in resolving issues relating to the protection of United States population centers from chemical and biological attack, including plans for inoculation of populations, consequence management, and a description of progress made in developing and deploying effective cruise missile defenses and a national ballistic missile defense.

(12) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Convention requires or authorizes legislation, or other action, by the United States prohibited by the Constitution of the United States, as interpreted by the United States.

(13) NONCOMPLIANCE.—

(A) IN GENERAL.—If the President determines that persuasive information exists that a State Party to the Convention is maintaining a chemical weapons production or production mobilization capability, is developing new chemical agents, or is in violation of the Convention in any other manner so as to threaten the national security interests of the United States, then the President shall—

(i) consult with the Senate, and promptly submit to it, a report detailing the effect of such actions;

(ii) seek on an urgent basis a challenge inspection of the facilities of the relevant party in accordance with the provisions of the Convention with the objective of demonstrating to the international community the act of noncompliance;

(iii) seek, or encourage, on an urgent basis a meeting at the highest diplomatic level with the relevant party with the objective of bringing the noncompliant party into compliance;

(iv) implement prohibitions and sanctions against the relevant party as required by law;

(v) if noncompliance has been determined, seek on an urgent basis within the Security Council of the United Nations a multilateral imposition of sanctions against the non-compliant party for the purposes of bringing the noncompliant party into compliance; and

(vi) in the event that the noncompliance continues for a period of longer than one year after the date of the determination made pursuant to subparagraph (A), promptly consult with the Senate for the purposes of obtaining a resolution of support of continued adherence to the Convention, notwithstanding the changed circumstances affecting the object and purpose of the Convention.

(B) CONSTRUCTION.—Nothing in this section may be construed to impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)).

(C) PRESIDENTIAL DETERMINATIONS.—If the President determines that an action otherwise required under subparagraph (A) would impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure, the President shall report that determination, together with a detailed written explanation of the basis for that determination, to the chairmen of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence not later than 15 days after making such determination.

(14) FINANCING RUSSIAN IMPLEMENTATION.—The United States understands that, in order to be assured of the Russian commitment to a reduction in chemical weapons stockpiles, Russia must maintain a substantial stake in financing the implementation of both the 1990 Bilateral Destruction Agreement and the Convention. The United States shall not accept any effort by Russia to make deposit of Russia's instrument of ratification contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia under the 1990 Bilateral Destruction Agreement or the Convention.

(15) ASSISTANCE UNDER ARTICLE X.—

(A) IN GENERAL.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that the United States shall not provide assistance under paragraph 7(a) of Article X.

(B) COUNTRIES INELIGIBLE FOR CERTAIN ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961—

(i) no assistance under paragraph 7(b) of Article X will be provided to the State Party; and

(ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

(16) PROTECTION OF CONFIDENTIAL INFORMATION.—

(A) UNAUTHORIZED DISCLOSURE OF UNITED STATES BUSINESS INFORMATION.—Whenever the President determines that persuasive information is available indicating that—

(i) an officer or employee of the Organization has willfully published, divulged, disclosed, or made known in any manner or to any extent not authorized by the Convention any United States confidential business information coming to him in the course of his

employment or official duties or by reason of any examination or investigation of any return, report, or record made to or filed with the Organization, or any officer or employee thereof, and

(ii) such practice or disclosure has resulted in financial losses or damages to a United States person,

the President shall, within 30 days after the receipt of such information by the executive branch of Government, notify the Congress in writing of such determination.

(B) WAIVER OF IMMUNITY FROM JURISDICTION.—

(i) CERTIFICATION.—Not later than 270 days after notification of Congress under subparagraph (A), the President shall certify to Congress that the immunity from jurisdiction of such foreign person has been waived by the Director-General of the Technical Secretariat.

(ii) WITHHOLDING OF PORTION OF CONTRIBUTIONS.—If the President is unable to make the certification described under clause (i), then 50 percent of the amount of each annual United States contribution to the regular budget of the Organization that is assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law, until—

(I) the President makes such certification, or

(II) the President certifies to Congress that the situation has been resolved in a manner satisfactory to the United States person who has suffered the damages due to the disclosure of United States confidential business information.

(C) BREACHES OF CONFIDENTIALITY.—

(i) CERTIFICATION.—In the case of any breach of confidentiality involving both a State Party and the Organization, including any officer or employee thereof, the President shall, within 270 days after providing written notification to Congress pursuant to subparagraph (A), certify to Congress that the Commission described under paragraph 23 of the Confidentiality Annex has been established to consider the breach.

(ii) WITHHOLDING OF PORTION OF CONTRIBUTIONS.—If the President is unable to make the certification described under clause (i), then 50 percent of the amount of each annual United States contribution to the regular budget of the Organization that is assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law, until—

(I) the President makes such certification, or

(II) the President certifies to Congress that the situation has been resolved in a manner satisfactory to the United States person who has suffered the damages due to the disclosure of United States confidential business information.

(D) DEFINITIONS.—In this paragraph:

(i) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.—The term "United States confidential business information" means any trade secrets or commercial or financial information that is privileged and confidential, as described in section 552(b)(4) of title 5, United States Code, and that is obtained—

(I) from a United States person; and

(II) through the United States National Authority or the conduct of an inspection on United States territory under the Convention.

(ii) UNITED STATES PERSON.—The term "United States person" means any natural person or any corporation, partnership, or other juridical entity organized under the laws of the United States.

(iii) UNITED STATES.—The term “United States” means the several States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

(17) CONSTITUTIONAL PREROGATIVES.—

(A) FINDINGS.—The Senate makes the following findings:

(i) Article II, Section 2, Clause 2 of the United States Constitution states that the President “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur”.

(ii) At the turn of the century, Senator Henry Cabot Lodge took the position that the giving of advice and consent to treaties constitutes a stage in negotiation on the treaties and that Senate amendments or reservations to a treaty are propositions “offered at a later stage of the negotiation by the other part of the American treaty making power in the only manner in which they could then be offered”.

(iii) The executive branch of Government has begun a practice of negotiating and submitting to the Senate treaties which include provisions that have the purported effect of—

(I) inhibiting the Senate from attaching reservations that the Senate considers necessary in the national interest; or

(II) preventing the Senate from exercising its constitutional duty to give its advice and consent to treaty commitments before ratification of the treaties.

(iv) During the 85th Congress, and again during the 102d Congress, the Committee on Foreign Relations of the Senate made its position on this issue clear when stating that “the President’s agreement to such a prohibition cannot constrain the Senate’s constitutional right and obligation to give its advice and consent to a treaty subject to any reservation it might determine is required by the national interest”.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that—

(i) the advice and consent given by the Senate in the past to ratification of treaties containing provisions which prohibit amendments or reservations should not be construed as a precedent for such provisions in future treaties;

(ii) United States negotiators to a treaty should not agree to any provision that has the effect of inhibiting the Senate from attaching reservations or offering amendments to the treaty; and

(iii) the Senate should not consent in the future to any article or other provision of any treaty that would prohibit the Senate from giving its advice and consent to ratification of the treaty subject to amendment or reservation.

(18) LABORATORY SAMPLE ANALYSIS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

(19) EFFECT ON TERRORISM.—The Senate finds that—

(A) without regard to whether the Convention enters into force, terrorists will likely view chemical weapons as a means to gain greater publicity and instill widespread fear; and

(B) the March 1995 Tokyo subway attack by the Aum Shinrikyo would not have been prevented by the Convention.

(20) CONSTITUTIONAL SEPARATION OF POWERS.—

(A) FINDINGS.—The Senate makes the following findings:

(i) Article VIII(8) of the Convention allows a State Party to vote in the Organization if the State Party is in arrears in the payment of financial contributions and the Organization is satisfied that such nonpayment is due to conditions beyond the control of the State Party.

(ii) Article I, Section 8 of the United States Constitution vests in Congress the exclusive authority to “pay the Debts” of the United States.

(iii) Financial contributions to the Organization may be appropriated only by Congress.

(B) SENSE OF SENATE.—It is therefore the sense of the Senate that—

(i) such contributions thus should be considered, for purposes of Article VIII(8) of the Convention, beyond the control of the executive branch of the United States Government; and

(ii) the United States vote in the Organization should not be denied in the event that Congress does not appropriate the full amount of funds assessed for the United States financial contribution to the Organization.

(21) ON-SITE INSPECTION AGENCY.—It is the sense of the Senate that the On-Site Inspection Agency of the Department of Defense should have the authority to provide assistance in advance of any inspection to any facility in the United States that is subject to a routine inspection under the Convention, or to any facility in the United States that is the object of a challenge inspection conducted pursuant to Article IX, if the consent of the owner or operator of the facility has first been obtained.

(22) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ANNUAL ASSESSMENT.—Notwithstanding any provision of the Convention, and subject to the requirements of subparagraphs (B), (C), and (D) the United States shall pay as a total annual assessment of the costs of the Organization pursuant to paragraph 7 of Article VIII not more than \$25,000,000.

(B) RECALCULATION OF LIMITATION.—On January 1, 2000, and at each 3-year interval thereafter, the amount specified in subparagraph (A) is to be recalculated by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the failure to provide such contributions would result in the inability of the Organization to conduct challenge inspections pursuant to Article IX or would otherwise jeopardize the national security interests of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President.

(ii) STATEMENT OF REASONS.—The President shall transmit with such certification a detailed statement setting forth the specific reasons therefor, and the specific uses to which the additional contributions provided to the Organization would be applied.

(D) ADDITIONAL CONTRIBUTIONS FOR VERIFICATION.—Notwithstanding subparagraph (A), for a period of not more than ten years, the President may furnish additional contributions to the Organization for the purposes of meeting the costs of verification under Articles IV and V.

(23) ADDITIONS TO THE ANNEX ON CHEMICALS.—

(A) PRESIDENTIAL NOTIFICATION.—Not later than 10 days after the Director-General of the Technical Secretariat communicates information to all States Parties pursuant to Article XV(5)(a) of a proposal for the addition of a chemical or biological substance to a schedule of the Annex on Chemicals, the President shall notify the Committee on Foreign Relations of the Senate of the proposed addition.

(B) PRESIDENTIAL REPORT.—Not later than 60 days after the Director-General of the Technical Secretariat communicates information of such a proposal pursuant to Article XV(5)(a) or not later than 30 days after a positive recommendation by the Executive Council pursuant to Article XV(5)(c), whichever is sooner, the President shall submit to the Committee on Foreign Relations of the Senate a report, in classified and unclassified form, detailing the likely impact of the proposed addition to the Annex on Chemicals. Such report shall include—

(i) an assessment of the likely impact on United States industry of the proposed addition of the chemical or biological substance to a schedule of the Annex on Chemicals;

(ii) a description of the likely costs and benefits, if any, to United States national security of the proposed addition of such chemical or biological substance to a schedule of the Annex on Chemicals; and

(iii) a detailed assessment of the effect of the proposed addition on United States obligations under the Verification Annex.

(C) PRESIDENTIAL CONSULTATION.—The President shall, after the submission of the notification required under subparagraph (A) and prior to any action on the proposal by the Executive Council under Article XV(5)(c), consult promptly with the Senate as to whether the United States should object to the proposed addition of a chemical or biological substance pursuant to Article XV(5)(c).

(24) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the Constitutionally based principles of treaty interpretation set forth in Condition (I) of the resolution of ratification with respect to the INF Treaty. For purposes of this declaration, the term “INF Treaty” refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

(25) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power as set forth in Article II, section 2, clause 2 of the Constitution.

(26) RIOT CONTROL AGENTS.—

(A) PERMITTED USES.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are parties to a conflict, in any of the following cases:

(i) UNITED STATES NOT A PARTY.—The conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Rwanda).

(ii) CONSENSUAL PEACEKEEPING.—Consensual peacekeeping operations when the use of

force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter.

(iii) CHAPTER VII PEACEKEEPING.—Peace-keeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

(B) IMPLEMENTATION.—The President shall take no measure, and prescribe no rule or regulation, which would alter or eliminate Executive Order 11850 of April 8, 1975.

(C) DEFINITION.—In this paragraph, the term "riot control agent" has the meaning given the term in Article II(7) of the Convention.

(27) CHEMICAL WEAPONS DESTRUCTION.—Prior to the deposit of the United States instrument of ratification of the Convention, the President shall certify to the Congress that all of the following conditions are satisfied:

(A) EXPLORATION OF ALTERNATIVE TECHNOLOGIES.—The President has agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the Convention for the destruction of chemical weapons.

(B) CONVENTION EXTENDS DESTRUCTION DEADLINE.—The requirement in section 1412 of Public Law 99-145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007.

(C) AUTHORITY TO EMPLOY A DIFFERENT DESTRUCTION TECHNOLOGY.—The requirement in Article III(1)(a)(v) of the Convention for a declaration by each State Party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article.

(D) PROCEDURES FOR EXTENSION OF DEADLINE.—The President will consult with Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under part IV(A) of the Annex on Implementation and Verification of the Convention, if, as a result of the program of alternative technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in Public Law 104-208), the President determines that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

(28) CONSTITUTIONAL PROTECTION AGAINST UNREASONABLE SEARCH AND SEIZURE.—

(A) IN GENERAL.—In order to protect United States citizens against unreasonable searches and seizures, prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing

with particularity the place to be searched and the persons or things to be seized; and

(ii) for any routine inspection of a declared facility under the Convention that is conducted on an involuntary basis on the territory of the United States, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

(B) DEFINITION.—For purposes of this resolution, the term "National Authority" means the agency or office of the United States Government designated by the United States pursuant to Article VII(4) of the Convention.

The PRESIDING OFFICER. The Chair advises that under the previous order the five remaining conditions are now part of the resolution and are open to motions to strike.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask that the RECORD reflect my "aye" vote on the two resolutions just voted, and that the RECORD also reflect that Senator SMITH of New Hampshire voted "aye."

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I yield 10 seconds.

Mr. WARNER. Mr. President, I wish the RECORD to reflect that the Senator from Virginia was on the floor present and voting "aye" on the resolution.

Mr. KYL. Mr. President, may I further ask that the RECORD reflect that the Senator from Florida, Senator MACK, was present and voting "aye"; and that Senator KEMPTHORNE, Senator ABRAHAM, Senator ROBERTS, and Senator HUTCHINSON also voted "aye."

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. BIDEN. Mr. President, will the Senator yield 10 seconds for a unanimous-consent request regarding a staff member?

Mr. President, I ask unanimous consent that Greg Suchan, a fellow on the staff of Senator MCCAIN, be granted the privilege of the floor during the discussion of the Chemical Weapons Convention.

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

Mr. BIDEN. I thank the Chair.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, we are now going to commence additional debate on the Chemical Weapons Convention. I would like to begin with some general observations about treaties in general and about this treaty in particular.

Mr. President, I want to begin by making what should be an obvious point. But in view of some of the rhetoric, I think it is important to reiterate it; that is, that the opponents of the Chemical Weapons Convention

abhor chemical weapons just as much as proponents do. If this treaty performs as it is advertised to perform, I think everyone in this body would be supportive of it. Certainly those who oppose the convention support eliminating our chemical weapons, which will happen with or without the Chemical Weapons Convention.

As has been noted by previous speakers, the United States is committed to eliminating all of our chemical weapons, and I suspect that everyone in this Chamber supports that position. So opposition is not based on the notion that we would retain our chemical weapons.

Mr. President, I also ask that the RECORD reflect that the Senator from Iowa, Senator GRASSLEY, was present and voted "aye" on the last two votes.

Mr. President, let me move forward to this proposition. Last week the Senate approved Senate Resolution 495, which demonstrates our commitment to do more. Whether one supports the Chemical Weapons Convention or not, this was an important bill to demonstrate our commitment, both here at home and abroad, to do more to try to stop the spread of chemical weapons, and not doing it alone, as my friend from Delaware has said, because Senate Resolution 495 contains several provisions that call for additional multilateral action on the part of the United States. It requires the President, for example, to use his best efforts to keep the Australia Group intact and to work against any weakening of the Australia Group restrictions on trade in chemicals; to work with Russia to ensure that it conforms to its obligations under the bilateral destruction agreement; for the President to impose sanctions on countries that violate international law with respect to chemical weapons.

So Senate Resolution 495 was not a go-it-alone resolution. Quite to the contrary. Though it did close some loopholes in American law, it also reached out in various specific ways to enable us to deal with the problem of the spread of chemical weapons in more practical and specific ways than the Chemical Weapons Convention itself does.

We have just had a vote on the resolution of ratification as presented by Senator HELMS, the resolution that is currently before us. Many of us voted for that resolution, to make the point that we favor the Chemical Weapons Convention so long as it has certain protections built into it. I think it should also be clear that the opposition to the Chemical Weapons convention is not based on politics.

As one of my colleagues said, there will be criticism of President Clinton. I don't think you will hear criticism of President Clinton. The opposition to this treaty is not based on politics. Indeed, it is not an easy treaty to oppose. I think those who oppose it must be recognized as doing so because of a firm principle and commitment rather than anything political.

Another general point I would like to make is this. The Senate has a constitutional obligation to independently scrutinize treaties. It has been said that treaties are forever. Most of the treaties that have been ratified by the U.S. Senate are still in force—treaties that are many, many, many years old, some undoubtedly far beyond this time. It is like amending the Constitution. It requires a two-thirds vote. It requires a great deal of thought, therefore, on the part of the Senate.

Mr. President, we are not a rubber stamp. No one should feel that they have to support this treaty just because it has been proposed. Treaties are no substitute for sensible action. They are in many respects inherently limited in their value, especially when the nations with whom they are entered into are not committed to the principles of the treaty. There are examples in past history that demonstrate this.

The Kellogg-Briand Pact of 1928, which outlawed war, was obviously something that everyone felt good about supporting. But the actions didn't follow the words, and we know what happened.

Also, this morning one of my colleagues quoted Will Rogers, who said, "We have never lost a war or won a treaty." While that has a certain ring of truth to it, I don't think anyone would suggest that, therefore, all treaties are bad. As a matter of fact, we have supported very specific treaties that we think have done some good—arms control treaties like the INF Treaty, the START I Treaty, and the START II Treaty. As a matter of fact, I was asked to support the START II Treaty on the grounds that Russia would not ratify the START II Treaty until the United States did. So we did. We support the START II Treaty. It was ratified here. And 2 years later, the Russians still have not ratified the START II Treaty. So I agree with my colleagues who say that some treaties can be useful. I also make the point that one should not rely strictly on treaties.

I also am troubled by the proposition that we somehow feel that we could do internationally that which we could never do domestically. I don't think any of us would contend, for example, that we think we can solve the problem of crime by going to the criminals in our neighborhoods and making a treaty with them to stop committing crime. Instead, we have police forces, we have laws, we have specific punishments, we have a court system, and we put people in prison when they violate those laws. In other words, we take specific action to deal with the problem. We don't rely upon the written word of someone who may be unreliable. Yet, in the international forum that seems to be very much in vogue.

I don't think there is any reason that we can believe that a treaty with Iran, for example, is going to change its behavior, or Iraq, or Libya, or North

Korea, or many of the other rogue states throughout the world. I think it is countries like Iran that want the benefits of the CWC and the lifting of the trade restrictions that we currently have with Iran, secure in the knowledge that it can avoid detection and/or any punishment that might follow that. Treaties generally do not modify the behavior of states. The law-abiding will abide, and those that intend to cheat will either cheat or not join at all.

That is why these multilateral treaties, unlike some of the bilateral treaties that we entered into earlier, are more difficult to make work. Frequently what they do is complicate diplomacy and encourage dishonesty. We know that there are numerous examples of violations of existing treaties and previous treaties. But it was uncomfortable for us to bring those violations to light because, frankly, we thought that we had bigger fish to fry. We had more important matters with those states than the violation of a particular treaty. As a result, paradoxically it was more difficult to enforce these conditions once the treaty went into effect than it was before, because once the treaty went into effect, in order to upset the applecart, we have to find violations. We take it to the body that is going to find a violation and sanction, and we decide that would be diplomatically difficult because we want to accomplish some greater purpose with the state that is in violation. So we just forget the whole thing. What that does is literally put into law the violations that are occurring currently. So they can complicate diplomacy and encourage dishonesty.

The bottom line about this general discussion is this: Sometimes treaties can be very useful and sometimes not. We have an obligation to make that distinction—not just to take the word that, if a treaty has been proposed, we have an obligation to support it. That is not the job of the U.S. Senate. Treaties are not an excuse to do that which is difficult. It is like making a New Year's resolution rather than beginning to diet. Sometimes we have to have the courage to begin the diet rather than just relying on a New Year's resolution.

Mr. President, a second set of general comments:

Reasonable people can differ over the Chemical Weapons Convention. We have a series of former governmental officials on both sides of this issue. We have former Secretaries of Defense, ambassadors, generals, columnists—all of whom have come out very publicly against the treaty. There is undoubtedly an equal number who have come out for the chemical weapons treaty. I hope we can begin this debate with the proposition that reasonable people can differ on this very important matter. Frankly, when former Secretaries of State—like Dick Cheney, Casper Weinberger, Don Rumsfeld, James Schlesinger; former Defense officials, such as

Jeanne Kirkpatrick and Richard Perle, Gen. P.X. Kelley, and Freddie Clay—when people like this say that they are opposed to the treaty, it ought to be clear that there are reasonable arguments on both sides and that neither side should claim that all right and truth and justice are on their side.

Important columnists have also weighed in to this and find themselves on both sides of the issue.

That is why I am troubled by the slogan of some people in the administration—and, in particular, I will cite the Secretary of State, who has said on national television that one of the reasons to vote for this treaty is that it has "Made in America" written all over it. Mr. President, that is not a substitute for reasoned argument. It is a slogan. It misrepresents the Reagan administration's position on the chemical weapons treaty, which, by the way, was very much different than the treaty that is before the Senate today.

I can point out the fact that there have been other treaties proposed to the U.S. Senate that also had "Made in America" written all over them—like the League of Nations, which this Senate in its judgment decided not to rubberstamp but to reject.

There were cries at the time similar to the cries you hear today that it would isolate America; that it would hurt our business; that we would be the laughingstock of the world; that, after all, President Wilson was the one who created this treaty and how could we vote against it. Moreover, we would be the pariah in the world if we voted against the League of Nations. But in 1919, this body exercised its judgment, its constitutional prerogative and it declined to allow the United States to participate. And I do not think today there are very many people who believe this country made a mistake by waiting and creating instead the United Nations.

We, I think, should be able to go forward. I think it takes more courage sometimes to go forward with a position that acknowledges a mistake than it does to simply blindly go forward and perhaps have in the back of your mind the idea that you have made a mistake but it would not look good if you backed out at this time.

That is another one of the arguments being made by the opponents; we would be embarrassed internationally if we backed out of the treaty at this point or caused part of it to be renegotiated. I submit that knowing we have made a mistake at least with regard to articles X and XI in this treaty, we should have the courage to fix articles X and XI before our resolution of ratification is deposited at The Hague.

Now another general comment, Mr. President. No one has a monopoly on morality. Ours is a disagreement about means, not about ends. I want to make this point very clear because some people, perhaps a little overzealous to push this treaty, have inferred that those who vote against it somehow

support the use of chemical weapons. I watched my grandfather die, Mr. President, from emphysema acquired as a result of his being gassed in World War I in Europe. Therefore, I take a back seat to no one in expressing my abhorrence for these despicable weapons and why I fully support the United States eliminating our chemical weapons and leading the world in that regard. We are the only country in the world with chemical weapons that has declared we will eliminate all of our stocks of those weapons.

So I hope no one tries to lecture me about the evils of poison gas and how the only way to deal with that is through this Chemical Weapons Convention. We have been the moral leader of the world by imposing trade restrictions on countries like Iran, for example, restrictions that will probably have to be lifted as a result of this treaty because of articles X and XI. So I believe that insisting on renegotiation of articles X and XI would confirm our moral position. Our negotiators tried but failed to win key concessions on those provisions. In the future, they will be strengthened by the knowledge that the Senate will not go along with such halfway measures with a defective treaty.

So, Mr. President, my point here is this. It matters how we make a moral statement, and simply ballyhooing a treaty that everyone knows is flawed does not enhance our moral stature.

Now to some specific comments. Those of us who have reservations about the treaty have said that it fails in its key objectives, that if it met these objectives we would support it, that our opposition is based on two simple points. It fails to meet the objectives and it does more harm than good.

In what way does it fail to meet its objectives. It was proposed as a global and verifiable and enforceable treaty. Unfortunately, it is none of those. First, it is not global. It does not cover the key countries and the key chemicals that are currently suspected of being the problems. Nine of the 14 countries suspected of possessing chemical weapons have not even signed this treaty. These countries include Libya, Iraq, Syria, North Korea, Egypt, Sudan, Serbia, South Korea, and Taiwan. So many of the countries in the world that possess the chemicals are not signatories. They are not going to bind themselves to it. And there is nothing we can do in terms of verification or inspection or anything else that is going to deal with it. The best way to deal with those countries is to do what we are currently doing, which is to maintain and enforce the restrictions of the Australia Group.

Now, I spoke of that before. What is it? It is a group of 29 countries, including the United States, that have agreed among themselves not to trade these chemicals to countries that they think might want to develop chemical weapons with them. And we have these re-

strictions in place now. That is the best way to prevent the spread of these chemicals. Unfortunately, as an incentive to get countries to join the chemical weapons treaty, articles X and XI call into question the existence of those conditions and in fact in our view require that the states remove those restrictions and trade with the countries that are parties to the treaty.

Second, the treaty is not verifiable. Now, proponents have said, well, nothing is 100-percent verifiable. That is a false standard, Mr. President. Nobody is claiming that it should be 100-percent verifiable. The question is whether it is effectively verifiable. And on that there is virtually unanimous agreement that, no, it is not effectively verifiable. I read to you a recently unclassified national intelligence estimate conclusion published originally in August of 1993 which stated:

The capability of the intelligence community to monitor compliance with the CWC is severely limited and likely to remain so for the rest of the decade. The key provision of the monitoring regime, challenge inspections at undeclared sites, can be thwarted by a nation determined to preserve a small secret program using the delays and managed access rules allowed by the convention.

And there are a variety of other statements I could read, including statements of the former Director of the CIA, all of which confirm the fact that this is not a verifiable treaty.

Nor is the treaty enforceable. Even if you were to find a violation and you brought it to the bodies that are supposed to run this treaty, you would have to have a three-quarter vote, and there is no sanction in place. Once they found a violation, they would go to the country and say, would you please stop violating. If the country continued to ignore them, although the likelihood is the country would say, well, sure, we would be happy to, and eventually hide the material in such a way that you could not find a violation in the future, but assuming the violation continued and you continue to prove that, what is the sanction? There is none. Where do you go? The United Nations, the General Assembly.

Mr. President, that is not a place where at least the United States has been treated very kindly in the past. And if you have to go all the way to the Security Council, Russia, China, other states have a veto. So it is unlikely that significant punishment would be meted out. As a matter of fact, the evidence of that probably most clearly is the case of Iraq which admittedly—I should not say admittedly. They denied it, but after inspection it was confirmed that chemical weapons were used against both Iran and against the Kurdish population of Iraq itself and yet the United Nations, the peace-loving nations of the world were incapable of mustering the courage to even name Iraq in a meaningless resolution about the use of these weapons. So it does not seem likely to me that the United Nations would muster the courage to impose any kind of particular sanction.

Now, another one of the selling points of this treaty, according to its proponents, is, well, it is better than nothing. In other words, granted, it does not cover a lot of the countries we wished it covered and it is not very verifiable and there are not any particular sanctions in the treaty, but at least it is better than nothing.

Our response to that is essentially twofold. First of all, it is very costly both in terms of money and potential constitutional restrictions and, second, there are some other very significant reasons why it is not better than nothing.

In terms of cost, we know that the cost to the Government is going to be \$150 million to \$200 million annually. Businesses are going to have to pay between \$200,000 and \$500,000 for inspections. Just to fill out the forms, and there are thousands of businesses in this country that will have to fill out the forms, it is going to be a \$50,000 to \$70,000 proposition, and, of course, untold amounts lost in confidential business information which can result as a result of the industrial espionage that most people believe will result from the inspections under this treaty.

Second, we mentioned the constitutional issues. There has been an attempt to fix about half of the constitutional issues. One deals with the fourth amendment, and there has been an amendment to say a search warrant would be required. The problem with that is that it would probably be found to be in violation of the treaty if a constitutional requirement were imposed to prevent the treaty from operating as it was written.

So if we actually go ahead with a protection from fourth amendment searches and seizures, we may very well be found in violation of the treaty. On the other hand, those responsible for making such a decision may decide that we can have such a constitutional protection in which case I think we can count on all of the other nations that want to avoid detection doing the same thing and, of course, as a nation that lives under the rule of law we will abide by it in a proper way. And I think we can count on countries like Iran or China or Cuba, for example, to use that as an excuse not to allow the kind of inspections that would result in detection.

The other part of the Constitution, the fifth amendment, presents a special problem that nobody has figured out how to fix. The fifth amendment provides that if there is a taking by the Government of property one is entitled to be paid. The problem is that when the U.S. Government imposes this regime on American businesses and individuals, it has not yet made the commitment to pay them. My own guess is that I would have a right to sue and the U.S. Government would have to pay but there is no provision for that. You cannot sue under the Federal Tort Claim Act, and so we would have to somehow construct an ability to sue

the U.S. Government and provide for the unlimited liability that would result from such an undertaking. So that has not been dealt with either.

The bottom line is the constitutional issues remain very much up in the air.

Now, those are some of the costs. I think, however, the biggest costs are the following two. The mere fact that this treaty has been proposed has caused many to decide that we do not have to worry as much about defending our troops. I know the President has made a big matter out of saying that this treaty would help to protect our troops. Well, I think he is very wrong and his own administration officials verify this because for the last 2 years his representatives have come to the Congress and based on the fact that the United States signed this treaty and they presumed we would ratify it, this administration has called for reductions in spending on defensive measures for our troops.

How can a President who tries to sell the treaty on the basis that it will be good for our troops, that it will protect them, come before the Congress not once but twice and call for a reduction in funding to provide defenses for our troops? Two years ago, \$850 million. Fortunately, we restored it. What was the reason? The reason expressly was because this treaty is going to enter into force and we will be a part of it, as if the treaty were going to make the threat go away.

And this year General Shalikashvili let us cut another \$1.5 billion over 5 years out of this part of the defense budget, this despite the fact that the General Accounting Office in a very critical report following the Persian Gulf war, updated just last year, has found that our defenses are in a very serious state of disrepair; that we are not adequately prepared; that we have not provided our soldiers, our marines, our fighting people who are going to be confronting chemical or biological warfare the kind of training, the kind of equipment, the kind of antidotes, the kind of protection they deserve. So you have GAO in a very current finding that we are not doing enough for our troops, the administration trying to cut the funding to do more, and the President saying that the chemical weapons treaty will solve the problem.

That is what I had reference to when I said that treaties can make you feel good, like you have solved a problem, but when it comes to the lives of American soldiers, we will not have done enough to protect them. And that is why we should not be lulled into a sense of false security by signing a piece of paper that I do not think people would loan money on if they wanted to get it back, frankly. So, this treaty does damage. It is worse than nothing.

What is another example? You have heard me talk about articles X and XI. You are going to hear a lot about that, because articles X and XI turn out not to be such a good idea. I am going to

discuss that in more detail later. They were put into the treaty at a time when it seemed like a good idea. Now it does not seem like such a good idea. The administration and everybody else acknowledges we have a problem here. The problem is, everybody is embarrassed to go back and change it. The administration says, "Well, we negotiated the best deal we could." We say, "Because it is flawed, let us go back and take those two sections out." But the administration does not want to do that. Not taking them out is going to result in a proliferation of chemical weapons and technology, not a restriction of it. Again, I will get into that in more detail later.

The point I want to make here is that as long as this treaty has articles X and XI in it, it is going to be worse than nothing because it is going to result in the proliferation of chemicals rather than a restriction. I will just quote one sentence that a letter that former Defense Secretary, Dick Cheney wrote in this regard. He said, "In my judgment, the treaty's article X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe." So, in this second significant respect, the treaty makes the situation worse than it was before.

Finally, as I made a point to mention before, it is going to significantly reduce our diplomatic options. Claiming violations will take back seat to more pressing diplomatic considerations. We have seen this in a variety of situations. When the Russians were in violation of the ABM Treaty and had a radar at a place called Krasnoyarsk, we were in delicate negotiations with them in a variety of other things and therefore it was "see no evil," basically. "We are really not all that sure they violated the treaty," when in fact our intelligence community knew full well they had. And after the Soviet Union broke up, its leaders said, "Sure we were in violation." The question is, why didn't we do anything about it? Well, because we did not want to upset the diplomatic applecart.

Think about China with MFN. Are we going to upset the diplomatic applecart? You see, today we do not have to because there is no treaty. Once a treaty is in place we have an obligation. If we know there are violations—perhaps, for example, with China—we would have an obligation to send inspectors over there and ask them to see what they could find. One of two things will happen. Either they are going to confirm there are violations—unlikely, in which case we are then going to have to do something about it. More likely, they will come back and say, "Well, we couldn't prove it."

As a result, China or whoever is doing the violating will have the Good Housekeeping stamp of approval. We set up this regime. You try to find people guilty. But the burden is so difficult you are not going to find people guilty. They are going to, in effect, be

acquitted. And when they are acquitted we have then diminished our opportunity to negotiate with them, to tell them to stop selling chemicals, for example, to Iran or other countries we do not want to have them. In that respect, again, the treaty reduces our diplomatic options. It puts us into a box. It makes it more difficult to deal with these kinds of violations and in that respect again it is not better than nothing, it is worse than doing nothing.

What are some of the administration's claims? First of all, they have made the astonishing claim that failure to ratify the treaty would mean that we are aligned with the pariah states of Iraq and Libya because Iraq and Libya are not going to sign or ratify this treaty. I hope the Secretary of State and the President of the United States could discriminate a little better than that. I could make the same argument to them. If we sign the treaty, we are going to be in with a bunch of other pariah states. Do they think it is any better to be with Iran or Cuba? These are states that have signed the treaty and presumably will ratify it. Obviously, that is not an argument that gets you anywhere. But it is the kind of simplistic, superficial argument that this administration is using to sell the treaty. It is an affront to the intelligence of the Senate. As I said, I hope the President and Secretary of State can make better distinctions than that.

I also note it is a bit meaningless at this point to join the treaty, though 67 other nations have joined it, because they do not have chemical weapons. The countries that have chemical weapons have not joined it, and many of them are not going to. About 99 percent of the world's chemical weapons, according to open source material, are held by three countries, none of whom have joined the treaty: The United States, Russia, and China. We have a bilateral destruction agreement with Russia, in which we are trying to get them to destroy their chemical weapons—and they decided they are not going to follow through with that, apparently. So, what makes us think that we are going to do any good by joining the treaty, when about 80 percent-plus of the chemicals in China and Russia would be outside the purview of the treaty?

The next comment made is, "No treaty is 100 percent verifiable." I think I dealt with that before. Nobody is claiming it needs to be 100-percent verifiable, but when we say this treaty is not adequately verifiable or effectively verifiable, their comeback is, "Well, no treaty is 100 percent." That is not the issue. The issue is whether it is effectively verifiable, and unfortunately no one claims that this treaty is effectively verifiable.

No one, for example, has said that they have high confidence that this treaty will timely detect significant violations. As a matter of fact, one of

the strong supporters of the treaty, a friend and someone who has served this country well, and we have a difference of opinion about the treaty, Ron Adelman, said in an op-ed piece he wrote on February 20, "Granted, the treaty is virtually unverifiable and granted it doesn't seem right for the Senate to ratify an unverifiable treaty. . . ." he went on to say: "however, I think we are still better off by going ahead."

My point is that even treaty proponents acknowledge it is not verifiable, so let us not get into a debate as to whether it has to be 100-percent verifiable or not. It is not effectively verifiable. That is the point.

I discussed a bit ago the argument that the CWC will protect American troops and prevent a terrorist attack. No one who has spoken to this from an intelligence point of view can credibly make the claim that this treaty will, in any way, shape or form, reduce the threat of terrorism. Let me repeat that. Our intelligence community is unwilling to say that this treaty would stop terrorist attacks. And even one of the much vaunted agreements that was entered into between our friends on the other side of the aisle and Senator HELMS recognizes the fact that the CWC is not effective to deal with the problem of terrorism. Let me quote one of the recently unclassified assessments of our intelligence agency, the Central Intelligence Agency:

In the case of Aum Shinrikyo [this is the cult in Japan that gassed Japanese citizens] the Chemical Weapons Convention would not have hindered the cult from procuring the needed chemical compounds needed in the production of sarin. Further, the Aum would have escaped the requirement for an end-use certification because it purchased the chemicals within Japan.

The point is, here, that chemicals are so easily secreted, chemical weapons are so easily made in small, confined spaces, that it is essentially impossible to find all of them. And a terrorist group, in a room the size of a large closet, in Japan, was able to make the sarin gas that they used. This Chemical Weapons Convention has no capability to deal with that. I will say it this way: It is a fraud on the American people to suggest that we have to adopt this treaty in order to do away with terrorist use of chemical weapons. It will not be effective for that purpose. It may have some other beneficial effects, but no one should contend that it is going to help with regard to terrorism.

The same thing, as I said, is true with regard to the defense of our troops. If this administration were actually pursuing a strong defensive capability for our troops, that would be one thing, but it is not. As a result, I think it is not an appropriate argument for this administration to base the ratification of the treaty on.

Another argument of the administration is that this is important to protect the jobs in the chemical industry and that there would be some losses to our chemical companies if the treaty

were not adopted by the United States. First, I would say that this is no reason for the United States to enter into a treaty, simply to enhance the financial balance sheets of American companies. We are all for doing that, we are all for helping American businesses do well, but one does not enter into a treaty for that purpose. I think there should be a question about whether our chemical companies ought to be selling these kinds of chemicals to countries like Iran and Cuba and China in any event, because that is the new market that will open up. These are countries that have signed the treaty, not yet ratified. Presumably they will ratify it at some point so there will be an added market for us to sell our chemicals.

The other added market is that if the Australia Group restrictions come off, then our companies would not be restricted by the Australia Group limitations. In both cases they would be able to sell more chemicals. I would argue that that is not necessarily a good thing, even though it might enhance their balance sheets.

And to the argument that somehow there will be a downside to them, that they will actually lose money, it is an argument that does not persuade me. Because folks should know that the only limitation that can be imposed on companies in countries that do not sign the treaty is with respect to so-called schedule 1 and schedule 2 chemicals. These are the chemicals of chemical warfare, of chemical weapons and their precursors, by definition, made in noncommercial quantities. So the only limitation that could ever be imposed upon American companies, if it ever were, would be on such a small amount of chemicals that, even by their own definition it would constitute only a fraction of 1 percent of the chemicals that are traded. We should pass the treaty for that? I do not think so.

Another argument is that at least we will get more intelligence if we are a party to the treaty. This is the argument that says granted it may not solve all the problems but it is better to be inside than outside. I think this particular argument deserves a little bit of attention.

I serve on the Senate Intelligence Committee. I know how this works. I think I should explain a little bit about it. The claim is not true. Our intelligence agencies, of course, always are looking for new opportunities to get information, but it is not correct to say that the chemical weapons treaty provides us that mechanism. The chemical weapons treaty says that if you want to inspect another country for a suspected violation, you bring the matter to the council in charge of the treaty, and if it decides to go forward, it will appoint three inspectors—but it cannot be somebody from your country. So, it would be somebody from three other countries that go do the inspection. They come back and they deposit their findings with this body, this executive council. And by the treaty terms they

cannot share that information with anybody else. It is secret. So the United States, not being a party to the inspection, does not have the information, and cannot have it, under the terms of the treaty. So there is only one way that we would gain more information under the terms of the treaty and that is by cheating, by violating the treaty, by somehow trying to steal the information, by somehow trying to turn one of those inspectors to be an agent for us in violation of the treaty terms. That is how we would get more information—not legally, under the treaty.

What would we do if we found somebody cheating? Let us assume that we find that Russia or China has chemical weapons, is not destroying them—in other words, does possess in violation of this treaty. Would we insist on sanctions? How about today? Take the case of China. Would we insist on sanctions? We shake in our boots when the President of Taiwan comes over, attends his 25th class reunion at Cornell, and the Chinese Government threatens to lob missiles into Los Angeles and steams in the Straits of Taiwan and sends missiles over Taiwan. Are we going to impose sanctions on China because of a finding that they have maintained a chemical weapons stock? Are we going to have to prove to this international body, this executive council, that they are in violation? And at what cost to our relations?

The problem is, with the treaty you can no longer ignore violations. You either object or it ends up in a white-wash. Either way it creates significant problems.

There is a final argument that has been made recently and it mystifies me because it doesn't go anywhere but they have been making it, so I will try to respond. Proponents say we are getting rid of our weapons, and therefore the chemical weapon convention will force others to do so, too. It is absolutely true the United States is getting rid of our weapons. We are committed to doing that. We do not need the Chemical Weapons Convention to prove to the world that we are the moral leader of the world. We have said we are getting rid of ours. Nobody else has, but we have.

So you don't need the Chemical Weapons Convention. I challenge my friends who propose the treaty, in what way will the chemical weapons treaty make the other countries get rid of theirs? That is the purpose, that is the goal, but there is no effective mechanism to make it happen, and there is no intelligence estimate or assessment to that effect, Mr. President.

We are going to have an opportunity tomorrow to go into classified session and hear just what our intelligence community has to say about the chemical weapons programs of other nations and about what we think they are going to be doing in the future, and I urge my colleagues to attend that session.

(Ms. COLLINS assumed the chair.)

Mr. KYL. Finally, Madam President, there has been much made of the fact that in the negotiations over this treaty, numerous improvements were made and, therefore, we should remove our objections and go along with the treaty.

First of all, I want to set the stage. Last fall when the treaty came before the Senate, the statement was that we couldn't touch it, that we couldn't negotiate anything, we had to use the resolution that came out of the committee and there were no changes that were possible; "You can't change the treaty; we're not interested in negotiating any terms."

It turned out there was not sufficient support for the treaty and, therefore, the administration had it pulled. Interestingly enough, last night I saw a news program, the Jim Lehrer News Hour, in which it was misstated that Senator Dole, the previous majority leader, asked the treaty to be withdrawn. He did not ask the treaty to be withdrawn. He was not even in the Senate at the time. He wrote a letter in opposition to the treaty, but he did not ask it be withdrawn. He just said he wouldn't vote for it if it were still in the Senate. It was withdrawn by the administration, by the Clinton administration, not by anyone here in the Senate.

Notwithstanding the fact that the administration took the position that nothing could change, once the treaty was found not to have adequate support, the administration began to change its tune, and little by little, they began to sit down and talk to those who had objections. Over many months, various concessions were made which marginally improved the situation. Now, they are not concessions with respect to the treaty itself because it can't be changed, but there are some things which at least help to clarify how the United States is going to proceed, and had it not been for the considerable efforts of the chairman of the Foreign Relations Committee, these changes would not have been made. So while they were critical of the chairman for his opposition to the treaty, it turns out that now they are bragging about the changes that he sought to have made, and I think that is a very important point, Madam President. Let me just repeat it. While initially deriding the concerns of the chairman of the committee, they are now bragging about the changes that he forced them to make, claiming that this makes it a better treaty, now we should all support it. It does make it a better treaty, but at the margins, not at the core.

What has been negotiated? First of all, there are nine specific conditions that merely restate existing constitutional protections. Those could not have been taken away in any event, but it was helpful to get the administration to acknowledge that they existed. They were even reluctant to ac-

knowledge some of these constitutional protections. We could do without them, because they are in the Constitution anyway, but at least it was handy to get the administration to acknowledge that they existed.

Second, there are two conditions that merely allow the Congress to enact appropriations or approve reprogramming. As every Senator knows, we have that right. We are the body, along with the House, that enacts appropriations or approves reprogramming. So that was essentially meaningless, though handy to have the administration acknowledge.

There are four conditions that call for reports. Whenever you see a call for a report, Madam President, you know that that means we tried to reach agreement on something, we couldn't, so we said, "By golly, we'll have a study on it, we'll have a report." And that is what this calls for. There are seven conditions that call for Presidential certifications, all of which he can make today. These were not concessions by the administration. They were able to agree to these because these are certifications they can currently make. So one should not brag about those.

Four additional conditions are a restatement of current U.S. policy. Again, we thought these were good to have on paper in connection with the treaty so there would be no mistake about what U.S. policy was. It isn't new, it isn't new policy, it isn't a compromise, it isn't a negotiated settlement; this is just a restatement in the resolution of ratification about existing U.S. policy. One of the conditions doesn't take effect until 1998.

I conclude, then, with the two that have some meaning. One deals with search and seizures under the fourth amendment, and I discussed that briefly a moment ago. The other deals with the subject of riot control agents. We do not know what the courts will do with either of these two.

I spoke to the issue of the fourth amendment. The resolution includes a statement that we will require search warrants, either administrative warrants or criminal warrants in the appropriate case. That may or may not be effective under the treaty. It may be declared in violation of the treaty. If not, other countries are going to be able to do the same thing. While the United States will assiduously adhere to the law and to the Constitution, my guess is if other States are able to do the same thing, we will suddenly find interesting provisions in the Iranian Constitution or Chinese Constitution that are going to constitute loopholes big enough to drive a truck through.

The other matter is important, but in the overall scheme of things, I think perhaps more has been made of it than was generally warranted, and it is still not certain that it is resolved, but at least the allegation is that it is. This has to do with riot control agents, tear gas to most people. This was one of the

areas in which the Bush and Reagan administrations had been very clear, and the Clinton administration changed policy, another example of a situation where this is not the same treaty that the Bush and Reagan administrations had in mind. They always thought you could use tear gas in certain situations; for example, to rescue a downed pilot, to deal with a situation where you had civilians surrounding an American hostage, for example. Rather than having to shoot those people, we say it makes sense to use tear gas to disperse the crowd and rescue the American. This administration said, no, we don't interpret the treaty as allowing that. Even people who support the treaty, like Gen. Brent Scowcroft, said, that's crazy, that has to be changed. It took a long time to get the administration to finally agree in concept to a change. I am still not persuaded the language does it, but let's assume in good faith they have really agreed to a change in this policy. What that will mean is that, at least in that limited kind of situation, we will be able to use tear gas. That is a positive development, but in light of the final points that I want to make here, it is not reason to change from supporting a treaty that is not global, not verifiable, not effective, does more harm than good. That change is helpful but not dispositive.

What are the five unresolved issues? The way this treaty comes before the Senate, it is the Helms resolution of ratification. In other words, it is a resolution wrapped around the treaty. It has 28 agreed-upon items, and then, in addition, there are 5 that are not agreed upon. Those are the items that constitute the Helms resolution of ratification. To approve the treaty, we will vote on the resolution of ratification. The proponents of the treaty have the right under the rule here to seriatim move to strike each of these five remaining conditions. If they are all stricken, then we will end up voting for the Helms resolution of ratification sans these five protections. If four of them are stricken, we will have one, and so forth.

What are these five unresolved issues? These are the core of the dispute. This is really what it is all about. And this is what I will spend the rest of my time on.

The first issue says the country that has the most chemical weapons in the world, Russia, is not a party to the treaty. It has not complied with various agreements that we have concerning destruction of its chemical weapons stocks and its biological weapons, incidentally, and it has not agreed to abide by a memorandum of understanding with this country under which it would list its stocks of chemicals. These were key agreements that were part of the basis for the Reagan and Bush administrations' sponsorship of this treaty. Russia had agreed to these things. One is called the bilateral destruction agreement. The other is called the Wyoming memorandum of understanding.

The Reagan and Bush administrations believed that if the Russians complied with these provisions, that the chemical weapons treaty might be a good thing. But they are not complying with them. Again, we will hear some details in the session tomorrow. But the fact of the matter is, we ought to require that Russia at least demonstrates some good faith to proceed down the path toward declaring what they have and getting rid of those things. If there is no indication by the Russians that they intend to do this, then it seems a little odd to be entering into a treaty where 60 percent of the world's chemical weapons are not even being dealt with and we are basically conceding to the Russians that they don't have to agree with these other agreements with us. What we are saying is, to try to apply a little leverage to our friends in Russia, look, we know it is expensive to dismantle this, but that cannot be the only problem you have when you will not even declare all of the chemical weapons you have, when you won't even begin the process of dismantling them, when you have signaled that you are no longer going to be complying with the bilateral destruction agreement, you consider it now inoperative, no longer useful. We want some signs from you that you are serious about dealing with chemical weapons before we enter into the Chemical Weapons Convention.

And there is a final reason for this, Madam President. One of the leaders of Russia has written to one of the top leaders of the United States and made it clear that if Russia is to join the Chemical Weapons Convention, it wants to do so at the same time the United States does. As a result, it would be highly unfortunate if the United States went ahead and ratified this treaty before the Russian Duma did. The Russian Duma is clearly not ready to do so. This first condition, therefore, in the Helms resolution of ratification says, "Hold on, we will ratify the Chemical Weapons Convention, but we will not deposit our instrument of ratification at The Hague until Russia has done the same, thus enabling us to come in at the same time." That is all that condition says.

It would require certification by the President that Russia is making progress, that it intends to comply, it is making progress toward complying. They don't have to demonstrate that they have complied. We think that is a reasonable condition. I guess I will state it the other way around as to this first condition, should we be supporting a treaty that we know is being breached by the country that has the largest number of chemical weapons in the world and is going to continue to be breached by that country, or should we insist on a condition that they are making progress toward complying before we buy into it?

The second condition has to do with other states, the so-called rogue states. I will spend only a moment on this be-

cause I know my colleague from Oklahoma, Senator INHOFE, wants to speak at greater length about this. We know that there are a variety of rogue states that have no intention of signing on to this treaty and others that may want to sign on but know they can violate it with impunity. These chemical weapons in these countries' hands constitute a real threat to American troops. We think that if one is going to make the claim that this Chemical Weapons Convention is going to reduce the chemical weapons stocks of these rogue nations that pose a threat to the United States, the least that ought to happen is that they submit themselves to the treaty. Can't do any good if they are not members. We need to certify that some of these nations are going to be states parties before we subject ourselves to it.

The third condition is one that I can't imagine anybody is going to object to, and that is that certain inspectors would be barred from inspecting American sites. We have the right to do this under the treaty. The President has the right to say, I don't want any inspectors from China, I don't want any inspectors from Iran coming in here because we think they are going to—and I use these as hypotheticals—the President says, we think they may be bent on industrial espionage and therefore we are going to ask that they not be inspectors. The argument against that is, well, tit for tat. They will say, fine, we don't want any Americans on the inspection team that comes into our country. We are willing to say, fine. We think for certain countries, like China and Iran, we should put right up front they are not going to be inspectors of United States facilities. And that would be a third condition to ratification.

A fourth condition to—actually No. 5 on the list has to do with the standard for verification. This has to do with the question of whether or not we have an adequate sense that we can actually find cheating under the treaty. And we are not asking for an impossible standard. We are not asking for 100-percent verification.

We are simply asking that the President certify to the Congress before we submit the articles of ratification that the CIA has certified to the President to a level of verification that will work. And what we have basically done is take the definition of previous administrations, the so-called Baker-Nitze definition, along with a specific aspect that General Shalikashvili identified as a way of identifying our standard here for verification under the treaty.

It would be effectively verifiable. We could find violations with a high degree of confidence in a timely fashion, within a year of their occurrence. And they would be militarily significant.

Now, militarily significant was defined in a hearing before the U.S. Congress by General Shalikashvili as 1 ton of chemical weapons. And, therefore,

that is what we have built into this definition.

So what we have said, Madam President, is that we would join the treaty at such time as we had the certification from the President that the CIA certified that we could achieve this level of verification. I do not think that is asking too much.

Finally, the final condition has to do with articles X and XI. This is what I had spoken to before.

I would ask my distinguished chairman if I could go on for just a few minutes here.

Mr. HELMS. Go right ahead.

Mr. KYL. I will conclude on articles X and XI because we are going to hear a lot more about them. I think it is important to read into the RECORD the provisions we are talking about and discuss in a little bit of detail specifically what our concerns are.

Here is what article X says. I might preface this comment, Madam President, with the statement that these were inducements put into the treaty originally to induce countries to join the treaty. They were put there based upon inducements that were included in a previous treaty, the nuclear non-proliferation treaty, under the so-called atoms for peace plan.

Many people know or will remember that the atoms for peace plan was the idea that if countries would eschew the development of nuclear weapons, we would provide them peaceful nuclear technology. And countries like Iraq, and other countries that could be mentioned, took advantage of that program, and said, "Fine. We won't develop nuclear weapons. Now send us the peaceful nuclear technology." We eventually learned that what they did with that peaceful technology was to use it in their nuclear weapons program.

So after it was put in the treaty, and we got these people signed up, we learned that several countries were using this provision of the treaty to actually enhance their nuclear weapons capability. It worked to the detriment of the proliferation of nuclear weapons.

Well, before that was ever learned this chemical weapons treaty was negotiated. So at the time it seemed like a good idea to put the same kind of provision in the chemical weapons treaty. At the time it seemed like it would be a smart thing to provide an inducement for countries to join the treaty, saying:

If you'll join up, then we will not have any restrictions on trade in chemicals with you. You can buy all the chemicals you want. And, in addition to that, you can ask us for, and we will provide to you, all of the defensive gear, chemicals, antidotes, equipment, and so on, that will enable you to defend against chemical weapons.

That is a pretty good incentive for a country to join up. Look at it from the standpoint of a country that has in mind conducting chemical warfare capability. The first thing they want to do is be able to protect their own

troops from the use of the weapons. So they want our latest technology in defensive gear, in defensive equipment, in antidotes and the like. So it is a pretty good incentive to sign up for the treaty because they have a right to ask us, and the treaty says we will undertake to provide to them that material. Moreover they want to buy chemicals.

Right now the Australia group I talked about before has limitations on what chemicals can be sold. As a matter of fact, there are 54 specific chemicals under the Australia group that cannot be sold to the countries we believe want to develop the chemical weapons capability. These countries then have an incentive for joining the convention because under the convention you cannot limit the trade in chemicals.

What does the treaty say? Article X:

Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

It could not be more clear, Madam President. Article X says that the parties to the treaty have the right to participate in and each party undertakes to facilitate. In other words, we have an obligation to facilitate their acquisition of this defensive equipment.

Article XI carries this further and adds another element. And I read in part:

The . . . States Parties . . . shall . . . undertake to facilitate, and have the right to participate in, the fullest . . . exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention . . . for peaceful purposes . . .

In other words. The "atoms for peace" equivalent in the Chemical Weapons Convention.

So here is a big incentive for countries who want to develop a defense against chemical weapons to join the Chemical Weapons Convention.

The second part of article XI, section (c) says that:

[The] States Parties. . . shall. . . [n]ot maintain among themselves any restrictions, including those in any international agreements . . .

shall. . . [n]ot maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of [again] scientific and technological knowledge in the field of chemistry for industrial, agriculture, research, medical, pharmaceutical or other peaceful purposes.

shall . . . [n]ot maintain among themselves any restrictions, [either unilateral or international restrictions.]

So what this says is that States Parties will have the right to say, once they become parties, "You can't have an embargo on selling chemicals to us. You have to lift your restrictions."

For a country like Iran, for example, which has signed the treaty, this would be a pretty good deal because currently

none of the Australia Group countries will sell it these chemicals.

What is going to happen? Well, today, China may be selling chemicals to Iran or maybe another country is selling chemicals to Iran not covered by the treaty. Once the treaty goes into effect, those countries could continue to sell chemicals to Iran. But what is going to happen is that the other countries, countries that sign onto the convention are going to say, "Wait a minute. China, for example, is selling chemicals to Iran. Our chemical companies want in on the action. It says right here in the treaty we're not supposed to maintain any restrictions. So we are out of here. We are going to allow our countries to sell chemicals to a country like Iran." We will have a very poor argument against that.

What has been the administration's response to this? Belatedly the administration seems to find there is a little problem here. But originally it did not think so. As a matter of fact—and I think this is a critical point of this debate, Madam President,—right after the chemical weapons treaty was signed into force, the Australia Group members were all asked to begin the process of lifting their restrictions pursuant to the Chemical Weapons Convention, the plain wording of articles X and XI.

Let me read to you, according to the administration—this is in testimony before the Congress:

Australia Group members in August 1992 committed to review their export control measures with a view of removing them for CWC States Parties in full compliance with their own obligations under the convention.

In other words, after the CWC was signed, the Australia Group countries began to review their export control measures which currently prohibit them from selling chemicals to certain countries, so that they could bring themselves into compliance with their obligations under articles X and XI of the convention.

And the Australia Group itself issued a formal statement—and I am quoting now—

Undertaking to review, in light of the implementation of the Convention, the measures that they take to prevent the spread of chemical substances and equipment for purposes contrary to the objectives of the convention with the aim of removing such measures for the benefit of States Parties to the Convention acting in full compliance with the obligations under the Convention.

In other words, again, if you have limitations on the sale of chemicals to countries, you are going to have to lift them or you will be in violation of articles X and XI of the convention.

What has the administration's response to this been?

At first it was denial. Then, one comment made to me was, "Well, we tried our best to negotiate our way out of this, but the best we could do is get language like 'undertake to facilitate' rather than 'obligated to.' We just couldn't negotiate anything better."

So this was a bone to those countries, an incentive for them to come in. And

to our argument, this makes the situation worse, not better, and will actually proliferate these weapons, the same as Secretary Cheney just said in the quotation I just read, that articles X and XI will result in the proliferation of chemical weapons because there cannot be any restrictions.

The administration then began to take a different tack. First they said, well, we will decide not to lift our restrictions, so the United States will still not sell to countries that we think might develop chemical weapons. And we will get you a letter to that effect. I have not seen anything in writing, but that is the administration's latest statement.

We said, that does not do any good because it only takes one country to break an embargo. Any one of the countries could do it. And the horse would be out of the barn. So they said, well, we will try to get the other Australia Group states to agree to the same thing.

Bear in mind what they are saying. First, they were all going to lift these restrictions to be in compliance with the treaty. Now we are going to try to convince them they should keep them in place in clear violation to the treaty. This is the way to make a moral statement, Madam President, by violating the treaty right up front and announcing to the world we are violating the treaty, by keeping in place restrictions that are required to be lifted under articles X and XI?

It is not a very propitious way to make a moral statement or to begin the operation of an international treaty to announce in effect not only are you going to violate it but you are going to try to get all your friends in the Australia Group to violate it because not to do so would be to lift the restrictions we currently believe are helpful in preventing the spread of chemical weapons.

Even if all these countries do decide to ignore articles X and XI, countries that are not States Parties can continue to sell these chemicals. I said, it will not be long until everyone else will want in the action. The same argument that has been made by some of our chemical companies, in the event if somebody is selling we should have the right to sell too otherwise we are just losing good business.

So I will conclude, Madam President, by trying to make this rather simple, but I think important point. To those who say, granted, it is not going to be a very effective treaty, but at least it does no harm, I say, you are wrong. It is going to do a lot of harm—to business, to the taxpayers, to our ability to conduct diplomacy and, importantly, to our ability to constrain the spread of chemical weapons.

As Secretary Cheney said, unless articles X and XI are removed from this treaty, it is going to make matters worse, not better.

So the fourth condition that is a part of the Helms resolution of ratification

says that we will ratify the treaty, but before we deposit the articles of ratification there has to be a certification by the President that those two sections have been removed from the treaty. Yes, of course, that will require a renegotiation. The States Parties will have to agree to take those provisions out. That should not be a problem if the administration's most current assurances are to be believed.

I suspect, however, there are specific States Parties who do not agree with those assurances who fully intend to continue these sales. As a matter of fact, if you will read the language of the Chinese ratification, it explicitly preserves their understanding of articles X and XI which is the obvious understanding of anyone reading them, that it would be improper to have trade restrictions or to deny the defensive equipment in the case of other States Parties.

So, Madam President, we are stuck with articles X and XI. And it is the belief of many of us that perhaps we could support this treaty if those articles were removed. But until they are removed, it makes matters worse and therefore we cannot in good conscience support the treaty in that form.

I thank the distinguished chairman of the committee for yielding me this time.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, allow me to thank the able Senator from Arizona. He is a walking encyclopedia on the details of this treaty, and he has been enormously helpful to me and to many other Senators in understanding the implications of a great many provisions of the treaty. I thank him now publicly for all he has done to be helpful. I am deeply grateful.

Mr. KYL. Madam President, I return that thanks. I see the distinguished ranking member of the committee. I compliment both of them for their work to achieve what I have described as "limited success" in the provisions agreed to, but nonetheless important. I appreciate the negotiations that they conducted and the spirit in which this debate has been conducted as well.

Mr. HELMS. Madam President, I ask unanimous consent that the RECORD reflect that had there been a recorded vote on the previous two voice votes, that Senators ASHCROFT and GRAMS would have voted "aye" on both votes.

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

Mr. HELMS. Madam President, I hope the distinguished ranking member will agree that the other Senator from Arizona should follow. I will leave it for him to limit his time or not. Let me do one or two other things and I will let the Senator take care of that. I noticed that two or three times in the past week—and I am used to the media criticism; as a matter of fact, I enjoy it. I have a lot of cartoons on my office wall to prove that I do enjoy it. But I

noticed that two or three people said, "Helms doesn't do anything in the Foreign Relations Committee except hold up treaties."

Well, let's look at the record. In the past 2 years—that is to say the 104th Congress—the Foreign Relations Committee has considered 39 treaties, and the Senate approved 38 of them—the one exception being this chemical weapons treaty, which the administration pulled down just before it was to become the pending business in the Senate.

I will read the list that I am going to put into the RECORD: Consideration of the CWC, in the context of the work of the committee in carrying out its responsibility to us and consent to ratification as set forth in article II, section 2, of the Constitution. Treaties considered during the 104th Congress included bilateral tax and investment treaties, important to protecting and furthering U.S. business interests abroad; 14 treaties strengthening U.S. law enforcement through extradition of criminals and access to criminal evidence in other countries. One notable example of the impact of these treaties was the ratification of the United States extradition treaty with Jordan, which enabled the United States to take into custody a suspect in the World Trade Center bombing. Extensive hearings were held by the committee to consider the START II Treaty and the Convention on Chemical Weapons. The Foreign Relations Committee also considered, and the Senate ratified, three multilateral treaties dealing with landmines and the rubber industry and international fisheries laws.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TREATIES RATIFIED BY THE SENATE DURING
THE 104TH CONGRESS

ARMS CONTROL TREATIES

Convention on Conventional Weapons.
Start II.

[Convention on Chemical Weapons (approved by Committee/no vote by Senate)].

COMMODITIES

1995 International Natural Rubber Agreement.

FISHERIES

U.N. Convention Relating to the Conservation and Management of Highly Migratory Fish Stocks.

BILATERAL EXTRADITION TREATIES

Belgium.
Supplementary with Belgium.
Bolivia.
Hungary.
Jordan.
Malaysia.
The Philippines.
Switzerland.

BILATERAL INVESTMENT TREATIES

Albania.
Belarus.
Estonia.
Georgia.
Jamaica.
Latvia.
Mongolia.

Trinidad Tobago.
Ukraine.

BILATERAL MUTUAL LEGAL ASSISTANCE
TREATIES

Austria.
Hungary.
Korea.
Panama.
The Philippines.
United Kingdom.

BILATERAL TAX TREATIES

Canada.
France.
Indonesia.
Kazakhstan.
Kazakhstan Exchange of Notes.
Mexico.
Netherlands-Antilles.
Portugal.
Sweden.
Ukraine.
Ukraine Exchange of Notes.

Mr. HELMS. In addition to my recommendation to the distinguished ranking member, I hope Senator MCCAIN, although he does not share my view on the treaty, will be recognized, because he is a patriot of the first order, as far as I am concerned. If anybody ever paid his dues to this country, the Senator from Arizona did. Following him, I should like for Senator HUTCHINSON to represent our side in the pecking order. How much time will the Senator need?

Mr. HUTCHINSON. Ten minutes.

Mr. HELMS. The Senator can use a little longer if he wishes. Let me ask about the time consumed thus far, Madam President.

The PRESIDING OFFICER. The Senator from North Carolina has 3 hours 10 minutes remaining. The Senator from Delaware has 3 hours 21 minutes remaining.

Mr. HELMS. Three hours even for me?

The PRESIDING OFFICER. And 10 minutes. And 3 hours 21 minutes for the Senator from Delaware.

Mr. HELMS. We are running pretty near. The distinguished Senator from Delaware made his usual eloquent speech this morning. How long did I speak, by the way?

The PRESIDING OFFICER. The Senator spoke for 4 minutes, plus 26 minutes earlier today.

Mr. HELMS. Four months? No, I understand. With the understanding that the Senator from Arkansas will follow the distinguished Senator from Arizona, I yield the floor to my distinguished friend from Delaware.

Mr. BIDEN. That "four month" comment reminds me of a joke about the two guys who were cheering at the bar, clapping their hands. A guy walks into the bar and says, "What are they so happy about?" Another guy says, "Oh, they just put together a jigsaw puzzle, and they did it in 3 hours." The guy walks up to them and says, "Congratulations, but why is that so special?" They showed him the box, which said "2 to 4 years." At any rate, it will take a while for that to sink in. A little bit of levity in the chemical weapons treaty is worth the effort.

The junior Senator from Arizona complimented me on the limited success that we have achieved here. I thank him for that. Now I am going to yield to a man of unlimited capacity to prove to everyone that there is no limit to the success we are about to achieve in this treaty.

I yield 15 minutes to the distinguished Senator from Arizona, my good friend, JOHN McCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I thank my distinguished colleague from Delaware and the Senator from North Carolina. The distinguished Senator from North Carolina deserves great credit, in my view, because he, as chairman of the Foreign Relations Committee, allowed this treaty to come to the floor. The distinguished chairman could have bottled up this treaty under his authority as chairman of the committee. He deserves great praise.

I also point out that, as various groups have gotten into this debate, there have been a lot of allegations, a lot of impugning of character and patriotism and views about whether people are tough enough or not tough enough or what is too soft. This is a debate amongst honorable people who have honorable differences of opinion, as I do with the junior Senator from Arizona, my dear friend and colleague, Senator KYL. I would like to see, especially in the columns of various periodicals interested in this view, the debate elevated a bit as to the virtues or vices, as the observers of this treaty might view them, as opposed to speculations about the motives of those who either support or oppose this treaty. I think the American people would be far better off.

Madam President, the importance of this issue has been pointed out. We will have political and economic consequences for the United States for many years to come. The most important question is whether this agreement is good for U.S. national security.

In my view, one central fact dominates consideration of this issue. Regardless of whether the United States ratifies this treaty, the United States will, in the next decade or so, complete the destruction of its own aging chemical weapons stockpile. Our reasons for doing so have nothing to do with arms control. The decision was made before the CWC became a near-term possibility. I am not aware of any interest of Congress or the U.S. military in getting the United States back in the chemical weapons business. So when we consider the wisdom of ratifying this treaty, we should bear in mind that this is, first and foremost, a treaty about limiting other countries' chemical weapons, not our own, because we are doing away with ours. In practical terms, the alternative to ratification of the CWC is U.S. unilateral disarmament in the field of chemical weapons.

The critics point out that a number of countries, such as Iraq, Libya, Syria, and North Korea, will not ratify the CWC and will therefore not be bound by its limits. True. But will our efforts to keep weapons of mass destruction out of their hands be enhanced if we don't ratify this treaty? No, they will not. In fact, I am confident that these rogue states are desperately hoping the Senate will reject ratification because, if we do, we will not only spare them the mandatory trade sanctions that the CWC imposes on nonparties, we will also undermine a near global consensus that all chemical weapons, including those of nonparties, should be banned.

Madam President, for 10 years I have had the privilege of working with the former Senate majority leader, Bob Dole. Probably the closest working relationship I had with him was on issues of national security. In fact, I was privileged to serve as one of his advisers in the last campaign in his efforts for the Presidency of the United States. Madam President, I know of no one more credible on these issues, and I know of no one, going back to World War II, who understands service and sacrifice and our national security interests more than Senator Bob Dole, a man whose friendship I cherish and whose companionship I enjoy but, more important than that, a person whose views I hold in the highest esteem and regard. There are many other experts on national security issues in this town, but I know of no one who has had the experience and hands-on involvement with these issues, that is, the tough decisions, than Senator Dole. We all know that Senator Dole issued a letter today that I think is of great importance.

Madam President, I ask unanimous consent that Senator Dole's statement and the letter from President Clinton to Senator Dole be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF BOB DOLE ON THE CHEMICAL WEAPONS CONVENTION

WASHINGTON.—Bob Dole today issued the following statement regarding the Chemical Weapons Convention:

"Last September, the Senate Majority Leader, Trent Lott, asked me to express my opinion on the Chemical Weapons Convention. In my response, I raised concerns about the Chemical Weapons Convention and expressed hope that the President and the Senate would work together to ensure that the treaty is effectively verifiable and genuinely global. They have, and as a result, 28 conditions to the Senate's Resolution of Ratification have been agreed to. These 28 agreed conditions address major concerns.

"I commend Senator Lott, Senator Helms, Senator Lugar, and many other former colleagues, as well as President Clinton and administration officials for their constructive efforts. Is it perfect—no—but I believe there are now adequate safeguards to protect American interests. We should keep in mind that the United States is already destroying its chemical weapons in accordance with legislation passed more than 10 years ago. The

CWC would require all other parties to destroy their stockpiles by April 2007.

"In addition, the Administration has agreed to a number of provisions dealing with rogue states that remain outside the treaty. (See attached letter from President Clinton to me dated April 22, 1997). I also understand there is a possibility of an additional agreement with respect to sharing of information. If so, it would further strengthen the treaty. I understand that even with all the added safeguards, not every Senator, for their own good reasons, will support ratification.

"As a member of the Senate, I supported the START I, START II, INF, and CFE treaties because they met the crucial tests of effective verification, real reductions, and stability. If I were presently in the Senate, I would vote for ratification of the CWC because of the many improvements agreed to.

"Those who may still have concerns can look to Article XVI, which allows withdrawal from the treaty on 90 days notice if it fails to serve America's vital interests. There is little doubt in my mind that if this convention increases proliferation of chemical weapons, it would lead to public outrage which would compel any President to act. The bottom line is that when it comes to America's security, we must maintain a strong national defense that is second to none."

THE WHITE HOUSE,
Washington, April 22, 1997.

Hon. BOB DOLE,
Washington, DC.

DEAR BOB: I welcomed the opportunity to discuss the Chemical Weapons Convention (CWC) with you Saturday and appreciated your taking the time Monday to have Bob Bell brief you on the 28 agreed conditions to the Resolution of Ratification.

When you wrote Senator Lott last September, you expressed the hope that I would assist him in amending the Resolution of Ratification in a manner that would address certain concerns you raised and thereby "achieve a treaty which truly enhances American security." I believe the 28 agreed conditions, which are the product of over 60 hours of negotiation between the Administration and the Senate over the last two and a half months, meet both these tests. We have truly gone the extra mile in reaching out, as you recommended, to broaden the base of bipartisan support for this treaty. As I said in my public remarks Friday, "I consider that the things that we've agreed to in good faith are really a tribute to the work that Senator Lott and Senator Helms and Senator Biden and a number of others did to really clarify what this Convention will mean; I think it's a positive thing."

Let me mention briefly how my Administration has addressed the specific concerns you raised last fall:

Constitutionality. You said Constitutional protections should be safeguarded against unwarranted searches. We have agreed to a condition (#29) guaranteeing that there will be no involuntary inspection of a U.S. company or facility without a search warrant. Period. We have also agreed to a condition (#12) underscoring that nothing in the treaty "authorizes legislation, or other action, by the United States prohibited by the Constitution of the United States, as interpreted by the United States."

Real Reductions. You asked whether the CWC will actually eliminate chemical weapons. We have agreed to a condition (#13) specifying severe measures that the United States will insist upon if a country is in non-compliance of this fundamental obligation under the treaty.

Verification. You asked whether we will have high confidence that our intelligence

community (IC) will detect violations. We have agreed to a condition (#10) which would require the Administration to identify on a yearly basis priorities, specific steps and resources being undertaken to strengthen U.S. monitoring and detection capabilities. These annual reports would also include a determination of the IC's level of confidence with respect to each monitoring task. We also made clear during the negotiations on the conditions our willingness to certify that the CWC is "effectively verifiable" and that the IC has high confidence it could detect the kind of violation that matters most in terms of protecting our troops deployed in the field: any effort by an adversary to try to train and equip his army for offensive chemical warfare operations. I regret that the unanimous consent (U/C) agreement governing the floor debate on the CWC will not allow this condition to be offered.

Universality. Finally, you asked whether the treaty will be truly global. We have agreed to a condition (#11) which requires the Secretary of Defense to ensure that U.S. forces are effectively equipped, trained and organized to fight and win against any rogue state that remains outside the treaty and employs CW in battle. To restrict CW options for such states, we agreed to a condition (#7) requiring the President to certify that we will strengthen our national export controls and that all 30 states participating in the Australia Group are committed to maintaining this export control regime on dangerous chemicals. This certification will have to be made annually. Lastly, during the negotiations on the conditions we underscored our willingness to commit to a mechanism by which we would have to consult each year with the Senate on whether to remain in the CWC if rogue states do not over time succumb to pressure to join the treaty regime. As with the proposed verification condition, I regret the Senate will not have an opportunity to vote on this condition either.

In closing, let me again thank you for your interest in and support for achieving a treaty that enhances the security of our Armed Forces and all our citizens.

Sincerely,

BILL CLINTON.

Mr. MCCAIN. Madam President, I will not read Senator Dole's whole statement, but I think it is important what he said. I will read parts of it:

I commend Senator Lott, Senator Helms, Senator Lugar, and many other former colleagues, as well as President Clinton and the administration officials for their constructive efforts. Is it perfect—no—but I believe there are now adequate safeguards to protect American interests.

I repeat.

*** I believe there are now adequate safeguards to protect American interests. We should keep in mind that the United States is already destroying its chemical weapons in accordance with legislation passed more than 10 years ago. The CWC would require all other parties to destroy their stockpiles by April 2007.

He goes on to say:

As a Member of the Senate, I supported the START I, START II, INF, and CFE treaties because they met the crucial tests of effective verification, real reductions, and stability. If I were presently in the Senate, I would vote for ratification of the CWC because of the many improvements agreed to.

Madam President, it is well known that, last fall, one of the reasons the treaty was withdrawn by the administration was because of the reservations

expressed by Senator Dole at that time—then candidate Dole. It is well known that Senator Dole's reservations were legitimate and sincere. There is also now no doubt—at least in my mind, as well as in Senator Dole's—that those reservations and concerns have been satisfied by the 28 conditions that are included in this treaty, with only 5 remaining, which we will be voting on tomorrow.

Obviously, every U.S. Senator thinks for himself or herself; there is no doubt about that. But, in my mind, this is an important event that Senator Dole should weigh in on this issue—not because there is any benefit to Senator Dole; clearly, there is a downside for his involvement, and he could have kept silent. But, once again, Senator Dole has chosen to speak out for what he believes is important to U.S. vital national security interests. I applaud him and, again, hope that he will continue his involvement in the challenges that we face in the years ahead to our Nation's security, as he has so successfully done in the past.

The CWC critics also contend that the treaty will weaken our nonproliferation policy because article XI of the treaty says the parties will have the right to participate in "the fullest possible exchange" of chemical technology for purposes not prohibited under the convention. As a result, we will have to eliminate our national controls on chemical technologies and disband the Australia Group, the multilateral framework for restraining transfers of sensitive chemical technology.

This interpretation of the treaty is contradicted not only by the text of the treaty—which subordinates article XI to the basic undertakings in article I for parties not to acquire chemical weapons or to assist another state in doing so—but also by our experience with other nonproliferation treaties and the agreed "consensus" conditions included in the resolution of ratification before us.

First of all, article XI is essentially similar to the language of article IV of the Nuclear Non-Proliferation Treaty in that it blesses technology exchanges among treaty parties, but the NPT has not caused us to disband the Nuclear Suppliers Group, which was, in fact, founded after the NPT went into force.

Nor has it obliged us to curtail our national controls on the transfer of nuclear technology, even to other NPT parties; the United States enacted the Nuclear Nonproliferation Act of 1978 10 years after the NPT was signed. There will always be some countries that object to our technology controls, but these are decisions the United States makes for itself. And successive administrations, Republican and Democratic, have maintained and expanded our export controls on nuclear technology, while the NPT has contributed to our ability to obtain support from our allies in this effort by establishing an international consensus that nuclear

proliferation is an evil that must be countered.

Moreover, beyond the text of the CWC itself, we have before us 28 agreed conditions in the resolution of ratification. As a member of the group that the majority leader put together to address issues regarding CWC ratification, I am proud of the work done at the member and staff level to achieve agreement with the administration on a number of difficult issues. I am also grateful for the work done by the chairman of the Foreign Relations Committee and the ranking minority member, who together resolved many additional problems. This work has greatly strengthened the resolution of ratification on which we will soon vote.

Agreed condition 7 of the resolution requires the President to certify not only that the United States believes that the CWC does not require us to weaken our export controls, but also that all members of the Australia Group have communicated, at the highest diplomatic levels, their agreement that multilateral and national export controls on sensitive chemical technology are compatible with the treaty and will be maintained under the CWC.

Conversely, if the United States rejects ratification, I doubt that we will be able to play our traditional leadership role in attempting to persuade other chemical suppliers to exercise restraint. The world will blame the United States for undermining a chemical weapons ban that the vast majority of other countries were willing to sign. If we reject ratification, where will we get the moral and political authority to persuade other Australia Group participants to block exports to countries of concern?

The same case can be made regarding article X of the treaty, which critics claim will require us to share defensive technologies with potential enemy states. Not only does this provision apply only to CWC parties, so countries outside the treaty like Libya cannot benefit, but condition 15 in the resolution of ratification obliges the United States to share only medical antidotes and treatment to countries of concern if they are attacked with chemical weapons. And our respected former colleague, Secretary of Defense Cohen, has committed the United States to use every instrument of U.S. diplomacy and leverage to block transfers of chemical technology that would undermine our security, and he has made the obvious point that we will be better able to do this if we are inside the CWC regime rather than outside.

It is true that the Chemical Weapons Convention will be more difficult to verify than nuclear arms control agreements such as START and INF. But regardless of whether the United States ratifies the CWC, we will have to monitor closely the chemical weapons programs of other states. The intelligence community has repeatedly told the Senate that the CWC's verification

measures will be a useful tool in doing this job. General Shalikashvili has told the Armed Services Committee that "I believe that the system of declarations, of routine inspections, challenge inspections, all put together, give us a leg up to the ability to detect whether (potential violators) are, in fact, embarked upon a program that would be in violation of the CWC. So I think our chances are improved when they are members of the CWC. Our chances decrease dramatically if they are not members of the CWC."

While some want to reject the CWC because of verification concerns, it seems to me that this would have the practical effect of reducing the United States' ability to monitor the chemical weapons programs of other countries. This is an example of the best being the enemy of the good.

Discussions among Senators and between the Senate and the administration have produced other agreed conditions to the resolution that have strengthened the case for ratification.

Madam President, I also want to commend the work of the majority leader, Senator LOTT, who has worked long and hard to address the legitimate concerns many Republican Senators had expressed about the Convention and to accommodate the administration's correct assertion that the Senate has a duty to vote, yea or nay, on the treaty. Senator LOTT and his indefatigable foreign policy advisor, Randy Scheunemann, labored tirelessly to facilitate negotiations between members and between the Senate and the administration. They ensured that these negotiations bore fruit and resulted in a resolution of ratification that resolved most, if not all, of the reservations expressed by some Senators. Both the Senate and the administration are in their debt.

It is also appropriate, Madam President, to commend administration officials for working with the Senate in a genuinely nonpartisan way that was notable for the respect paid to the views of all Members, and the good faith shown in trying to come to terms with so many difficult issues. I have on many past occasions been critical of administration policies and the lack of bipartisanship in promoting those policies. In this instance, administration officials took great pains to secure the Senate's advice and consent in a manner that was, as I said, genuinely respectful of every Senator's views. Thus, I am happy to give praise where praise is due.

Madam President, I respect the concerns of those Senators who cannot vote in favor of ratifying the CWC. But in my opinion, we do not need killer amendments to ensure that this treaty—negotiated under President Reagan and signed by President Bush—is on balance a good deal for the United States. This view is shared by former Presidents Ford and Bush, numerous Nobel Prize winners in chemistry, the chemical industry trade associations,

gulf war victors Colin Powell and Norman Schwarzkopf, retired CNO Adm. Elmo Zumwalt, plus the Veterans of Foreign Wars, the Vietnam Veterans of America, and the Reserve Officers Association. I am comfortable in their company, and that of every U.S. ally in Europe and Asia. That is why I intend to vote to ratify this treaty, and I urge my colleagues to do the same.

Madam President, I yield back my time to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. HUTCHINSON. Madam President, I rise today to voice my serious reservations about the Chemical Weapons Convention treaty. The most important standards for an effective treaty are: Verifiability, protection to the signatories, constitutionality, and the applicability to nations of most concern. I sincerely believe that the CWC falls short in each of these basic requirements.

On April 8, 1997 three former Secretaries of Defense appeared before the Senate Foreign Relations Committee urging Senators to vote against the ratification of the Chemical Weapons Convention. This fact alone should give this body great pause in the consideration of this treaty.

I know that there are good, there are loyal, and there are patriotic Americans on both sides of this issue of ratifying the Chemical Weapons Convention. I have many constituents who have called me, and said, "Senator, how do we know? We hear former Secretaries of Defense saying it is a bad treaty. We hear Colin Powell saying it is a good treaty. Today we hear former Senator Dole saying we need to ratify this. How do we know?"

I believe that it is simply our responsibility as Senators, respecting the differences that exist, to study this, to evaluate it, and to make a reasoned judgment. I believe also when our national security is at risk that we must always opt on the side of caution in consideration of a treaty such as we have before us.

Madam President, the opinions of Secretaries Schlesinger, Rumsfeld, Weinberger, and Cheney regarding this treaty should not be taken lightly. On April 7, in a letter to Senator JESSE HELMS, chairman of the Senate Foreign Relations Committee, former Secretary of Defense Cheney wrote, and I am quoting, Mr. President:

The technology to manufacture chemical weapons is simply too ubiquitous, covert chemical warfare programs too easily concealed, and the international community's record of responding effectively to violations of arms control treaties too unsatisfactory to permit confidence that such a regime would actually reduce the chemical threat. Indeed, some aspects of the present convention, notably its obligation to share with potential adversaries like Iran, chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all.

Those words of Dick Cheney have echoed in my mind—"worse than having no treaty at all".

He said, if I might summarize, that the manufacture of chemical weapons is too widespread, concealing it is too easy, and enforcement is too uncertain for us to ratify this treaty.

Madam President, I ask unanimous consent that this statement from Dick Cheney be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The technology to manufacture chemical weapons is simply too ubiquitous, covert chemical warfare programs too easily concealed, and the international community's record of responding effectively to violations of arms control treaties too unsatisfactory to permit confidence that such a regime would actually reduce the chemical threat. Indeed, some aspects of the present convention, notably its obligation to share with potential adversaries like Iran, chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all.—Richard Cheney, Letter to Chairman Helms, April 7, 1997.

Mr. HUTCHINSON. Madam President, Secretary Cheney's statement sends a clear message to the American people that this treaty does not effectively deal with the threat of chemical and biological weapons. As we begin this debate on the CWC, the American people, with justification, will ask their leaders how and where they stand on the issue of chemical weapons.

I stand here today wanting to tell the American people that this Congress will do everything in its power to rid our world of chemical and biological weapons, however, the CWC is not global, is not verifiable, is not constitutional, and quite frankly, it will not work.

While the intent of the CWC is to create a global chemical weapons ban, accomplishing that goal does seem unlikely. Six countries with chemical weapons programs—including all of those with aggressive programs—have not yet signed the CWC.

So how then can we call this a global treaty?

Neither Iraq, Libya, Syria, nor North Korea have signed or ratified the CWC. China, Pakistan, and Iran have signed the CWC, but have not ratified it. Russia has signed the CWC, but has not ratified it.

These rogue nations of Iran, Libya, North Korea, and Syria represent a clear threat to United States security and the security of key United States allies. All of these countries have active, aggressive programs to develop and produce chemical weapons.

Let's be clear about one important thing. The administration has refused to ban inspectors from rogue nations such as Iran and China.

That will be one of the reservations that we will have the opportunity to vote on. And it is one of those reservations that I find it incomprehensible

that the administration has found unacceptable—banning inspectors from rogue nations such as Iran and China.

In addition, there are intelligence reports that have recently indicated that Russia has already begun to cheat, even before the CWC has gone into effect. These facts alone give substance to opposing the treaty.

Madam President, inherent in the CWC is a requirement that we share our advanced chemical defensive gear with countries like Iran and China. It is important to recognize that rogue nations, through reverse engineering, can easily figure out how to infiltrate our technologies. This would not only increase the chances of a chemical attack, but more importantly this would endanger our troops around the world.

Let us be crystal clear on the fact that once there is a free-for-all of U.S. chemical and defensive technologies between the proposed signatories of this treaty, it will quite frankly be impossible to stop the transfer of this information to the rogue nations, that do not sign the CWC.

I believe that the CWC will not increase pressure on rogue regimes. The CWC will not result in an international norm against the use of chemical weapons. The Geneva Convention of 1925 already established that norm. How many times has this prohibition been violated by Iraq, on the Kurds and even in the case of our own troops?

Madam President, it took 5 years before the Pentagon came forward with information pertaining to the exposure of our own troops to certain chemical and biological substances that could affect the health and well-being of our 700,000 U.S. service people in the gulf.

The rogues have demonstrated that they will plan for the use of, threaten the use of, and indeed use chemical weapons despite international norms.

We must, to the best of our ability, avoid the horrible events of the 1980's, when the international community witnessed the horrors of Iraq's use of chemical weapons against its own people. Since that time, sanctions against Iraq have been strong and effective. The CWC will not address any shortcomings in these sanctions.

Madam President, how can the CWC be global if these so-called rogue nations have not signed the CWC? The bottom line seems to be that the CWC is most applicable to the countries of least concern to the United States. It may help us with Great Britain, but provide no protection regarding North Korea or Iraq.

It is my understanding, that under article XII of the treaty, members caught violating treaty provisions are simply threatened with a restriction or suspension of convention privileges. At worst, a report will be sent to the U.N. General Assembly and the U.N. Security Council. Mr. President, how does a report protect the American people?

Madam President, with no predetermined sanctions in place to deter potential violators, the CWC seems ineffective and unenforceable.

I am very sensitive to the needs and wishes of the small business-man. And while large multinational chemical corporations can bear the estimated astronomical costs regarding reporting requirements of a CWC member nation, these costs constitute a significant burden, in some cases an overwhelming burden, to small businesses, not just in Arkansas but all around America. There are roughly 230 small businesses which custom-synthesize made-to-order products and compete with large chemical manufacturers. It is my understanding that they generally have fewer than 100 employees and have annual sales of less than \$40 million each. Few, if any, of them can afford to employ legions of lawyers just to satisfy the new reporting requirements of the CWC. Let us be realistic. Can these burdensome reporting requirements prevent the proliferation of chemical weapons?

In addition to the cost factor on our small businesses, the possibility of U.S. trade secrets being stolen during CWC inspections to me at least seems very high. I have been advised that the U.S. intelligence community has said that the CWC inspections constitute a new tool to add to our intelligence collection tool kit. Putting one and one together, inspections will also constitute a tool in the kit of foreign governments as well. I hope that the American people realize that U.S. expenditures as a member nation of the CWC include a mandatory 25-percent assessment for operating expenses of the Organization for the Prohibition of Chemical Weapons, the OPCW.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. HUTCHINSON. Madam President, I ask unanimous consent for an additional 3 minutes.

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

Mr. HUTCHINSON. As a member nation, we will pick up a 25-percent assessment for the operating expenses of the organization. This is the new international organization created to administer the CWC. It is my understanding that operating costs are likely to be a minimum of \$100 million per year, \$25 million of which will come from U.S. taxpayers.

Finally, it is my understanding that the CWC requires the United States to begin destruction of our chemical stockpile no later than 2 years after the treaty enters into force. I simply believe that is unreasonable and unattainable.

The Department of Defense has publicly stated that the U.S. destruction of its chemical weapons stockpile will continue regardless of whether we are a signatory to such treaty. We have one such arsenal in Pine Bluff, AR. I believe it is unrealistic to expect that the \$12.4 billion cost in destroying those chemical weapons will be achievable particularly given the environmental concerns that exist. And I am being contacted daily by those with environ-

mental concerns about the Pine Bluff arsenal. So I believe that the recent debate on Yucca Mountain further illustrates how problematic the fulfillment of our treaty obligations would be.

Madam President, I certainly want this body to provide a comprehensive domestic and international plan to reduce the threat of chemical and biological weapons. As I have already stated today, however, the CWC has too many loopholes that will perpetuate chemical weapon activity rather than end it. It is a serious obligation that we have. I believe that this body will make the right decision. For me, the words of Dick Cheney keep echoing: "Worse than no treaty at all."

For this Senator, I will be voting "no" on I believe a flawed, unfixable treaty. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I yield the distinguished Senator from New Jersey 7 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. I thank the Chair. I thank the Senator from Delaware for yielding.

Madam President, tomorrow the Senate will exercise its historic constitutional powers of treaty ratification. It is a solemn power that we have exercised for two centuries. That power has often defined the security of the Nation and sometimes been determinant of war and peace itself. The issue before the Senate now is the ban on chemical weapons, probably the most important foreign policy question remaining before the United States in this century.

Perhaps because the consequences are so great the choice is also clear. This treaty demands ratification. The treaty itself is a culmination of a process that began over 12 years ago under the leadership of Ronald Reagan. The United States began a review and then determined that it would eliminate chemical weapons. We did so because of the need to reduce the numbers of those weapons in the world and to restrict the ability of those nations that did not possess them to obtain them.

Since Ronald Reagan's judgment a decade ago, we have made extraordinary progress. In 1985, President Reagan signed into law a judgment that would eliminate American stockpiles by the year 2004, having an important impact on the ratification of this treaty because, whether it is ratified or not, no matter what judgments are made by this institution, the United States is going to eliminate chemical weapons. Second, the United States then followed our own judgment by leading the international effort with 160 other nations to enact a multilateral ban. It is the result of that process that is now before the Senate.

The process, it is important to note, did not culminate with the Reagan administration. In 1992, President George

Bush announced a strong American support for the treaty and the United States became an original signatory. A year later, under President Clinton, the United States once again announced its support. Today, we have come full circle. From Ronald Reagan's first pronouncements, the treaty, now endorsed by a Democratic President, seeks ratification under a majority Republican Congress.

The Secretary of State said only a week ago:

This treaty has "made in America" written all over it. It was Ronald Reagan's idea, George Bush negotiated it and signed it, and Bill Clinton has embraced it.

In truth, however, Madam President, the treaty is neither Democratic nor Republican. It reflects the bipartisan commitments of the United States toward our security, our values, and a century of learning the lessons of collective security because after 80 years of living under the threats of chemical weapons, it is the judgment of this administration and those that preceded it that it is time to eliminate these weapons.

The treaty does several direct and important things. It bans the development, production, and stockpiling of chemical weapons.

Second, it requires the destruction of all chemical weapons and their production facilities.

Third, it provides the most extensive verification process in the history of arms control.

Finally, it grants member nations the effective tools for dealing with those who refuse to comply, tools that will be denied the United States if we fail to ratify the treaty. And yet many of my colleagues have questioned the need for the United States to become a member state. They note two principal objections. First, that the burden of reporting requirements and verifications would be onerous on American industry; and second, the impact on American defense capabilities.

Allow me to deal with each. First, the economic impact. In my State of New Jersey, the chemical industry represents fully one-third of the entire industrial capability of the State; 150,000 citizens of the State of New Jersey are employed in this vital manufacturing industry of chemicals. Let us be clear. The entire industry, from small companies to among the largest industries in the State of New Jersey, not only supports this treaty but has joined in demanding its ratification.

Second, on the question of American defense capabilities, it should be self-evident that if the United States is unilaterally forgoing these weapons and rogue nations continue to embrace them, American military personnel will be more vulnerable and, indeed, endangered if the United States is not a signatory, allowing us to help enforce the provisions of the treaty and deny capability to rogue nations than if we are to remain on the outside.

That is why this treaty has been endorsed by General Powell, 17 other

four-star generals and every former Chairman of the Joint Chiefs of Staff—in the Carter, Clinton, and Ford administrations.

I ask my colleagues who oppose this treaty, would all these members of the general staff, would each of these men who have held the principal responsibility for guiding and leading our Armed Forces have endorsed this treaty if there was any chance, if there was any judgment, that, indeed, our Armed Forces would be less safe?

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. TORRICELLI. Thank you, Madam President. I ask the Senator from Delaware to yield 3 additional minutes.

Mr. BIDEN. Without objection.

The PRESIDING OFFICER. The Senator may proceed.

Mr. TORRICELLI. Madam President, this is a moment of judgment that this Senate has faced before. History instructs us that we cannot afford to be wrong. Over 75 years ago, this body chose the wrong route and the toll was monumental. During consideration of the treaty for the League of Nations, the United States took the lead in forming the principles of collective security. It was our leadership which brought the world to understand that there was no separate peace, there was no individual security, and yet in that instance, as in this moment, the United States, after providing the intellectual and the political leadership, was a reluctant participant. The judgment then, we were told, was that there were reservations because of individual provisions of the treaty. But, indeed, history instructs us, and I believe would guide us now, that those reservations were not because of individual aspects of the treaty but because of a general ideologic opposition to arms control and the general notion of collective security.

It is time for the United States, after all the painful lessons of previous generations, to simply understand there is no unilateral security in a multilateral world. From Pearl Harbor to the Persian Gulf, history demands us to recognize an essential truth: American security, because of a changing world and developing technology, requires and demands that we deal with other nations.

The choice before this Senate is clear. From the doughboys who endured the horrors of mustard gas in the trenches of Europe, the Kurdish refugees who suffered in Iraq, to the refugees of Cambodia who suffered yellow rain, to our own veterans of the Persian Gulf, it is time to put an end to chemical weapons. That power is in the hands of the Senate. If we fail to do so, a host of rogue nations will take advantage of the opportunity.

Before this Senate on July 10, 1919, Woodrow Wilson closed the debate saying, "We are the only hope of mankind. Dare we reject it and break the hearts of the world."

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. HELMS. Madam President, I yield 10 minutes to the distinguished Senator from Idaho, [Mr. CRAIG].

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, thank you and let me thank my chairman, not only for yielding but for his leadership on this most important issue that now is being thoughtfully and responsibly debated here on the floor of the U.S. Senate.

Madam President, the Chemical Weapons Convention has such far-reaching domestic and national security implications that it deserves the most thorough and thoughtful examination the Senate can give it. I have given this matter a careful review and would like to reiterate some of the conclusions I have reached.

If I thought supporting this treaty would make chemical weapons disappear, and give us all greater security from these heinous weapons, I would not hesitate in giving my support. Unfortunately, the facts do not demonstrate this; indeed, implementing this treaty may actually increase danger to U.S. citizens and troops.

The convention has been signed by 160 nations and ratified by only 74—less than 50 percent. Five countries who are thought to have chemical weapons are not even signatories of the convention: Egypt, Iraq, Libya, North Korea, and Syria. Another six nations have signed, but not ratified the convention: China, India, Iran, Pakistan, Israel, and Russia. In short, this convention is not global in scope.

Even if it were true that this treaty had been signed and ratified by 160 nations, serious problems would remain. Compliance with the Chemical Weapons Convention cannot be assured because it is not effectively verifiable.

I think it is timely and appropriate to remember, as others have mentioned, the principles of Ronald Reagan. Even though he started the process that we are debating today, he would have insisted in the end, while we might trust our allies and our friends around the world, that in every circumstance we must verify.

Unlike nuclear weapons which require a large, specialized industrial base, chemical weapons can be manufactured almost anywhere. Furthermore, many lethal chemicals are common and have peaceful uses. Chemicals help us to manufacture products such as pesticides, pharmaceuticals, plastics, and paints. With such a broad spectrum of uses, it would be difficult to discern the legitimate from the illicit.

It is also very disturbing to me that ratification of this treaty would abandon a fundamental arms control principle insisted upon over the last 17 years—that the United States must be able to effectively verify compliance with the terms of the treaty. Verification has meant that U.S. intelligence is

able to detect a breach in an arms control agreement in time to respond appropriately and assure preservation of our national security interests. I believe the Senate has an obligation to uphold this sound standard. Let me take this opportunity to express my support for Senator HELMS' condition in this regard. I applaud his effort to make real verification a condition of CWC implementing legislation, if the treaty is ratified.

Even if verification of compliance were not a concern, this convention would be difficult to enforce. In a sound arms control treaty, the United States must be able to punish other countries caught in violation of the agreement. The Chemical Weapons Convention provides only vague, unspecified sanctions to be imposed on a country found in breach of the Convention. Ultimately, the Chemical Weapons convention leaves the U.N. Security Council to impose penalties severe enough to change behavior of an outlaw nation. Since any one of the five members of the Security Council can veto any enforcement resolution lodged against them or their friends, China and Russia, for example, could simply veto resolutions imposing sanctions if they disagreed with other Security Council members. In sum, it does not appear that this agreement is verifiable or enforceable.

Even if the enforcement mechanism to punish violators of the treaty were perfect, countries that represent the greatest threat to United States security such as Iran, Iraq, Libya, Syria, and North Korea have not ratified the treaty and would be under no obligation to comply with its terms and conditions. Furthermore, our intelligence experts tell us that each one of these countries has active and aggressive programs to develop and produce chemical weapons.

Iran has a stockpile of blister, choking, and blood agents possibly exceeding 2,000 tons. Their program is the largest in the Third World. Syria, which has been increasing production of chemical weapons since the 1980's, is home to several radical terrorist organizations, including Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine. Many worry that Syria could easily supply these organizations with chemical weapons. North Korea has a stockpile of nerve gas, blood agents, and mustard gas. Additionally, North Korea has the ability to unleash large scale chemical attacks through mortars, artillery, multiple rocket launchers, and Scud missiles. Currently, Libya has one chemical weapons production facility in operation, and a larger plant under construction. Iraq has not only a substantial capability, but has demonstrated a willingness to use these weapons against their own people.

It has been observed that under the CWC, members to the convention would face no difficulty looking for

prohibited chemicals in free and open countries which will accurately declare the location of chemical facilities. However, this situation will be much different for rogue states that are a party to the convention. As arms control verification experts correctly point out, "We've never found anything that's been successfully hidden." Let me repeat that: "We've never found anything that's been successfully hidden." Will the unintended consequence of the CWC be that villainous states will be more secure, and peaceful states less?

Furthermore, have all questions raised in regards to the convention's compatibility with our constitution been sufficiently addressed? The Convention creates an international monitoring regime called the Organization for the Prohibition of Chemical Weapons, or OPCW. The OPCW will be granted the most extensive monitoring power of any arms control treaty ever because it extends coverage to governmental and civilian facilities.

The authority of this international monitoring regime also raises concern about foreign nationals having such broad authority to obtain access to property held by private U.S. citizens. The U.S. chemical industry is known to be one of the top industries targeted for espionage by foreign companies and governments. There is legitimate worry that international inspections could jeopardize confidential business information, trade secrets, and other proprietary data. Since the United States will be expected to pay 25 percent, or approximately \$50 million, of the OPCW's operating costs, American tax dollars could be subsidizing increased risk for U.S. business interests.

There is also an implementation cost that will be borne by private industry. The cost for each inspection has been estimated as high as \$500,000 for large chemical companies, and a range of \$10,000 to \$20,000 for small companies. Costs could become even higher if a shutdown is required for an inspection to safeguard proprietary information or company security.

Another issue which has not been thoroughly discussed is how the costs incurred with the inspections are to be paid. Estimates of the number of companies to be inspected in America vary from 140 firms to over 10,000 firms.

And even though we would pay the lion's share of the international monitoring regime's budget, the United States would have no special status over other signatory nations, no veto power, and no assurance of being a member of the executive council.

In conclusion, making the production and possession of chemical weapons illegal according to international law will not make them disappear. Use of such weapons has been prohibited since 1925 yet we have seen the results of their use. We all know about the tens of thousands of deaths from poison gas in World War I, and no one could forget the tragic photographs of the Iranian

children killed during the 1980's by the Iraqi government. Illegal? Yes, but still in use, nonetheless.

I stand today with all Americans expressing a grave concern over the increasing proliferation of chemical and biological weapons. The real question here seems to be whether ratification of the Chemical Weapons Convention will increase our own national security. Unfortunately, the answer is no. There is little value in implementing international laws which do little to decrease illegal research, development, and proliferation of chemical weapons worldwide.

I support the goal of making the world safe from the threat of chemical weapons. I applaud the honorable statement the CWC makes against these heinous weapons. However, I believe the best way to protect ourselves from this threat is by rejecting this treaty. The convention does nothing to better our security, but may even open the door to increasing risks against our vital security interests and infringing on the rights of innocent citizens. For these reasons, I am compelled to vote against the ratification of the Chemical Weapons Convention.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Who yields time?

Mr. BIDEN. Mr. President, I yield myself 3 minutes and then I will yield to the Senator from Ohio.

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

Mr. BIDEN. No, I yield myself 3 minutes and then I will yield to the Senator from Ohio.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Delaware.

Mr. BIDEN. Mr. President, I found it fascinating, the statement of my friend from Idaho. He made a very compelling case, from his perspective, as why we cannot verify the treaty and therefore why we should be against the treaty—because we cannot verify it. We cannot verify it because, he says, we cannot inspect sufficiently well. And that is why he is against the treaty. Then he says one of the other reasons he is against the treaty is because the verification regime is so intrusive that it will allow the opposition—allow rogue states to get access to information in the chemical industry.

So, if we correct one problem, which is to make it more verifiable, then he would argue he is against the treaty because it is verifiable. If you do not make it more verifiable, he said, he is against the treaty because it is not verifiable.

Mr. CRAIG. Will the Senator yield?

Mr. BIDEN. Not on my time. I will be delighted to yield on the time of the Senator, since I have limited time, on Senator HELMS' time.

Mr. CRAIG. I yield myself 1 minute off the time of Senator HELMS.

Mr. BIDEN. I will be happy to yield when I finish.

He also said the intelligence community says, "They have never found anything that is successfully hidden."

I do not know how many of you are golfers. That is like saying you cannot sink a putt if it is short. Obviously, a putt will not go in if it does not get to the hole. Obviously, you cannot uncover something that is successfully hidden.

The last point I would make is the chemical industry, the outfit that represents the bulk of the chemical industry has strongly endorsed this treaty. I am just responding to the last point that the chemical industry is the target. The chemical industry, coincidentally, is for this treaty.

But I would be happy, now, on Senator HELMS' time, to yield back to my friend from Idaho.

Mr. HELMS. Yes, I yield 3 minutes to the Senator from Idaho.

Mr. CRAIG. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Thank you, Mr. Chairman, for yielding me time. I think it is very important that what I said be what I said. Let me reiterate that it would be impossible to verify with rogue nations. We know in this country we will verify. Our chemical companies will be an open door. We have always played by the rules of the treaties we have signed and we have never intentionally or purposely violated them. That is not the point I was trying to make, and I think the Senator knows that.

But, what we do know is that for countries who choose not to play by international rules—and there are a good many out there—it would be difficult, if not impossible, for the international monitoring team to be able to verify compliance. I think that is the point. I have not even discussed, nor did I bring up the point of concern, that we would be releasing information. I am also concerned about espionage. And I did express that. So, it is important that that part of it be understood. Our chemical companies, by this treaty, would be an open door.

Let me also say I do not believe there is a chemical company in this country that is an expert in international affairs. Nor do I want the executives of these chemical companies negotiating a treaty. Nor do I want them establishing the foreign policy of this country. I believe that is the job of the Senator, and it is mine, and the job of this body, and of the President of the United States.

I'm sorry, no matter what the chemical industry says, frankly, I don't care. What I do care about is the security of this country. What I do care about is our national sovereignty. And what I do care about is the issue of verification. I think this treaty simply does not get us where we need to get for a safer world.

I must say, I am tremendously proud and I have supported this country's disarming itself of chemical and biological weapons. I encourage us to do that. We have done it and we ought to con-

tinue to do it and we ought to make sure that our troops in the field have adequate equipment to be able to protect themselves.

We must lead by example, but let's not walk into or create the illusionary track that I think the CWC simply offers to the world, and most assuredly to this country.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield myself as much time as I might take, and I am only going to take a few minutes.

Mr. President, the reason I mention the Chemical Manufacturers Association is not that they should determine the foreign policy. My friend from Idaho is saying that the target of this kind of espionage, or stealing secrets, whatever, is going to be the chemical industry. All I am pointing out is, just as they should not determine the foreign policy, I respectfully suggest my friend from Idaho does not know anything about their secrets. The chemical industry knows about their secrets, and they believe that this treaty fully protects them in maintaining their secrets. That is the point I was making.

You know that play and movie that is out, "Don't Cry for Me Argentina," well, don't worry about the chemical companies, they think they can take care of themselves in terms of their secrets.

One last point. The Senator raised, as others have raised, the 1 ton of weapons and 2 tons that could be amassed, et cetera. I want to point out what John Shalikashvili, Chairman of the Joint Chiefs of Staff, said, and he is not quoted by the Senator from Idaho, but others. Everyone quotes John Shalikashvili as saying that 1 ton of chemical weapons is militarily significant and that we cannot effectively guarantee we could uncover 1 ton. Let me read what General Shalikashvili said:

A militarily significant quantity of chemical weapons is situationally dependent. Thousands—

Thousands—of tons of chemical agent would be required to significantly impact on a large scale engagement while a mere ton of agent could be effective as a weapon of terror.

He went on to say:

In certain limited circumstances—

I emphasize "in certain limited circumstances"—

even 1 ton of chemical agent may have a military impact, for example, if chemical weapons are used as a weapon of terror against an unprotected population in a regional conflict.

He went on to say further:

The United States should be resolute that the 1-ton limit set by the convention will be our guide.

He did not mean, however, that 1 ton was an appropriate standard for what constitutes effective verifiability. Rather, General Shali meant that the 1-ton limit in the CWC on agent stocks for peaceful purposes—that is the con-

text in which he talked about it—was appropriate and that any country's stock in excess of 1 ton would likely be for offensive military purposes.

So what he is saying—the 1 ton that keeps being used—he is saying if you detect that there is more than a ton of chemical weapons out there, they are probably doing it not for peaceful purposes, they are probably doing it to gain some military advantage. But it would take a lot more than 1 ton to have a major effect on a battle, a major effect on our security. He said it would take thousands of tons.

Other people may think in this body that 1 ton is militarily significant and if you can't effectively verify 1 ton then there is no verification in terms of our strategic interests. They may think that, but that is not what the Joint Chiefs think. The 1-ton reference was for the purpose of determining whether or not a country was trying to do more than use those chemicals for peaceful purposes. He says, if you have more than 1 ton, it is a pretty good sign that these are bad guys and they are trying to do something worse, but they are nowhere near being militarily significant in terms of U.S. security.

I see my friend.

Mr. HELMS. I think it is fair to let Senator CRAIG have another whack at it, and I do wish the former Democratic Secretary of Defense can be quoted on this subject as well. As a matter of fact, the news media ignored him entirely.

I yield the Senator 2 more minutes.

Mr. CRAIG. Mr. President, I thank my chairman for yielding, and I recognize and appreciate the patience of the Senator from Ohio. I will be brief.

It is very important that it not be suggested that all who are in favor makes it so lopsided that there is nobody in opposition. May I quote Donald Rumsfeld or James Schlesinger or, most important, Edward O'Malley, who was the Assistant Director of the Federal Bureau of Investigation, chief of counterintelligence under Ronald Reagan. He speaks of many companies' great concerns about both economic and secret espionage and expresses his opposition to it.

Here are the names of 25 major CEO's of chemical companies who stand clearly in opposition to this treaty. Mr. President, I ask unanimous consent that these ladies and gentlemen and their statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA'S TOP FOREIGN POLICY, DEFENSE, AND ECONOMIC EXPERTS RAISE CONCERNS OVER THE CWC'S IMPACT ON U.S. BUSINESS

Steve Forbes, President and CEO of Forbes Inc.: "...As I have strenuously argued on other occasions, maintaining America's competitive edge requires a lessening of the tax and regulatory burdens on the American people and on our Nation's enterprises. Unfortunately, the CWC will have precisely the opposite effect. It will burden up to 8,000 companies across the United States. Remember,

these are in the hands of an international bureaucracy, not what we would like them to be, with major new reporting regulatory and inspection requirements entailing large and uncompensated compliance costs. These added costs constitute an unfunded Federal mandate. Like so many mandates, they are bound to retard our economic growth and make our companies less competitive.

...in addition to the costs arising from heavy duty reporting, the CWC subjects our chemical companies to snap inspections that will allow other nations access to our latest chemical equipment and information. No longer will violators of intellectual property rights in China, Iran, and elsewhere, have to go to the trouble of pirating our secrets... Some might even regard such burdens as a barrier to entry that can enhance their market share at the expense of their smaller competitors."

Donald Rumsfeld, former Secretary of Defense and President and former Chairman and CEO of G.D. Searle and Company: "...Big companies seem to get along fine with big government. They get along with American government, they get along with foreign governments, they get along with international organizations, and they have the ability, with all their Washington representatives, to deal effectively with bureaucracies... Indeed, that capability on the part of the big companies actually serves as a sort of barrier to entry to small and medium-sized companies that lack that capability. So I do not suggest... for one minute that large American companies are not going to be able to cope with the regulations. They will do it a whale of a lot better than small and medium sized companies..."

I don't believe that the thousands—whatever the number is—of companies across this country know about this treaty in any detail, believe that the treaty would apply to them, understand that they could be subjected to inspections, appreciate the unfunded mandates that would be imposed on them in the event this were to pass."

James Schlesinger, former Secretary of Defense and former Director of Central Intelligence: "The convention permits or encourages challenge inspections against any facility deemed capable of producing chemical weapons—indeed, against any facility. This exposes American companies to a degree of industrial espionage never before encountered in this country. This implies the possibility of the capture of proprietary information or national security information from American corporations by present or by prospective commercial rivals.

...we are dealing with the possible industrial espionage in the United States, and that industrial espionage is going to be a godsend—I repeat, a godsend—to foreign intelligence agencies and to the corporations which will feed on those foreign intelligence agencies."

Lieutenant General William Odom, former Director of the National Security Agency: "Looking at the verification regime as a former official of the Intelligence Community, I am disturbed by it, not just because it is impossible to verify, but also because it can complicate U.S. security problems. Take, for example, the U.N.-like organization to be set up to make inspections. All of the appointed members may have no foreign intelligence links initially. As they find that they can tramp around in all kinds of U.S. production facilities, however, foreign intelligence services are likely to offer to supplement their wages for a little "technology collection" activity on the side. And they will provide truly sophisticated covert technical means to facilitate such endeavors."

Lieutenant General James Williams, former Director of the Defense Intelligence

Agency: "... the opportunity for unfettered access to virtually every industrial facility in this country, not merely the pharmaceutical and chemical plants, would make most foreign intelligence organizations very happy, even gleeful. It is likely to cause the counterintelligence sections of the FBI and the Defense Investigative Service major problems for the foreseeable future. The inspection procedures which apply to ALL industries constitute unprecedented access to our manufacturing base, not just to those thought likely to be engaged in proscribed activities! My experience in protecting patents and intellectual property over the past ten years leads me to conclude that there is the potential for the loss of untold billions of dollars in trade secrets which can be used to gain competitive advantage, to shorten R&D cycles, and a steal US market share."

Edward J. O'Malley, former Assistant Director of Federal Bureau of Investigation, Chief of Counterintelligence: "The activities of the former Soviet Union and others are as aggressive as ever, and remain a major threat. What is new, however, is the increased importance given by them to the collection of American corporate proprietary information.

... One of the greatest concerns of companies... is that the CWC will open them up to economic espionage. I think their concerns are well-justified. ... The acquisition of American trade secrets has become a high stakes business involving billions and billions of dollars, and I would be able to pay an agent handsomely to acquire such information"

Deborah Wince-Smith, former Assistant Secretary of Commerce for Technology Policy (in September 9, 1996, letter signed jointly by Secretaries Weinberger, Rumsfeld, and others): "What the CWC will do, however, is quite troubling: It will create a massive new, UN-style international inspection bureaucracy (which will help the total cost of this treaty to U.S. taxpayers amount to as much as \$200 million per year). It will jeopardize U.S. citizens constitutional rights by requiring the government to permit searches without either warrants or probable cause. It will impose a costly and complex regulatory burden on U.S. industry. As many as 8,000 companies across the country may be subjected to new reporting requirements entailing uncompensated annual costs of between thousands to hundreds-of-thousands of dollars per year to comply. Most of these American companies have no idea they will be affected."

Bruce Merrifield, former Assistant Secretary of Commerce for Technology: "I am quite concerned about the Chemical Weapons Convention which, in its current form, would seriously diminish our U.S. competitive advantage in the currently existing hyper-competitive global marketplace... industrial espionage by countries that do not have an equivalent capability to make basic discoveries, now accounts for the theft each year of some \$24 billion to perhaps over \$100 billion of U.S. proprietary technology. The Chemical Weapons Convention would literally open the floodgates of access to U.S. technology by foreign nations. Virtually unannounced inspections by scientific experts, taking samples and inspecting invoices can quickly uncover the proprietary nature of any industrial operation, bypassing millions of dollars of research and many years of development time that a U.S. company has expended to create its competitive advantage."

Kathleen Bailey, Senior Fellow, Lawrence Livermore Laboratories, former Assistant Director for the Arms Control and Disarmament Agency "Experts in my laboratory recently conducted experiments to determine whether or not there would be a re-

mainder inside of the equipment that is used for sample analysis on-site.

They found out that, indeed, there is residue remaining. And if the equipment were taken off-site, off of the Lawrence Livermore Laboratory site, or off of the site of a biotechnology firm, for example, and further analysis were done on those residues, you would be able to get classified and/or proprietary information."

... My bottom line is that the use of treaty inspections for espionage is easy, effective, and all but impossible to detect... Hypothetically, an inspector could either be an intelligence official assigned to be an inspector or could later sell information to a company or country abroad that reveals either classified or CBI, confidential business information, that they might have gleaned through the process of gathering samples and analyzing them."

Ralph S. Cunningham, President and CEO of Citgo Petroleum Corporation: "CITGO believes that the requisite inspections associated with the Treaty will, no doubt, jeopardize confidential business information as well as disrupt normal business operations.

We realize that the petroleum industry is not the specific target of this treaty. Nevertheless, it will be affected because of the extensive list of chemicals covered by the treaty."

William Arbitman, Associate General Counsel for the Dial Corp: "We are not prepared to receive a foreign inspection team to our facilities, and we would be greatly concerned that such a visit might compromise our confidential business information."

Kevin Kearns, President of the U.S. Business and Industrial Council: "On behalf of the 1,000 member companies of the United States Business Industrial Council (USBIC), I strongly urge you to oppose ratification of the Chemical Weapons Convention (CWC).

... the CWC effectively authorizes industrial espionage. The CWC offers no protections for company formulas and other trade secrets; they must be handed over if inspected. Nothing would prevent other unscrupulous countries such as France and China from placing intelligence officers on the inspection team."

Larry Postelwait, President of the Crosby Group, Inc.: "I have several concerns regarding the access of our facilities to a foreign inspection team. The treaty, as written, gives them too much authority considering they could interfere with our operations and affect production. It also makes us vulnerable to our global competitors since they could benefit from interfering with our production and from gaining close insight into our operations."

David M. Craig, Manager of Environmental and Safety Compliance for the Detrex Corporation: "Although reverse engineering of a product (the process of determining the products' composition or molecular structure) may be possible, many companies enjoy a competitive advantage in a market due to the manufacturing process used. Process "trade secrets" may include items as simple as: the type of equipment used, manufacturing parameters, or even who supplies a particular raw material. Allowing inspectors full access to a company's manufacturing site and records could have a large impact on a company's ability to compete in domestic and international trade."

Tracy Hesp, Assistant to the Director of Regulatory Affairs for Farnam Industries: "First, the short-notice challenge inspections that can be initiated by foreign states would be a burden physically and financially. We have confidential information concerning formulations and manufacturing procedures that we need to protect."

Lesla McDonald, Environmental/Safety Manager for the Gemini Company: "...

hosting such an inspection would be a serious hindrance to our business. It would be very difficult to safeguard confidential business information during such an inspection.

We have serious reservations about the ability of more legislation and further regulation of U.S. industry to solve the chemical weapons problem. Further, since the countries of Libya, Iraq, Syria and North Korea refuse to sign this treaty, how will further reporting requirements, and inspection of businesses such as ours prohibit the development of chemical weapons?"

John Hobbs, Safety Coordinator for Crafco, Inc.: "The potential for abuse, specifically the theft of trade secrets both formulations and process oriented is significant. Unannounced inspections are also costly in terms of production disruption. A second concern would be that the apparent goals of this treaty are enforceable in the United States under already existing statutes. Industry sponsored terrorism in the form of chemical weapons manufacture is controllable without external intervention. Finally, without the assent of the states sponsoring terrorism this treaty really amounts to the good guys policing the good guys and picking up whatever they can in the process."

J. Doug Pruitt, President of the Sundt Corporation: "Based upon the depth of inspection, e.g. interviews with corporate personnel, employees, vendors, subcontractors; review of drawings, purchase orders, subcontracts; inspection and review of internal and external correspondence; we feel that it could be difficult to safeguard confidential business information during this inspection. This has to do not only with our internal corporate information but we would be concerned about information that we have signed a confidentiality agreement with our partners and/or customers."

U.S. COMPANIES ARE EXTREMELY WORRIED ABOUT THE CWC—A MASSIVE NEW PAPERWORK BURDEN

S. Reed Morian, CEO of Dixie Chemical Company, Inc. (a CMA-member company): "We would incur a significant increase in data reporting under the CWC. . . . I'm certain we could not comply with the CWC under our current budget. The CWC would probably require an increase in headcount at our plant. . . . It would be of little benefit for the U.S. to rigorously participate in the CWC, if ALL the nations of the world don't also participate."

Thank you again for allowing us this opportunity to comment on a treaty ratification that could impact us so greatly."

Robert Roten, the President and CEO of Sterling Chemicals (a CMA-member company): "We are very concerned about control and cooperation of other countries (Mexico, Colombia, North Korea, Iran, Iraq, Jordan, Libya, Croatia, etc.). Since they probably will not cooperate, how does this treaty assure a "worldwide ban?" . . . We are familiar with the Chemical Weapons Convention and we understand our responsibilities (and liabilities) should this treaty become U.S. law. . . . We cannot comply within our current annual budget and personnel constraints. Our best estimates is that this treaty will cost Sterling a minimum of \$100,000 per year and should an inspection occur at least another \$200,000-\$300,000 will possibly be required."

Raymond Keating, Chief Economist for the Small Business Survival Committee: "Of course, smaller businesses will be hit hardest by these increased regulatory costs. Interestingly, the Chemical Manufacturers Association (CMA) supports ratification of the CWC and told the Senate Foreign Relations Committee that the new regulations would not be a burden. But the CMA is a group of gen-

erally large chemical manufacturers, and reportedly more than 60 percent of the facilities likely affected by the CWC are not CMA members.

Large companies possess far greater resources and have accrued significant experience in dealing with regulators of all kinds. In fact, new regulatory burdens can perversely give large firms a competitive edge over smaller companies due to these resource and experience factors. As economist Thomas Hopkins has shown, the per-employee cost of federal regulation runs almost 50 percent higher for firms with fewer than 500 employees versus companies with more than 500 employees."

Marvin Gallisdorfer, President of Lomac, Inc.: "It is not possible to estimate the amount of time that it will take to fill out the various CWC forms, but I can assure you that the total time will far exceed the 2-10 hour estimate found in Section 1.A. [of the Draft Department of Commerce Regulations.]. The instructions alone will require a substantial commitment of time. After the data is gathered, it must be checked thoroughly to assure accuracy, because an honest mistake can (and most assuredly will in some cases) lead to a \$50,000 fine. Even if, however, we estimate a 20-hour commitment per form, where can we find the 20 hours? Our staff is already employed full-time filling out a host of forms and applications for the Michigan Department of Environmental Quality, the U.S. EPA, and other government agencies. I have enclosed, for your information, copies of the reports that we are required to file annually. As you can see, this is quite a bit of paperwork—and we are a relatively small (150-200 employees) company."

"* * * I truly believe that this CWC will cost American jobs without any benefit. The United States can be trusted to refrain from making chemical weapons, but I cannot believe that certain other countries will abide by the treaty. Because of the adverse impact on Michigan's chemical industry (with little or no off-setting benefit) I urge you to vote against ratification of the treaty."

Edward Noble, Senior Corporate Environmental Specialist for ISK Biosciences Corporation: "In general, we believe that banning chemical weapons is a laudable goal. Since those countries most likely to instigate the use of chemical weapons are not among the signatories of the CWC, it would seem that this convention creates a lot of paper and does very little to gain the goal of eliminating chemical weapons."

Paul Eisman, Vice President of Ultraform-Diamond Shamrock: "* * * our costs have increased by an estimated \$1 million per year over the last couple of years just to meet new regulatory paperwork demands. We are incurring these costs, but should assume that our customers are paying for these in the long run * * *. We cannot comply with the requirements of this treaty with our current staff and resources. We estimate additional costs of \$250,000 annually to comply."

Jim Moon, President of Moon Chemical Products, Inc.: "The reporting requirements in this treaty are a burden for any company not involved in weapons * * * We are manufacturers of industrial, institutional, and agricultural products. Several years ago we had to hire an outside consultant to make sure we meet government regulations for our business, our employees, and our customers. Please do not add another burden to our industry."

Nick Carter, President of South Hampton Refining Company: "No, we could not comply with this treaty within our current annual budget and personnel. The reason we are in business as a small refiner is that we change the operation quickly and often to

meet the market. The reporting alone would require additional personnel, much less the cost of potential inspection, interpreting the regulations, etc. We currently have 10% of our work force assigned to nothing but regulatory functions, mostly environmental. At some point these non-profit producing efforts will outweigh the value of keeping the business operating."

"* * * There are months where the cost of compliance with this treaty would completely eliminate the profit for the month. You can explain to our employees how this is more important to the nation than them getting a paycheck, or having health coverage, or having a retirement plan, or having a profit sharing check."

John Hohnholt, Vice-President of Valero Refining Company: "Valero is an independent refinery with limited staff resources which are already overwhelmed with regulatory compliance record keeping and reporting. This additional burden on our staff appears excessive and probably unintended for our industry."

Odus Hennessee, President and COO for Cosmetic Specialty Labs: "The ultimate result is to simply add unnecessary costs to the production of our products making it difficult if not impossible to sell our products in our own market, much less to compete in the international marketplace."

THE THEFT OF TRADE SECRETS

Don Fuqua, President of the Aerospace Industries Association: "We are very concerned, however, that the application of the Convention's reporting and inspection regime to AIA member companies could unnecessarily jeopardize our nation's ability to protect its national security information and proprietary technological data."

Rear Admiral Jim Carey, Chairman of 21st Century Coatings: "This communication is to urge you in the strongest possible terms to oppose the Chemical Weapons Convention on the grounds that it will cost my company an outrageous amount of money and subject us to intrusive international inspections that we can ill afford. We make paint under trade-secret technology that with one coat can stop all rust and corrosion for 50 years. We have spent the last 6 months researching construction of a new plant in Texas. The CWC will bring that effort to a screeching halt and instead we will look offshore. The CWC will not stop the world chemical weapons threat; it will only put people like us out of business."

Eduardo Beruff, President of SICPA Industries of America, Inc.: "For the reasons outlined below, we at SICPA Industries of America, Inc. ("SICPA") respectfully urge you to reject this treaty."

. . . SICPA Industries of America, Inc. is the foremost manufacturer of security inks used in printing U.S. currency, and is a leader in developing new security ink technologies to protect the nation's valuable documents and proprietary products. . . . The proposed Chemical Weapons Convention would impose new financial burdens on SICPA and similar companies in order to attain and maintain compliance. More importantly, it could jeopardize the security of SICPA's invaluable trade secret information."

S. Reed Morian, CEO of Dixie Chemical Company, Inc. (a CMA-member company): "While the intent of the CWC is of the highest merit, the regulations appear to be very onerous requiring increased reporting and record keeping, foreign inspection of our facilities, and a significant challenge to our ability to maintain Confidential Business Information (CBI) . . . We are not prepared to have a foreign inspection team in our plant. I doubt that CBI could be safeguarded during such an inspection."

Ralph Johnson, Vice President of Environmental Affairs of Dixie Chemical Company: ". . . If we use EPA inspections as an example, these foreign Chemical Weapon Convention inspections could cost up to maybe \$50,000 per site. . . . These inspections would be very costly and burdensome. The biggest problem with these inspections, however, is . . . our highly probable loss of confidential business information. An inspector observing one of our reactors would know, for the product being observed, our operating pressures, temperatures, catalysts, reaction time, ingredients, purification methods, pollution abatement methods. We would no longer have any confidential technology, methodology, or know-how relative to this product. It would be gone forever."

Mr. CRAIG. Mr. President, I also ask unanimous consent that an editorial from the Wall Street Journal that I think speaks very openly to the concerns that many in the chemical industry have as it relates to what they would be required to do, which is open their doors wide and embrace an international inspection team, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]
HERE COME THE SPIES

We've already made the case for why the Senate should reject the Chemical Weapons Convention. The last thing the world needs is another unverifiable arms control treaty. The worst danger here is creating the illusion that we are ridding the world of the threat of chemical weapons. But there's another danger: The treaty would be a bonanza to countries that are in the business of spying on American business.

Worst hit would be the defense and aerospace industry—and hence national security—but plenty of other industries would be subject to industrial espionage. There has never been an arms control treaty whose reach would extend so far into ordinary business, both through its reporting requirements and its inspection regime.

The CWC covers not just companies that manufacture certain chemicals and discrete organic chemicals, but also those that use them to make something else—such as automobiles, pharmaceuticals, electronics or even liquor. The Arms Control and Disarmament Agency has drawn up a list of more than 1,000 American companies that would be subject to the treaty's terms. Others say at least 6,000 companies would be affected.

The Chemical Manufacturers Association has been vocal in pooh-poohing the treaty's reporting and inspection requirements, which may in fact not be much for the CMA's already highly regulated membership of fewer than 200 companies. But companies that make such things as soap or tires or paint are going to find the paperwork alone an expensive new irritant.

Far more troublesome, however, is the treaty's proposed inspection regime, to be carried out by a new international bureaucracy in the Hague called the Organization for the Prohibition of Chemical Weapons. A better name might be the Organization for the Promotion of Industrial Espionage.

OPCW will conduct both routine inspections and "challenge" inspections at the request of member governments. Under the terms of the treaty, it would be next to impossible for the U.S. to halt a frivolous or abusive inspection. A challenge inspection would take place with less than a day's notice, and inspectors would have extraor-

inary access to files, data, equipment, etc. A company might as well post its trade secrets on the Internet.

The challenging country would send along an observer, and even though he wouldn't be permitted beyond a specified perimeter, there's a lot he would be able to learn from that distance. In a mock inspection that the U.S. carried out using the CWC's proposed rules, the "observer" was able to steal proprietary information simply by gathering soil and water samples from his spot on the edge of the inspection site.

Worse, there are no guarantees that the inspectors themselves won't moonlight as spies. Senator Helms raised this issue during Madeleine Albright's confirmation hearing in January. He pointed to evidence that Chinese applicants for OPCW inspector jobs had been "directed to volunteer" and that most had ties to the People's Liberation Army's chemical "defense" program. It's not hard to imagine the damage an inspector-spy could do. Reverse engineering is one threat, but even something seemingly as simple as the type of equipment used in a manufacturing process could constitute a trade secret.

All this poses a danger to national security. Kathleen Bailey of Lawrence Livermore National Laboratory testified to that effect before the Senate Foreign Relations Committee last year. She said "classified information can be obtained from sampling and analysis during, and perhaps after, inspections under the Chemical Weapons Convention. Furthermore, clandestine sampling would be virtually impossible to detect or to prevent." In the defense area, stealth technology is particularly at risk; a challenge inspection of a U.S. defense contractor could yield much on that score.

So far, the debate on the Chemical Weapons Convention hasn't moved beyond Washington to the boardroom. Only a few companies—Dial Soap and Citgo Petroleum among them—have spoken out against the treaty. It's perhaps understandable that most CEOs would assume that a treaty on chemical weapons wouldn't affect them. It does and they'd be wise to pay attention.

CWC IS WATCHING

From a May 14, 1996 list compiled by the Arms Control and Disarmament Agency of companies that would be subject to the Chemical Weapons Convention: Archer Daniels Midland Co., Armco Steel Co., Castrol, Citgo Petroleum Corp., Colgate-Palmolive Co., Dial Corp., General Motors Corp., Gillette Co., Goodyear Tire & Rubber Co., Jim Beam Brands Co., Kaiser Aluminum, Lever Brothers Co., Maxwell House Coffee Co., Nutrasweet Co., Pfizer, Quaker Oats Co., Raytheon Co., Safeway Stores; Sherwin Williams Co., Simpson Timber Co., Winn-Dixie Stores, and Xerox Corp.

Source: Senate Foreign Relations Committee.

Mr. CRAIG. Mr. President, my point is simply this. There are reasonable people on both sides of this issue who differ and are very loud about the concerns they have. The chemical industry is not monolithic at all when it comes to support for this. There are a substantial number within it who are extremely concerned that they may expose their companies to tremendous economic risk and to the liability of the loss of their secrets that relate to the formulas for the production of peaceful goods and services to our country. I think it is important that that be said at this time and that the names and quotes of these ladies and gentlemen become a part of the RECORD.

I yield back any time.

Mr. BIDEN. Mr. President, I yield 30 seconds to myself. I ask unanimous consent that a statement of the Chemical Manufacturers Association be printed in the RECORD, as well as the list of those companies supporting this treaty.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHEMICAL MANUFACTURERS ASSOCIATION,

Arlington, VA, April 18, 1997.

Hon. JOSEPH R. BIDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: On April 24, the Senate will vote on whether to ratify the Chemical Weapons Convention (CWC). On behalf of nine organizations representing a broad spectrum of chemical producers, consumers, and professionals, I urge your strong support of this important treaty.

Opponents of the CWC contend that the treaty will have a catastrophic impact on American business, including a burdensome regulatory system, intrusive on-site inspections, and losses of proprietary information. The facts, however, bear out our belief that the CWC is the right thing to do:

Less than 2,000 facilities nationwide will have any responsibilities under the CWC. Of these, ninety percent will have to do no more than fill out a two-page report once a year.

The chemical industry helped develop the procedures by which fewer than 200 facilities will be inspected. We then tested those provisions in a series of full-fledged trial inspections at plant sites. We helped confirm that inspected companies have a role in determining how inspections will be conducted, and the extent to which inspection teams access the facilities.

Industry representatives helped write the treaty provisions that safeguard confidential business information. Chemical companies worked closely with the Administration in drafting the CWC implementing legislation that complements those safeguards.

The chemical industry has continued its efforts to further narrow the potential impact of the Convention on commercial interests. We successfully advocated a complete exemption for polymer and oligomer producers, which means that the plastics and textile industries are not subject to the Convention. We helped push an exemption for petroleum refineries and explosives manufacturers. We have worked to develop reasonable, low concentration limits that are commercially practicable, yet provide the level of verification necessary to assure that the CWC is not being violated.

On April 17, the Senate passed Senator Kyl's legislation, S. 495. Although Senator Kyl's legislation would generally expand the legal basis for domestic action against chemical weapons proliferation, it is important that you know that S. 495 is not a substitute for the Chemical Weapons Convention.

For example, S. 495 provides no mechanism for multilateral agreement to prevent or prohibit the production, storage, development or use of chemical weapons. It provides no means for investigating potential diversions to illegal weapons uses. And it does not remedy the trade impacts that will arise when the CWC's trade ban goes into effect three years from now. CMA estimates that some \$500 to \$600 million in two way trade will be at risk if this ban goes into effect. Moreover, S. 495 does nothing to prevent trade barriers being imposed by CWC Parties, aimed at U.S. trade in chemicals.

The chemical industry is America's largest exporter surpassing agriculture, aerospace,

computers, etc. It is the world leader in technological development, research and innovation. The industry works hard to maintain that leadership. The industry has maintained a trade surplus for 68 consecutive years. You can be assured that the chemical industry would not be silent if the CWC truly jeopardized commercial interests.

For your further information, I have enclosed a copy of an advertisement that appeared in the April 14, 1997 issue of Roll Call. I have also enclosed a copy of a letter signed by members of CMA's Board of Directors, reiterating their support for this important agreement.

In short, Senator, we need your vote in favor of the Chemical Weapons Convention.

If you have any questions concerning the chemical industry's support for the CWC, please call me or Claude Boudrias, Legislative Representative for Tax and Trade at (703) 741-5915.

Sincerely,

FREDERICK L. WEBBER,
President and Chief Executive Officer.

APRIL 15, 1997.

Hon. TRENT LOTT,

Senate Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We, the undersigned members of the Chemical Manufacturers Association's Board of Directors, are writing to ask you to support the Chemical Weapons Convention (CWC).

We believe the Convention is a fair and effective international response to the international threat of chemical weapons proliferation. Ratifying the CWC is in the national interest.

The CWC is a natural extension of existing U.S. policy. In 1985, Congress voted to end production of chemical weapons by the military and to begin destroying existing stockpiles.

For years, the United States has imposed the world's strongest controls on exports of weapons-making ingredients. Our nation is the standard bearer in preventing the spread of chemical weapons.

The CWC requires other nations to do what the United States is already doing. That's why President Reagan proposed the treaty to the United Nations in 1984. It's why President Bush signed the treaty in Paris in 1993. And it's why President Clinton is asking the Senate to ratify it.

The chemical industry has thoroughly examined the CWC. We have tested the treaty's record-keeping and inspection provisions. And we have concluded that the benefits of the CWC far outweigh the costs.

Ratifying the CWC is the right thing to do. We urge you to vote for the Convention.

Sincerely,

Frederick L. Webber, President & CEO, Chemical Manufacturers Association; J. Lawrence Wilson, Chairman & CEO, Rohm and Haas Company, Chairman, Board of Directors, Chemical Manufacturers Association; John E. Akitt, Executive Vice President, Exxon Chemical Company; Phillip D. Ashkettle, President and CEO, Reichhold Chemicals, Inc.; Bernard Azoulay, President and CEO, Elf Atochem North America; William G. Bares, Chairman and CEO, The Lubrizol Corporation; Jerald A. Blumberg, Executive Vice President, DuPont, Chairman, DuPont Europe; Michael R. Boyce, CEO & President, Harris Chemical Group; Vincent A. Calarco, Chairman, President & CEO, Crompton & Knowles Corporation; William R. Cook, Chairman, President and CEO, BetzDearborn Inc.; Albert J. Costello, Chairman, President & CEO, W.R. Grace & Co.; David J. D'Antoni,

President, Ashland Chemical Company; John R. Danzeisen, Chairman, ICI Americas Inc.; Earnest W. Deavenport, Jr., Chairman of the Board and CEO, Eastman Chemical Company.

R. Keith Elliott, Chairman, President & CEO, Hercules Incorporated; Darryl D. Fry, Chairman, President and CEO, Cytec Industries Inc.; Michael C. Harnetty, Division Vice President, 3M; Richard A. Hazleton, Chairman & CEO, Dow Corning Corporation; Alan R. Hirsig, President & CEO, ARCO Chemical Company; Gerald L. Hoerig, President, Syntex Chemicals, Inc.; Jack L. Howe, Jr., President, Phillips Chemical Company; Jon M. Huntsman, Jr., Vice Chairman, Huntsman Corporation; Donald M. James, President & CEO, Vulcan Materials Company; Dale R. Laurance, President and Sr. Operating Officer, Occidental Petroleum Corporation; Raymond W. LeBoeuf, President & CEO, PPG Industries, Inc.; James A. Mack, President & CEO, Cambrex Corporation; Hans C. Noetzli, President & CEO, Lonza, Inc.; Robert G. Potter, Executive Vice President, Monsanto Company; Arthur R. Sigel, President & CEO, Velsicol Chemical Corporation; Enrique J. Sosa, Executive Vice President-Chemicals Sector, Amoco Corporation; William Stavropoulos, President & CEO, The Dow Chemical Corporation; F. Quinn Stepan, Chairman & President, Stepan Company; S. Jay Stewart, Chairman & CEO, Morton International, Inc.; Robert O. Swanson, Executive Vice President, Mobil Corporation; Rudy van der Meer, Member, Board of Management, Akzo Nobel nv; Jeroen van der Veer, President & CEO, Shell Chemical Company; George A. Vincent, Chairman, President & CEO, The C.P. Hall Company; J. Virgil Waggoner, President & CEO, Sterling Chemicals, Inc.; H. A. Wagner, Chairman & CEO, Air Products & Chemicals, Inc.; Helge H. Wehmeier, President & CEO, Bayer Corporation; Ronald H. Yocum, President & CEO, Millennium Petrochemical Company.

Mr. BIDEN. Mr. President, just as my friend from Idaho knows a lot about mining and knows a lot about potatoes and knows a lot about apples, because they are big issues in his State, I assure you, being a Senator from Delaware, if there was any genuine opposition from the chemical industry for this treaty, since most of those companies are incorporated in my State and it makes up 56 percent of my State's economy, I assure you, I would hear about it.

Now, there may be some companies that do not like it, but I want to tell you, to use the expression, there may be reasons why for this in the minds of my colleagues, but none of the big boys, none of the outfits that do this as a big business, none of the outfits with multibillion-dollar operations, none of them, that I am aware of, are opposed to this treaty. They strongly support it.

I yield 7 minutes to my friend from Ohio.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Ohio.

Mr. GLENN. I thank the Chair, and I ask the Chair to please notify me when I have used 6 minutes.

Mr. President, I rise to urge my colleagues to vote in favor of ratification of the Chemical Weapons Convention with its 28 agreed conditions.

So far in this century, we have witnessed the use of chemical weapons in Europe, in China and in the Middle East, and we have seen the absolutely revolting photographs of victims of chemical weapons attacks at the Iraqi village of Halabja and the Tokyo subway. Some of us may have seen the famous photograph of the great violinist, Isaac Stern, performing in Israel while wearing a gas mask during the Iraqi occupation of Kuwait. Let there be no doubt about it, these weapons do present a clear and present danger to our security and the security of our allies around the world. They have not acquired the nickname, "poor man's nukes" for nothing. They are cheap to make, easy to conceal, and can have devastating effects.

Since 1995, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has held six hearings titled "Global Proliferation of Weapons of Mass Destruction," which documented in vivid detail the gravity of the threat our country faces from both chemical and biological weapons. The three committee prints covering these hearings contain over 2,000 pages of relevant documentation. While I was chairman of that committee, I chaired personally four hearings on "Global Spread of Chemical and Biological Weapons." In 1989, that produced another 746 pages of documentation on these threats and the various choices facing our country by way of responses.

Mr. President, today is not the day for additional hand wringing over these nightmares. Today is the day finally to do something truly constructive to alleviate these threats and stop the hand wringing. In this case, constructive means multilateral, since we are dealing here with a truly global threat, not one susceptible to solution by unilateral U.S. legislation. For example, bills like S. 495, which passed a badly divided Senate last week after virtually no serious debate and without a single hearing, would, if enacted, impose yet another death penalty, while opening up several new loopholes for continued U.S. possession of both chemical and biological weapons. Fortunately, we have an alternative approach to consider.

Today, we can vote on a resolution providing our advice and consent to ratify a treaty that does not just address the problem of halting the proliferation of these weapons, but a treaty that will also set the world on a course finally to eliminate such weapons everywhere. Though we will not obviously achieve these goals overnight simply by ratifying the CWC, we will be taking a crucial step toward achieving that ultimate goal.

My argument, simply put, is that we just cannot solve the global problems of the CWC destruction, proliferation,

terrorism and warfare by acting alone. The international framework, machinery, reporting procedures, and enforcement and verification mechanisms of this treaty will complement and reinforce—not compete with, substitute for or compromise—our own national military, intelligence, and diplomatic efforts against the global CW threat.

The time has now come to put into place the international legal foundation necessary to eliminate chemical weapons once and for all. I am proud to be here on this historical occasion to speak on behalf of and to vote in favor of U.S. ratification of this treaty.

Mr. President, let me get into some highlights of the CWC. The CWC bans the development, the production, stockpiling, use, and proliferation of chemical weapons. It requires the destruction of existing weapons, chemical agents, and CW production facilities. It breaks new ground with a system of verification that is the most extensive in the history of weapons of mass destruction.

On November 23, 1993—over 3 years ago—President Clinton sent this treaty to the Senate for its advice and consent to ratification. Though the Senate has proceeded very, very slowly with the consideration of this treaty, the rest of the world seems prepared to go forward with or without us. Over 160 countries have now signed the treaty and 74 have already ratified it. So with or without U.S. ratification, the treaty will enter into force on April 29 of this year. At that point, world commerce in chemicals and chemical equipment will begin to take place within a multilaterally coordinated system that imposes real costs on nonparties to this convention. It is one reason why I support this treaty.

There is a widespread consensus among the military, the intelligence and the defense experts inside our Government that this treaty will serve our national interest. This consensus is bipartisan. Indeed, the convention was negotiated during the Reagan administration, signed by President George Bush and sent to the Congress by President Clinton.

Except with respect to nonparties, this treaty is completely nondiscriminatory: It obligates its parties not to develop or to possess chemical weapons, period. It does not divide the world up into one set of countries that may have these weapons and another set that may not. It works from a different premise, one more closely aligned with its cousin, the Biological Weapons Convention—by outlawing such weapons among the parties to the treaty, it will significantly strengthen international diplomatic efforts to make the prohibitions truly global.

To ensure compliance, the treaty provides a verification system that operates on two dimensions. First, it provides for routine monitoring of potentially sensitive activities at declared chemical weapons sites, storage areas, and relevant civilian chemical indus-

tries. Second, it provides for a system of on-site challenge inspections operating on the principle of managed access to ensure the protection of proprietary information, constitutional rights, and national security interests. These inspections will be conducted by the Organization for the Prohibition of Chemical Weapons [OPCW]. This system of verification has been worked out not just in consultation with industry, but with the strong and continuing support of industry.

NOTHING PERFECT

I believe that this system of verification—coupled with the increased transparency of chemical transfers and activities at chemical facilities around the world—will, when backed by robust national intelligence capabilities, build a level of confidence in the world community sufficient to ensure that the treaty is being observed by its parties.

EVEN IF IMPERFECT—BETTER THAN PRESENT WITH NO RESTRICTIONS

This view is shared today by our military and intelligence officials. On June 23, 1994, Gen. John Shalikashvili, the Chairman of the Joint Chiefs of Staff, summarized this judgment quite clearly when he testified that—“From a military perspective, the Chemical Weapons Convention is clearly in our national interest.” On August 11, 1994, he specifically testified that—“Because of the regime of declarations, which then can be verified through routine inspection and challenge inspection, I believe that the CWC can be effectively verified.” The treaty has also been supported by former generals Colin Powell and Norman Schwarzkopf, among many other top military and intelligence officials. It has the full support of the Joint Chiefs.

the verification system, in short, represents an appropriate balance between the need for intrusiveness and the need to protect commercial secrets and national security information. As a whole, the treaty will serve U.S. national interests in a number of ways. It will reduce the risk that chemical weapons will be used against our country. It will potentially reduce—but of course not eliminate entirely—the risk of terrorism involving chemical weapons. It will enhance the transparency of activities at chemical facilities around the world and thereby build confidence in CW disarmament. It will serve U.S. interests in combating the proliferation of chemical weapons. And it will, after the 10-year process of destroying existing CW stockpiles, remove many serious environmental hazards that faced citizens who live near plants that produced or stored chemical weapon agents.

COMMON CRITICISMS

It is not surprising that any great achievement in the realm of disarmament would encounter criticism. I am not going to claim that each and every one of these criticisms is totally unfounded. I am also not going to question the motives of those who make

such criticisms. I believe it is good to hear the views of such critics, to listen carefully to their interpretations of the flaws of this treaty, to debate points on which there is disagreement, and to come to a decision on what is in the long-term interest of our country. This is what the whole ratification process is all about. Though no treaty is perfect and the CWC is no exception to this rule, by my reckoning the flaws in this treaty are not sufficient grounds for the Senate not to proceed with ratification.

I would now like to discuss briefly some of the main criticisms of the treaty that I have encountered over the many years this treaty has been awaiting a vote in the Senate.

No. 1. Lack of universality. It is true, not every country is a party to this treaty, nor is universal membership even a likelihood anytime soon. It may never be a universal agreement. There are several Arab countries, for example, that will no doubt refuse to enter into binding CW disarmament agreements until an agreement can also be reached concerning Israel's nuclear capability. Is this a sufficient cause to vote against the treaty? Absolutely not.

I know of no multilateral disarmament agreement that is truly universal, if that term is defined to mean that all countries on Earth are parties. True, the more countries that join the better. But opting for isolation hardly seems to me to be a rational way for a country to pursue the goal of universality. I cannot imagine anything that would set back the goal of universality of this treaty more than a decision by the Senate of the United States not to vote for ratification of this treaty, or to approve it with killer amendments. I believe this treaty will stand the test of time and will approach universality of membership as confidence grows in its credibility as a force for international peace and security. It will be a challenge for diplomats and national leaders of the 21st century to induce the hold-out countries into the CWC regime.

As for the treaty hold-outs specifically in the Middle East—including Iraq, Libya, and some other Arab states that critics cite as a reason why the United States should not join this treaty—let us remember that no country has a bigger stake in putting a halt to chemical weapon proliferation in that turbulent region than does Israel. And I think it is instructive that Israel has considered and chosen to ignore this particular criticism—it has signed the treaty.

No. 2. Verification problems. Now nobody questions that verifying a global ban on possessing or manufacturing chemical weapons will be a difficult undertaking, maybe even an impossible one, if the test of success is the ability to detect the secret manufacture of a small number of such weapons. Nobody doubts the widespread availability of the dual-use materials and know-how needed to make and to deliver chemical weapons. Nobody doubts that such

weapons can be manufactured in very small facilities, some even as small as some hearing rooms here in the Senate, as our intelligence officials have openly testified.

In light of these basic facts of life about chemical weapons, the Report of the Senate Select Committee on Intelligence on the "U.S. Capability to Monitor Compliance with the Chemical Weapons Convention" (Rpt. 103-390) identified several potential difficulties in verifying this treaty. The committee's report, however, reads not as an indictment of the treaty, but as a convincing reminder of the need for America to maintain and upgrade its intelligence capabilities to grapple with such problems. I am concerned that some of my colleagues and outside commentators have looked at these challenges and simply concluded that it is impossible to verify this, or indeed any, CW disarmament treaty.

Though the treaty offers no absolute guarantee against cheating at the level of relatively small-scale violations—it will leave us far more secure than we would be without such a treaty. First, the reporting and inspection provisions of the treaty will enhance the transparency of global flows of chemicals and chemical production equipment—it will also give us better information about how such chemicals are used after they leave international commerce. Second, the challenge inspection system will give the United States a new means to check up on suspicious activities inside countries, including activities that may not even involve chemicals or chemical equipment that entered international commerce.

In short, we stand a much better chance of detecting, assessing, and mobilizing collective international action against potential CW-related activities by having a multilateral system of CW disarmament, than we would under the "go-it-alone" approach we would be left with as a non-party to this treaty.

I think Maj. Gen. John Landry—testifying before the Armed Services Committee as the National Intelligence Officer for General Purpose Forces—accurately summarized the view of the U.S. intelligence community when he said on August 11, 1994, that "we are better off with the treaty than without it." Former Defense Secretary Perry similarly observed on March 28, 1996, that despite the inherent difficulties of detecting illicit production of small quantities of chemical weapons, "we also recognize that that [detection capability] would be even more difficult without a CWC."

Let us keep in mind that when it comes to verifying international compliance with arms control, disarmament, and nonproliferation treaties, America does not rely exclusively upon the verification mechanisms in those treaties to judge compliance. Verification is achieved by these mechanisms operating alongside our own national intelligence capabilities. As I stated in my additional views to the SSCI's re-

port on the CWC, the difficulties of monitoring this treaty underscore the importance of maintaining a highly capable U.S. intelligence community. If we work hard toward the goal of universal membership in the CWC and maintain or increase the capabilities of our intelligence community, then the lingering questions about compliance and verification would only fade accordingly. I would not be at all surprised if Russia were to ratify this treaty very soon.

It is useful to recall that the Russian scientist who blew the whistle in 1991 and 1992 on illicit Russian chemical weapons activities is now a firm supporter of the CWC as a means to combat just such activities. On November 1, 1995, Dr. Vil Mirzayanov testified as follows before the Permanent Subcommittee on Investigations about the risk of theft of chemical agents in Russia:

I am sure that the system of international inspections provided for under the Chemical Weapons Convention will help address this problem . . . These are very strong tools and I hope that you will do your part to see that they are applied in Russia by pressing for the Senate's ratification of the Convention.

The fact that this statement came from someone who is one of Russia's toughest critics on chemical weapons issues will, I hope, inspire other treaty critics to reexamine their own views.

No, this is not the time to badger the CWC's verification system because it is unable to guarantee perfect international compliance. I wish we had some domestic criminal laws that would guarantee perfect compliance. Today is a day to rejoice that the CWC's verification system will soon be generating information that will be useful to our national leaders in detecting, characterizing, and defending against chemical weapons threats. When I hear all these criticisms about the treaty's verification system, I can only wonder—if these arguments are true, then why would Israel, which is located in one of the most dangerous neighborhoods on Earth, and which has so much at stake, sign such a treaty?

The answer is that the CWC serves Israel's national security interests for precisely the same reason it serves our own national security interests. It deserves the support of all nations, and the more support it has, the better the verification system will become. Remaining outside the CWC is no way to improve its verification system.

No. 3. *Cost.* Now with respect to cost, nobody can possibly predict exactly what it will cost to implement this treaty. The International Atomic Energy Agency's annual budget of about \$200 million does not serve as a useful indicator of the cost of implementing the CWC given the many different functions of the respective treaty organizations, the IAEA and the OPCW. For fiscal year 1998, the administration has requested \$25 million for meeting our CWC assessment and an additional \$21 million for multilateral verification at

U.S. facilities should that be necessary. This annual financial contribution approximates the cost of a couple of F-16 aircraft.

The Chemical Manufacturers Association [CMA] has estimated that the cost to industry of complying with this treaty is about ". . . one-onehundredth of one percent of the cost of environmental reporting in the United States." CMA estimates that industry's total CWC reporting costs for 1997 would come to less than \$250,000 and will decline in subsequent years. CMA has also estimated, however, that the cost to industry of America not ratifying this treaty would be "hundreds of millions of dollars" and thousands of jobs.

As for the claim by some critics that the treaty will place a heavy regulatory burden on industry, CMA reports that in a recent field test it took less than 2 hours for producers of the broadcast category of materials—discrete organic chemicals—to fill out the appropriate reporting form. Some plant managers have estimated that they could complete this form in as little as 15 minutes. In recent field tests involving materials that are more tightly controlled, it took companies between 2-8 hours to complete the relevant paperwork. This does not seem to me to be an unduly burdensome procedure.

We all know that the costs of destroying CW agent material will of course be considerable, particularly in countries like the United States and Russia which have tens of thousands of tons of this material. But U.S. law already requires us to destroy these materials, whether or not we join the CWC.

The costs of having to defend against the use of such weapons—costs we have to pay regardless of whether America is a party to the CWC—will remain considerable, though this expense will decline as the world's stockpiles of CW materials gradually diminish in accordance with the treaty. The treaty, it should be noted, does not outlaw national defenses against chemical weapons nor does it ban military retaliation for CW users.

When it comes to measuring the true costs of this treaty, there is an absolute way and a relative way to measure these costs. The absolute approach merely adds up the costs of implementing the treaty and considers such costs in a vacuum. The relative approach compares these costs against various alternatives, such as costs we would have to pay in a world in which chemical war remains a clear and present danger, or a world with a CWC without the United States as a party.

I think that any fair assessment would need to compare the costs of implementing the CWC against the costs of chemical war—preparing for one, fighting one, defending against one, deterring one, and recuperating from one. Now there is no way that the absolute costs of implementing this treaty would ever outweigh the devastating

costs of coping in a world armed to the teeth with chemical weapons. I just do not accept the argument that the costs of implementing this treaty are greater than the benefits to our national security from membership.

No. 4. Sovereignty and secrecy. Under the Constitution, the CWC will be a supreme law of the land. Ironically, some of the same critics of the CWC who argue that the treaty is not verifiable because it is not intrusive enough, also argue that the treaty is too intrusive insofar as it allegedly jeopardizes the U.S. constitutional rights. These questions have already been examined closely by the Congress, as well they should, and most Members would agree that these arguments have been overdrawn.

The main problem with this criticism is that it ignores the many safeguards that exist in the treaty to protect sovereign rights. First and most fundamentally, there is the right of withdrawal from the treaty on 90-days' notice. Second, the treaty's inspection system is far from a "no-notice" system—it prescribes a series of timetables which allow a state party time to prepare a site for inspection. The inspection itself is limited in time.

As the Department of State put it in its letter transmitting the treaty to the President, "The inspected State Party has the final say in determining the extent and nature of access within the challenged site." That is from the letter of November 20, 1993. This gets at the whole notion of "managed access," which lies at the heart of the CWC inspections system. Under this approach, the State Department letter continued, "the inspected State Party may give only individual inspectors access to certain parts of the inspection site, may shroud sensitive pieces of equipment, such as computer or electronic systems, and it may restrict sampling and sample analysis." Indeed, it is highly improbable that the U.S. chemical industry would have been such strong and chronic supporters of the CWC if this industry had concluded that the treaty would harm the competitiveness of U.S. industry or jeopardize company secrets.

Aside from industry, I can imagine that the scientific community should be quite well informed about the merits of this treaty, especially its alleged intrusiveness. Mr. President, I ask unanimous consent to have printed at the end of my remarks a list of 151 members of the National Academy of Scientists who are chemists or biochemists and who support this treaty, and another list, compiled by the Federation of American Scientists, of 45 Nobel laureates who also endorse this treaty. No doubt about it, American support for this treaty is both broad and deep.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibits 1 and 2.)

Mr. GLENN. Mr. President, No. 5. Other Criticisms. These are not the

only lines of attack that critics have taken against the treaty in recent years.

First, would the CWC require a new strategic nuclear doctrine that actually encourages the use of tactical nuclear weapons, given the unavailability of a CW alternative? Not very likely, given that our military has unparalleled conventional military options that are available to respond to and to deter any CW attack. In this respect, critics who urge the retention of a CW arsenal underestimate the power of our conventional military capabilities and overestimate both the value and likelihood of the use of tactical nuclear weapons. Typically, such critics also tend to ignore the impact of making such nuclear threats upon our global nuclear nonproliferation policy.

Second, it is true that the parties to the CWC are nation states, not nonstate entities such as terrorist groups that may seek to acquire such weapons. Though the treaty offers no guarantee against CW terrorism, the treaty's transparency provisions will at least operate to make it more difficult for terrorists to acquire equipment or materials for use in making such weapons and that in itself is a positive feature of the treaty. In particular, it will make it much more difficult for terrorists to engage in large-scale production of chemical weapons without detection. Since the CWC has never been intended to serve as a substitute for national efforts against subnational terrorism, I find this whole argument that the treaty is weak on terrorism to be a red herring.

I find it quite interesting that Japan—which was the victim of a recent chemical weapons attack by terrorists—has already ratified the CWC. In fact, Japan's Diet ratified the CWC within a month of the Sarin gas attack in the Tokyo subway. Though the treaty may not have been able to guarantee that this specific attack would not occur, Japan's leaders have obviously concluded that their country would still be better off with this treaty than without it. So would our country.

Third, critics have argued that the treaty lacks teeth. In fact, the CWC does not repeal the fundamental principle of national sovereignty that has dominated world affairs for over 300 years. The treaty does not intend for the OPCW to perform as a police force in a world state. Though the treaty provides procedures for mobilizing international action against treaty violators, sanctions must still be implemented by individual state parties to the treaty.

Nonparties to the treaty, however, will feel the teeth of this treaty. They will have a harder time participating in the world market for chemicals and chemical equipment. The few remaining CW states will in time feel the inevitable political pressures that come with the possession of internationally outlawed weaponry. And as the taboo on possession settles in the world com-

munity, so will the likelihood of strong international action against countries that would actually use such weapons. Sanctions against all forms of proliferation could always be strengthened, and I would certainly hope that this would be a high priority national security goal of this and future administrations. But the lack of mandatory sanctions in this treaty should not be confused with any lack of teeth—it will fall to the national diplomats, the leaders, and ultimately the people of the states that are CWC parties to sharpen this treaty's teeth. Though teething pains can be expected in the years ahead, sharper teeth will come.

Fourth, and most recently, critics have pointed to trade and cooperation provisions in the treaty as evidence of an alleged obligation to provide chemicals and chemical equipment that will help treaty cheaters to make chemical weapons. Frankly, this argument is hogwash. The very first article of this treaty obligates its parties " * * * never under any circumstances * * * to assist, encourage or induce, in any way, anyone" to acquire chemical weapons. Given this obligation—and given the treaty's inspection system and national intelligence capabilities to back it up—the only appropriate response to the accusation that the treaty will encourage peaceful trade and scientific exchanges is, so what?

The administration has been more than reasonable in accommodating the concerns of the critics. The fact that agreement was reached on 28 conditions hardly suggests a posture of stonewalling by anybody. But I cannot support any of the five additional conditions that have been offered concerning Russian chemical weapons activities, requiring terrorist states to join the CWC before we do, asserting a unilateral U.S. right to bar certain inspectors from certain countries, requiring the United States to seek the renegotiation of key provisions of the treaty on certain trade and CW defense issues, and adopting a verification standard based on a concept of military significance that is both inappropriate and unworkable. To the limited extent that these final conditions touch upon legitimate concerns, let us address these concerns inside the tent of the CWC, not by howling in the wilderness outside that tent.

CONCLUSION

Mr. President, I would like to conclude my remarks on a personal note. I have come a long way when it comes to the issue of CW disarmament. On May 21, 1985, I joined with three of my Senate colleague to argue in an Op-Ed in the Washington Post in favor of modernizing America's chemical weapons arsenal. At the time, there was scant prospect of a Chemical Weapons Convention. The Soviet Union was sitting on a huge CW arsenal and was threatening United States interests around the world. And our old so-called unitary chemical weapons were at best a national embarrassment, at worst an

actual danger to American citizens and our own troops. I favored the safer binary weapons—safer for our own troops if they ever had to use them.

But times have changed. The Soviet Union has ceased to exist and there is significant support inside the Russian Government to follow through with Russia's obligations under the CWC, support which America has every reason to encourage in any way it can. Yes, there still are countries in the world today that have chemical weapons. There still is a terrorist threat involving such weapons. There is still a CW proliferation threat. Russia, though it will hardly be alone in this respect, will no doubt still seek to compete with us in many arenas of world affairs. And many of those old unitaries are still sitting around like rusting relics of a by-gone age.

Yet the world today is closer than ever to outlawing one of the most dangerous weapons that mankind has every devised. As a U.S. Senator for over 20 years now, I have at times encountered some of my colleagues who were simply unprepared to reconsider policy positions that they took in considerably different times and circumstances. I am determined not to follow that practice.

Mr. GLENN. In partial answer to Senator KYL's comments on export controls, I ask unanimous consent that this release by the Australia Group, which deals with export controls, be printed at the end of my remarks.

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

(See exhibit 3.)

Mr. GLENN. Mr. President, the only other thing I would add is that I have examined this treaty and listened to arguments both pro and con. I am convinced the time has finally arrived to move the campaign to eliminate chemical weapons into high gear. The CWC certainly offers no panacea to all risks concerning their proliferation or use of chemical weapons. It does, however, represent a substantial step along the way to alleviating these risks and, therefore, deserves the full support of the Senate and the people of the United States. I urge all my colleagues to vote for ratification.

I thank the Chair.

EXHIBIT 1

FEBRUARY 24, 1997.

Hon. TRENT LOTT,
487 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LOTT: We, the undersigned scientists, urge you to work as a matter of national urgency to bring the Chemical Weapons Convention to a vote in the Senate before April 29 of this year. That is the date when the Convention will automatically enter into force, with or without the United States.

Negotiated by the administrations of Presidents Reagan and Bush, and signed by the United States under President Bush in January 1993, the Convention was formally submitted to the Senate for its advice and consent to ratification by President Clinton in November 1993. Since then it has been the subject of thirteen hearings before the Com-

mittee on Foreign Relations, the Committee on Armed Services and the Select Committee on Intelligence. The Secretaries of State and Defense, the Chairman of the Joint Chiefs, the Director of Central Intelligence and the representatives of the Chemical Manufacturers Association have all testified strongly in favor of ratification. More than 65 countries, including all of our major allies, have ratified.

If the Senate fails even to vote on the CWC, after three administrations have been its leading architects and proponents, the United States will have surrendered by default its essential leadership in combating the proliferation of chemical weapons.

Respectfully,

Julius Adler.
Robert A. Alberty.
Sidney Altman.¹
Fred C. Anson.
W. O. Baker.
John D. Baldeschwieler.
Robert L. Baldwin.
Allen J. Bard.
Neil Bartlett.
Helmut Beinert.
Howard C. Berg.
R. Stephen Berry.
Richard Bersohn.
Jerome A. Berson.
Klaus Biemann.
Jacob Bigeleisen.
Virgil Boekelheide.
Jan L. Breslow.
Leo Brewer.
Herbert C. Brown.¹
Giulio L. Cantoni.
John A. Carbon.
Herbert E. Carter.
Charles P. Casey.
Thomas R. Cech.¹
David Chandler.
Carolyn Cohen.
Mildred Cohn.
Robert E. Connick.
John D. Corbett.
Stanley J. Cristol.
James E. Dahlberg.
Samuel Danishefsky.
Earl W. Davie.
David R. Davies.
Peter B. Dervan.
William Doering.
Paul Doty.
Harry G. Drickhamer.
James L. Dye.
Isidore S. Edelman.
Mary P. Edmonds.
David Eisenberg.
Mostafa A. El-Sayed.
Ernest L. Eliel.
David A. Evans.
John D. Ferry.
Edmond H. Fischer.¹
Marshall Fixman.
Marye Anne Fox.
Josef Fried.
Carl Frieden.
Gerhart Friedlander.
Joseph S. Fruton.
Marshall Gates.
E. Peter Geiduschek.
Martin Gellert.
Walter Gilbert.¹
Roy G. Gordon.
Robert H. Grubbs.
Lowell P. Hager.
George S. Hammond.
Dudley Herschbach.¹
George P. Hess.
Robert L. Hill.
Mahlon Hoagland.
Bernard L. Horecker.
Donald F. Hornig.
William P. Jencks.
Harold Johnston.
Isabella L. Karle.

Martin Karplus.
Joseph J. Katz.
Walter Kauzmann.
Sung-Hou Kim.
James L. Kinsey.
William Klemperer.
Judith P. Klinman.
Irving M. Klotz.
Edward D. Korn.
Roger Kornberg.
Daniel E. Koshland, Jr.
Henry Lardy.
Robert Lehman.
Nelson J. Leonard.
Robert L. Letsinger.
Stephen J. Lippard.
William N. Lipscomb.¹
F.W. McLafferty.
Jerrold Meinwald.
Matthew Meselson.
Thomas J. Meyer.
Josef Michl.
William H. Miller.
Kurt Mislow.
Mario J. Molina.¹
C. Bradley Moore.
Manuel F. Morales.
Howard A. Nash.
Daniel Nathans.¹
Elizabeth F. Neufeld.
Marshall Nirenberg.¹
Harry F. Noller.
Leslie E. Orgel.
Mary J. Osborn.
Norman R. Pace.
Charles S. Parmenter.
Robert G. Parr.
George W. Parshall.
Ralph G. Pearson.
Gregory A. Petsko.
Kenneth S. Pitzer.
Charles M. Radding.
Julius Rebek.
Lester J. Reed.
Howard Reiss.
Stuart A. Rice.
Frederic M. Richards.
Irwin A. Rose.
F. Sherwood Rowland.¹
William J. Rutter.
Lewis H. Sarett.
Robert T. Sauer.
Howard K. Schachman.
Peter G. Schultz.
Glenn T. Seaborg.¹
K. Barry Sharpless.
Robert G. Shulman.
Maxine F. Singer.
Robert L. Sinsheimer.
Emil L. Smith.
David B. Sprinson.
George R. Stark.
Donald F. Steiner.
Joan A. Steitz.
Thomas A. Steitz.
Walter H. Stockmayer.
Gilbert Stork.
Jack L. Strominger.
Julian M. Sturtevant.
Dean Stanley Tarbell.
Henry Taube.¹
H.E. Umbarger.
Peter H. von Hippel.
Salih J. Wakil.
Frederick T. Wall.
Cheves Walling.
James C. Wang.
Gregorio Weber.
Samuel I. Weissman.
Frank Westheimer.
Ralph S. Wolfe.

(All signatories are members of the United States National Academy of Sciences in the field of Chemistry or biochemistry)

EXHIBIT 2

NOBEL LAUREATES URGES SENATORS TO
RATIFY THE CHEMICAL WEAPONS CONVENTION

MARCH 11, 1997.

The Federation of American Scientists (FAS) has sent a letter to US Senators urging the Senate to ratify the Chemical Weapons Convention without delay. Support for

¹Nobel Laureate.

the letter's goal of prompt ratification came from 40 Nobel prize winners who specifically confirmed their desire for CWC ratification.

The letter, signed by FAS Chairman, and former Deputy National Security Adviser to the President, Carl Kaysen, reminds Senators of the importance of U.S. ratification. The treaty requires "total elimination of chemical weapons stocks, prohibits chemical weapons-related activities, bans assistance for such activities, and bars trade with non-parties in certain relevant chemicals."

In ratifying the treaty, the U.S. would join 70 countries—including all major NATO allies and all other G-7 members—who have already ratified it.

The Federation of American Scientists is a national organization of scientists and engineers concerned with issues of science and global security.

FEDERATION OF AMERICAN SCIENTISTS,

Washington, DC, March 7, 1997.

Hon. TRENT LOTT,

U.S. Senate,

Washington, DC.

DEAR SENATOR LOTT: The Chemical Weapons Convention (CWC) will enter into force on April 29, 1997, following its ratification by the 65th signatory nation in November, 1996. It has not yet been ratified by the United States.

This treaty bans an entire class of weapons of mass destruction. It is a nonproliferation treaty that requires total elimination of chemical weapons stocks, prohibits chemical weapons-related activities, bans assistance for such activities, and bars trade with non-parties in certain relevant chemicals. This treaty denies us no option we would otherwise wish to exercise, for the United States has already renounced chemical weapons and is in the process of destroying them. The CWC is a critical instrument for universalizing this policy and preventing the further spread of chemical weapons.

With no military interest in chemical weapons, the United States can only gain by ratifying the treaty, regardless of its level of verification. US accession is necessary to give the CWC the force of an international norm against the possession of chemical weapons. That norm alone would be powerful, providing a basis for joint action to enforce compliance.

But, in addition, the CWC provides new tools for deterring and detecting chemical weapons proliferation. The value of its provisions will grow with time, as the treaty's incentives work to increase the number of adherents. The declaration and inspection requirements will improve our knowledge of possible proliferation activities, whether conducted by nations or terrorists. Access to declared and undeclared sites will make clandestine operations more difficult, risky and expensive; participating states will have the right to demand short-notice inspections of sites in other States Parties. The CWC's provisions constitute the most rigorous verification regime ever negotiated. At the same time, the treaty and the proposed US implementing legislation explicitly protect Constitutional rights and confidential and proprietary information.

During negotiation of the treaty, senior officials of the U.S. Chemical Manufacturers Association participated at the side of U.S. Government negotiators, and the chemical industry has consistently and publicly advocated ratification of the CWC. Now, if the treaty comes into force without U.S. ratification, its constraints on the chemical exports of non-parties will penalize the U.S. chemical industry. Should the Senate not ratify the Convention, the U.S. Government would also be excluded from a seat on the CWC's governing body, and from participat-

ing in the establishment of operating procedures. At the same time, as signatories we will be obligated to abide by the treaty's prohibitions.

Since the treaty was opened for signature in 1993, the United States and 166 other countries have signed it. Further, 67 countries, including all the major NATO allies, have deposited their instruments of ratifications, as have all other G-7 members.

In order to draw the attention of the Senate to the importance of this issue, the Federation of American Scientists has secured the specific endorsement of 45 Nobel Prize winners to the ratification of the Chemical Weapons Convention, and records their names below.

Yours sincerely,

CARL KAYSEN,
Chairman, FAS.

I urge the U.S. Senate to ratify the Chemical Weapons Convention without delay.

Signed by: Sidney Altman, Philip W. Anderson, Kenneth J. Arrow, Julius Axelrod, David Baltimore, Helmut Beinert, Konrad Bloch, Baruch S. Blumberg, Herbert C. Brown, Stanley Cohen, Leon N. Cooper, Johann Deisenhofer, Renato Dulbecco, Gertrude B. Elion, and Val L. Fitch.

Walter Gilbert, Dudley R. Herschbach, David Hubel, Jerome Karle, Arthur Kornberg, Edwin G. Krebs, Joshua Lederberg, Leon Lederman, Wassily W. Leontief, Edward B. Lewis, William N. Lipscomb, Mario J. Molina, Joseph E. Murray, Daniel Nathans, Arno A. Penzias, and Norman F. Ramsey.

Burton Richter, Richard J. Roberts, Martin Rodbell, F. Sherwood Rowland, Glenn T. Seaborg, Herbert A. Simon, Phillip A. Sharp, R.E. Smalley, Robert M. Solow, Jack Steinberger, Henry Taube, James Tobin, Charles H. Townes, and Eric Weischaus.

EXHIBIT 3

AUSTRALIA GROUP MEETING

Australia Group participants held informal consultations in Paris between Oct. 14-17, to discuss the continuing problem of chemical and biological weapons (CBW) proliferation. Participants at these talks were Argentina, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, the European Commission, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, Switzerland, United Kingdom and the United States, with the Republic of Korea taking part for the first time.

Participants maintain a strong belief that full adherence to the Chemical Weapons Convention (CWC) and to the Biological and Toxin Weapons Convention (BTWC) will be the best way to eliminate these types of particularly inhumane weapons from the world's arsenals. In this context, the maintenance of effective export controls will remain an essential practical means of fulfilling obligations under the CWC and the BTWC.

All participants at the meeting welcomed the expected entry into force of the CWC, noting that this long-awaited step will be an important, historic moment in international efforts to prohibit chemical weapons. Participants agreed to issue a separate statement on this matter, which is attached.

Participants also welcomed the progress of efforts to strengthen the BTWC in the negotiations taking place in the Ad Hoc Group of BTWC States Parties in Geneva. All Australia Group participating countries are also States Parties to this Treaty, and strongly support efforts to develop internationally-agreed procedures for strengthening international confidence in the treaty regime by

verifying compliance with BTWC obligations.

Experts from participating countries discussed national export licensing systems aimed at preventing inadvertent assistance to the production of CBW. They confirmed that participants administered export controls in a streamlined and effective manner which allows trade and the exchange of technology for peaceful purposes to flourish. They agreed to continue working to focus these national measures efficiently and solely on preventing any contribution to chemical and biological weapons programs. Participants noted that the value of these measures in inhibiting CBW proliferation benefited not only the countries participating in the Australia Group, but the whole international community.

Participants also agreed to continue a wide range of contacts, including a further program of briefings for countries not participating in the Paris consultations to further awareness and understanding of national policies in this area. Participants endorsed in this context the importance of regional seminars as valuable means of widening contacts with other countries on these issues. In particular, Romania's plans to host a seminar on CBW export controls for Central and Eastern European countries and the Commonwealth of Independent States in Bucharest on Oct. 21-22 and Japan's plans to host a fourth Asian Export Control Seminar in Tokyo in early 1997 were warmly welcomed by participants. Argentina will also host a regional seminar on non-proliferation matters, in Buenos Aires, in the first week of December 1996. France will organize a seminar for French-speaking countries on the implementation of the CWC. This will take place shortly before entry into force of the Convention.

The meeting also discussed relevant aspects of terrorist interest in CBW and agreed that this serious issue requires continuing attention.

Participants agreed to hold further consultations in October 1997.

AUSTRALIA GROUP COUNTRIES WELCOME PROSPECTIVE ENTRY INTO FORCE OF THE CHEMICAL WEAPONS CONVENTION

The countries participating in the Australia Group warmly welcomed the expected entry into force of the Chemical Weapons Convention (CWC) during a meeting of the Group in Paris in October 1996. They noted that the long awaited commencement of the CWC regime, including the establishment of the Organization for the Prohibition of Chemical Weapons, will be an historic watershed in global efforts to abolish chemical weapons for all time. They also noted that all states adhering to the CWC are obliged to ensure their national activities support the goal of a world free of chemical weapons.

All of the participating countries reiterated their previous statements underlining their intention to be among the original States Parties to the CWC. They noted that 24 of the 30 countries participating in the Australia Group have already ratified the Convention. Representatives also recalled their previous expressions of support for the CWC, and reaffirmed these commitments. They restated their view that the effective operation and implementation of the CWC offers the best means available to the international community to rid the world of these weapons for all time. They called on all signatories to ratify the CWC as soon as possible, and on the small number of countries which have not signed the Treaty to join the regime and thereby contribute to international efforts to ban these weapons.

Representatives at the Australia Group meeting recalled that all of the participating

countries are taking steps at the national level to ensure that relevant national regulations promote the object and purpose of the CWC and are fully consistent with the Convention's provisions when the CWC enters into force for each of these countries. They noted that the practical experience each country had obtained in operating export licensing systems intended to prevent assistance to chemical weapons programs have been especially valuable in each country's preparations for implementation of key obligations under the CWC. They noted in this context, that these national systems are aimed solely at avoiding assistance for activities which are prohibited under the Convention, while ensuring they do not restrict or impede trade and other exchanges facilitated by the CWC.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I yield myself 1 minute.

Mr. President, I have received a very fine statement by a distinguished former Member of this body, Malcolm Wallop of Wyoming, a gentleman and Senator whom I admire very much. He is now chairman, by the way, of the Frontiers of Freedom. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BAD TREATIES DO MAKE SECURITY PROBLEMS WORSE

(By Malcolm Wallop)

On Thursday, April 24th, the U.S. Senate will debate and vote on ratification of the Chemical Weapons Convention. As is the case with many pieces of legislation like the Endangered Species Act and The Comprehensive Antiterrorism Act of 1995, the Chemical Weapons Convention sounds great. Who can be against the Convention except those who like chemical weapons? Dig deep, however, and you will find how bankrupt and harmful the Chemical Weapons Convention can be, if ratified. Ken Adelman, noted arms control expert and proponent of this Convention, admits forthrightly, in a Washington Post op-ed that "no accord banning all chemical weapons can be verifiable in any real sense. The convention's verification provisions may help somewhat, but not all that much."

This reality virtually assures that the treaty will be violated by many who sign up, as well as having no effect whatsoever on several dangerous chemical weapon states—such as Iraq, Syria, North Korea and Libya—that have said they will not become parties.

With this devastating admission, virtually the only argument left for the Chemical Weapons Convention is the proposition, as Adelman puts it, that "standards and values violated are better than no standards or values at all." According to this logic, we will be better off being party to a treaty that cannot and will not reduce the chemical weapons threat because of the civilizing effect such "international norms" create.

The implication is that the "international norm" will somehow enhance our security. In fact, quite the contrary is true—as former Secretaries of Defense James Schlesinger, Donald Rumsfeld and Caspar Weinberger observed in a Washington Post op-ed dated March 5th.

That this can happen with even relatively practical "international norms" can be seen in one cited by Adelman, himself in a follow-up to the March 5th op-ed—the Nuclear Non-Proliferation Treaty. Even its strongest ad-

mires recognize that this treaty has a terrible flaw: Its "Atoms for Peace" provision which permits the sharing of nuclear weapons-relevant technology with countries that promise not to apply it to that end. One rogue nation after another has violated this promise, giving rise to a large and growing number of undeclared or incipient nuclear weapon states. Unfortunately, a similar flaw has been built into the Chemical Weapons Convention, virtually assuring that this new "norm" will produce more proliferation of chemical weaponry, not less.

If anything, Mr. Adelman, as a spokesperson for proponents for the treaty; exaggerates the value of unverifiable, unenforced "international norms" which validates a central concern expressed by the three Secretaries: Such "norms" frequently induce a false sense of security in law-abiding societies.

This dangerous placebo effect of defective arms control agreements is especially evident with respect to another "international norm" lauded by Mr. Adelman, namely, the Biological Weapons Convention. Adelman contends that this treaty—which he acknowledges lacks "even a pretense of verifiability"—has, nonetheless, "served us fairly well."

Regrettably, this Convention has not prevented the spread of biological weapons and related technology to virtually every dangerous country on the planet. The "international norm" created by the Biological Weapons Convention has, however, encouraged the United States government to remain woefully unprepared to deal with the threat such weapons pose.

This point is dramatically made in the cover story of the March 14-20, 1997 edition of Washington City Paper. This article is entitled "Margin of Terror—The Government has One Clear Strategy for Responding to a Terrorist Attack on Washington: Pray."

It describes in detail how the United States' systematic failure to ready the resources and emergency personnel—to say nothing of the American people—to contend with the nightmare of weapons of mass destruction in the subways or other public spaces of cities like Washington could easily translate into hundreds, if not many thousands, of casualties.

The U.S. military has proven no more immune to the seductive effects of ineffectual "international norms" created by unverifiable arms control treaties. Operation Desert Storm illuminated serious shortfalls in the armed services' capability to operate and prevail in combat should chemical and/or biological weapons be used. These shortfalls persist today to varying degrees thanks, in part, to illusion that "international norms" will make that sort of combat unlikely.

Overstating the value of international accords has one other deleterious effect: It tends to make the United States and other law-abiding states reluctant to respond to violators of such accords. As with President Clinton's successive decisions to grant MFN to China—despite its repeated violations of undertakings concerning human rights and the curbing the spread of nuclear weapons and missile technology, the argument is always made that larger national interests must be taken into account. When the United States winds up ignoring violations in the interest of preserving an arms control regime, however, the effect is not only to invite further violations but to undermine the value of the "international norm" thus created.

Those who believe that arms control can make a measurable contribution to U.S. security and civilized intercourse between states have a special responsibility to avoid debasing the currency of international law.

Unverifiable, unenforceable accords do not promote valuable "international norms" any more than unverifiable, unenforceable domestic statutes like Prohibition lead to a sober and law-abiding society. The difference is that the former threaten to make arms control a sham—an outcome that can translate into incalculable harm to our Nation and its people.

(Malcolm Wallop represented Wyoming in the United States Senate from 1976-1995 and is currently chairman of the Frontiers of Freedom Institute, a non-partisan, public policy organization located in Arlington, VA.)

Mr. HELMS. Mr. President, I yield 20 minutes to the able Senator from New Hampshire, a great patriot, BOB SMITH.

Mr. SMITH of New Hampshire. Thank you very much, I say to Senator HELMS.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from New Hampshire.

Mr. SMITH of New Hampshire. Thank you, Mr. President.

I thank the distinguished chairman of the Foreign Relations Committee for his tremendous leadership on this matter. He has been steadfast. I have been in a number—several hours and days—of meetings with him as he has tried very hard to get this treaty into a position where it could be acceptable to some of us—to all of us. But in this case, Mr. President, I have to maintain my opposition to this convention.

Contrary to the assertions of its proponents, this treaty will not advance our national interests, and as a Member of the U.S. Senate, I must put the national and sovereignty interests above all others when it comes to votes here on the Senate floor. This is a flawed accord that will undermine our security and create a massive, unfunded regulatory burden on U.S. companies. And the Senate should reject it.

Let me make clear, I do not object to the goal of eliminating chemical weapons, although those of us who have taken a position in opposition to this treaty will be accused of that, and have been. In fact, as a member of the Armed Services Committee, I have consistently supported funding for our Nation's chemical demilitarization program. Certainly, we all support the goal of eliminating chemical weapons.

But this treaty will not accomplish that goal. Sometimes we forget that fact as we debate these issues that have a great-sounding name. It does not even come close. For the benefit of my colleagues, I want to highlight some of the most egregious problems with this treaty.

First of all, it is not a global treaty. Its advocates would have you believe that it is. It is not global. In fact, many nations believed to have active chemical weapons programs, such as Iraq, Libya, North Korea, and Syria, have not even signed on to the treaty and they are not bound by any provisions.

Additionally, other confirmed or suspected chemical weapons nations, such as India, Iran, Pakistan, and Russia,

have signed the treaty but do not seem very likely to ratify it or even comply with it.

For the life of me, I cannot understand how anyone could possibly stand here on the floor of the U.S. Senate and say this is a global treaty if the most heinous anti-American regimes on the face of the Earth are not even a party to it. They are going to be making chemical weapons, and nobody can do anything about it. That is like saying we have a global treaty outlawing terrorism, but Iran, North Korea, Syria, and Lebanon are not a part of it. Why not have another treaty and outlaw terrorism? Well intended; great goal. Why not just pass a treaty and we will outlaw it? That will be the end of it.

It is absurd, not to mention patently false, to allege that this Chemical Weapons Convention is a global treaty. Iraq used chemical weapons on its own citizens in the last decade—on its own people. How can we have a global treaty banning chemical weapons without Iraq? Could somebody please answer that question for me? It is not global. And we are not banning chemical weapons in Iraq. We are inspecting the devil out of Iraq and we still do not know what they are doing and what they can and cannot do.

Mr. President, not only is this treaty not global, it is not verifiable according to the U.S. intelligence community, not according to Senator SMITH, but the U.S. intelligence community.

In testimony before the Foreign Relations Committee, former Director of Central Intelligence, James Woolsey stated:

The chemical weapons problem is so difficult from an intelligence perspective that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale.

This is not exactly a ringing endorsement for this treaty, particularly when it is coming from a person who is representing an administration that supports it and that is bringing it here to the Senate. Let us be honest, there is no way we are going to be able to verify compliance, and everybody on this floor knows it. The proponents, as well as the opponents, know that.

The United Nations Special Commission on Iraq was established following the gulf war to oversee the dismantling of Iraq's chemical, biological, and nuclear weapons programs. There have been over 1,000 inspectors searching every nook and cranny in Iraq for the past 5 years, yet we continue to uncover new evidence and new revelations regarding Iraq's programs to develop weapons of mass destruction.

I say to my colleagues on the floor, now that you have seen all these inspections, you all feel very comfortable, I am sure. Now you have the full knowledge that Iraq does not have any chemical weapons or any biological weapons or any nuclear weapons. Everybody feels real comfortable with that. We have inspected them, so everybody is certain. Right.

Iraq is the most heavily monitored and inspected country on Earth. We have more access to Iraq than the chemical weapons treaty will ever provide for any country. If we cannot determine after 5 years just how large and sophisticated Iraq's chemical weapons program is, how on Earth are we going to be able to verify compliance for the dozens and dozens of countries supposedly bound by this treaty? The answer is simple. We cannot. We are not going to be able to do it.

We will move into classified session later on, tomorrow, to more fully examine the intelligence community's assessment. I urge my colleagues to come to that session and listen to the facts from our intelligence community.

Noncompliance is not something to take lightly. Without adherence by all parties, no treaty is worth the paper it is written on—never has been, never will be. But we cannot verify this treaty. We know for a fact that some of its signatories have routinely and repeatedly violated other treaties in the past. So they have a track record.

Russia has the world's largest chemical weapons arsenal. The former Soviet Union routinely violated its arms control obligations whenever it was convenient, whenever it was in their best interest. Russia remains in violation of the Biological and Toxic Weapons Convention and the CFE treaty. Thus, it is clear that the cold war pattern of noncompliance did not end when the Soviet Union ended.

Russia has also made clear that it has no intention of ratifying the chemical weapons treaty or complying with its provisions unless the United States provides a massive aid package to pay for destruction of its arsenal. Mr. President, where I come from in New Hampshire, this is called blackmail. That is what it is. And I object to it. We are already committed to spending \$12 billion to eliminate our own chemical weapons arsenal. Are we supposed to foot the bill for Russia's as well now?

Let us not forget we are already giving Russia billions of dollars in ransom for the START I and START II treaties, even though they have yet to ratify START II. With the hard-line Communists and nationalists gaining 33 percent of Parliament seats in the recent Russian elections, can anyone actually believe that this situation is likely to improve? I do not think so.

Russia is not implementing the 1990 bilateral destruction agreement in which it pledged to substantially reduce its chemical weapons arsenal. The DIA stated Russia is moving so slowly that no meaningful reduction of its arsenal is likely to occur in the next decade. These are facts that the proponents do not want you to hear, Mr. President. The DIA has expressed skepticism regarding the veracity of Russia's data declarations. It appears highly likely that Russia has grossly underreported its chemical weapons arsenal.

Finally, it has been widely reported in the international publications that

Russia is developing new binary weapons that are highly lethal, yet contained none of the chemicals—none of the chemicals—listed on the treaty's schedules. If this is true, Russia will be capable of circumventing this treaty in a very significant and, frankly, destabilizing way. We will be considering this issue in more detail during the closed session, but I want to say here and now that this is a very, very big problem and it ought to be looked at very closely.

It gives me no pleasure to take the floor of the Senate and raise these troubling issues. I would like to be for this treaty. I wish it banned all chemical weapons. But the fact of the matter is, it does not, and I have a constitutional responsibility to look carefully at these issues and act in a manner that I believe advances our national security.

This treaty is deeply flawed—deeply flawed. No amount of public relations spin, no amount of pressure from the White House or from anybody else can change that issue. Certainly it is not going to change this Senator's mind.

I know that many of my colleagues think that since the cold war is over arms control issues do not matter anymore. I know many Members who would just as soon focus on issues that seem to be drawing more attention in the polls. But as the stewards of national security, we do not have that luxury. We cannot afford to sweep these issues under the rug for the convenience of political expediency.

Mr. President, in addition to these important national security considerations, I want to highlight for my colleagues the enormous burden that this treaty will place on U.S. businesses. Under the treaty, there would be two basic types of inspections: routine and challenge. Routine inspections are to be directed at sites producing chemicals that present the greatest risk of diversion to weapons uses. A nation could be subject to up to 20 routine inspections per year, and a specific site up to two routine inspections. Challenge inspections would occur by request by a party to the treaty and can take place with very little advance notice. There is no limit to the number of challenge inspections that can take place.

The United States also, Mr. President, will be obligated to pay 25 percent of the operating expenses of this organization. Does that sound familiar? Think of the United Nations and other international organizations where we wind up footing most of the bill. Membership on the Executive Council is determined by a rotating regional formula, with the majority of seats allocated to third world countries. The United States would not necessarily be represented on the council at all times and there is no U.S. veto, as there is in the U.N. Security Council.

This represents a new open-ended entitlement for another United Nations-

style bureaucracy. I cannot believe that we are going to agree to pay 25 percent of the cost when we are having so much difficulty injecting fiscal discipline into the existing foreign aid bureaucracy which Senator HELMS has been trying to change for years. Why should we pay such a grossly disproportionate percentage when Russia, who has the world's largest stockpile, pays 5.6 percent—while we pay the 25 percent?

It is estimated that somewhere between 3,000 and 8,000 companies, perhaps more, will be affected by this treaty—3,000 to 8,000 U.S. companies. The treaty creates a massive program of reporting requirements for companies, companies that produce or use regulated chemicals.

I would ask my colleagues, do you really think the rogue nations, the North Koreans, the Libyas, the Irans, or the Iraqs, and others, are going to be subject to this? Do you really think they care that we are harassing our own companies? They are probably getting a good laugh out of it, Mr. President.

The individual companies are required to assume all costs associated with this compliance, including filings, escort and administration of routine inspections, challenge inspections, and in some circumstances, American businesses may even be required to shut down production during the inspection period. Failure to comply with the regulations could result in a company being fined up to \$50,000 per incident—per incident.

The Defense Department has estimated the cost imposed on a company with a large facility could be as high as \$500,000 per inspection, while small businesses should expect inspections to cost between \$10,000 and \$20,000, all on U.S. businesses on something that does not ban chemical weapons in other countries.

Each international inspection team will be accompanied by representatives of the U.S. Government. According to the administration, it is possible the representatives of the Environmental Protection Agency and OSHA could also serve as escorts to come into your business and have a good look at what you are doing—maybe something very personal, very private, something you would not want your competitors to have. But under the treaty, the EPA can walk right in, have access to the whole facility, perhaps even take a few samples, a few products. Who knows—take some records.

It is clear, Mr. President, that this treaty and the accompanying implementing legislation that the administration has requested represents a massive, unfunded mandate on U.S. businesses. It is staggering. I cannot believe that this Senate is prepared to do this injustice to businesses here in America and, frankly, injustice to ourselves as a nation. At a time when your constituents are crying out for relief from onerous and burdensome regula-

tions, here we go again. The problem is, other nations who get to inspect our facilities have a lot more to gain than we do by inspecting theirs. The limited military-related intelligence that we may gain is far outweighed by the industrial and commercial intelligence that other nations will derive from our companies. That is why nations like Iran are signing on to this treaty, because they want that information. They will have access to that information, if not directly, certainly indirectly even if they are not one of the inspectors.

Most chemical manufacturers have not considered the effect of this treaty. Frankly, I am disappointed in some of those manufacturers because they have not thought it through. But they will be back, Mr. President. If we pass this, they will be back and they will be back with tears in their eyes because they are going to be very, very sorry that they supported this treaty.

In fact, I know of one example where an individual called my office purporting to represent the CMA in support of the treaty. When questioned on the details of the treaty and the implications for U.S. businesses, the individual became frustrated, claimed ignorance, and stated that the CMA told him to make the calls. He admitted not knowing much about the treaty and quickly ended the call. That is pretty sad, Mr. President.

If that is the kind of expertise being brought to bear in this lobbying campaign we are faced with, I think it raises more serious questions as to the merit and true nature of this endorsement by CMA.

Additionally, while CMA's support is an important factor to consider, it is important to recognize that CMA does not even represent a majority of the businesses affected by the treaty. According to the Arms Control and Disarmament Agency, 60 percent of the companies affected by the treaty are not CMA members.

In fact, most of these non-CMA companies are smaller businesses who are most likely to be harmed by the increased regulatory burden. They have the most to lose. Yet, they are the ones that are overlooked by the treaty's proponents.

Mr. President, since last fall, when the Clinton administration abruptly requested that the Senate defer consideration of the treaty, I have worked very closely with my colleagues in the Senate, including Senator KYL and Senator HELMS and others. I have attended numerous meetings with the President's National Security Adviser to explore possible conditions to protect U.S. national security, and, to their credit, the administration and others did work hard to address many of those concerns, and many have been addressed. But there are still some that I just cannot, in good faith, allow to go unchallenged.

In the end, we are not able to agree on all of these issues. That is the na-

ture of democracy. We discuss issues, debate policy, find common ground, and compromise where we can. We compromised 28 times.

It is important to understand, though, that reasonable people can and do disagree on the merits of this treaty. I want to make it very clear that I have no problem with any of my colleagues in terms of how they arrived at their votes. That is their vote, and I respect that, I recognize that. In fact, it is healthy. While I strongly oppose this treaty, I don't impugn anyone's motives or character for taking an opposing viewpoint. Having said that, it is regrettable that those of us deeply troubled by the lack of participation in this treaty by Iran, Syria, Libya, and North Korea, and by the inherent unverifiability of the treaty, by the fact that nations such as Iran will gain access to sensitive data on our chemical defenses. Now, people have said that is not going to happen. Well, we will see. If this treaty passes, we will see, because they can be part of the inspection team and can have access to that information.

Anyway, we are accused of being somehow in favor of chemical weapons because we take this position. It seems that when those of us who are conservatives want to stand by our principles, we are "crazy people" or something. But when you are liberal and you stand by your principles, you are thoughtful and considerate and compassionate. Well, maybe I am missing something somewhere.

It is very easy for the media and the advocates of the treaty to demagog this issue. Some in the media have demagoged it. Some in the media in my own State are demagoging me and the treaty. That is their prerogative. But they are not here on the Senate floor—I am. Some in the media in my State may not like that fact, but I am here as an elected representative for the State of New Hampshire. I am sworn to uphold the Constitution and to defend the national security interests of the United States. Yes, if there is a treaty violating those, I am going to be opposed to it.

While I wholeheartedly support the objective of banning chemical weapons, this doesn't ban chemical weapons. If somebody can stand up here and tell me how we are going to get access to all of Iraq and be certain that we are not going to have chemical weapons there, and all of Libya and North Korea, and can prove that to me, I will support the treaty. That is why we have this amendment, this provision on rogue nations. I don't believe this requires that the Senate rubber stamp any treaty dealing with chemical weapons. We have some very respected people, including four former Secretaries of Defense—that was testified to here before—who oppose this treaty.

In the medical world, the wrong medicine can kill a patient even if it is prescribed with the best of intentions. The same holds true with national security.

I have no doubt that the advocates of CWC believe that it will cure the plague of chemical weapons. But that is the wrong medicine and it won't work.

I want to conclude my remarks by summarizing some of the more important arguments against this treaty.

First, it is not global.

Second, it is not effectively verifiable.

Third, there are no technical means to detect undeclared stockpiles of chemical agents or weapons.

Many of those who have signed the treaty are either unlikely to ratify it or to comply. Does anybody really believe that Iran will be a responsible party to this treaty? When is the last time we had access to all of the countryside in Iran and all of the industry and buildings in Iran? Why should we believe that this treaty is going to make us do that?

Article X of the treaty will require us to share detailed information on our own chemical weapons defenses with all other signatories to the treaty, good and bad signatories to the treaty, friends and enemies.

Thousands of U.S. businesses, many of them vulnerable small businesses, will be exposed to costly annual reporting requirements that they can't afford. Direct costs to U.S. industry are estimated to be over \$200 million a year.

It goes on and on and on, Mr. President. It is just incredible.

Challenge inspections, which basically you could not do under our Constitution, are unlimited in number and may violate the fourth amendment, which guarantees the rights of individuals and their property against unreasonable search and seizure.

Mr. President, it is clear that this treaty falls short of achieving its objectives and its goals. In fact, it doesn't even come close. As we will see later in the classified session, the stakes are high. We have little to gain and a great deal to lose.

I urge my colleagues to reject this treaty. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Jeff Severs be given the privilege of the floor for this day.

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

Mr. LEVIN. Mr. President, I yield 15 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I have been involved with the chemical weapons debate and negotiations for a convention like this since its beginning. During the Reagan administration, at the suggestion of Ambassador John Tower, former Senator John Tower, I spent a month in Geneva during an August recess auditing the beginnings of the negotiations that led up to this Chemical Weapons Convention. John Tower even loaned me his home in Geneva to live in during that period. He and I agreed that negotiating a satis-

factory chemical weapons treaty was an objective that had to be achieved, because we shared the feeling that the world was becoming a very dangerous place to live in because of chemical and biological warfare developments. We felt the United States needed to show leadership in reducing some of the dangers whenever possible.

This convention before the Senate could be improved. The START treaties could have been improved. However, under those treaties, the United States and Russia will significantly reduce their numbers of nuclear warheads and reduce the risk of nuclear war. The Conventional Armed Forces in Europe Treaty could have been improved. Yet, today we no longer have Russian and NATO forces bristling with tanks, cannons, and fighter aircraft facing each other across the border in numbers that reminded many of Armageddon.

The Chemical Weapons Convention does move the world toward a goal of bringing order and accountability to the production and transportation of weapons of mass destruction. This is a convention that has required the negotiating concurrence of 74 countries. I will never forget sitting around those rooms in Geneva while we waited for the representatives of the various countries to state their positions.

To require this convention to be perfect asks the impossible. To expect it to be an effective tool in controlling chemical weapons is reasonable. This convention does provide an inspection regime that will allow our inspectors to monitor potential chemical weapons production and transportation more effectively than without the convention. And protections are built into the convention so that U.S. companies producing chemicals are not going to have their manufacturing processes compromised, and, obviously, we do not amend the Constitution of the United States by approving this convention.

For me, this convention enhances the security of our forces deployed abroad, as well as throughout our whole Nation. The Joint Chiefs of Staff support the Chemical Weapons Convention. Generals Colin Powell and Norman Schwarzkopf support the convention. Former Secretary of State Jim Baker and former National Security Adviser Brent Scowcroft support this convention. Former CIA Directors, Jim Woolsey, Stansfield Turner, and John Deutch, support this convention. I could go on and on with the list, Mr. President.

But, to me, it is not the former or present officials that should have an impact on this Senate. It is the men and women in uniform. They are in harm's way. They know now that many of their predecessors who served us in the Persian Gulf war, men and women there in uniform, were exposed to some type of a chemical weapon in Iraq. It is for them that I speak, because I think, universally, they are now worried about what this Congress is going to

do, or not do, in trying to find some process of protecting them against chemical and biological warfare.

In its essence, I believe that the United States has a responsibility for world leadership. This leadership is more graphically demonstrated in this legislative body than anywhere I know, because passage of the resolution of ratification will show our leadership in the effort to contain chemical weapons, just as Senate support for START I showed the United States' commitment to nuclear weapons reduction.

I encourage the Senate to vote in favor of this resolution of ratification and support the Chemical Weapons Convention as it was presented to us.

I ask unanimous consent that two articles from today's papers be printed in the RECORD. One article is by Samuel Berger, in the Washington Times, entitled "The CWC Imperative"; the other is by Gen. Thomas McNerney and Stanley Weiss, in the Hill newspaper.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, April 23, 1997]

THE CWC IMPERATIVE

(By Samuel R. Berger)

Tomorrow, the Senate will vote on the Chemical Weapons Convention. After years of international negotiation and domestic debate, the Senate faces a clear choice; we can continue to lead the widening international commitment to begin banishing poison gas from the earth and head the effort to make it work. Or we can walk away from a treaty we helped write, deny our soldiers and citizens its benefits, expose our companies to its penalties, and put America on the same side as pariah nations like Libya and Iraq.

This treaty will take effect next week—with or without us. That's why the real test of the Chemical Weapons Convention is not whether it's perfect, but whether we will be better off inside or outside it. By that basic measure, this treaty is overwhelmingly in our national interest.

First, this treaty will help protect our soldiers by requiring other countries to do what we decided to do years ago—get rid of chemical weapons. The treaty will also make it harder for rogue states and terrorists to get or make chemical weapons. By eliminating existing stockpiles, it will remove the single largest source of weapons that they could steal or buy on the black market. By imposing new controls on the transfer of dangerous chemicals, it will help put the raw ingredients for such weapons further out of reach.

Finally, by giving us new tools for verification like short-notice, on-site inspections, creating a global intelligence network, and strengthening the authority of our own law enforcement, this treaty will make it easier for us to prevent and punish those who seek to break its rules.

Two and half months ago, President Clinton and Senate Majority Leader Trent Lott established a process to work through the concerns of some senators about the treaty. As a result of this effort, and negotiations led by Sen. Jessie Helms and Sen. Joe Biden, we have reached agreement on 28 conditions that will be included in the treaty's resolution of ratification. Among them are binding commitments to maintain strong defenses against chemical attack; allow the use of riot control agents like tear gas in a wide

range of military and law enforcement situations; and require search warrants for any involuntary inspections of an American business. These conditions resolve almost all the issues that have been raised about this treaty.

Almost, but not all. Opponents insist on a handful of additional conditions, each of which would make it impossible for us to participate in this treaty. One would have us wait to join until Russia does—giving cover to hard-liners in Russia who want to hold on to their weapons. Another would have us wait until rogue states like Iraq become members—delaying our chance to use the treaty's tools against these international outlaws and giving them a veto over our national security. Another would impose an unrealistically high standard of verification—and risk our ability to protect our troops by using the treaty's already tough provisions to detect cheating that is militarily significant.

Two other killer conditions would require us to re-open negotiations on the treaty. First, some critics mistakenly believe that the treaty requires the United States to provide advanced chemical weapons defenses to rogue states. In fact, only countries that have joined the CWC, renounced chemical weapons and destroyed their stockpiles can request assistance—and then, only if they are threatened with chemical weapons by a non-party. President Clinton has committed to the Senate that if a country of concern such as Cuba or Iran should meet the strict conditions for aid, the United States will restrict our assistance to emergency medical supplies—and to use our influence as member of the CWC to prevent other states from transferring equipment that could harm our national security.

Second, some opponents misread treaty language to conclude that the CWC would somehow facilitate their spread. President Clinton has made it clear we reject this far-fetched interpretation. He has committed to maintain strict U.S. and multilateral export controls on certain dangerous chemicals and obtained the same assurance from our allies.

If the Senate approves any of these "killer conditions," it will mean foregoing this treaty's clear costs. We will be denied use of the treaty's tools against rogue states and terrorists. We will lose the ability to enforce the rules we helped make. We will subject our chemical companies to trade restrictions that could cost them hundreds of millions of dollars in sales. And we will send a clear signal of retreat that will undermine our leadership to stop the spread of weapons of mass destruction.

That must not be allowed to happen. While the Convention is not a panacea, it represents a real opportunity to strengthen the global fight against the threat that no one nation can meet on its own. That is why president and legislators from both parties and our military leaders have made U.S. approval of the Convention their common cause. Negotiated under President Reagan and signed under President Bush, the treaty has broad, bipartisan support that includes every chairman of the Joint Chiefs of Staff for the past 20 years and the overwhelming majority of our veterans, chemical manufacturers and arms control experts. As Secretary of State Madeleine Albright has said, this treaty was "made in America." It is right for America, and now, at last, it must be ratified in America.

[From the Hill, April 23, 1997]

CHEMICAL WEAPONS PACT: LET'S MAKE A DEAL

(By Thomas G. McInerney and Stanley A. Weiss)

On one side is President Clinton. He wants the Senate to ratify the Chemical Weapons

Convention (CWC). This model agreement, which bans the production and use of chemical weapons, is supported by an overwhelming majority of Americans, including a "Who's Who" of former officials and military leaders, and has been signed by most of the civilized world.

On the other side is Sen. Jesse Helms (R-N.C.). The Foreign Relations Committee chairman wants to reorganize the State Department, and threatened to keep the CWC bottled up in his committee until this was agreed upon.

Mr. President, Sen. Helms. It's time to make a deal!

Both of them and, more importantly, the American people would come out winners if the Senate votes to ratify the CWC, and the State Department streamlines its operations. Here are three ways to improve the business of diplomacy:

First, cut back on assistant secretaries. The State Department currently houses 19 assistant secretaries focusing on certain regions (East Asia) or functional areas (human rights). Compare this to the Department of Defense where nine assistant secretaries help oversee a budget 10 times larger than the State Department's program budget. The system has evolved into an unwieldy bureaucratic morass. The practical effect of 19 assistant secretaries is overlap and poor coordination.

Second, improve coordination and eliminate layers in foreign aid programs. Here again, a hodgepodge of well-intentioned programs operates with little oversight and coordination. The details should be left to careful negotiation between the State Department and Congress. But, the goal should be to reduce bureaucracies, establish clear priorities, and put these aid programs more closely in the service of our overall foreign policy goals.

Finally, start running the State Department in a more business-like manner. State Department officials rightly tout their important role in supporting American businesses overseas. But as part of this effort, they ought to get their own house in order.

The required management reforms are no secret. The General Accounting Office (GAO), The National Performance Review, and other studies have all reached similar conclusions. Closing unnecessary overseas posts, outsourcing administrative support functions, and rethinking overseas staff structure can save money and improve performance.

Maintaining the status quo is impossible. The GAO estimates that simply maintaining current functions and personnel will require a 22 percent increase in State Department budgets by the year 2000—an unlikely prospect in today's budget environment.

Despite the clear need for action, the State Department management continues to postpone the inevitable. A well-conceived strategy for reconstructing the department does not exist, and Helms is right to demand action.

In return, the Senate should ratify the Chemical Weapons Convention. Americans will be safer with the treaty than without it. The CWC combines an arms-control agreement that bans an entire class of weapons of mass destruction and a non-proliferation regime that forbids trade to any nation in non-compliance.

It will help prevent terrorists and pariah states from getting their hands on materials to make chemical weapons, while ensuring that American manufacturers can continue to successfully compete in the global trade of legitimate chemical products.

America is unilaterally destroying its chemical stockpile. The question now is whether it will become party to a convention

which will go into effect on April 29, with or without U.S. approval. As retired Gen. Norman Schwarzkopf stated in Senate testimony, "We don't need chemical weapons to fight our future wars. And frankly . . . by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I'd just as soon not be associated with those thugs."

If the price of getting two-thirds of the Senate to ratify the CWC is improving the way the State Department works, that sounds like a deal we can all live with.

Mr. STEVENS. Mr. President, it is not an easy position for me to be opposed to friends with whom I normally stand shoulder to shoulder. But I believe we must be motivated by what we believe is in the best interest of the country as a whole. I believe if we took a poll of men and women in uniform today, they would say that the No. 1 threat they fear is chemical and biological warfare. I say that we must lead the world in addressing the consequences of production and use of these weapons of mass destruction, just as we led the world in dealing with the consequences of the proliferation of nuclear weapons. Voting for the Chemical Weapons Convention resolution of ratification will make the world a safer place.

Thank you, Mr. President.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, it is interesting. I have been here on the floor listening to this debate for a period of time, and it is almost as if the arguments kind of pass each other in a strange way. I have, also, on the Foreign Relations Committee, been at the hearings. We keep hearing the same mantra repeated with respect to a number of objections, notwithstanding the fact that either the language of the treaty is going to be changed by virtue of agreements made between Senator HELMS and Senator BIDEN and the administration, or the treaty itself addresses those specific arguments. One of the most interesting repetitive arguments is that this is somehow going to be dangerous for the chemical companies. We keep hearing people say that this is going to be terrible for American industry. But American industry has signed off on it. The Senator from Delaware represents many chemical companies. Fifty-six percent of the economy in the State of Delaware is represented by chemical companies. He hasn't heard from them in opposition. Nevertheless, we hear people repeat that.

Now, obviously, this convention, despite its attributes, is not a panacea for the threat of chemical weapons. None of us who are proposing this convention, I think, are suggesting that this is the panacea. But what it does do, Mr. President, is it contributes, on balance, more to the effort to have deterrence, to expose cheaters and to detect chemical weapons production and

proliferation of any kind of significant military nature than not having it.

Mr. President, although crude chemical weapons have been around for centuries, poison gas unfortunately came of age as a tool of warfare in World War I. First chlorine, then phosgene, mustard gas, and lewisite were introduced onto the battlefields of Europe, burning, blistering, and choking unprotected soldiers and civilians alike. Both because with chemical weapons so closely associated with World War I there is a perception they are an anachronistic threat and are therefore of less concern, and because we became accustomed during 40 years of the cold war to living with the threat of a global nuclear Armageddon, some fail to recognize the magnitude of the threat now posed by chemical weapons. This is a terribly serious mistake.

Modern chemical weapons—nerve agents like sarin, soman, tabun, and VX—are so lethal that a dose as small as 15 milligrams can kill a person. Equally as troubling, chemical weapons are the most financially and technically attractive option for a country—or a terrorist—that sets its sights on developing and producing a weapon of mass destruction. The ingredients for chemical weapons are chemicals that are inexpensive and readily available in the marketplace, and the formulae to make nerve and blister agents are well known. It is no coincidence that chemical weapons are known as the poor man's atom bomb. The U.S. intelligence community estimates that more than 20 nations possess chemical weapons or the capability to make them readily. Still other countries are working to acquire a chemical arsenal. Chemical weapons have proliferated far more widely than the two other types of weapons of mass destruction, nuclear and biological weapons. We ignore this threat at our peril. It is this threat that the Chemical Weapons Convention confronts. And the Senate today and tomorrow has an historical opportunity to address and reduce that threat—to our civilian citizens, to our armed forces, and to the entire world—as we perform our constitutional responsibility of advice and consent with respect to the convention.

Our Nation's highest military and intelligence officials repeatedly have stated that while the Chemical Weapons Convention is no panacea for these threats, America will be safer and we will have greater ability to reduce chemical weapons proliferation, and to identify and remove chemical weapons threats, if the United States and a majority of the world's nations ratify this treaty. The number of signatories is up to 161. Seventy-four nations, including the majority of our allies in NATO and the European Union, have already ratified the convention.

The public outcry over the use of chemical weapons in World War I compelled diplomats to begin work to ban these weapons. These post-war efforts fell short of a complete prohibition.

They resulted, however, in the 1925 Geneva Protocol that outlaws the use of chemical weapons. Negotiations on a more far-reaching prohibition resumed in 1968, focusing on a treaty that would prohibit the development, production, and stockpiling of chemical weapons as well. In 1969, the United States renounced the first use of chemical weapons and initiated a moratorium on their production that lasted 18 years. Five years later, the Senate gave its advice and consent to ratification of both the Geneva Protocol and the Biological and Toxin Weapons Convention. International negotiation toward a Chemical Weapons Convention, however, made little progress until the United States again took the initiative.

In the 1980's, Saddam Hussein's use of chemical weapons against Iran and against his own Kurdish people horrified the international community. Iraq clearly violated its obligations under the Geneva Protocol, but the international community did nothing to punish Saddam for his outlaw behavior. This failure to enforce the Geneva Protocol was a failure of international political will, not of the treaty itself. America's leaders at that time, including many of us in this Chamber, must bear part of the responsibility for not having insisted that Saddam pay a price for his outrageous behavior. Just like a domestic law, an international agreement, no matter how good, is of little use unless it is enforced.

Iraq's flagrant violation of the Geneva Protocol did, however, serve as a catalyst for the negotiators' attempt to complete the Chemical Weapons Convention. Working from a draft treaty text first introduced by then-Vice President George Bush in 1984, the 39 nations hammering out the treaty in the Conference on Disarmament reached agreements on intrusive and far-reaching verification provisions that were included in the Bush draft text. For example, Vice President Bush proposed on behalf of President Reagan "anytime, anywhere" on-site challenge inspections to deter and catch treaty violators. At the time the concept of challenge inspections was first advanced, no nuclear arms treaty yet included even routine on-site inspections of declared nuclear facilities.

Vice President Bush asked for these tough verification measures for good reason. It is much more difficult to monitor a chemical weapons treaty than a nuclear accord. The capabilities of our national technical means—including intelligence satellites—enable us to track the production and deployment of nuclear weapons in other countries with a considerable degree of confidence. Chemical weapons production, however, cannot be monitored from afar with anywhere near the same level of confidence. Aside from using large government facilities to churn out chemical weapons, a government could coopt a commercial chemical firm into making chemical weapons, or manufac-

ture chemical weapons in a factory purported to be involved in the commercial production of legitimate products. The legitimate chemical industry around the world makes products that are important to modern life. Some of the same chemicals and technologies that this industry employs to manufacture fertilizers, pharmaceuticals, pesticides, herbicides, and countless other products could also be used to make chemical weapons. There are literally thousands of industrial facilities worldwide, and we know all too well from the inspections in Iraq in the aftermath of the 1991 gulf war that a determined rogue proliferator can and will use the industrial sector to mask efforts to develop and produce weapons of mass destruction. For these very reasons, the Reagan administration not only pushed for routine data declarations and inspections of government and industry facilities; it also insisted on these unprecedented challenge inspections.

After George Bush was elected President, the Bush administration took a variety of steps to give impetus to the international negotiations. Perhaps most importantly, in May of 1991, President Bush, without waiting for or depending on completion and ratification of the Chemical Weapons Convention, unilaterally forswore any use of chemical weapons by the United States, even as in-kind retaliation on the battlefield. A year and a half later, as one of the last acts of his Administration, Bush sent Secretary of State Lawrence Eagleburger to Paris in January, 1993 to join more than 130 states in signing the Chemical Weapons Convention. Pushing these negotiations through to a successful conclusion stands as one of the most important foreign policy achievements of the Bush administration. We owe the dedicated negotiators from the Reagan and Bush administrations, most notably Ambassador Stephen Ledogar and Arms Control and Disarmament Agency Director Ronald Lehman, a debt of gratitude for their far-sighted proposals and their persistence at the negotiating table. We owe Presidents Reagan and Bush a debt as well—for their leadership and consistent support of this historic arms control initiative.

The convention that President Bill Clinton presented to the Senate on November 23, 1993, which is before us today, is a feasible and pragmatic treaty. Given the inherent difficulty of curbing the proliferation of chemical weapons, America's negotiators did not insist on obtaining a flawless pact—an effort that would have been certain to fail. Instead, the U.S. delegation worked closely with our allies in Europe, Japan, Australia, and Canada to create a realistic treaty with verification provisions that offer a significant likelihood of identifying militarily-significant violations and that will force cheaters to incur higher costs and endure greater inconvenience in order to accumulate a covert chemical weapons

stockpile. It is important to note that the convention's negotiators and advocates have never claimed that it provides an ironclad assurance that the world will become and remain free from all chemical weapons. That is an impossible standard to meet, so it should come as no surprise the convention does not meet it. Instead, the convention makes identification of cheaters more likely; it requires all non-cheaters to dispose of all chemical weapons—which, of course, the United States already was unilaterally committed to doing by law; and it will make it more difficult and expensive for cheaters to cheat.

A very important ally in the negotiations leading to the Chemical Weapons Convention was the U.S. chemical industry. It is counterintuitive to think that the chemical industry would participate in a negotiation that would ultimately bring additional regulation, notably data declarations and inspections, upon itself. To its credit, that is exactly what the U.S. chemical industry, and many of its counterparts in other nations, did. For well over a decade, the U.S. chemical industry provided invaluable assistance to the U.S. delegation and all of the negotiators in Geneva, opening their facilities to test verification concepts and proposing workable solutions for how the data declarations and inspections should operate. With the help of the U.S. chemical industry, the CWC emerged with sufficient provisions and restrictions to make trade in chemical weapons materials more visible and more difficult. The convention's inspectors will watch closely over the global industry, guarding against the diversion of commercial chemicals for purposes of weapons proliferation. At the same time, the treaty contains numerous safeguards that enable the industry to protect its confidential business information to its satisfaction, despite claims to the contrary that are made by some treaty opponents.

I want to be clear that despite all of its attributes, the treaty is not a panacea for the threat of chemical weapons. It can't be. But the convention's primary merit is that it will contribute to deterrence, exposure, and detection of chemical weapons proliferation of a militarily significant nature. By requiring the destruction of existing arsenals and making it much more difficult for future adversaries to acquire or increase chemical weapons stocks, the CWC greatly reduces the prospect that U.S. troops will encounter chemical weapons on the battlefield. Following in our footsteps as we move to unilaterally destroy our chemical weapons stockpile, the CWC will begin to level the international playing field by requiring other countries to eliminate their chemical weapons as well.

That is the balance. That is the judgment we are called on to make in the Senate.

Is this, as the Senator from Alaska was just saying, in the interest of our

country to protect our troops and the long-term interests of our Nation? I believe this convention makes identification of cheaters more likely. It requires all noncheaters to dispose of all chemical weapons, something we can't do today. And, of course, we have already unilaterally decided that we are going to get rid of all of our chemical weapons.

So here we are going down the road of getting rid of all of our chemical weapons, and here you have finally some form of legal structure that will hold other nations accountable.

Clearly the United States must never be complacent about the threat of adversary nations or terrorists armed with chemical weapons.

I respectfully suggest that nothing in this convention and none of those of us who advocate this convention begs complacency.

The convention's critics claim that the treaty will lull us into a false sense of security, resulting in a weakening of our defenses. To the contrary, the convention stipulates that each of its member nations is allowed to maintain defensive programs to develop and test antidotes, gas masks, and other protective gear and to train its troops in how to use them.

So it is really a question of us. I mean that there is nothing in the treaty that lulls us to sleep. The treaty specifically allows us to have defenses. And if we are, indeed, concerned about it, as we ought to be, we will have those defenses, precisely as this administration is offering us with an additional \$225 million of expenditure this year.

So how can you continually come to the floor and say, "Oh, my God, this is going to lull us to sleep" when the administration is providing an additional \$225 million?

It is our responsibility as elected officials to ensure that we maintain a robust U.S. chemical weapons defense program. To do less would be an injustice to our troops, a threat to our security, and a failure on our part to exercise fully our rights under this treaty. One of the 28 conditions to the treaty negotiated by Senators HELMS and BIDEN, and agreed to by the administration, condition 11, explicitly states this determination, and requires the Secretary of Defense to ensure that U.S. forces are capable of carrying out required military missions regardless of any foreign threat or use of chemical weapons.

The Pentagon's view of the convention is unambiguous. In his testimony, Chairman of the Joint Chiefs of Staff Gen. John Shalikashvili stated:

From a military perspective, the Chemical Weapons Convention is clearly in our national interest. The convention's advantages outweigh its shortcomings. The United States and all other CW-capable state parties incur the same obligation to destroy their chemical weapons stockpiles . . . if we do not join and walk away from the CWC an awful lot of people will probably walk away from it as well, and our influence on the rogue states will only decrease."

So here you have the general of our Joint Chiefs of Staff, the Chairman, coming before us and saying, indeed, the problem of the rogue states is not passing the convention. The problem is not having a convention because, if you do not have a convention, you don't have the kind of legal structure and inspection and tracking and accountability that help put pressure on those rogue states and limit the access of the rogue states to the materials with which they make chemical weapons.

The truth is that until the convention enters into force, the actions of any nation, signatory or not, to manufacture or to stockpile chemical weapons will be objectionable but it won't be illegal. Mr. President, it won't be illegal. And it is very hard for this Senator to understand how, against the regimen that we have for inspection—against the intrusiveness that we are acquiring that we don't have today, and measured by the level of destruction of existing stockpiles that is required, the people who today are under no obligation whatsoever to destroy those stockpiles—you could be better off without it against those who have it is really very, very difficult to understand.

General Shalikashvili's last point alludes to an argument often made by the treaty's opponents, who are quick to point out that not all of the countries believed to have chemical weapons will join. Indeed, that is true. Libya, Syria, Iraq, and North Korea have not signed the convention, but three-quarters of the nations on the intelligence community's list of probable proliferators have signed.

The truth is that until the convention enters into force, the actions of any nation—signatory or not—to manufacture or stockpile chemical weapons will be objectionable, but not illegal under any international law or agreement. Some colleagues in this Chamber suggest we defer United States ratification until after Libya, Syria, Iraq, and North Korea have joined. To them I would respond that failure to ratify gains us absolutely nothing with respect to those rogue states. We are in no way aided in meeting our intelligence and military obligations regarding those nations and their chemical weapons activities by failing to ratify the CWC; conversely, we are in no way impeded, and in fact are assisted, in meeting those obligations by ratification. Rather, I agree with the Chairman of the Joint Chiefs of Staff on this matter: We increase our leverage against these hold-out states by ratifying the Convention. We also make it more difficult for those hold-outs to obtain materials they can use in their chemical weapons programs.

Some opponents of the CWC, suggest that it is fatally flawed because adherence to or violation of its requirements cannot be verified.

We keep hearing this. It is interesting. At the hearings I kept hearing two arguments coming out from the people

who said you can't verify it. They say it is too intrusive, that we will give away all of the trade secrets of the businesses, so we can't allow obtrusive verification. They object to it because they think it is going to prevent business from conducting its business. And they go to the other side of the coin, and say, "If we get more intrusive, we are going to be verifying sufficiently but then you lose on the other side." You can't have it both ways. Either it is a balanced effort at verification and at the level of intrusiveness, which is why the chemical companies support this treaty.

Mr. President, the fact is that the very people who have argued for that intrusiveness—the Reagan administration, and most of the principal critics who are making that argument today—are the very people who insisted that the challenge inspections would be essential to the integrity of this convention.

Ironically, the handful of principal critics making this argument served in the Reagan administration and, fortunately, insisted that challenge inspections would be essential to the CWC's integrity. Virtually every inspection provision that the Reagan administration proposed was included in the treaty text when the negotiations concluded in 1992. Their proposals having been accepted, these critics now want to raise the bar even higher.

The CWC's verification provisions will put inspectors on the ground with sensitive equipment and the right to review records, ask questions, go to any part of a facility, and take and analyze samples. These powerful inspection tools are needed to get the job done, and it would be sheer folly for the Senate to deprive the U.S. intelligence community of the information that these inspections will provide. According to former Director of Central Intelligence James Woolsey:

What the Chemical Weapons Convention provides the intelligence community is a new tool to add to our collection tool kit. It is an instrument with broad applicability, which can help resolve a wide variety of problems. Moreover, it is a universal tool which can be used by diplomats and politicians, as well as intelligence specialists, to further a common goal: elimination of the threat of chemical weapons.

Another argument used by critics of the treaty is that Russia does not comply with other arms control treaties and that more of the same can be expected with the CWC. Reports from whistleblowers who worked in the Soviet chemical weapons production complex indicate that in the late 1980's and on into the 1990's, the Soviet Union was developing and testing a new generation of nerve agents. More recent reports suggest chemical weapons research, if not limited production, continues. Russia has declared a stockpile of 40,000 metric tons of chemical weapons—the world's largest—but reports indicate that even these numbers may be incorrectly low.

Mr. President, to the extent these reports of continuing Russian chemical

weapons activity are true, I join treaty critics—and, I confidently expect—all Senators in abhorring this Russian activity. I take second place to no Senator in wanting to use all capability at the disposal of the United States to obtain cessation of those activities, and destruction of all Russian chemical weapons. But treaty opponents seem to have stepped through the lookingglass in Alice in Wonderland. Simply insisting that Russia tell us the truth is no way to get the bottom of this situation. Refusing to ratify the CWC because we are piqued at their behavior is a classic example of what the old cliché refers to as "cutting off one's nose to spite one's face."

The United States greatly increases its leverage by ratifying the CWC, which will put pressure on Russia to follow suit. When Senate debate of the CWC was scheduled in the fall of 1996, it became evident that Moscow was feeling the heat of a pending Senate vote on the CWC. Suddenly, Russian officials backpedaled from a 1990 bilateral destruction agreement, which had not yet entered into force, and stated the CWC's activation should be delayed until the bilateral agreement was underway. This strategy belies Moscow's eagerness to postpone U.S. ratification. I, for one, am not buying it. The longer we wait to ratify the CWC, the more breathing room Moscow has. The time has long since passed to put some real pressure on Russia. Senate ratification of the CWC will do just that.

Another of the treaty opponents' claims is that the treaty requires the United States to share chemical and chemical weapons defense technologies and capabilities with even those party States that are rogue nations or adversaries of our Nation. Some claim that we would be forced to remove our current export controls applicable to chemicals with respect to all other parties to the CWC. Articles X and XI of the Convention are frequently referenced in this context. What is going on here, Mr. President, is very regrettable. The black and white language of the convention itself contradicts that view. And if the convention itself were not sufficiently clear in enabling the United States to refuse to provide any technology or other information or data that could be misused by rogue nations or adversaries, several of the 28 conditions to which bipartisan agreement has been reached directly address these concerns and should lay them to rest in all minds.

Condition 7 requires the President to certify before the ratification documents are deposited that the CWC will in no way weaken the Australia Group of nations, of which the United States is a participant, that has established a cooperative export control regime, and that every single nation that participates in the Australia Group must concur that there is no CWC requirement that would weaken the Group's export controls. Then, annually, certification is required to the Congress that the

Group's controls have not been weakened. Further, the condition requires the President to block any attempt within the Australia Group to change the Group's view of its obligations under the CWC.

Condition 16 requires the President to notify Congress if he ever determines the Convention's secretariat, the Organization for the Prohibition of Chemical Weapons, has willfully divulged confidential business information that results in a financial loss or damage to U.S. company, and to withhold half the United States' annual assessment toward the OPCW's expenses if such a breach occurs and the OPCW does not waive immunity for prosecution of any OPCW official involved in the breach, or if the OPCW refuses to establish an investigatory commission to investigate the breach.

Condition 15 requires the United States not to contribute to the voluntary fund the CWC establishes for providing chemical weapons defense assistance to other parties to the treaty, and, with regard to the CWC requirement for all treaty parties to assist other party nations who have been attacked with chemicals or are threatened with such an attack, the same condition limits U.S. assistance to those nations determined to be adversaries to medical antidotes and treatments.

Perhaps the least credible argument raised by the CWC's opponents is that this treaty would place unreasonable burdens on America's chemical industry. It would seem that those making this argument have not been listening to what the chemical industry itself has been saying for the last two decades. The chemical industry's reasons for supporting the convention are not altogether altruistic, but they are imminently logical. First and foremost, the chemical industry seeks to disassociate itself from the odious practice of making chemical weapons. Equally important, the U.S. industry long ago decided that the Chemical Weapons Convention would be good for business. The convention contains automatic economic sanctions that preclude treaty members from trading in controlled chemicals with states that do not join. The U.S. chemical industry, which is America's largest exporter, views the convention as a way to a more open marketplace. Industry representatives describe their obligations under the treaty as manageable and acceptable; to wit, the CWC will not impose inspections, regulations, intrusions, or costs greater than those already required by other Federal laws and standards.

But it is very important to go beyond the fact that the chemical industry believes the CWC will not impose significantly difficult burdens on its companies—and look closely at the critical fact that U.S. failure to ratify will result in tremendous financial and market share losses—grave in the near term and likely even worse in the longer term—for the U.S. chemical industry. In a letter dated August 29,

1996, the CEO's of 53 of America's most prominent chemical companies bluntly stated: "Our industry's status as the world's preferred supplier of chemical products may be jeopardized if the United States does not ratify the convention." The American chemical industry would be marked as unreliable and unjustly associated with chemical weapons proliferation. If the resolution of ratification of the CWC were to be defeated, it would cost the U.S. chemical industry significant portion of its \$60 billion export business—many in the industry have agreed on an estimate of \$600 million a year—and result in the loss of thousands of good-paying American jobs.

Under the terms of the CWC, some 2,000 U.S. industry facilities—not companies—will be affected by the treaty. Of that group, some 1,800 will be asked to fill out brief data declaration forms and the remaining 200 are likely to undergo inspections. Assertions that the neighborhood "Mom and Pop" dry cleaners, cosmetics firms, and breweries will be involved in this are wildly inaccurate.

In addition, although the industry's representatives explained patiently to Senators that the CWC's onsite verification and inspection procedures will not violate a U.S. company's constitutional protection against undue search or seizure, there is included in the 28 agreed conditions condition 28 that requires the United States to obtain a criminal search warrant in the case of any challenge inspection of a U.S. facility to which the facility does not give its consent, and to obtain an administrative search warrant from a U.S. magistrate judge in the case of any routine inspection of a U.S. facility to which the facility does not give its consent.

The U.S. chemical industry led by the Chemical Manufacturers Association, the Synthetic Organic Chemical Manufacturers Association, and the Pharmaceutical Research and Manufacturers of America have repeatedly and unequivocally requested that the Senate approve the resolution of ratification and pass its associated implementing legislation. Industry's support of this treaty should not be questioned, it should be applauded.

It's surprising to see nonindustry people shouting industry concern when the industry itself was intimately involved in developing the convention and the proposed implementation legislation and is urging the Senate to approve the resolution of ratification. The CEO's or other senior executives of seven major chemical firms with significant operations in my home State of Massachusetts are among those who have repeatedly urged the Senate to approve the resolution of ratification. Frankly, in my judgment, the statements of these executives concerning the effects this convention will have on their businesses are more credible than the contradictory statements of the opponents of the CWC.

Also among the arguments against the convention used by its critics is the assertion that the CWC will cost the American taxpayers too much money. On the contrary, the U.S. share of the CWC's monitoring and inspection regime, approximately \$20 million annually, is far less than the \$75 million annual cost to store America's chemical weapons. This \$20 million of support for the international inspection agency is minuscule in comparison to the amounts we spend for U.S. defenses. This is a small price to pay to institute and maintain an international mechanism that will dramatically reduce the chemical weapons threat that faces U.S. service men and women and establish an international norm for national behavior which is so apparently in the interests of this Nation and, indeed, all the world's people. And, lest the estimates of the costs of U.S. participation prove to be low, included in the 28 agreed conditions is a condition that limits the U.S. annual contribution to no more than \$25 million a year, to be adjusted every third year based on changes in the Consumer Price Index.

The United States led the international community throughout the negotiation of the Chemical Weapons Convention. Three administrations—two Republican and one Democratic—have labored to develop and place before the Senate a carefully crafted instrument that will increase the safety and security of U.S. citizens and armed forces and will do so at very reasonable costs to taxpayers, companies that make and use legitimate chemicals, and American consumers. Former Presidents Ford, Carter, and Bush have spoken out strongly in favor of ratification. Today 1996 Republican Presidential nominee and former Senate Majority Leader Robert Dole announced his support for the CWC coupled with the 28 conditions to which bipartisan agreement has been secured.

Rarely does one see a situation in which it is more important to apply the admonition that we would be wise not to let the perfect become the enemy of the good. Perfect security against chemical weapons is unattainable. I have great hopes that wise Senators will not permit a group of Senators who will not be satisfied by the greatest achievable increase in our security, and many of whom have a basic objection to any international arms control treaty to scuttle a carefully engineered agreement that our military leaders, our intelligence community senior executives, former Presidents of both parties, President Clinton, and 1996 Presidential nominee Dole agree will make all Americans and, indeed, the entire world safer and more secure from chemical weapons.

In closing, I want to commend those who have labored diligently to bring the Senate to this point. Former Senate Foreign Relations Committee Chairman RICHARD LUGAR, with the assistance of his able staff, has done yeoman service and again demonstrated

his capacity as a leader and statesman. Senator JOE BIDEN, the ranking Democratic member of the Foreign Relations Committee, has labored, also with the help of his staff, to bring this treaty before the Senate. Senator CARL LEVIN, ranking Democrat on the Armed Services Committee, and Senate Democratic Leader TOM DASCHLE, each knowledgeable and dedicated, have made considerable contributions to this effort and to the debate. Majority Leader TRENT LOTT's leadership has permitted negotiation of 28 conditions designed to reassure those who in good faith had questions and concerns about various aspects of the treaty. I compliment and thank all of them.

Mr. President the compelling logic of this convention and the breadth and depth of support for it should produce an overwhelming vote to approve the resolution of ratification. I have great hope that the Senate will demonstrate its ability by taking this important step of ratifying this treaty. I urge my colleagues to vote for the resolution.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent, under the new rules governing access to the floor, that Scott Bunton of my staff, be permitted access to the Senate floor as long as the Chemical Weapons Convention is being debated.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I now invite the distinguished Senator from Oklahoma [Mr. INHOFE] to take the floor to make whatever comments he may require.

Mr. INHOFE. I thank the chairman.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

First of all, let me say that there have been a lot of charges made back and forth. And certainly I don't question the sincerity of any Senators who have spoken on the floor, nor any positions they have taken, nor do I question their motives. They clearly think that they are right and that I am wrong. I think I am right. And the right position is not to ratify the Chemical Weapons Convention.

The distinguished Senator from Massachusetts talked about "lulling" people into a false sense of security. There is a very interesting editorial in the Wall Street Journal on that subject—that people are going to believe that something is going to be done with this, that it is going to eliminate or dramatically reduce chemical weapons. We have testimony from very distinguished, well-known, former Secretaries of Defense—four of them—who say that this, in fact, could increase the proliferation of chemical weapons around the world, and particularly in the area of rogue nations.

Let me just address one other thing because my beloved friend, Bob Dole,

came out and changed the position that he had previously had. I certainly don't question his sincerity. But in his letter he said that the conditions or the concerns that he had previously had been met.

I happened to stumble onto the letter that was dated September 11, 1996, from Bob Dole to TRENT LOTT. I will read the last of one paragraph. He says, "I have three concerns. First, effective verification. Do we have confidence that our intelligence will detect violations? Second, real reductions. In this case down to zero."

He is putting an expectation of reducing the use of chemical weapons "down to zero."

"Third, that it will truly be a global treaty."

Mr. President, none of these three have been met—not one of these three conditions; certainly on verification. There is not one person who has stepped onto the floor of this Senate and said that this is a verifiable treaty. Nobody claims that it is. It is not verifiable. People who give us their word that they are not going to do it. That is fine. We can believe their word. Are we going to believe countries who have not lived up to their other treaties? Certainly not.

In the case of real reductions, "down to zero"—getting one to say there are going to be any real reductions. Certainly not down to zero. Nobody has made that statement.

And will it be truly global? We have talked about the countries that are not a part of this treaty. And there are countries that are not like we are. We are talking about people who murder their own grandchildren, we are talking about Iraq, Syria, Libya, North Korea. So obviously, it is not a global treaty in any sense of the term.

In verifiability, it is kind of interesting. After the Persian Gulf war we set up a very meticulous system of verification within the United Nations that gave the inspectors from the United Nations far greater authority than the inspectors would have under this treaty. Yet we find out that in the midst of all of this that Iraq is making chemical weapons as we speak. If you can't do it with the information that they have, and the ability that they have from the United Nations, certainly it is not something that can happen under this treaty.

I have another concern. Mr. President, it is not just those who have not signed or who have not ratified the treaty. I look at some of the countries that have signed and they may or may not ratify. The distinguished Senator from Arizona, Senator KYL, earlier said that 99 percent of the known chemical weapons are in three countries: United States, China, and Russia. And not one of those countries has ratified this treaty. I doubt very seriously that they are going to ratify this treaty.

So we have all of these conditions that we are talking about that assume that, No. 1, those who are signatories

to this treaty are going to ratify it; and, No. 2, the ones that ratify it will do what they have said they will do.

I think it is kind of interesting when you look at Russia, for example. I am not singling them out other than the fact that we have had more treaties with Russia. We have the 1990 Biological Weapons Destruction Treaty; the ABM Treaty that goes all the way back to the 1970's; we have the Strategic Arms Reduction Treaty, START I; the Conventional Forces in Europe Treaty, the CFE treaty; and the Intermediate Nuclear Forces Treaty. In each one of these cases, the country involved—this country being Russia—has not lived up to the provisions of the treaty. In other words, they ratify a treaty. They are a signatory. Then they ratify, go through that elaborate process, and then they turn around and don't live up to it. They have been found in noncompliance by our State Department—this country—in each one of these five.

You have to ask the question: If Russia ratified five treaties and did not comply with any of the five, why would we expect that they would ratify this and not live up to it? One of the conditions that we have is that the Russians will ratify the treaty prior to the time that we would do it. People are saying oh, no, Russia will ratify but only if we do. I would like to remind my friends in this body that I was one of, I think, three Senators who voted against the START II Treaty and they used the same argument at that time. They said you have to ratify this thing, you have to ratify it before Russia because Russia is not going to ratify it if we do not ratify it. This is 2 years later, and they still have not ratified it. So we are still waiting.

So why will you expect if 2 years ago we passed the START II Treaty—and I think the Senator from North Carolina and I were two of the four votes that were against it—they said they were going to ratify after we did, and they didn't do it—why would they necessarily do it?

This global thing is very significant because here we talk about those who have signed the treaty and those who have ratified the treaty and, quite frankly, I do not care if a lot of those who have to ratify this treaty ratify it. I am not at all concerned about Canada, Costa Rica, the Fiji Islands, Switzerland, Togo, Singapore, Iceland. They are not threats to this country, but there are threats out there.

And a minute ago, someone, the distinguished Senator from Massachusetts, quoted James Woolsey, former CIA Director. It is also James Woolsey who said we know there are somewhere in excess of 25 nations that currently have weapons of mass destruction, either biological, chemical, or nuclear and are working on the vehicle means to deliver those weapons. And so if these countries have them, these are not countries that we are friendly with or think like we do.

I have said on the Senate floor several times in the past that I look back sometimes wistfully to the days of the cold war, Mr. President, when they had two superpowers, the U.S.S.R. and the United States of America. We had an intelligence system that was pretty well informed. We pretty much knew what they had, and they pretty much knew what we had. Even though they were a threat to this Nation, certainly they were a threat and a quantity that could be measured and we could anticipate. Now we have countries like Iraq, and we have people, as I said before, who murder their own grandchildren and we are talking about the Qadhafis, Hafez Assads and those individuals who, I think, are a far greater threat in terms of what is available in technology out there with weapons of mass destruction including what we are addressing today, and that is chemical weapons. So the threat is a very real threat that is out there.

I understand from some of my close friends, Republican friends, that there are some of these conditions that they could either take or leave and are not as concerned about whether Russia ratifies the treaty in advance; they are not really concerned about whether there are no inspectors from terrorist countries. I can't really understand that, but they are concerned understandably about article X. And while everyone has put their own interpretation on article X, and instead of putting an interpretation on it let me just read. I hope that all of America could hear the exact wording of this treaty that we are being asked to endorse and to ratify. Section 3 of article X says:

Each State party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

Wait a minute now. We are talking about they would be able to look at what our defenses against chemical weapons are, not just what we have, what our technology is, how they might be able to copy our technology.

Moving on to section 5, it says:

The technical secretariat shall establish—Incidentally, Mr. President, does it bother you, that technical secretariat? I always wondered what happened to sovereignty in this country. We have a group sitting over there someplace; we are not sure who they are going to be, but they are called the technical secretariat—

Not later than 180 days after entry into force of this convention and maintain for the use of any requesting State party a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by State parties.

Now, I look at this as a sovereignty issue again, because I do not know who these people are, but I do know this, that we have a lot of chemical companies in this country that have not been talked about very much. You talk about the CMA. That is, as I understand it, 192 chemical companies. They

are the large ones, but there are somewhere between, it is estimated, 3 and 8,000 companies that would be affected by this treaty. Not all of them are chemical companies but about half of them, so you may be looking at 192 large chemical companies and maybe 4,000 small chemical companies and maybe it would be to their advantage to have very stringent requirements like this that would be a lot easier for large companies to stand behind than small companies.

Finally, Mr. President, I have so much respect for the three former Secretaries of Defense who testified before Senator HELMS' committee, James Schlesinger, Don Rumsfeld, and Cap Weinberger. In fact, I have talked to each one of them, along with Dick Cheney, who would have been there to testify, but he was unable to make that schedule. But he has sent a letter that has been quoted from several times. These individuals all say essentially the same thing. They say that we are being asked to ratify a treaty that is not verifiable, that is not global, that does not have any effect on those countries that are considered to be our enemies, our adversaries out there. And they are out there, Mr. President, and also even those who say they will ratify and comply have demonstrated over and over again, such as Russia, that they have not complied with previous treaties.

By the way, speaking of Russia, it was interesting; last week in *Janes Defense News*, I read that the Russians had developed a type of chemical weapon, and they have developed it out of precursors that are not under this treaty. In other words, there are three precursors that they are using that they can develop these weapons with. So they would not be covered by this. I think maybe that is just a coincidence. Maybe there are other countries out there also that are saying all right, if this Chemical Weapons Convention goes in and we intend to comply with the provisions of it, which they probably are not, what can we do to build chemical weapons without using those precursor chemicals? And they are already doing it.

I would like to share lastly something that all four of these former Secretaries of Defense have said. They have said that there is a very good chance being a party to this treaty and ratifying this treaty could increase the proliferation of chemical weapons as opposed to reducing them. I would read one paragraph out of Dick Cheney's letter, and I do not think anyone is more respected than Dick Cheney in these areas.

Indeed, some aspects of the present convention, notably its obligation to share with potential adversaries like Iran chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all. In my judgment, the treaty's article X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe.

So I would just say, Mr. President, that there has been a lot of lobbying going on, and I know the President's been very busy. I do not know what kind of deals have been made, but I do know that this is not something that is in the best security interests of the United States. I do sit on the Senate Armed Services Committee. I am the chairman of the readiness subcommittee. We are very much concerned about our State of readiness in terms of how to defend against chemical warfare. We deal with this subject every day. I am on the Intelligence Committee. We talk about this. But none of us on those two committees know about this as people such as Dick Cheney. I agree with them. We cannot afford to take a chance on a flawed treaty that could have the effect of increasing the proliferation of chemical weapons.

I thank the Chair.

Mr. HELMS. Mr. President, I yield myself such time as I may require to thank the Senator for his comment. He is right on target.

I have been around this place quite a while, and I have seen Senators come and go but there is one situation that is endemic to the trade. A lot of Senators can be frightened about threats of 30-second television commercials 2 years hence or 4 years hence. But let me tell you something, every kind of television known to man has been used against me about practically every vote I have cast and I am still here. So I have a little policy. I started it the first time I was sworn in. I stood over there five times now taking an oath to uphold the Constitution and to do my best to defend the best interests of this country just as the Senator has and just as the Senator has talked about.

Now, the media have with one or two rare exceptions totally ignored the appearance of the three former Secretaries of Defense who came before the Foreign Relations Committee. And one of them read the letter that the Senator has just alluded to written by Dick Cheney. I wish all Americans could have heard these three gentlemen and read the letter by Cheney because they would understand that no matter about the 30-second commercials, no matter about the news media—I have had it all thrown at me. You can come to my office and look at the wall and see all the cartoons. Every cartoon that they run I put it up on the wall to remind me that the media do not count if you stand on principles and do what you think is right.

Now, I have an idea satisfactory to myself that a lot of Senators wish they could vote against this treaty but they are wondering about the next election. I think they better stop and wonder about the next generation.

I thank the Senator for the fine remarks that he made. I admire the Senator very much.

Mr. INOUE. I thank the Senator.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 7 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, the people of Oregon have firsthand knowledge of the dangers of chemical weapons. Stored at the chemical weapons depot at Umatilla in the eastern part of my State are millions of pounds of chemical weapons. Mustard gas and nerve gas sit in concrete bunkers, a constant reminder of the need for action.

We see and hear constant news reports about the dangers facing children in eastern Oregon every day those weapons sit in those stockpiles.

There is no place in a civilized society for terror weapons like these, and it is not right to have stockpiles of these weapons that put our children at risk. Passing the Chemical Weapons Convention is the most important vote in this Congress for a safer future for our children. This is a time in my view for the United States to lead rather than to retreat. When Presidents Reagan and Bush negotiated this treaty, they fully understood that U.S. leadership was needed to complete it. They knew that full U.S. participation was essential for its work.

Not only will failure to ratify this convention put us in the position of being followers on the world's stage but the provisions built into this treaty to isolate and in fact economically punish those nations which refuse to ratify the treaty are going to apply to the United States if the Senate does not ratify this treaty.

In my State, we believe that we prosper from trade, cultural and other exchanges with the rest of the world and that there would be a threat if we failed to ratify this treaty.

If the Senate allows America to become an outlaw nation, the effects would be felt by every farmer, software engineer, timber worker and fisherman who sell the fruits of their labor overseas.

I would like to for just a brief few minutes review the arguments against this treaty. Some say that it represents a loss of sovereignty, but there is no greater threat to our sovereignty than to run away from our role as a world leader. Some say that this treaty would open our essential industries to espionage, but there is no question that the American chemical companies were consulted on this treaty. They worked closely on the key verification issues and there is enormous support, enormous support among those in the chemical industry to approve this treaty.

Finally, there are those who say verification is unworkable because rogue nations will refuse to ratify it. But the fact is that ratification of the treaty gives our country new access to information about the chemical weapons programs of other nations. If we are denied access to this vital intelligence, then we will be forced to spend even more on our own intelligence to track the chemical weapons threat.

The world is watching the Senate now, watching the greatest nation on Earth and hoping that we will lead the way to ridding our planet of these poisons. I urge my colleagues to join across party lines and approve this treaty, because when it is approved, our world will be a safer place.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico is recognized.

MR. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 633 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. I ask unanimous consent that Peter Lyons, a legislative fellow working in my office, be granted the privilege of the floor for today and the remainder of the debate on this issue.

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

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe it is crucial to American leadership and to the security of our men and women in the Armed Forces and, indeed, to all of us in America, that the Senate provide its advice and consent to the ratification of the Chemical Weapons Convention so that the United States can join it as an original party.

The security of our men and women in the Armed Forces who someday may face the threat of chemicals, the security of our people who constantly face the threat of terrorists and terrorist states that try to get their hands on chemical weapons, all demand that the Senate join as an original party to this convention and ratify this treaty. To ratify it and to make it real, we have to do so without accepting any of the killer amendments that would render this ratification vote useless.

I say this, and I reached this conclusion as a member of the Armed Services Committee who has listened to our military leaders testify before us, who has read the testimony of these leaders who have said that the ratification of this convention is unequivocally in our national security interest because it will reduce the risk of our military forces encountering chemical weapons on a future battlefield.

In 1985, President Reagan signed a law which has resulted in our unilaterally destroying our stockpile of chemical weapons. This process will be completed in 2004. The destruction of our chemical weapons will take place, whether or not the United States ratifies the convention. We are destroying our chemical weapons. We are doing so because we decided they are no longer militarily useful and they are too expensive to maintain and we have all the capability we need to deter attack and to respond to attack. So that

President Reagan, in 1985, proposed and the Congress accepted his proposal that we destroy our chemical weapons. What this convention will do will be to require other nations to do what we are already doing, and that is going to reduce the risk of chemical attacks against our troops and our Nation.

General Shalikashvili, the Chairman of our Joint Chiefs, has had a great deal to say about this treaty. This is what he wrote on April 8. He said that:

The ratification of the Chemical Weapons Convention by as many nations as possible is in the best interests of the Armed Forces of the United States. The combination [he wrote] of the nonproliferation and disarmament aspects of the convention greatly reduces the likelihood that U.S. forces may encounter chemical weapons in a regional conflict. The protection of the young men and women in our forces, should they have to go in harm's way in the future, is strengthened, not diminished, by the Chemical Weapons Convention.

Then he went on to say:

We do not need chemical weapons to provide an effective deterrent or to deliver an effective response.

When the Chairman of the Joint Chiefs of Staff, every member—every single member of the Joint Chiefs, and every combatant commander have reached the same conclusion, that the ratification of this treaty is in our national security interests and will reduce the likelihood of our men and women ever facing chemicals in combat, it seems to me we should listen. When they tell us that we are already unilaterally destroying our stockpile of chemical weapons and that what we are doing by joining this convention is being in a position where we will be able to help reduce the risk that others will obtain chemical weapons, we should listen. And when they tell us that they know that this is not perfectly verifiable but that this will reduce the chances that chemical weapons will fall in hands of terrorist states or terrorist organizations or individuals—when our top military leaders tell us that, we should listen.

They have acknowledged what everyone has acknowledged. There is no way to perfectly verify a chemical weapons convention. But what they have also told us is that following their analysis of this treaty, that because of the intense inspection regime which is provided for here, that we will be able to reduce the risk that any militarily significant amount of chemicals will fall into the hands of an opponent or a future opponent. It is not a matter of perfection, they tell us. It is a matter of improving our current position. That sounds like a security bargain to them and it ought to sound like a security bargain to us. Our senior military leaders have a unique perspective on what makes our military stronger or more secure. And they have agreed. They have agreed that this treaty is good for our security. All the Chiefs of Staff, as I have said, the Chairman of the Joint Chiefs and the combatant commanders have urged that we ratify this treaty.

This is the way General Shalikashvili made that point. He said, "I fully support early ratification of the Chemical Weapons Convention and I reflect the views of the Joint Chiefs and the combatant commanders."

The previous Chairman of the Joint Chiefs, General Powell, spoke very forcefully on this issue just last week. He was addressing the Senate Veterans' Affairs Committee on April 17 during a hearing on gulf war illness, but he said this relative to the convention on chemical weapons:

I think one of the greatest things we can do over the next 2 weeks is to pass the Chemical Weapons Convention treaty. This is a good treaty. It serves our national interest. That is why it was negotiated beginning in Ronald Reagan's term, and I helped participate [The "I," here, being Colin Powell]—I helped participate in those negotiations as National Security Adviser, and that is why we signed it in the administration of President Bush. And I participated in the development of the treaty during those days as Chairman of the Joint Chiefs of Staff and I supported the treaty then and I support it now.

Then General Powell went on to say the following:

There are some uncertainties associated with the treaty and there are some criticisms of the treaty. I think those criticisms can be answered and dealt with. But we should not overlook the simple fact that, with the treaty, the United States joins over 160 nations in saying to the world that chemical weapons will not be used, will not be made, will not be developed, will not be produced, and we will not share the technology associated with chemical weapons with other nations who are inclined to use them inside or outside the confines of this treaty.

Then he went on to say the following:

Not to participate in this treaty, for us to reject the treaty that we designed, we signed, for us to reject that treaty now because there are rogue states outside that treaty is the equivalent of saying we should not have joined NATO because Russia was not a part of NATO. It's exactly because there are these rogue states that we should join with an alliance of over 160 nations to make a clear international statement that these are rogue nations.

And he concludes:

Not signing the treaty does not make them no longer rogue nations. So I think this is a fine treaty and it is one of the things the Senate can do to start to get a better handle on the use of these weapons of mass destruction and especially chemical weapons.

Mr. President, Secretary Cohen addressed the Chemical Weapons Convention at great length before the Armed Services Committee.

I ask the Chair whether or not I have used up the 10 minutes that I allotted myself?

The PRESIDING OFFICER. The Senator from Michigan has 15 seconds remaining.

Mr. LEVIN. I thank my Chair. I will just yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. LEVIN. Now, Secretary Cohen, our former colleague Bill Cohen, has testified before the Armed Services Committee on this subject. He has filed

some lengthy testimony supporting the Chemical Weapons Convention. To summarize what he said, and here again I am quoting:

The Chemical Weapons Convention is both a disarmament and nonproliferation treaty. It is very much in our national security interest because it establishes an international mandate for the destruction of chemical weapons stockpiles, because it prohibits the development, retention, storage, preparations for use, and use of chemical weapons, because it increases the probability of detecting militarily significant violations of the CWC.

And, here he said that:

While no treaty is 100 percent verifiable, the Chemical Weapons Convention contains complementary and overlapping declaration and inspection requirements which increase the probability of detecting militarily significant violations of the convention. While detecting illicit production of small quantities of chemical weapons will be extremely difficult, it is easier to detect large-scale production, filling and stockpiling of chemical weapons over time through declaration, routine inspections, factfinding, consultation and challenge inspection mechanisms. The verification regime should prove effective in providing information on significant chemical weapons programs that would not otherwise be available.

In conclusion, there has been reference to a classified session tomorrow, which will be held relative to advice from the intelligence community.

Relative to this point, I will only say that the Acting Director of Central Intelligence, George Tenet, has said, "The more tools we have at our disposal, the better off we feel we are in our business." And he said that as part of an acknowledgment that we can never guarantee that a power that signs up to this agreement will not cheat. "No regime is foolproof, particularly with regard to these dual-use capabilities. Nothing is going to guarantee success but," George Tenet concluded, "the more tools we have at our disposal, the better off we are in our business."

I also hope that our colleagues will come to that classified session tomorrow. I am very confident that they will conclude, as I have concluded after listening to the intelligence community, that it is very much in our interest, from an intelligence perspective, that we have these tools in our tool kit, and that these additional verification and inspection capabilities are very, very much in our Nation's interest.

This treaty will enter into force on April 29 whether or not we ratify, but our ratification will make a big difference in the effect the treaty has on us and on our leadership in the world. Is it perfect? No, nothing in life is. Is it an improvement to our present position in terms of inspection of other countries? Surely it is, and we should listen to that top uniformed military official, General Shalikashvili, when he tells us our troops are safer, because if we ratify this convention, it is less likely—not certain—but less likely that they will ever face chemical weapons in combat.

Mr. President, I yield the floor, and if my good friend from Rhode Island is ready, I will be happy to yield him 7 minutes. If there is nobody on the other side, I yield 7 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to add my voice to the chorus of support for the ratification of the Chemical Weapons Convention. As a former company commander in the 82d Airborne Division, I have a keen interest in an international diplomatic agreement that will protect soldiers from one of the most terrible perils of war. As a Senator, I believe that the United States has a duty to assume a leadership role in this ambitious, global effort to not only reduce, but eliminate, an entire class of weapons of mass destruction.

U.S. ratification of the Chemical Weapons Convention is a paramount first step in removing the threat of chemical warfare on the battlefield. Soldiers in World War I were the first to know the terror of the release of poison gas. Over 1.3 million soldiers were injured or killed by chlorine and mustard gas during the Great War. This enormous number of casualties led to the negotiation of the Geneva Protocol in 1925 which banned the use of chemical weapons in wartime. Eighty years later, however, young soldiers are still plagued by the dangers of chemical warfare. Many veterans of the Persian Gulf war fight illness and lie awake at night, worrying and wondering, "Was there something in the air?"

But this is not a treaty which will just protect soldiers in a time of armed conflict, it is a treaty which will protect innocent civilians from terrorist attacks. The 1995 Sarin gas attack in a crowded Tokyo subway that killed and injured dozens made this scenario a reality for everyone. It is imperative that we do what is necessary to ensure that such an incident becomes a distant memory rather than a daily fear.

The Chemical Weapons Convention bans the development, production, acquisition, stockpiling, transfer or use of chemical weapons by signatories. It requires the destruction of all chemical weapon stockpiles and production facilities. Parties to the convention must begin to destroy weapons within 1 year and complete the process within 10 years. If we ratify this treaty, we will take an important step toward eliminating the production, storage and use of blister agents, like mustard gas, which destroy exposed skin tissue; of choking agents that inflame the bronchial tubes and lungs and cause asphyxiation; of blood agents that block the circulation of oxygen when inhaled; and of nerve agents that cause the nervous system to overload, resulting in respiratory failure and death. The goal of this treaty is to ensure that these deadly chemicals will never again be dispersed over troops or civil-

ian populations by bombs, rockets, missiles, artillery, mines, grenades or spray.

Chemical weapons are terrifying because they kill quickly, silently, and indiscriminately. Even more disturbing is the fact that their production is easy, cheap and simple to conceal. With a little know-how, a solvent used in pen ink can be converted into mustard gas and a chemical common in pesticides becomes an ingredient in a deadly nerve agent. It must be acknowledged that eliminating chemical weapons is a herculean task. But the Chemical Weapons Convention, which we are finally considering today, addresses this challenge. This treaty is the most comprehensive arms control agreement ever negotiated. It institutes an extensive and intrusive verification regime which will include both government and civilian facilities. International teams of inspectors will conduct instrument-monitoring as well as routine and random onsite inspections of facilities known to work with chemical agents. Furthermore, it allows challenge inspections, without right of refusal, of sites suspected of producing or storing chemical weapons. The convention also requires export controls and reporting requirements on chemicals that can be used as chemical warfare agents and their precursors. In addition, the treaty establishes the Organization for the Prohibition of Chemical Weapons [OPCW], a permanent body which will oversee the convention's implementation and ensure compliance. The enemy is elusive but 162 signatory countries decided this treaty was the best means of waging war against chemical weapons.

In January 1993, President Bush joined dozens of other nations in Paris and agreed to meet the challenge of eliminating chemical weapons by signing the Chemical Weapons Convention. Now some members of this chamber, members of President Bush's own party, are second-guessing that decision. The problem is that if we drag our feet any longer, the United States will be left behind. April 29, 1997 is not an artificial deadline imposed by a political party. One of the provisions of the treaty is that it enters into force 180 days after the ratification by the 65th country, and in 6 days, on April 29, the 74 nations who have ratified the treaty will begin its implementation. If we do not vote to ratify the Chemical Weapons Convention, we will not stop it. In fact, we will not even become a passive bystander. Instead, we will become the target of the trade restrictions that make this treaty so powerful.

Now, no one can say the Senate has not had ample opportunity to consider this agreement. Thirteen years and two administrations ago, President Reagan proposed this treaty to the United Nations. It was approved by the United Nations in 1992 and President Bush signed the convention weeks before he left office. Several months later, President Clinton presented the CWC to the

Senate for consideration. The Committees on Foreign Relations, Armed Services, Intelligence, and Judiciary held 17 hearings over three Congresses. The administration has provided the Senate with over 1,500 pages of information. In the past 2 months, the administration and a task force formed by the majority leader have held almost 60 hours of discussion. Twenty-eight additional conditions, statements, understandings, and declarations to the resolution of ratification have been reached. The overwhelming evidence persuasively argues that now is the time to ratify this treaty.

Ratifying the Chemical Weapons Convention complements the existing military strategy of the United States. We are already committed to unilateral destruction of our chemical weapons. In the early 1980's, the Department of Defense declared about 90 percent of our Nation's chemical weapons obsolete. In 1985, Congress directed destruction of these weapons. President Reagan signed the law that would eliminate approximately 30,000 metric tons of blister and nerve agents by the year 2004. Even President Reagan, one of the greatest advocates of a strong military, decided that chemical weapons were not needed to remain the most powerful fighting force in the world.

We have much to gain by ratification. This treaty will force other nations to adopt the same standard as the United States. The monitoring regime and trade restrictions imposed by the convention will make the production and storage of chemical weapons by rogue states infinitely more difficult and costly. The CWC improves our ability to keep our troops safe and makes the enemy more vulnerable by reducing its options of weaponry.

If we do not ratify the Chemical Weapons Convention, we will abdicate our leadership role in the world. As I have said before, the United States initiated this treaty. It was American leadership that led the negotiations through to completion. It would be irresponsible, both to Americans and the world, to abandon the convention on the eve of implementation. If we do not ratify this treaty tomorrow, the United States will not be able to participate in the executive council which will oversee the implementation of the treaty. Furthermore, U.S. citizens will not be eligible to become international inspectors and serve in other key positions. The ratifying countries will be forced to carry on our idea without us, and the United States will have no choice but to stand aside and watch.

Without our expertise and support, the entire convention may be jeopardized. One of the key elements of the treaty is intelligence gathering. The United States has the most sophisticated intelligence network in the world. If our country refuses to participate, we deny our intelligence community the opportunity to tap into new sources of information and we may

cripple the verification regime by denying the international community the benefits of our knowledge.

In addition, the United States is the only nation with extensive experience in destroying chemical weapons. We are also the only country investing heavily in research and development to find methods other than incineration to destroy these weapons. Without our advice, participants in the convention risk inadvertent but dangerous accidents and may squander scarce financial resources attempting to reinvent the wheel in learning how to destroy weapons. Furthermore, if the entire international community pools its resources, both intellectual and financial, to discover safe, environmentally sound methods of destruction, the development time would certainly be reduced. If we show reluctance to ratify the treaty, we will undermine the confidence and commitment of the entire international community. It is counting on us to continue to lead the way.

There are critics of this treaty, but their criticism, I think, misses the mark. This will not inhibit our business, it will help our chemical business. This treaty is not perfect, but it is a better tool for controlling weapons than having no treaty whatsoever. We are, I hope, committed to the path of destruction of our own weapons and to ensure that the rest of the world follows this very prudent, indeed, noble course.

Vocal critics of the Chemical Weapons Convention claim that it is fatally flawed. They state that we should not ratify this treaty because we will not be able to verify that chemical weapons are completely eliminated. Of course this treaty is not perfect. But we will have increased our capability to find and eliminate large scale production of chemical weapons which can cause the most damage. The verification regime will also enable us to discover production and storage of small quantities of chemical weapons that we have little or no chance of discovering now. The CWC is not a panacea, but no law or treaty is. It is a tool that can help us solve a problem. Isn't it better to use the tool to try and fix the problem rather than simply admit defeat?

Critics also contend that the treaty cannot be effective until all nations, particularly those who are known to possess chemical weapons, ratify the convention. It will be impossible to convince every rogue state to sign the treaty. It is also safe to say that some who sign the treaty will cheat. But the CWC is designed to isolate and cajole those who do not join. The treaty uses a most effective weapon against rogue states—economics. Trade restrictions will be implemented against these nations and they will soon be unable to acquire "dual use" chemicals which they need for the production of common items. As these nations begin to feel the pressures from shortages, they may find it advantageous to sign the treaty. Trade restrictions are one of

the most effective weapons that the international community has.

In an era when balancing the budget is of primary importance, it is not surprising that opponents cite the cost of joining the treaty as a reason for not ratifying it. I cannot dispute that there is a financial price for joining the convention. Most of the costs will be incurred for maintaining the activities of the Organization for the Prohibition of Chemical Weapons [OPCW]. These costs will be apportioned according to a system similar to the one used by other international organizations. In addition, each signatory which destroys its stockpile must repay the OPCW for costs associated with verification. In his budget, the President requested about 20 cents per American to pay for CWC costs, a small price for the elimination of chemical weapons. Furthermore, members of this body can ensure that this cost does not escalate in the future, because the conditions agreed to in the Senate Executive Resolution allow Congress to control future payments by granting it the authority to authorize and appropriate any funds above this level. The cost of the CWC is reasonable, and certainly less than the cost of "going it alone" or entering a battlefield where chemical weapons are being used.

Critics of the CWC claim that American private businesses will bear the brunt of the treaty provisions. However, the U.S. chemical industry, the private business which will be most affected by this treaty, heartily endorses its ratification. Contrary to what some have claimed, the burden on industry has not been discounted or ignored. The major trade associations which represent the chemical industry, like the US Chemical Manufacturers Association, have actively worked with those writing the treaty for the past 15 years. The chemical industry helped develop the confidentiality provisions, the data declarations and the inspection regime. Certain companies even participated in the National Trial Inspections to test the verification procedures outlined in the Chemical Weapons Convention. In addition, the conditions agreed to in the Senate Executive Resolution further protect businesses from unreasonable searches and seizures and the dissemination of confidential information. Less than 2,000 facilities will be affected by the treaty, and the vast majority of these must do no more than complete an annual two page form.

Opponents of the Convention claim they are protecting American business interests. But American businesses seem to disagree. They fear, in fact, that the Senate will not ratify the treaty. Ironically, if we do not make the right decision tomorrow, our chemical companies will become subject to the same trade restrictions that will be imposed on non-signatories such as Libya, Egypt, Iraq, North Korea, and Syria. More than \$600 million a year in sales could be lost. Treaty critics are

protesting so loudly, they seem unable to hear the voices of the constituencies they claim to protect.

We have overcome many hurdles to reach this point: Years of negotiations among the nations of the world, months of negotiations among the leaders of this Nation. We are finally debating this treaty on the floor of the Senate today because we have agreed to an unprecedented 28 conditions—28 duties, declarations and understandings added to a treaty which was proposed, negotiated and agreed to by Republican administrations. But, unfortunately, five hurdles remain. Five conditions demanded by opponents of this treaty may prevent the United States from assuming its proper role of leadership in an ambitious arms control treaty. These conditions unacceptably compromise the treaty and the ability of the United States to participate in its implementation. These conditions are simply not fair play. Every member of this body has a right to oppose this treaty. They can voice their opposition by voting against it and their opinion will be respected. But hobbling the ability of the United States to ratify the Chemical Weapons Convention strikes an unwarranted blow to international arms control and our political process. I urge my colleagues to vote against these five killer conditions.

Mr. President, 34 years ago, President John F. Kennedy undertook the challenge to convince the Senate and the people of the United States of America should ratify the Limited Test Ban Treaty. The same questions were raised about verification, about the reliability of those who might sign the treaty or who might not sign the treaty. In a nationwide television address, President Kennedy reminded us:

We have a great obligation . . . to use whatever time remains to prevent the spread of nuclear weapons, to persuade other countries not to test, transfer, acquire, possess or produce such weapons.

According to the ancient Chinese proverb, "A journey of a thousand miles must begin with a single step." My fellow Americans, let us take that first step. Let us, if we can, step back from the shadows of war and seek out the way of peace. And if that journey is a thousand miles, or even more, let history record that we, in this land, at this time, took the first step.

Complementing the President's words, though, were the words of a very wise, distinguished statesman of the Chamber, Senator Everett Dirksen of Illinois. In September of that year, 1963, he came to this Chamber and began a speech, but threw the pages away and spoke spontaneously from his heart and said:

A young President calls this treaty the first step. I want to take a first step, Mr. President. One my age thinks about his destiny a little. I should not like to have written on my tombstone, "He knew what happened at Hiroshima, but he did not take a first step . . ."

We know what happened in World War I with poison gas. We know what

happened in the Tokyo subway with sarin gas. Let us not have it said on our tombstone that we knew but were unwilling to take a first step. Let us, like the statesmen before us, take a first step to control weapons, to reduce weapons, to provide a more peaceful, a more dignified world.

Mr. President, I hope we will take that first step and discharge our obligation to the world and to the citizens of this great country.

On the eve of the vote to ratify another historic agreement, one that seeks not just to limit weapons of mass destruction, but eliminate them, the words of President Kennedy and Senator Dirksen still ring true. We have an obligation to take the first step. Let us do so.

I yield back my time.

The PRESIDING OFFICER. Who yields time? The Senator from North Carolina.

Mr. HELMS. Mr. President, I listened in amazement to some of the statements being made today about a non-existent treaty. The treaty before us I understand, but I do not understand the descriptions that some are indicating that they believe are accurate.

Furthermore, I was astonished at the number of companies that will be required to provide annual business information and undergo routine annual inspections under this arms control treaty, and that is what it is, an arms control treaty.

The Chemical Weapons Convention, so-called, will affect companies engaged in coke, coal, steel production, mining, crop protection, fertilizers, paper production, wood preservation, chlorine manufacturing, color pigments, paint, ink, die stuff production, speciality coatings, powder and roof coatings, plating and packaging, compressed gas, cosmetics, toiletries and fragrances, drug chemicals manufacturing, pharmaceuticals, plastics, textiles, custom chemicals, food, wine, beer, processing and electronics, among others.

The list I just read, as long as it is, is not all of them. So anybody sitting in television land listening to this conversation in the Senate today, I suggest, as the saying goes, wake up and smell the coffee and give some thought about what is going to happen to the business community if, as and when this treaty is ratified.

It is not an ethereal thing that is floating through the air, dropping little rose petals, it is something that can bollix this country up. And yet what you hear from so much of the media and so much of the White House and other proponents of this treaty is simply not so.

I note, however, that even this long list does not cover companies likely to be affected by the CWC, and I simply do not believe it advisable for the Senate to learn belatedly the far-reaching implications of this treaty for businesses of all kinds across the United States of America. As the April 15, 1997, hearing, recently, before the Senate Committee on Foreign Relations demonstrated,

compliance costs—compliance costs, the cost of complying with this treaty—will place a massive new regulatory burden upon so many companies who don't even know it is going to hit them, along with an unprecedented on-site inspections and data declarations that may very well compromise trade secrets vital to the competitive edge of many, many businesses.

So you see, we are dealing with a lot of untrue, inaccurate statements. I am not saying everybody is deliberately distorting the facts. In the media, they do not know what it is all about. I did see Helen Dewar the other day sitting down and having lunch reading the treaty. Bless her heart, she was trying. She looked up and said, "I'm trying to understand this." Well, Helen Dewar is a great reporter with a not so great newspaper, but she was sitting there eating her lunch with the treaty before her.

I would like to take a poll of all the people who have commented on this treaty and see how many of them have even looked at it. That is the problem. That is the problem. But at our hearing the other day, a number of companies, including two members of the Chemical Manufacturers Association, provided testimony relating to rising concerns about the chemical weapons treaty.

Now, then, here is a fact, indisputable: Companies will have to bear an entirely new reporting burden beyond anything required by, say, the Environmental Protection Agency or the Occupational Safety and Health Administration or the International Trade Commission or the Census Bureau—and just name the various State and local agencies that require reports.

Nobody says that on Pennsylvania Avenue about those reports, about the paperwork. Oh, no, we are not going to mention that because they might ask us too many questions. That is precisely the problem. Everybody has been dancing around the truth on this treaty. As a consequence, too few Americans understand the scope of it.

For those businesses that are covered, current reporting thresholds are much higher than those required under the CWC. Some regulations require only prospective rather than retroactive reporting. Moreover, several environmental regulations—how do you like them apples?—will apply to the chemical producers but not to processors or consumers. And reporting deadlines for the chemical weapons treaty are shorter and will require more frequent updates than estimates currently required by the EPA.

So, if you would like to file reports with the EPA, you will file more reports with this chemical weapons treaty. The regulations imposed by EPA and OSHA and all the others, in 1992 alone, 1 year, cost the chemical industry approximately \$4 billion—\$4 billion with a "B"—\$4.9 billion.

Now, isn't it a bit incredible that one major chemical manufacturer employs 1,700 of its 50,000 personnel for the sole

purpose of satisfying Federal and State requirements for environmental and regulatory data? That is why, Mr. President, I am concerned that while large, international chemical industries such as those represented by the Chemical Manufacturers Association may be able to afford the cost of the new regulations as a result of the ratification of this chemical weapons treaty, these same requirements will be proportionately far more burdensome for small businesses. That was the point that Don Rumsfeld, former Secretary of Defense, made when he appeared before the Foreign Relations Committee. But that was kept a secret by the news media. They hardly touched on anything that the four former Secretaries of Defense came and testified to. Well, let me correct that. One of them, it was delayed at the last moment, sent a letter.

Now then, there are roughly 230 small businesses which custom synthesize made-to-order products and compete with the large chemical manufacturers. They generally have fewer than 100 employees. They are small businesses, and they have annual sales of less than \$40 million each.

Few, if any, of them can afford to employ the legions of lawyers just to satisfy the new reporting requirements of this chemical weapons treaty. Nobody talks about that. Sandy Berger down at the White House has not even mentioned it. He is telling TRENT LOTT and all the rest what to do. Yet, Bob Dole writes letters, but they did not talk about the details of the impact and the burden to be piled on the small businesses of America.

It will not be reported in tomorrow's paper. You will not hear a thing about it unless you are looking at C-SPAN. That is one thing wrong with this country today—no warning is given the American people about some of the actions and some of the proposals that come up in the Congress of the United States.

Mr. President, equally as important, Senators should be careful to note that the onsite inspection provisions of the CWC increase the potential for compromising proprietary information which is offered as the very basis for a company's competitive edge. Many companies will not survive if they had to do without their competitive edge.

While it may be difficult to assess the potential dollar losses associated with the inspections under the chemical weapons treaty, it is clear, Mr. President, it is absolutely clear, that information gleaned from inspections and data declarations could be worth literally millions and millions of dollars to foreign competitors. You better believe that they will be digging for it every time they get a chance. So that is what some of us have been talking about and some of us have been pleading, let us get this thing straightened out before we make the mistake of ratifying this treaty.

Let me tell you something. I do not enjoy having my shirttail on fire in the

newspapers and on television about opposing a treaty that the newspapers and the television programs say is a wonderful treaty. But I stood there, as I said earlier this afternoon, five times, and I have taken the oath of office as a Senator. A part of that oath, I say to you, Mr. President, is to support the Constitution of the United States, defend it, and defend the American people. I have done my best to do that for every year that I have been here.

So as Don Rumsfeld, the former Secretary of Defense, emphasized in his testimony during his appearance, which was unnoticed by the news media, his appearance before the Foreign Relations Committee, Don Rumsfeld emphasized that the greatest threat is not—is not—to the large, diversified chemical manufacturers who have the lobbyists lobbying for this treaty—you fall all over the lobbyists—but it is going to be the threat to other companies that are trying to concentrate on a single market or a particular technological nature.

A company whose profitability and economic survival derives from the cost or quality advantage in one type of process will be particularly vulnerable to industrial espionage.

One other thing. For some companies even visual inspection might reveal a unique process configuration of great value to a would-be competitor.

While big chemical businesses routinely undergo Federal inspections, the chemical weapons treaty will allow a whole cadre of international inspectors from countries routinely engaging in economic espionage to inspect hundreds of facilities around the United States on a recurring basis.

Among the companies potentially hardest hit by treaty inspections will be those companies that engage in technologically intensive applications, such as the biotechnology and pharmaceutical sectors as well as the manufacturers of commercial and military aircraft, missiles, space-launch vehicles, and other equipment of a highly sensitive nature. The economic integrity of these companies is essential not only to the economic stability of the United States, don't you see, but in many cases to our future national security.

I, for one, was not surprised to have discovered that the Aerospace Industries Association stated in a March 13, 1997, letter to the majority leader of the U.S. Senate:

We are very concerned, however, that the application of the Convention's reporting and inspection regime to AIA member company facilities could unnecessarily jeopardize our nation's ability to protect its national security information and proprietary technological data.

At this point I am going to pause so that Senator BROWBACK can be recognized.

We had several of those favoring the treaty in a row, and I think it is fair for Senator BROWBACK to be recognized—for how long?

Mr. BROWBACK. Seven minutes, if I could.

Mr. HELMS. Seven, eight minutes. I yield to the Senator for that purpose.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWBACK. I thank the Senator from North Carolina for yielding to me for a few minutes to discuss this critical issue in front of the U.S. Senate, the Chemical Weapons Convention.

I would like to state at the very outset of my statement that I would like to be on record that as to the earlier vote we had today of supporting the CWC treaty that came to the floor earlier, that we had an oral vote on, that I support that treaty. I support it. And I will go into the reasons why I supported that and why I will have problems ultimately voting for it if we do not hold tightly to what hit the floor earlier.

Mr. President, I just want to talk about this as a couple people would perhaps talk about it if they were sitting somewhere across this country, somewhere in my State of Kansas, and how they look at the Chemical Weapons Convention.

I think they would sit down and ask themselves: If we enter into this Chemical Weapons Convention Treaty, will it be less likely for chemical weapons to be used in the world or will it be more likely for chemical weapons to be used in the world? It seems to me that that is the real crucible that we have to decide this under: Is it more likely or less likely if we enter into this treaty?

I take this treaty obligation very seriously. I chair the Middle East Subcommittee for Foreign Affairs, the region of the world where perhaps you have the most concentration and the most potentially recent use of chemical weapons happening in a battle situation. This is a very important issue in that region of the world. It is a very important issue in the United States as far as, are we going to be able to rid the world of these terrible, horrible weapons of mass destruction? I take that very seriously. So I have sat and I have visited with a number of people, experts on both sides.

On Monday I did maybe an unusual thing for a Senator. I read the treaty. The parts of it I had not read, I have now read the treaty. I need to get on through the attachments, but I have gone through this. I have looked at the arguments. I have looked particularly at the problems. I have looked at the overall good aspects of it, and I want to say that I do strongly support the objectives of the Chemical Weapons Convention. We must oppose the use and existence of chemical weapons. There is just no doubt about it. They are an abomination that needs to be removed from the face of the Earth. We all agree on that.

But it is actually for that reason, however, that I have some great difficulties with one particular provision—a number of them within the

treaty actually, but one in particular. That is article X of this treaty. It is for that reason, if that is left in this treaty, I do not think that I can support the overall vote, if article X is left in.

Let me say why. The Chemical Weapons Convention, if that is left in, I believe will have the exact opposite of the intended effect. And that is, as I said at the outset, are we going to have more chemical weapons used or less? If article X is left in, I fear greatly we are going to have more use of chemical weapons taking place even though the purpose is exactly the opposite.

Let me say why. Article X requires nations to share defensive technology regarding chemical weapons. It is something that has been discussed at some length. The particular paragraph reads this way:

Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

In other words, we are going to be sharing technology, particularly defensive technology, which is very high technology in many of these areas. I fear that that technology is going to more easily get into the hands of rogue nations, like Iran. I am very concerned about their getting weapons of mass destruction.

We had a hearing last week in the Middle East Subcommittee regarding the threat and the expansion of Iran's capacity for mass destruction. The Chinese—and this is unclassified information—have sold precursor chemical weapons to the Iranians. This has in fact occurred. They do not use that without defensive technology to support their own troops, yet this treaty will make the possibility of their getting that defensive technology more likely, if not even ordered within the treaty.

You can say, wait a minute. That is just your interpretation. Well, let us look at what Secretary Cheney has said on this, former Defense Secretary Dick Cheney, an admirable man, who served in the House of Representatives, also in the administration under President Bush. He says this about this treaty:

[the] obligation to share with potential adversaries like Iran, chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all.

Then he is joined, of course, as you know, by former Defense Secretaries Schlesinger, Weinberger, Rumsfeld, and others.

Now you say, well, this is not going to happen. That is just not going to occur. We are not going to have people selling them this sort of technology, either us or other nations. And maybe we will not do it. But will other nations then step forward and sell this defensive technology? You say no, that will not happen. There have been people al-

ready pointing out the fact that actually that has already occurred under some previous treaties—the Nuclear Non-Proliferation Treaty being one where the Russians now cite to us that treaty as a reason for them to sell nuclear production capacity to the Iranians, citing the very treaty we entered into to stop this from taking place and that is used back against this to try to expand. And now the Iranians having this capacity, we are trying to stop this nuclear generator from getting fully online for the Iranians. And the Russians cite a nonproliferation treaty that they have to share this technology with the Iranians.

That certainly is not the intent. I am very fearful we will repeat the same mistakes of history here. We have to stop the abomination of chemical weapons. We have to stop it in the United States. We have to stop it in the world. We have to stop the abomination of these weapons of mass destruction, these terrible weapons of mass destruction being used. The way to do that is to have a CWC treaty that actually does it and doesn't spread their use. And striking article X is the way to do that. With that, even though the treaty has a number of other problems, it is supportable. Without that, I actually fear the opposite will occur.

And with that I would like to yield back the time.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. In 30 seconds, I will yield 12 minutes to my friend from Pennsylvania.

Mr. President, I am holding up in my hand here a declaration form for those firms that face reporting requirements for production of discrete organic chemicals, which applies to about 1,800 firms. It is three pages long. I will at a later time read into the RECORD what it asks for to show you how non-onerous it is.

On one of the pages of instructions, on the bottom of the page, it says,

You do not have to declare unscheduled discrete organic chemical plant sites that produce explosives exclusively, produce hydrocarbons exclusively, refine sulfur-containing crude oil, produce oligomers and polymers, whether or not containing PSF, and produce unscheduled discrete organic chemicals via a biological or bio-mediated process.

This eliminates thousands of firms, hundreds of firms at least. And so this is not nearly as onerous as it was made out to be in my humble opinion.

I now yield with the permission of my colleagues 12 minutes to the distinguished Senator from Pennsylvania, Mr SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Delaware for yielding me this time. I have sought recognition to voice my support for the pending treaty and to give my reasons.

Long before the current debate on chemical weapons, in my college thesis, which I wrote back at the University of Pennsylvania in 1951, on United States-Soviet relations, I was convinced by Prof. Hans Morgenthau's dictum that "the objectives of foreign policy must be defined in terms of the national interest and must be supported with adequate power."

As a U.S. Senator, I have long advocated a strong national defense and have worked to shape a comprehensive arms control agenda for the United States as one arrow in our overall defense quiver.

Ten years ago, in 1987, in Geneva, Switzerland, I was an observer to the U.S.-USSR nuclear disarmament talks. That year I debated extensively with many of my colleagues in the Chamber the need for a broad interpretation of the Anti-Ballistic Missile Treaty, ABM. Many of those whom I opposed at that time I now side with on the current issue. I still believe that the approach for a broad interpretation to give the United States additional power, an approach advocated by President Reagan, was necessary and still remains necessary to provide security for our Nation.

From my experience on the Senate Defense Appropriations Subcommittee, I have observed that strength is the best guarantor of peace and that prudent arms control can provide an important basis for such strength. From my work as chairman of the Senate Intelligence Committee, I have seen the wisdom of President Reagan's view that verification not trust is the realistic basis for arms control.

Verification is an important issue in this treaty. It is true that this treaty does not guarantee verification and no treaty has or can guarantee absolute certainty on verification. However, ratifying this treaty gives us far greater opportunity to verify through inspections, data collection, and establishing a norm for chemical arms reduction.

Mr. President, I adhere to my position on the need to secure a strong defense for America. It is my belief that the Chemical Weapons Convention will complement the existing components of our foreign policy which includes our arms control treaties. As we continue to work to protect our troops abroad and our citizens at home from the threat of weapons of mass destruction, arms control is an important ingredient of a sound foreign policy.

Critics of the Chemical Weapons Convention say the treaty provides a false sense of security. On the contrary, no Senator has ever suggested that a single treaty standing alone would adequately deter aggressor nations. The Chemical Weapons Convention is not perfect but we can build on it as a parameter for dialog. Ratification certainly does not mean that we are going to rest on our laurels. The United States did not stop moving forward with strengthening our national defense while we negotiated arms control

agreements with the Russians such as the ABM Treaty, SALT I, and SALT II. In this combined approach we were successful. The nuclear threat today is dramatically lower than it was a decade or two decades ago, and arms control agreements are a critical part of that strategy.

Similarly, we must not stop at mere ratification of the Chemical Weapons Convention in our quest to destroy existing and prevent the production of new chemical and biological weapons. One area of the treaty critics often point to as being particularly detrimental to the United States is the search and seizure provisions of the Chemical Weapons Convention which they claim is unconstitutional.

This is a subject that I have worked on extensively since *Mapp versus Ohio* came down in 1961 imposing the burden on States not to admit evidence seized as a result of an unconstitutional search and seizure. At a time when I was an assistant district attorney in Philadelphia and later as district attorney of Philadelphia, I worked on these issues very, very extensively. Under this treaty, an international inspection team would be allowed to search a U.S. facility to determine whether or not a chemical agent is being diverted to use in noncompliance with the treaty. Similarly, that obligation, that inspection would be available for other nations.

After careful review of the provisions of the treaty, I am personally confident that the language does not conflict with the fourth amendment of the U.S. Constitution but, rather, is in accord with that amendment. The language on search and seizure as negotiated by the administration and Members of the Senate states that in cases where the search is challenged, the U.S. Government will first obtain a criminal search warrant based upon probable cause. So that in any situation of challenge, the search will have to measure up to the tough criminal standard. In cases of routine inspection, the U.S. Government will obtain an administrative search warrant from a U.S. magistrate judge.

Through the months preceding this debate, opponents have raised a number of issues. These include suggestions that the treaty plays into the hands of rogue nations like Libya and North Korea, that it facilitates the transfer of military chemical technology to aggressive countries and prohibits our troops from the use of riot control agents.

There is now agreement on these issues among all the parties involved in negotiating the set of conditions now contained in the proposed resolution of ratification. The Chemical Weapons Convention will actually make it more difficult for rogue states to make chemical weapons. The treaty has prohibitions in place to prevent industrial espionage. Concerning riot control agents, the treaty sets sound guidelines on what agents may be used and when such agents may be used.

As we debate the merits of the treaty and consider the outstanding amendments, I remind my colleagues of the importance of bipartisanship in foreign affairs. We have traditionally said that politics stop at the water's edge and bipartisanship in foreign affairs is of critical continuing importance. It is the role of Senators to shape a climate of bipartisan support for treaties of this magnitude. To work with the administration and our colleagues to craft an agreement that will serve the needs of the United States in both the long and short terms. Two of our noteworthy predecessors, giants in the Senate, one Republican and one Democrat, Senator Arthur Vandenberg and Senator Scoop Jackson exemplify how bipartisanship can work to the betterment of our country. Their willingness to look beyond the confines of partisan politics provides the model for us today as Republicans to support the ratification of the Chemical Weapons Convention.

And I note, Mr. President, the statement today made by our former majority leader, Senator Robert Dole, in support of the treaty.

There is another much more recent example of why ratification of the treaty falls outside traditional partisan politics and that is the potential use of chemical agents against U.S. troops. This is an issue about which I am all too familiar. As former chairman of the Senate Intelligence Committee and as the current chairman of the Veterans' Affairs Committee, I have chaired several hearings on gulf war syndrome. I have traveled extensively throughout Pennsylvania and have heard from gulf war veterans who have been unable to explain the cause of their illnesses. And many gulf war veterans across the Nation echo similar complaints. Believe me when I say that their suffering is very real.

Last year, this issue was addressed in great detail at a joint hearing of the Senate Intelligence Committee and the Veterans' Affairs Committee. This year a number of hearings have been held both in Washington and across Pennsylvania. And more recently, a few days ago, on April 17, Gen. Colin Powell testified before the Veterans' Affairs Committee on this important matter. While we can still not verify the cause of these illnesses, there are indicators that American troops may have been exposed to chemical agents. During the course of the hearing with General Powell, I asked him what effect if any the Chemical Weapons Convention would have had on Iraq if the United States had ratified the treaty before the gulf war and the treaty would have been in effect.

We will never know with certainty the answer to that question. Iraq is a rogue nation, and it is difficult to imagine them as signatories. But General Powell was quick to point out that the Chemical Weapons Convention works to strengthen America's hand.

He noted, "In the future, when we deal with rogue states or with signa-

tory states, we will be speaking from the position not of unilateral American action, but with the support of most of the nations of the world."

I suggest to my colleagues that it is a matter of considerable importance in protecting American troops from the ravages of chemical warfare, which the gulf war troops may have been exposed to.

Now, we must ask ourselves, if we had this treaty in place beforehand, would we have at least averted or minimized the effects of chemical agents on our troops? We will never know the answer to this question with certainty, but we owe it to our Nation to reach out for every possible means of reducing the threat of chemical and biological weapons. United States ratification of the Chemical Weapons Convention, however, may certainly constrain the further development of chemical weapons by countries like Iraq.

Mr. President, it is obviously impossible to craft a comprehensive treaty that meets the satisfaction of all people. I respect those who have spoken against the treaty. I disagree with them, but I respect the sincerity of their views. Yet, with the appropriate assurances given about some of the finer points of the treaty on objections which have been raised by opponents, most of which have been satisfied, on issues such as constitutional rights, we as a Nation, I submit, should take the moral high ground. We should ratify the treaty, or we will be categorized with the likes of Iraq and Libya. I am not advocating that we ratify the Chemical Weapons Convention instead of pursuing other forms of protection. But it is one important point of protection. The Chemical Weapons Convention is just one more tool for the United States as we work toward a more vigilant defense for our Nation. We have come a long way in making this treaty work for the best interests of the United States of America.

I urge my colleagues in the Senate to vote to ratify this convention.

(The remarks of Mr. SPECTER pertaining to the introduction of the legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BIDEN. Mr. President, in the spirit that these negotiations began with me and the chairman of the committee and Senator KYL, we have continued that spirit. The next speaker we have is undeclared. So we have agreed for a total of 7 minutes he will get. We ask unanimous consent that 3½ minutes be taken out of the time of the Senator from Delaware and 3½ minutes out of the time of the Senator from North Carolina.

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

Mr. BIDEN. Further, Mr. President, before I yield the floor to my friend from Washington State, we are trying to work out a unanimous-consent agreement on the total 10 hours. I am not propounding such an agreement.

But we are hoping we can work out an agreement, whereby in the closed session tomorrow, the so-called secret session that will take place tomorrow, which will be a 2-hour session, that that time not be counted against the 10 hours in the UC for debate on chemical weapons.

Again, I will leave it in the able hands of my friend from Arizona to determine whether the Republican leader is amenable to that, but colleagues who may be listening hopefully were able to do that. The reason I stand up to say that, if they are not, each of us only have about 55 minutes left tomorrow in this process. So for the colleagues who wish to speak, I want them to understand that I am not going to have the time to give them if in fact this doesn't happen. This is by way of disclaimer this evening, so tomorrow morning my colleagues won't come in and say: Joe, you promised me time.

I think we can work it out.

Mr. President, we now yield a total of 7 minutes, 3½ from each side, to the distinguished Senator from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I thank my colleagues. I want to introduce my remarks by expressing my view that this has been a remarkably thoughtful and important debate in the finest traditions of the Senate, not only here on the Senate floor but during the months leading up to it. Perhaps one of the reasons for that is that all Members are united in detesting the use of chemical weapons, divided only by their views on how best to succeed in reaching that goal, and working toward reaching that goal with a high degree of good will and accommodation to one another. So, essentially, from the beginning, the only real question has been: Does this convention advance or inhibit the cause of limiting or eliminating the use of chemical weapons all around the world?

Mr. President, at the very beginning of the debate when the convention was first submitted to the Foreign Relations Committee, I was inclined to fall on the side of that debate that said that the convention probably was worse than nothing because of the overwhelming false sense of security it created, a sense of security that it could not match in its provisions on a wide range of activities attempted to be covered by it.

But as we vote tomorrow, Mr. President, I don't believe we are going to be voting on the original bare bones understanding of the convention. The administration and the proponents on this floor have agreed to some 28 conditions, or explanations, or interpretations of the convention, each of which has contributed to a greater degree of comfort with the balance of the convention and its ratification. Three are particularly important to me. One measure ensures that the Chemical

Weapons Convention does not lead to a false sense of security—a false sense that is going to be there no matter what we do, but is at least limited by some specific promises on the part of the administration.

Second, the clarification of the affect of the convention on the use of riot control agents.

Third, and vitally important to us and to our constitutional rights, are the fourth amendment protections against unreasonable searches and seizures.

That is not to say that the other 25 conditions aren't important, Mr. President, but these 3, at least, have been particularly significant, in my view, as I have listened to both sides during the course of this debate.

Nevertheless, I am not yet willing at this point to commit to voting in favor of ratification because of my deep concerns with articles X and XI of the convention, and the proposition that they might well force the United States to share technologies and allow the world, by its sale of chemicals, to a far greater extent, and those technologies and chemicals may be sold at least by responsible and free nations in the world today under the aegis of the Australia Group.

It would be ironic indeed if, in the guise of passing a treaty or a convention to lessen the opportunity for the use of chemical weapons in the future we actually enhanced it by assisting those nations that are willing to sign the convention but which, like Iran, have shown, without the slightest ability to contradict the proposition, that they do not regard any treaty, any convention, as binding on them, and who are more likely than not to use the convention to advance their own ability to violate it.

And so, Mr. President, as I make up my own mind during the course of the next 24 hours, it is the impact of articles X and XI that cause me the greatest degree of concern. I don't believe that we can simply strike them from the treaty. That vote tomorrow seems to me to be the equivalent of saying, no, of killing the convention in its entirety. I do believe, however, that we should continue to work toward clarification and understandings on the part of the administration, as I know the majority leader is doing in this, as he has in many of the other questionable elements of this convention, so that we can be assured that the United States at least will not be required to do something that will undercut its own security and that of its friends and neighbors by the convention, that it is not required to do in the absence of that convention.

So if my concerns with respect to the actual impact in the real world of articles X and XI are met, I will vote to ratify the convention. If they are not, it will remain, in my mind, a situation in which the convention increases our danger rather than obviates them.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield myself 7 minutes in accordance with the understanding on the floor now.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. LAUTENBERG. Mr. President, while the Senate debates one of the most important arms control treaties in our history, various issues come into play. It is obvious that the Chemical Weapons Convention will ban an entire class of weapons of mass destruction. It prohibits the full spectrum of activities associated with the offensive use of chemical weapons, including development, production, acquisition, stockpiling, and assistance to anyone engaging in these activities. It requires that the destruction of chemical weapons begin within 1 year and it be completed within 10 years.

Mr. President, there is no doubt in my mind that the United States should join a treaty we helped to shape and which enhances our security. I am going to vote for it. Now, with the Chemical Weapons Convention and our leadership, other nations will follow the lead that we set years ago by giving up chemical weapons.

Rogue nations and terrorist countries will have a harder time acquiring or making chemical weapons, and new tools will be available to prevent and punish them if they try. That is a noble goal.

One of the arguments that we have heard against ratifying the Chemical Weapons Convention is that it will force some industries—one in particular—to bear an unusual burden. I want to address this for a few minutes because I don't believe it is true. To the contrary, the chemical industry will bear an undue burden if the United States fails to ratify the CWC. I want to explain why.

If the Chemical Weapons Convention goes into effect without the United States a party, strict trade restrictions designed to pressure rogue states to join the convention would spell disaster for the U.S. chemical industry. Reasonably enough, neither Presidents Reagan nor Bush ever foresaw that the U.S. Senate might decide to place the United States outside of the treaty, along with countries like Iraq, Libya, and other rogue nations.

But the fact is that treaty provisions prohibiting members from trading with nonmembers in certain chemicals that have both commercial as well as military uses would put at risk as much as \$600 million a year in two-way trade by American chemical companies, and many jobs.

I will repeat that. Should the U.S. Senate fail to ratify the treaty, as much as \$600 million a year in American export and import sales would be

placed at risk as a result of sanctions against American companies.

On April 15, Fred Webber, who is the president and CEO of the Chemical Manufacturers Association, testified in support of this treaty. He said:

The industry I represent is America's largest export industry, with over 1 million American jobs * * * we know how this treaty affects our commercial interests. * * * We began with many of the same concerns about the treaty that have been voiced here. We worked hard to protect U.S. industrial interests, especially proprietary information.

We helped develop the protocols guiding the treaty's inspection and recordkeeping requirements, and we put those protocols to live-fire tests over and over again. * * * In summary, we believe the treaty is not a threat to U.S. business.

Not only does the CWC have the support of the Chemical Manufacturers Association, which represents 193 chemical manufacturing companies, accounting for more than 90 percent of the Nation's productive capacity for basic chemicals, it has the support of the Chemical Industry Council of New Jersey and the Synthetic Organic Chemical Manufacturers Association, with over 260 member companies.

It also has the support of the Pharmaceutical Research and Manufacturers of America and its 100 plus member companies, and the Biotechnology Industry Organization and its 650-plus member companies and affiliated organizations. It has the support of the Council for Chemical Research, the American Crop Protection Association, the American Institute of Chemical Engineers, and the American Chemical Society.

Mr. President, the point I am trying to make is simple—the Senate cannot refuse to ratify the CWC in the name of industry. American industry supports this treaty. It does not believe it places an unfair burden on companies in this country.

In fact, U.S. companies view the convention as an asset because it offers a way to dissociate themselves from chemical weapons production and to be good corporate citizens by helping to eliminate these abhorrent weapons.

American industry even participated in the treaty negotiations and helped write the rules covering inspections and confidential business information. Its top priority during the negotiations conducted by the Reagan and Bush administrations was ensuring that any burdens on business would be reasonable and that trade secrets would be protected. To ensure that the protections against unreasonable searches and seizures and industrial espionage would be strong, the chemical industry tested the treaty during seven full-fledged trial inspections at chemical facilities. It ensured that warrants would be required when a company would not consent to a search and that the treaty would protect sensitive equipment, information, or areas not related to chemical weapons during a challenge inspection. For most companies in this country—more than 90 per-

cent of the 2,000 American companies that will be covered by the treaty—the treaty will require them to do little more than fill out a two-page form once a year. Only about 140 companies are likely to be subject to routine inspections.

In addition to the protections negotiated by industry and already in the treaty, the Senate will be adding five additional protections.

Under additional conditions that will be added by the Senate, if an employee of the Organization for the Prohibition of Chemical Weapons willfully discloses U.S. confidential business information that causes financial harm to a U.S. business, the President is required to withhold half of the U.S. contribution to the organization until that employee's immunity from prosecution is waived. This will serve as a deterrent to breaches of confidential information.

To reduce the risk of industrial espionage, samples collected during inspections in the United States cannot be analyzed in a foreign laboratory. The President would be required to certify annually that the CWC is not significantly harming the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms.

The Senate would support the provision of assistance to U.S. business by the On-Site Inspection Agency. And, the Senate would be informed promptly of the proposed addition of a chemical to any of the CWC's schedules and the anticipated effect of such a proposal on U.S. industry.

Mr. President, this treaty enhances America's security. It is the right thing to do, and I urge my colleagues to ratify it without delay.

I hope that my colleagues will stand up and say this is good for America, that it is good for humanity, and that they will ratify this treaty without delay.

I thank the Chair. I yield the floor.

Mr. KERREY. Mr. President, I rise today in support of the Chemical Weapons Convention. While some of my colleagues may have other means of measuring this convention, I believe when we consider any arms control treaty, the main concern must be how it will affect our national security. I support this treaty because, on balance, our Nation's security will be vastly improved in a world where chemical weapons are outlawed than in a world where the possession of these horrible weapons remains an acceptable practice.

I believe it is important for all in this Chamber and for the public at large to realize that today the United States is committed to destroying all of our chemical weapons. Under a law passed by Congress and signed by President Reagan in 1985, we will destroy all of our chemical weapons stockpile by the year 2004. Further, in 1991 President Bush committed the United States to banning chemical

weapons and foreswore their use even in retaliation upon the Chemical Weapons Treaty entering into force.

Many of those who have spoken out against this treaty imply that possession of chemical weapons is the only deterrent against a chemical weapons attack by an adversary. However, in the judgment of our political and military leaders, our Nation does not require chemical weapons to defend our Nation. In fact, the United States has already begun the process of destroying all our chemical weapons. Our Nation reserves the right to retaliate against a chemical weapons attack with overwhelming conventional force or any other means at our disposal. The United States can and will defend itself against any foe armed with a weapon of mass destruction. We do not need these ghastly weapons to ensure the safety of our military personnel and our Nation.

Mr. President, I also believe it is important to note this treaty was negotiated and signed under two Republican Presidents and transmitted for ratification under a Democratic President. The Chemical Weapons Convention is an example of how U.S. foreign policy can be bipartisan and how both parties can act outside the shadow of political maneuvering when it is in the best interests of our Nation. Presidents Reagan, Bush, and Clinton realized the benefits we receive under a treaty banning the possession of chemical weapons could far outweigh any costs incurred by our industries and Nation.

No treaty is perfect. As with other treaties, the Senate has included conditions to the resolution of ratification which I believe strengthen this accord. But opponents of the convention have added five conditions meant not to improve but to kill the treaty. These five provisions must be struck from the treaty if we are to receive the national security benefits the CWC offers our Nation.

The opposition to this treaty centers on three questionable and contradictory points. First, opponents state that since this treaty is not absolutely verifiable, the U.S. Senate should not ratify it. Second, contradicting the first point, opponents state this treaty's verification regime, while not strict enough, nevertheless places too much of a burden on our chemical industry. And, third, opponents state that since rogue nations may either not join the Chemical Weapons Convention or will not comply with the treaty once they become signatories, this treaty does not further our national security interests. I believe they are wrong on all points.

No treaty—be it an arms control treaty, a trade treaty, or a humanitarian treaty—is completely verifiable. If absolute verifiability is the marker, no treaty could attain that ideal and our Nation would never experience the varied benefits we now gain from treaties such as the SALT Treaties, the START Treaties, GATT, NAFTA, the

Convention on Fishing, or the Convention on Literary and Artistic Copyrights. Absolute verification should not be the measure of the CWC or any other treaty. Instead of insisting on absolute verification, our Nation has realized the strength of a treaty lies in the enforcement of the treaty and the measure to be taken if a party violates a treaty. America's treaties work because our treaty partners know the full power of the United States lies behind the conventions and we do not hesitate to protect our national interests by enforcing their provisions.

When considering ratification of an arms control treaty, the question must be whether on balance the verification system is strong enough to significantly increase our national security. It is a simple fact that the verification measures included in this treaty are the most stringent and most intrusive of any multilateral arms control agreement currently in place. While still not powerful enough to allow searches of every warehouse, laboratory, or garage in the world, the means to be employed under the CWC are the most thorough and most rational ever to be included in a multilateral international agreement.

The Reagan, Bush, and Clinton administrations all realized the nature of chemical weapons and their production created the need for a stringent system to verify compliance with the CWC provisions. And yet, some safeguards and limitations on the verification system would have to be put in place in order to protect companies engaged in legitimate chemicals from unwarranted hardships. Under President Bush's direction, the proper balance was struck between the strength and rigors of a verification regime on one hand and the intrusiveness of that same system on our industry and Nation on the other. Under the Chemical Weapons Convention, measures are in place which will severely increase the likelihood an illicit producer of chemical weapons will be caught while ensuring that any company that produces or uses potentially dangerous chemicals will not be unnecessarily burdened.

Mr. President, some opponents argue that the treaty has it wrong both ways—they claim it is not intrusive enough to be completely verifiable and also claim the costs incurred by industry are too great under the verification regime. While the nature of all treaties makes them correct on the former point, since no treaty can reasonably be considered absolutely verifiable, the Chemical Manufacturers Association, which represents hundreds of chemical companies, and hundreds of individual chemical companies on their own have expressed their support for this treaty.

If the vast majority of companies that produce or use chemicals pronounce their support for this agreement, I do not believe we should claim the treaty is unduly burdensome on these companies. They know what is in their own interest and they have stated

their support for the Chemical Weapons Convention.

Opponents also argue that since rogue nations can be expected not to join in the CWC or will not comply with its provisions the United States should not endorse this treaty. This argument overlooks the fact that even if the Chemical Weapons Convention does not enter into force these same rogue nations can develop and produce chemical weapons. Without the CWC we will still face this same threat.

Yet, if we ratify the CWC and are vigorous in its enforcement, the United States will have a much improved ability to identify clandestine chemical weapons programs. The nature of chemical weapons make it possible to produce them in facilities as small as a high school laboratory or even a garage. Because these weapons of mass destruction can be produced in small areas, the intelligence community today faces extreme difficulties in locating programs already underway in rogue nations. However, as the Senate Select Committee on Intelligence noted in its September 1994 report on this issue, under the Chemical Weapons Convention, the United States Government will gain important new access to useful information, relevant to potential CWC threats to the United States, that would not otherwise be obtainable. As Acting Director of Central Intelligence George Tenet told the Intelligence Committee on February 5 of this year, the CWC will give our intelligence community more information and more tools to use in our efforts to combat those who would use these horrible weapons.

The Chemical Weapons Convention's regular inspection process and its ability to perform challenge inspections on short notice are very powerful means of catching parties breaking the treaty. The convention also includes varied reporting requirements on the production and use of toxic agents and precursor chemicals which may help the intelligence agencies to locate clandestine production of chemical weapons. If the Chemical Weapons Convention is ratified and we use it to our advantage, the intelligence community will have another important tool with which to fight the battle against these weapons. If we do not ratify the convention, we will forgo a better chance to win a battle we must fight whether or not this treaty is in effect.

The CWC will help protect our citizens by increasing the likelihood that a potential cheater would be caught under its inspection processes. But the CWC helps our national security in other ways as well. Three years after entry into force, the Chemical Weapons Convention prohibits parties from exporting high risk precursor and toxic chemicals to countries not belonging to the CWC. This will further limit the ability of nonsignatory countries to acquire chemicals which could be turned into a lethal gas. Finally, the power of international law created by the CWC

against the possession of chemical weapons will assist our own Nation's continuing efforts against this abominable class of weapons.

Taken together, the benefits we gain from ratifying the Chemical Weapons Convention far outweigh the minimal costs of implementing this treaty. The strict verification regime, increased opportunities for our intelligence agencies, the prohibition of exports to non-member nations, and the force of international law complementing the United States' individual efforts will help protect our citizens and our national interests.

We have already made the decision that possession and use of chemical weapons is not in the security interests of our Nation. We have determined the United States has the means and the will to protect our forces and our Nation without this type of weapon. It is time now to compel the other nations of the world to abide by these same rules.

Mr. President, I have weighed the effects of the Chemical Weapons Convention on our national security and I believe our Nation is safer with this treaty than without it. It is my hope my colleagues will also realize that our national security interests lie in ratification, not in maintaining the status quo of a world where possession of chemical weapons remains acceptable under international law. I yield the floor.

Mr. JEFFORDS. Mr. President, this is a day many of us have been waiting for for a long time. After having been thoroughly reviewed by the relevant Senate committees, both in the last Congress and this one, the Chemical Weapons Convention has finally come to the Senate floor for debate and a vote.

This is a complex and controversial treaty and I thank Senator HELMS, Senator BIDEN, and others for their hard work on the resolution of ratification. The 28 conditions and provisions on which they have agreed go a long way toward protecting American interests and making this an even better treaty. While I have reservations about the remaining five provisions, I am pleased that the Senate will have the opportunity to openly discuss and debate these before moving to a final vote. I believe that when the facts come to light, those who are undecided will vote to ratify the treaty.

I think I can safely say that no one in this body supports the production or use of chemical weapons, even as a deterrent. That is not what this debate is about. What it is about is what we get for what we give up. In other words, is the extra protection from chemical weapons that this treaty affords us worth the financial cost and the regulatory burden required to implement the treaty?

Well, let's take a look. First, what do we get?

Above all, we get enhanced national security. The treaty requires all signatories to do away with chemical

weapons and to refrain from any future production. We have already committed to destroy our own chemical weapons stocks, so why shouldn't we grasp an opportunity to require others to do so as well? I think this is a compelling argument. So do a few other people who know something about national security matters: General Powell, General Schwarzkopf, and every living former Chairman of the Joint Chiefs of Staff. Believe me, if this treaty weakened the United States in some way these distinguished Americans would not support it.

With a reduction in the number of chemical weapons we also get increased protection for U.S. troops. We have a responsibility to our brave men and women in uniform to do all we can to protect them as they put their lives on the line for our freedoms. We spare no expense to provide them with the best chemical weapons defenses possible. By the same token, we should do all we can to reduce the actual threat of a chemical weapons attack on them. Recognizing this, a number of the country's most prominent veterans' groups and military associations have spoken out in favor of the CWC, including the VFW and the Reserve Officer Association. They recognize the extra protection this treaty provides our troops in the field.

The CWC also improves our ability to detect chemical weapons production by others. This treaty boasts the most intrusive verification regime of any arms control agreement ever. Will it enable us to sniff out every violation, every criminal effort to produce these horrible weapons? Of course not. But it will give us a powerful new tool to check up on those who seek to employ chemical weapons, something that is important to the intelligence community. Opponents point out that U.S. intelligence agencies cannot absolutely guarantee they will be able to detect treaty cheaters. This is true. But it is also true that the treaty will significantly improve our ability to uncover violations. Let's not make the perfect an enemy of the good.

Finally, the CWC also stiffens international resolve to deal with the chemical weapons threat. Every signatory will be required to enact legislation cracking down on terrorists and criminals who use or threaten to use poison gas, as well as the unsavory businessmen who traffic in these dangerous chemicals. Last week the Senate passed a bill which would tighten U.S. laws in this area. Isn't it in our interest, in this ever-shrinking world, to make sure that others also toughen their laws against chemical weapons production? Moreover, a broadly accepted international regime outlawing this class of weapons altogether will put us on a much stronger footing to respond to serious violations, including by force if necessary.

So with the CWC we get enhanced national security, better protection for U.S. troops, improved ability to detect

violations, and stiffened international resolve in addressing this global problem.

That's a pretty valuable package. What do we give up to get it? Well, we must pay our share of the costs for administering the treaty and carrying out required inspections. We must also underwrite costs associated with preparing U.S. military facilities for inspection. I understand that the Congressional Budget Office has estimated that implementation of the CWC would cost the U.S. taxpayer about \$33 million a year. That's about one-twentieth of the amount that we spend every year on chemical and biological weapons defenses. I think that's a reasonable investment to reduce the core threat against which these defenses are needed.

The treaty does impose additional reporting and inspection requirements on American businesses in the chemical field. This is regrettable but necessary if we wish to have a serious verification regime. It's worth noting, though, that the U.S. chemical industry was closely involved in the negotiation of the treaty and strongly supports it. I am sympathetic to the concerns expressed by smaller businesses affected by the treaty but believe that some treaty opponents have vastly exaggerated the additional regulatory burden involved. As I understand it, the vast majority of these businesses will need do no more than submit a short, basic informational form annually. And only a handful are likely to be inspected in any given year. This is a small price to pay for the many benefits of the treaty.

Finally, I would like to address the argument that the United States should withhold ratification until Russia and all the so-called rogue states sign and ratify the treaty. The issue is not whether we should press these countries to join the treaty—of course, we should—but how to most effectively achieve this goal. Does anyone really think that withholding U.S. ratification will convince these countries to sign up? Standing on the sidelines with arms folded will only give encouragement to those who want to ignore this treaty and continue making chemical weapons. The United States is a world leader and should act like one. We should not allow thugs like Qaddafi and Saddam Hussein to dictate our approach to national security matters.

Mr. President, this treaty is good for America and good for the world. It's not perfect. What international treaty is? But it serves our interests and improves our security. For these reasons, I will vote to ratify and encourage my colleagues to do the same.

Mr. KENNEDY. Mr. President, the 29-year-old pursuit for a chemical weapons treaty has finally reached its moment of truth in the United States Senate. Few votes cast in this Congress or any Congress are likely to be more important.

The effort to achieve this treaty was launched in 1968, and its history is

genuinely bipartisan. In that year, the final year of the Johnson administration, international negotiations began in Geneva to build on the 1925 Geneva Protocol and try to reduce the production of chemical weapons. In the 1970's, President Gerald Ford had the vision to take that initiative a major step forward during intense international negotiations.

President Ronald Reagan advanced it to the next stage with his efforts on arms control in the 1980's. And President Bush deserves high praise for embracing the ideal of eliminating chemical weapons, for making it a serious worldwide effort, and at long last bringing it to the stage where it was ready to be signed. In one of his last acts in office, George Bush signed the treaty, on January 13, 1993.

President Clinton formally submitted the Chemical Weapons Convention to the Senate for its advice and consent later that year. Now, it's our turn. Today and tomorrow, in a series of votes, the Senate can and should join in this historic endeavor to rid the world of chemical weapons. We can bestow a precious gift on generations to come by freeing the world of an entire class of weapons of mass destruction.

The chemical weapons treaty bans the development, production, stockpiling, and use of toxic chemicals as weapons. Previous agreements have merely limited weapons of mass destruction. But the Chemical Weapons Convention sets out to eliminate them from the face of the earth.

The United States has already taken many steps unilaterally to implement a ban of our own. As long ago as 1968, this country ordered a moratorium on chemical weapons production.

When President Bush signed the treaty on behalf of the United States, he also ordered the unilateral destruction of the U.S. stockpile of these weapons. Regardless of the treaty, the United States is destroying its chemical weapon stockpile.

Today and tomorrow culminate many years of work and compromise. The Senate has held 17 hearings on the convention. Every issue has been exhaustively analyzed. The result is the shootout that the leadership has arranged for the next 24 hours.

Bipartisan negotiations have achieved agreement on 28 amendments to the treaty, none of which go to the heart of the treaty and many of which help to clarify it.

But five major issues have not yet been settled. The five amendments, on which we will vote tomorrow, seek to settle differences of opinion the wrong way. They are killer amendments. I hope the Senate will vote "no" on each of them. If any one of them passes, it will doom our participation in the treaty, and relegate us to the company of outlaw regimes like North Korea and Libya, who also reject the treaty.

Two of the killer amendments condition our participation on whether other nations—Russia, Iran, Iraq,

Syria, and China—have already become participants. Essentially, they would hand over U.S. security decisions to those nations.

A third killer amendment arbitrarily excludes all representatives from certain other countries from participating in verification inspections. This amendment ignores the ability that the treaty already gives us to reject any inspectors we believe are not trustworthy.

A fourth killer amendment omits and alters other key parts of the treaty that deal with the export of certain materials. Its proponents fear that rogue nations may gain valuable technology from us. Nothing in the convention requires the United States to weaken its export controls. Experts in the chemical industry, trade organizations, and Government officials have worked to ensure that nothing in the treaty threatens our technology and industrial power.

The fifth killer amendment places an unrealistically high standard of verification on the treaty. It requires the treaty verification procedures to accomplish the impossible, by being able to detect small, not militarily significant, amounts of dangerous chemical materials.

No international agreement can effectively police small amounts of raw materials that might possibly be used in chemical weapon production. Every effort is being made and will be made to make the detection procedures as effective as possible. It is hypocritical for opponents to attempt to scuttle this treaty because they feel it does not go far enough.

The overwhelming majority of past and present foreign policy officials, military leaders, large and small businesses, Fortune 500 companies, Nobel laureates, veterans organizations, religious groups, environmentalists, and public interest groups are united in their strong support of the convention. It is a practical international agreement with practical benefits for the United States, and the United States should be a part of it.

Nevertheless, the treaty is being opposed by an entrenched band of foreign policy ideologues and isolationists who think the United Nations is the enemy and who say the arms race should be escalated, not restricted. History proved their ilk wrong once before, when they sank the League of Nations in the 1920's. And it will prove them wrong, again, with far more drastic consequences than World War II, if they prevail today.

We cannot let that happen. The Senate should reject the five killer amendments, and give this treaty the two-thirds vote it needs and deserves.

Mr. DODD. Mr. President, I rise today to express my strong support for U.S. ratification of the Chemical Weapons Convention.

First, I wish to thank Senators BIDEN and LUGAR for their untiring efforts in seeking ratification of this historic

treaty. I also want to commend the majority leader for working diligently with both sides to bring this treaty to the Senate floor for consideration. No matter where one stands on this issue, we all agree that it is proper for this debate to take place while our Nation can still become a full participant in the convention.

I think that it is only appropriate that we are having this debate 1 week after we commemorated the second anniversary of the bombing of the Murrah Federal building in Oklahoma City. That singular event made us all aware that we are vulnerable to terrorism on our own soil. We also remember when terrorists launched a chemical attack in Tokyo's subways, taking 12 lives and injuring thousands more. We must take action to protect Americans from a similar terrorist outrage, and therefore it is incumbent upon this body to approve the Chemical Weapons Convention.

The Chemical Weapons Convention is also relevant today in light of recent findings that thousands of our troops may have been exposed to chemical weapons during the Persian Gulf war. Veterans groups across the country have called on the Senate to approve the CWC, and I believe that it is inexcusable for us to forgo this opportunity to take a stand against chemical warfare. If we fail to do so, we will be unnecessarily placing those who volunteer their services in our military at risk.

It is impossible to overstate the importance of the votes that will be cast in this Chamber tomorrow. We have an opportunity to consider a proposal that would eliminate an entire class of weapons of mass destruction, and we may never have this opportunity again. Our decisions will have a tremendous impact on the safety of the American people and our Nation's role as an international leader.

We are all familiar with the horrifying effects associated with chemical weapons. We remember the use of mustard gas in World War I and the use of chemical weapons during the Iran-Iraq war. It was the inhumane nature of chemical warfare that prompted President Reagan to initiate the negotiations for an international treaty to eliminate the use of chemical weapons. President Bush was also committed to phasing out chemical weapons, and the United States joined 160 other nations in signing the Chemical Weapons Convention during the final days of his administration.

President Clinton has been a strong supporter of the convention, and he has made ratification of this treaty his top foreign policy priority.

For nearly a decade, the United States led efforts to develop the Chemical Weapons Convention, and the result was an effective agreement to eliminate chemical weapons that was unprecedented in its scope. Considering its history of bipartisan support, one would have expected this treaty to be

easily approved by the Senate. Unfortunately, opponents of the convention have distorted the facts surrounding this treaty, and it is possible that the United States will fail to ratify the treaty that it initiated.

I strongly believe that the Chemical Weapons Convention is an effective tool for combating chemical warfare, and I hope that my fellow Senators will look beyond the rhetoric of the treaty's detractors and look at the positive things that this measure would accomplish.

The Chemical Weapons Convention bans the development or transfer of chemical weapons by member nations. It also requires participating states to destroy their chemical weapon stockpiles and chemical weapons production facilities under the observation of international inspectors.

The convention would also establish the most extensive verification regime of any arms control treaty, that would require inspections of not only governmental facilities but also civilian facilities. This system of monitoring will provide us with a mechanism for knowing who produces what chemicals throughout the world, and where these chemicals are being sent.

The convention also prohibits signatory nations from exporting chemicals most frequently used in chemical weapons to non-member countries. The import of some chemicals from non-member nations would also be prohibited. These measures should isolate nonmember nations and provide them with incentive to ratify the convention.

In order to oversee the convention's implementation, the CWC establishes the Organization for the Prohibition of Chemical Weapons, or the OPCW. This organization will monitor the chemical production throughout the world and will enforce compliance with the convention.

On April 29, the Chemical Weapons Convention will go into effect with or without the United States' ratification. The Senate must provide its advice and consent on the treaty and send a resolution of ratification to the President before next Tuesday, so that he may formally ratify the treaty.

Many hours of intense negotiations have yielded the resolution of ratification to the Chemical Weapons Convention that we are now considering on the Senate floor. This resolution contains 33 conditions which cover nearly every objection raised by opponents of ratification. I am pleased that negotiators have reached an agreement on 28 of those 33 conditions. However, the Senate will have a separate vote on each of the five remaining conditions tomorrow. I would like to stress that approval of any of these conditions would be tantamount to prohibiting U.S. participation in the Chemical Weapons Convention and could fatally damage the effectiveness of this treaty.

I would like to quickly address these five conditions that threaten ratification of this treaty. Two of these conditions tie our ratification to the actions of other nations. One demands that Russia ratify the treaty first, and the other precludes ratification until the world's rogue nations like Libya and Iraq ratify the treaty.

The logic behind these two amendments is that the convention is meaningless if it does not include all nations with the capability to develop and use chemical weapons. This logic is seriously flawed.

The CWC would impose trade restrictions on nonmember nations that will curb their ability to obtain the materials used in making chemical agents. In addition, by establishing an international legal standard opposing the manufacture and use of chemical weapons, the United States will be able to isolate these pariah states making it more difficult for these nations to acquire chemical weapons.

Also, since when does the United States allow other nations to dictate American policy? It is ridiculous to suggest that we should compromise our position as a world leader by following the lead of fringe countries.

President Reagan did not wait for other nations when he declared that this Nation would unilaterally destroy its chemical weapons stockpile. He did not wait for other nations when he initiated negotiations to ban chemical weapons from the Earth. We did not follow others in making those critical decisions. We led and others fell in behind us. This Nation set the example. And now it is time for us once again to lead and set the example.

In fact, perhaps the greatest way to ensure that Russia and other countries with offensive chemical weapons programs will not endorse this treaty, would be for the United States to reject this treaty. Seventy-three other nations, including all of our major allies, and two-thirds of all countries with chemical weapon capabilities, have already endorsed this treaty. I hope that we will align ourselves with those who have ratified the convention and not with those outlaw nations.

Another condition that will be considered as an amendment would bar individual inspectors because they come from a country that supported terrorism or violated U.S. nonproliferation law. If a particular inspector has a past history of spying or assisting terrorists, we must prevent him or her from inspecting our facilities. But if we bar certain inspectors based solely on their nationality, other countries will certainly bar U.S. inspectors. In addition, these will likely be the countries that we would most like to monitor.

Another condition that would surely kill the ratification agreement demands a level of verification that simply cannot be guaranteed. Like every other arms control agreement, this one is not 100 percent verifiable. Certainly, that is not a reason to avoid ratifying

this treaty. The question ought to be: Are verification measures under this treaty better or worse than those we have now?

The answer to that question must be "yes." This treaty includes tougher verification measures than any existing arms control agreement to the extent that it allows for frequent inspections of both governmental and commercial chemical manufacturing plants throughout the world. And while chemical weapons are generally more difficult to detect than conventional weapons, the U.S. intelligence community has confidence that it will be able to detect a large scale effort to develop chemical weapons.

The remaining condition of the ratification resolution is perhaps the most contentious, and it would certainly kill all hopes of ratifying the Chemical Weapons Convention if it were to pass as an amendment tomorrow.

In today's Washington Post, my colleague from North Carolina, Senator HELMS writes: " * * * the one issue that has raised the greatest concern among Senators—the issue on which the ratification vote will almost certainly hinge—is the Clinton Administration's refusal to modify the treaty's Articles 10 and 11." His next sentence is particularly important, "These controversial provisions require the transfer of dangerous chemical agents, defensive gear and know-how to any nation that joins the CWC." With all due respect to my colleague from North Carolina, the simple fact of the matter is that this statement is not true. Article 10 does not require the United States or any other signatory to share advanced chemical weapons defense technologies and equipment with other countries or to assist them in the development of such capabilities.

I hope that all of my colleagues, who are considering opposing the CWC for this reason, will simply refer to the actual text of the convention to understand the true implications of the treaty.

Paragraph 7 of article 10 states: "Each State Party undertakes to provide assistance through the Organization and to this end to elect to take one or more of the following measures." One of the choices is, "to declare, not later than 180 days after the Convention enters into force for it, the kind of assistance it might provide in response to an appeal by the Organization." In no way does this language require any country to share advanced chemical defense technology and equipment. In fact, 1 of the 28 conditions agreed to in the resolution of ratification will ensure that no assistance other than medical antidotes and treatments is provided by the United States under article 10.

Opponents of the convention have also raised concerns regarding paragraph 3 of article 10. It reads as follows: "Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible ex-

change of equipment, material, and scientific and technological information concerning means of protection against chemical weapons." The inclusion of the word "right" underscores that each signatory state has a right, not an obligation, to exchange materials and information.

In fact, President Clinton confirmed this interpretation when he recently stated: "We have made it clear that, as regards to other countries, we will not do anything to give them our technology * * * and that our response will be * * * limited to helping them deal with the health effects of an attack. We will help people in medical ways and with other things having to do with the health consequences."

The national security concerns raised by Senator HELMS were shared by the representatives of the Reagan and Bush administrations who negotiated this treaty. That is why treaty negotiators took great lengths to ensure that the treaty's language would be carefully crafted to protect America's interests. In responding to the criticisms of article 10 of the convention, I'll simply use the words of former Secretary of State James Baker: "The suggestion that Presidents Bush and Reagan would negotiate a treaty detrimental to the nation's national security is outrageous."

I hope that my colleagues will not take the criticisms of this critically important treaty at face value and will closely examine the actual text.

The final condition which opponents of the treaty seek to raise relates to cooperation in the field of chemical activities for businesses. Critics argue that the CWC might force industry to share manufacturing and trade secrets with other nations. These criticisms are completely unfounded. Fred Webber, president and CEO of the Chemical Manufacturers Association, criticized these allegations stating that, "the Chemical Weapons Convention does not obligate us to turn over trade secrets, and it most certainly does not require the U.S. to abolish its system of export controls on dual-use chemistry. The CWC raises the export control bar for other nations to the high standard already set by the United States. That's why this treaty is in the national interest." In fact, it is ironic that critics of the treaty argue that they support the interests of America's chemical and pharmaceutical companies. Yet, if we fail to ratify this treaty, these very same companies will be subject to trade restrictions that were devised by the United States.

Members of this body must examine the elements that set this agreement apart from others. The Chemical Weapons Convention was signed by nearly every nation in the world; it penalizes nations that refuse to sign on; it provides for routine and challenge inspections; and it creates an international norm that would prohibit the very existence of chemical weapons. We must recognize that there has never been an

arms control treaty that better accounted for the skeptic's concerns than this one.

Today we live in a world of nations that increasingly act together. In this time of economic unions, coalition forces, and multinational businesses, we can ill-afford to disengage from the international community. If we do not ratify this treaty or if we accept conditions that prevent our ratification, we will careen off the course that we set for ourselves and the other peace-loving nations of the world.

Worse, we will force the nations who have ratified the treaty to decide between ridding the world of chemical weapons on the one hand and maintaining good trade relations with the richest nation in the world on the other. If we force our allies to make decisions like that, they'll be justified in looking elsewhere for leadership.

I strongly believe that ratification of the Chemical Weapons Convention is in the best interests of the United States, and I urge my colleagues to support this historic treaty.

Mr. BIDEN. Mr. President, as we close the first day of debate on the Chemical Weapons Convention, I wanted to insert into the RECORD an explanation of the 28 conditions to the resolution of ratification that we adopted this afternoon, so we can create a legislative history.

Mr. President, the Chemical Weapons Convention is a fine arms control agreement. It can stand on its own.

But the U.S. Senate has a constitutional duty to consider carefully all the implications of treaties submitted for its advice and consent to ratification. Such careful consideration often enables us to spot aspects of an agreement that merit clarification, or implementation matters on which we would be well advised to require particular executive branch policies.

The Chemical Weapons Convention is no exception to this rule. Over the years since its signing over 4 years ago, near the end of the Bush administration, we have identified several areas in which clarifying the convention's intent or establishing requirements regarding executive branch implementation would be useful.

In addition, there were several areas in which some of my colleagues wanted assurances that went beyond those that the executive branch or I could give them, even though we thought that such reassurances ought to suffice. In many such cases, the easiest way of providing the needed assurances was to codify them in a condition to the resolution of ratification.

The convention enters into force on April 29, with or without the United States. To be an original state party, therefore, the President must deposit the instrument of ratification by midnight on April 28. As a technical matter, the Senate's vote is not the final word, because the Senate does not "ratify" a treaty; it provides advice and consent to it. Once that occurs, the

President then must formally ratify—an indication to our treaty partners that the United States is consenting to be legally bound to its terms—by signing an "instrument of ratification." The President then directs the Secretary of State to deposit that instrument at a central location designated by the convention; then, once the convention enters into force, the United States is bound under international law to abide by its terms.

The Senate's role in providing consent to a treaty is not that of a rubber stamp. The Senate may attach amendments or reservations to the treaty—essentially changing the terms of the original bargain between the United States and its treaty partners, or it may adopt conditions, which are, in effect, a binding contract between the Senate and the President which will govern how the treaty will be implemented or interpreted under U.S. law and practice.

In the case of the Chemical Weapons Convention, no amendments to the convention's text have been, or will be, offered; the Senate has already moved beyond the stage in its consideration of treaties in which such amendments would be in order. Neither have any reservations been put forth—although article XXII of the convention purports to prevent a party from doing so. The Senate has gone on record several times, and does so again in condition 17, that the President's agreement to such a prohibition cannot constrain the Senate's constitutional right and obligation to give its advice and consent to a treaty subject to any reservation it might determine is required by the national interest.

Instead, we have a set of 28 conditions which were agreed to by those involved in the negotiations to date, and which the Senate approved by voice vote earlier this afternoon. These conditions, as stated before, are binding upon the President.

Several conditions will be debated tomorrow which are tantamount to killing the treaty. For example, any condition which requires a renegotiation of the treaty—as condition 32 does—is a killer, plain and simple, because there is no way that this treaty can be renegotiated. Additionally, any condition which requires the President to make impossible certifications before depositing the instrument of ratification will prevent the United States from formally entering the convention.

As I described earlier, there have been several stages of negotiation to work out agreed conditions to the resolution and to narrow our areas of disagreement. The Senator from North Carolina and I engaged in many hours of negotiation as part of this process.

The end result of our negotiations, of the negotiations between the White House and the task force established by the majority leader, and of discussions directly between the White House and the majority leader is a set of 28 agreed conditions to the resolution of ratifica-

tion. I would like to summarize and comment upon those agreed conditions, so that my colleagues may understand what we have achieved.

For I think that we have achieved quite a lot. I also think that Members should study the many agreed conditions that the Senator from North Carolina was able to propound. Frankly, virtually all of the concerns that have been raised regarding the CWC have been addressed in these agreed conditions, in a manner that should substantially ease those concerns.

So I would like to summarize, Mr. President, what the Senator from North Carolina and I, along with other Members and the executive branch, have been able to achieve.

PROVIDING PROTECTION FOR INDUSTRY

The CWC contains a number of built-in protections for U.S. businesses, largely because industry helped write many of the convention's provisions. A number of conditions have been added, however, to provide even greater protection for business.

Condition 16 provides that if an employee of the organization for the prohibition of chemical weapons, or OPCW, willfully discloses U.S. confidential business information that causes financial harm to a U.S. business, the President must inform Congress. If the director-general does not waive the employee's diplomatic immunity from prosecution, which may be done pursuant to paragraph 20 of the CWC's confidentiality annex, within 9 months of the President's reporting the matter to Congress, the President is required to withhold half of the U.S. contribution to the OPCW until that employee's immunity from prosecution is waived. This will serve as a strong deterrent to breaches of confidential information. You might call it a "don't mess with our trade secrets" condition.

Condition 18 is a further protection for proprietary information. This condition prohibits any samples collected during inspections in the United States from being analyzed in a foreign laboratory. This will greatly reduce the risk of industrial espionage. I frankly have concerns about this condition. I hope it does not lead to every country keeping all its samples in-country, so that all of Iran's samples are analyzed in Iran and all of Russia's samples are analyzed in Russia. But there is no question that this is a major concession to some of my colleagues' concerns regarding the need to protect confidential business information.

Condition 9 requires the President to certify, both now and annually, that the CWC's limits on the production and use of the most toxic chemical weapons and their precursors are not significantly harming the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms. The administration is fully prepared to make that certification.

The Reagan, Bush, and Clinton administrations have all taken extraordinary measures to limit the impact of

the CWC upon U.S. businesses. For example, the Bush administration made sure that challenge inspections would be subject to "managed access," in which a firm will be able to limit the access of inspectors to the minimum necessary to disprove any allegations of CWC violations by that firm. And the Clinton administration worked with other countries in the CWC Preparatory Commission to make sure that most of the businesses covered by the convention will only have to fill out a short form to comply with the requirement for data declarations.

Condition 21 puts the Senate on record supporting the provision of assistance to U.S. businesses by the On-Site Inspection Agency—or OSIA—an arm of the Department of Defense. OSIA has years of experience in helping protect sensitive information during inspections of Government-run facilities and defense contractors. This Agency lacks authority to aid other U.S. businesses, however. Following through on this provision with authorizing legislation—which I would hope we could do in the CWC implementing legislation—would ensure that American businesses have the full benefit of OSIA's expertise available to them.

Under condition 23, the Senate will be informed promptly of the proposed addition of a chemical to any of the CWC's schedules of chemicals. A report from the President will indicate the anticipated effect of such proposal on U.S. industry. If a proposed addition should appear to promise too great a burden on U.S. industry for too little gain in protection against chemical weapons, Congress will then have time to convince the executive branch to force that proposed addition into a CWC process that requires two-thirds vote of the states parties to adopt the change.

HOLDING DOWN U.S. COSTS

Allegations have been made that the CWC will create a massive U.S.-style bureaucracy that will cost U.S. taxpayers hundreds of millions of dollars. Several conditions have been agreed upon to keep U.S. costs to a minimum and ensure a well-managed organization.

Under condition 22, regular U.S. contributions to the Organization for the Prohibition of Chemical Weapons, or OPCW, have been capped at \$25 million annually. Any increase to this cap must cross two high hurdles. First, the President must make a "national security interest" waiver. Second, the Congress must enact a joint resolution approving the President's waiver.

Fortunately, condition 22 allows a periodic inflation adjustment to the regular U.S. contribution. In addition, the United States will be permitted to contribute funds to help the OPCW handle the costs of monitoring U.S. destruction of chemical weapons. Those are costs that we originally intended to fund for implementation of the 1990 bilateral destruction agreement between the United States and the Soviet

Union, and they have not been included in the regular OPCW budget.

Condition 2 provides that any U.S. contributions to the OPCW will be subject to congressional authorization and appropriation. This means that not one dollar can be transferred to the organization by the U.S. Government without congressional approval.

Pursuant to condition 3, the OPCW must create an independent inspector general within its first 9 months of operation. Otherwise, half of the regular U.S. contribution to the OPCW budget will be withheld. An inspector general will ensure rigorous oversight of OPCW activities and expenditures.

While it is in the U.S. interest for the CWC to have a strong verification regime, we should not have to foot the bill for all of the research and development that goes to improving verification. That is why condition 4 was included, to require that any research and development by the United States that is designed primarily to improve the verification provisions of the CWC—including the training of OPCW inspectors—must be pursuant to an agreed cost-sharing arrangement that spreads the costs of such R&D equitably between the United States and the organization.

A cost-sharing arrangement will also be required in order to share items or services that were developed through U.S. research and development. It will still be possible, however, for U.S. agencies to pursue R&D programs so as to improve U.S. monitoring of chemical weapons, and cost-sharing arrangements need not be in place unless and until the United States wants to share the results with the OPCW.

We would also not want to be stuck with the bill for Russian destruction of their vast chemical weapons stockpile. So there is agreement on condition 14, under which the United States shall not accept any Russian effort to condition its ratification of CWC upon United States guarantees to pay for Russian implementation of chemical weapons destruction under the CWC or the 1990 bilateral destruction agreement.

ENSURING IMPROVED MONITORING, VERIFICATION AND ENFORCEMENT

Some opponents of CWC have alleged that the convention will lead to a "dumbing down" of U.S. intelligence and that the United States will shy away from taking tough actions when faced with instances of noncompliance. Three conditions address these concerns head-on.

We all know that monitoring and verification of some aspects of CWC compliance will be difficult. This fact of life has prompted understandable concern on the part of some Members, and the administration has accepted a condition—No. 10—that requires both periodic reports and prompt notice regarding world chemical weapons programs and the status of CWC compliance. The executive branch would also offer briefings on current compliance issues, including issues to be raised in

OPCW meetings and the results of those meetings.

The careful reader of condition 10 may note some hyperbole in it. Thus, the first subparagraph states that "the convention is in the interests of the United States only if all parties * * * are in strict compliance * * *, such compliance being measured by performance and not by efforts * * *"

In truth, of course, there may be major violations or minor shortfalls. If a party is delayed in its sincere efforts to clean up the vestiges of a long-inactive chemical weapons program, that will hardly constitute a threat to U.S. national interests. But the drafters of this condition are on to something; even minor violations by a few parties could erode the commitment of other parties to strict compliance with the convention.

The important thing is that the administration is not afraid to keep Congress in the loop on CWC compliance issues. Condition 10 requires briefings at least four times a year for the Congress on U.S. actions taken to address compliance issues. This regular flow of information will allow the Congress to keep abreast of chemical weapons programs and to judge for itself whether the United States is doing enough to detect and respond to noncompliance.

It may be in our interest at times to share intelligence with the OPCW, especially so as to maximize the effectiveness of the CWC's on-site inspection regime. All agree that we should take steps to protect U.S. sources and methods when sharing intelligence information.

Thanks to the work of the senior Senator from Alabama, which I am happy to commend, condition 5 has been added to do just that. It requires the intelligence community, at the interagency level, to fully sanitize and to approve all intelligence information before it is released to the OPCW.

The Director of Central Intelligence can waive this requirement for particular documents on a case-by-case basis, but that must be promptly reported to the Foreign Relations and Intelligence Committees of the Congress. The Director must also report on the procedures set up to protect classified information and on any unauthorized disclosures of information provided to the OPCW.

The Senator from Alabama's condition makes a real contribution to the verification of compliance with the CWC. The ability of the United States to share information with the OPCW is vital to catching would-be violators of the convention. I hope that this condition will not only ease the Senator's concerns over the protection of intelligence sources and methods, but also reassure him that the overall convention is in the national interest.

All of us want the executive branch to act effectively in the event that a State party should violate the CWC in any manner that threatened U.S. national security interests. Condition 13

will require the executive branch to report to and consult with the Senate regarding such violations and to make effective use of CWC provisions for challenge inspections, high-level diplomacy and U.N. sanctions. The executive branch also agrees that any sanctions required by U.S. law should be implemented in such a case.

Pursuant to subparagraph (A)(vi), if the noncompliance should persist for a year, the executive branch will be bound to consult with the Senate for the purposes of obtaining a resolution of support of continued adherence to the convention. This seems unduly rigid; a country may well need more than a year to come into compliance if it must destroy chemical weapons stocks or facilities. Frankly, I do not know what is to be gained by requiring the executive branch to consult each time on a possible resolution of support for continued adherence to the CWC. But condition 13 does not require that such a nonbinding resolution be introduced or voted upon in every case, so there is little potential for harm in this.

Some other aspects of condition 13 merit additional explanation. For example, several of the mandated executive branch responses to CWC violations must be undertaken on an urgent basis. This does not mean that they must all proceed concurrently. Thus, in some cases high-level diplomacy will suffice and there will be no need to seek a challenge inspection or U.N. sanctions.

In some cases, it might be necessary to prepare the groundwork carefully for a challenge inspection or a diplomatic approach. The Senator from North Carolina and I are agreed that the executive branch could proceed with such preparations on an urgent basis, even though they may take many months to come to fruition.

Finally, the requirement in subparagraph (A)(ii) that the executive branch seek a challenge inspection should not be read as requiring that the United States must always be the party that initiates such a request. There might well be other States parties with an equal or greater interest in a given country's apparent violation of the CWC, and it might be more fruitful in some cases for the executive branch to work with those other States parties to secure the common objective of a challenge inspection.

MAINTAINING ROBUST CHEMICAL DEFENSES

Some have asserted that if the United States joins the CWC, we will be lulled into a false sense of security and drop our guard against the continuing threat of chemical weapons. This concern is frankly a bit mystifying. Aside from the risk that any arms control treaty might be violated by a State party to it, U.S. military leaders are quite aware that such potential military adversaries as Iraq, Libya, and North Korea are not planning to sign the convention. The Joint Chiefs of Staff support CWC not because it will

automatically remove the need to defend against chemical weapons, but rather because CWC is a vital step toward reducing and combating that threat.

While the opponents' argument ignores the fact that the Pentagon has requested \$225 million in additional funds for chemical weapons defenses over the next 5 years, a condition has nonetheless been added to address their concerns. Pursuant to condition 11, the Secretary of Defense shall ensure that U.S. forces are capable of carrying out required military missions in U.S. regional contingency plans, regardless of any threat or use of chemical weapons. In particular, U.S. forces must be properly trained, equipped, and organized to operate in chemically and biologically contaminated environments. This means not only improving the defensive capabilities of U.S. forces, but also initiating discussions on chemical weapons defense with likely coalition partners and countries whose civilian personnel would support U.S. forces in a conflict.

The administration has also agreed to assure that the U.S. Army Chemical School remains under the supervision of an Army general. Finally, the President is required to submit exhaustive annual reports to Congress on the State of Chemical and Biological defense efforts.

CONSTITUTIONAL CONCERNS

Some opponents of the CWC have alleged that it will violate the U.S. Constitution by permitting international inspectors to conduct warrantless searches of U.S. facilities. Actually, a number of legal scholars have noted the specific constitutional protections written into the convention. To ease any members' lingering concerns, however, two important agreed conditions have been added.

Condition 28 makes it crystal clear that no warrantless searches will be permitted when access to inspectors is denied. All challenge inspections will require a criminal warrant based upon probable cause when consent to that inspection is withheld. An administrative warrant will be required for routine inspections of declared U.S. facilities when consent has been withheld. Both of these warrants must be issued by a Federal judge—either a U.S. District Court judge or a U.S. magistrate judge.

Condition 28 was reached through the combined efforts of the majority leader, Senator HELMS, the administration and myself. It represents a significant concession by the administration, as the Constitution does not require administrative warrants in cases of highly-regulated industries. Condition 28 reflects the executive branch's confidence that any challenge inspection mounted in the United States will, indeed, be based on sufficient evidence to justify a criminal search warrant.

I want to compliment the majority leader, in particular, for his efforts on condition 28. I would certainly hope

that the concessions he obtained from the administration on this major issue would reassure him that the CWC's important contributions to the national security will be achieved without any violation of people's constitutional rights or any undue costs or harm to U.S. persons.

Condition 12 makes clear that nothing in the CWC requires or authorizes anything that is prohibited by the U.S. Constitution, as interpreted by the United States. No administration would agree to a treaty that violated the constitution, no treaty ever takes precedence over the constitution, and only the United States interprets our Constitution. The administration is quite willing, therefore, to accept a condition stating these facts.

RIOT CONTROL AGENTS

Concerns were raised that the administration planned to amend Executive Order 11850 of 1975 to prohibit the use of tear gas in times of war to rescue downed pilots and to fend off attacks by combatants using civilians as human shields. Condition 26 has been added to lay this concern to rest.

Pursuant to condition 26, the President is prohibited from taking any action to alter or eliminate Executive Order 11850 of 1975. In other words, all uses of tear gas by U.S. Armed Forces that are permitted today—including rescuing of downed pilots and against combatants when they use civilians to shield attacks—will continue to be permitted after the CWC enters into force.

In addition, condition 26 makes clear that nearly all uses of riot control agents in peacekeeping operations will be permitted. The sole exception to that permission would be in the most unlikely case that the U.S. role in a peacekeeping operation reached such a military scope and duration that the laws of war would pertain to it.

TRANSFER OF CHEMICAL WEAPONS DEFENSES

Some opponents of CWC have asserted that article X of the convention would require the United States to provide financial assistance and equipment to countries such as Iran and Cuba in order to improve their chemical weapons defense capabilities. This is an understandable misconception of paragraph 7 of article X, which states that "each state party undertakes to provide [such] assistance through the organization." Paragraph 1 of article X defines "assistance" to include "detection equipment and alarm systems, protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures."

The rest of paragraph 7 of article X makes clear, however, that each state party is not required to provide all such assistance. A state party may contribute to a voluntary fund for assistance, or agree to provide assistance through the OPCW on demand, or simply declare what assistance it might provide in response to an appeal by the OPCW. So CWC does not compel the

United States to give any country, let alone an enemy like Cuba, anything more than medical assistance or advice.

The Senator from North Carolina has proposed in condition 15 that the Senate bind the executive branch not to provide anything more than medical antidotes and treatment to a rogue state pursuant to article X of the convention. While there is no real need to so bind the executive branch, this proposal is certainly consistent with current administration policy. As such, it may usefully allay the suspicions that article X has aroused in some quarters, and is therefore worth supporting.

MAINTAINING STRINGENT EXPORT CONTROLS

Some opponents of the CWC see article XI of the convention as requiring the Australia group—an informal alliance of potential supplier states—to relax its export controls, which are a bulwark of nonproliferation. I have never shared that concern, because the Australia Group has steadfastly told the world that it viewed its export control regime to be fully consistent with the CWC. Nevertheless, condition 7 has been added to reassure those who worry that the Australia Group would be hobbled by the CWC.

Pursuant to condition 7, the President must certify that he has obtained authoritative assurances from all other Australia Group members that they agree with the United States view that the CWC will not weaken any Australia Group controls—and these assurances have, in fact, been received. In addition, the President is required to do what it takes to prevent any backsliding in the years to come. If the Australia Group is weakened, the President will be required to consult with the Senate for the purposes of obtaining a resolution of continued adherence to the CWC.

PROTECTING THE SENATE'S PREROGATIVES

Senators on both sides of the aisle wish to preserve the Senate's constitutional role in treaty-making. Several conditions address this issue.

Condition 1 asserts that the Senate reserves the right to add reservations to the resolution of ratification, despite the ban—in article XXII of the convention—on reservations to the convention. This condition asserts the Senate's right under the U.S. Constitution, but does not exercise it. It requires the administration to inform all other states parties that the Senate reserves the right to give its advice and consent to ratification of the convention subject to reservations. Although the Senate has not exercised this right at this time, it could do so in ratifying future amendments to the convention; this condition puts all parties on notice.

If the United States decided not to cast its vote—one way or another—on a proposed CWC amendment at an amendment conference under the convention, it would be possible for such an amendment to be passed without a vote in the Senate. So condition 6 will

bind the executive branch to vote on every proposed CWC amendment and to submit any amendment to the Senate for its advice and consent.

As explained in the discussion of condition 1, the CWC includes a provision barring states parties from attaching reservations to their ratification of the convention. A sense-of-the-Senate condition warns U.S. negotiators that they should not include such provisions in any future treaty.

The Biden condition on treaty interpretation, which has been attached to all arms control treaties since the INF treaty was approved in 1988, is reaffirmed in condition 24. It states the constitutionally-based principle that the shared understanding that exists between the executive branch and the Senate about the terms of the treaty at the time the Senate gives advice and consent to ratification can be altered only subject to the Senate's advice and consent to a subsequent treaty or protocol, or the enactment of a statute.

Another condition is included which has been attached to major arms control treaties in recent years, setting forth the Senate position that any international agreement that would obligate the United States to limit its forces in a militarily significant way will be considered by the Senate only pursuant to article II, section 2, clause 2 of the Constitution. This is condition 25.

Condition 20 also purports to preserve the rights of the Senate, by asserting the sense of the Senate that the United States should not be denied its vote in OPCW organs if Congress fails to appropriate the full amount of funds assessed to the United States.

It should be noted that although paragraph 8 of article VIII of the convention allows the Conference of States Parties to permit a state party to retain its vote if the conference is satisfied that the state's arrears are due to conditions beyond the control of the state party, this is clearly a decision left to the states parties acting in that conference.

I sincerely doubt that any international body will see the actions of Congress as conditions beyond the control of the United States, although sometimes the American people may sympathize with that concept. Condition 20 merely states the nonbinding sense of the Senate, however, so it does no harm.

FOREIGN POLICY CONSIDERATIONS

Some people are concerned that the CWC has been oversold as a defense against the use of chemical weapons by terrorist groups. The Senator from North Carolina proposes, therefore, condition 19, by which the Senate will find that the CWC would not have stopped the Aum Shinrikyo Group in Japan and that future terrorist groups will likely seek chemical weapons. Both of these statements are probably quite accurate, and no harm is done by attaching them to the resolution of ratification.

Condition 8 deals with the matter of so-called negative security assurances. Despite the fact that the United States decided long ago to destroy its chemical weapons stockpile, some are concerned that one impact of the CWC will be to undermine the ability of the United States to adequately retaliate against a state that used chemical weapons against us, if that state has received U.S. assurances to non-nuclear weapons states that the United States will not be the first to use nuclear weapons against them—Such assurances are known as negative security assurances—This condition requires the administration to submit a classified report on the impact of this new reality upon U.S. retaliatory options in such a case and upon the whole policy of negative security assurances.

U.S. CHEMICAL WEAPONS DESTRUCTION

Condition 27 is the result of negotiations between the administration and the senior Senator from Kentucky. It is an important effort to ensure citizens concerned about the environment that the United States will do all it can to select the safest methods for the destruction of our own stockpile of chemical weapons.

Condition 27 assures that the United States will be able, under CWC, to give full consideration to alternatives to incineration as the means to destroy U.S. chemical weapons pursuant to the convention. Since alternative means may be feasible only if we take the full time allowed by the CWC, which is more than the time allotted under current U.S. law, this condition states that the CWC time allotment may supersede that in section 1412 of Public law 99-145.

Mr. President, this has been a lengthy explanation of what we are accepting in the 28 agreed conditions to the resolution of ratification. It is lengthy for a good reason: because the senior Senator from North Carolina and I have truly reached many elements of agreement, and because several of those agreements are truly significant. In addition, given the absence of a report from the Foreign Relations Committee, this statement is intended to create some legislative history for the 28 conditions on which the Senator from North Carolina and I have agreed.

It is my sincere belief, Mr. President, that the adoption of these 28 agreed conditions, will answer many of the most vexing concerns that have been raised by Members who find it difficult to decide how to vote on advice and consent to ratification. I hope that my colleagues will study carefully how much we have achieved.

I trust they will understand that the remaining issues are ones on which we cannot accept the proposed conditions without killing U.S. ratification of the convention or seriously impeding its implementation. And finally, I urge my colleagues, in light of what we have accomplished thus far, to take the culminating step and support final passage of this historic resolution.

Mr. KYL. Mr. President, to explain to the colleagues what is going to happen next, we are going to conclude debate this evening on the Chemical Weapons Convention and then reinstate it tomorrow.

We will begin tomorrow with the closed session which will be a 2-hour closed session in the Old Senate Chamber, and thereafter resume debate, including the motions to strike.

UNANIMOUS-CONSENT AGREEMENT

Mr. KYL. Mr. President, I have a unanimous-consent request that has been cleared on both sides. I ask unanimous consent that 1 hour of the 2 hours devoted to the closed session not be counted against the 10-hour debate time as provided in the consent agreement.

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

MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

PUTTING FAMILIES FIRST: 100 DAYS PAST DUE AND COUNTING

Mr. DASCHLE. Mr. President, over the past months South Dakota has suffered some of the worst disasters in recent memory. The drifts of snow that have paralyzed our State and killed over 100,000 cattle are at last melting, but their runoff has swelled our lakes and rivers to overflowing and forced thousands to evacuate in the face of devastating floodwaters. Only the hard work of South Dakotans, building dikes and filling sandbags to save the homes of their friends and neighbors, has prevented the serious disaster we are facing from having more catastrophic consequences.

I am also proud to say that during these disasters, our bipartisan elected leadership has set politics aside and worked together for the good of our State. Our Democratic President, our Republican Governor, our entire congressional delegation, and every local leader have made overcoming the disaster our first priority. As Governor Bill Janklow of South Dakota stated, "There is no way that Republican or Democrat politics should come into play when we are dealing with the things that are vital to all the people of this State." Together, we believe that meeting the needs of our families and our communities should always come first.

This philosophy has served South Dakota well during its time of need, and I am convinced that what has worked in South Dakota can work here in Washington. Recently, we passed the

100th day of this Congress. Since we began this session, 14 million children attended classes in schools that are falling apart, 180,000 babies were born without health care coverage and 51 million workers labored without a pension plan. Unfortunately, this Congress has accomplished nothing to meet these dire needs. It is now time to make good on our pledges of cooperation. Just as South Dakotans have joined together for the good of our State, we in Congress must join together for the good of our country and deliver much-needed relief to America's working families.

On the first day of the 105th Congress, I introduced bills to enact the Families First Agenda to raise the incomes of working families, extend affordable health coverage to children, expand the retirement benefits of workers, and make it easier for students of all ages to receive a quality education. Now it is time to roll up our sleeves and get to work. I urge my colleagues to join with me to support America's families. Every day we wait is another day they struggle to make ends meet.

Mr. President, I would like to bring to the attention of my colleagues a very important letter I received from Kym Pacheco, a resident of Sioux Falls, SD. It is a heartbreaking letter, and it tells the story of working families better than any words of mine. Despite a 105-hour work week as a truck driver, Kym's husband earns just enough for the family to get by. Each month they struggle to pay their rent and the grocery, gas, and phone bills. "Mind you," she writes, "none of this includes car repairs, school supplies, clothes, medications, or car insurance. There are no luxuries—week-end vacations, a nice car, trips to McDonald's. What we wouldn't do to be able to take our son to the Black Hills for a week! . . . But we cannot put any money into the savings. We literally live paycheck to paycheck!"

Mr. President, no one in our Nation who works 105 hours a week should live one paycheck away from an empty stomach or a missed rent payment. Families like Kym's work hard but cannot get ahead, and they fear for the future of their children. They have faith that life can be better, but they are depending upon us to give them the help they need. We cannot let them down. As Kym continues, "There are so many problems in the U.S., but I honestly believe that when our government starts passing laws that actually give families affordable, decent coverage health insurance, decent wages, tax breaks for poor and middle class working families, our country will become better. It would be a start! Our children deserve an opportunity to live better than we did!"

Mr. President, her children do deserve that opportunity, and we can give it to them. Let us accept Kym's challenge. If we put the interests of working families before party politics,

we can provide working families with tax breaks for education and ensure that parents can afford to take their children to the doctor. We can ensure that in future years when Kym's children retire they will have financial security. All of this is in our power, but to meet our goal we must work together. I hope my colleagues will join me in this task.

COMMENDING VOLUNTEERS ON THE FLOOD RELIEF EFFORT

Mr. BYRD. Mr. President, I want to highlight the commendable effort displayed by the legion of West Virginia volunteers who have done so much to help their neighbors and communities affected by last month's flooding in sixteen West Virginia counties. Their selfless dedication to neighbors in need is in the finest West Virginia tradition of community spirit and support.

The efforts of volunteers from the Fire and Rescue Departments throughout the affected area are especially noteworthy. These heroic workers rescued numerous families and individuals trapped by the raging flood waters that swept through my beloved state. You may recall some of the harrowing events displayed on television news, particularly from those hardest hit counties of Kanawha, Cabell, and Wirt. Also working during the storms and in their destructive aftermath, utility employees labored long hours in driving rain and deep mud to restore electricity, gas, water, and sewer service to the affected communities.

Mr. President, churches have always sustained the people of West Virginia, and never more so than when disaster strikes. Aside from providing physical sustenance to the affected residents, the community churches that dot our hills and hollows have also provided flood victims with moral and spiritual comfort to ease the pain of all that has been lost. Particularly hard hit in this flood, the people of Clendenin have received extensive and much-needed support from churches, neighbors, and other charitable organizations. After all of the floods of last year, it is uplifting to see that such strong community spirit yet endures among the Mountaineers of West Virginia. This year, as in previous years, volunteers, churches, and organizations like the Red Cross have risen above the flood waters of disaster to provide comfort and hope to their neighbors. I am reminded of the words of poet, essayist, and critic Matthew Arnold:

Then, in such hour of need
Of your fainting, dispirited race,
Ye, like angels, appear,
Radiant with ardour divine!
Beacons of hope, ye appear!
Langour is not in your heart,
Weakness is not in your word,
Weariness not on your brow.

Surely, the concerned faces and helping hands of volunteers and church workers seemed divinely inspired to the flood victims who benefited from