We will have the ability to decide any information that we will exchange with other countries. That has been a confusion about this treaty, Mr. President, that needs to be cleared up. When all the debate is concluded at the end of the day today, I believe it serves our national interest to go ahead and ratify the treaty. I believe it will contribute to a more peaceful world. Like all treaties, it lacks perfection. But the acid test is: Will this generation of Americans and future generations be less likely to confront chemical weapons on the battlefield or in a civilian context if this treaty is ratified? In my view, it is clear that they will be less likely to confront chemical weapons if we go ahead today. I hope very much my colleagues will join in supporting the treaty.

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

The PRESIDING OFFICER. The time of the Senator has expired.

Will the Senator withhold the quorum request?

Mr. BINGAMAN. I withhold.

RECESS UNTIL 10:30 A.M. FOR A CLOSED SESSION IN THE OLD SENATE CHAMBER

The PRESIDING OFFICER. Under the previous order, the Senate will recess and reconvene at the hour of 10:30 a.m., in the Old Senate Chamber.

Thereupon, the Senate, at 10:22 a.m., recessed under the previous order and reconvened in closed session at 10:32 a.m., in the Old Senate Chamber; whereupon, at 12:50 p.m., the Senate recessed the closed session, and the Senate reassembled in open session, under the previous order, at 1 p.m., when called to order by the Presiding Officer (Mr. Enzi).

CHEMICAL WEAPONS CONVENTION

The Senate continued with the consideration of the convention.

The PRESIDING OFFICER. The pending business before the Senate is ratification of the Chemical Weapons Convention.

The Senator from North Carolina has 1 hour and 20 minutes. The Senator from Delaware has 46 minutes.

Mr. HELMS. Mr. President, I yield 7 minutes to my friend from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

May I ask my good friend if he didn't wish that the time be charged to the Senator from Delaware?

The PRESIDING OFFICER. The time will be charged to the Senator from Delaware.

Mr. MOYNIHAN. I thank the Chair.

I thank my dear friend, the chairman.

Mr. President, I rise in support of the resolution of ratification. I will take just a moment of the Senate’s time to put this matter in a historical context.

Since its development by 19th century chemists, poison gas—as it was known—has been seen as a singular evil giving rise to a singular cause for international sanctions.

In May 1899, Czar Nicholas II of Russia convened a peace conference at The Hague in Holland. Twenty-six countries attended and agreed upon three conventions: 

1. Declaration of the Hague prohibition and added biological gases.
2. The Hague Conventions not withstanding, passed in World War I. Of all the events of the First World War, a war from which this century has not yet fully recovered, none so horrified mankind as gas warfare. No resolve ever was as firm as that of the nations of the world, after that war, to prevent gas warfare from ever happening again.

Declaring something to be violation of international law does not solve a problem, but it does provide those of us who adhere to laws mechanisms by which to address violations of them. In June 1925, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare was signed in Geneva. This reaffirmed the Hague prohibition and added biological weapons to the declaration.

In the Second World War that followed, such was the power of that commitment that gas was not used in Europe. It was expected, but it did not happen.

Then came the atom bomb and a new, even more important development in warfare. In time it, too, would be the subject of international conventions.

As part of the peace settlement that followed World War II, President Roosevelt, with the British, Chinese, and French, set up the United Nations. In 1957, within the U.N. system, the International Atomic Energy Agency was established. The new agency fielded an extraordinary new device, international inspectors, who began inspecting weapons facilities around the world to ensure compliance. This was enhanced by the Nuclear Non-Proliferation Treaty (NPT), which came into force in 1970, allowing inspectors to monitor declared nuclear sites. This was an unheard of compromise of traditional sovereignty. It has not worked perfectly. The number of nuclear powers, or proto-nuclear powers, has grown somewhat. But only somewhat: around 10 in a world with some 185 members of the United Nations. And never since 1945 has a single atomic weapon been used in warfare.

The Chemical Weapons Convention incorporates the advances in international law and cooperation of which I have spoken; it extends them. Its inspections can be more effective than the IAEA because of the ability to conduct challenge inspections when violations of which inspectors are aware.

If the Senate should fail—and it will not fail—to adopt the resolution of ratification, it would be the first rejection of such a treaty since the Senate in 1919 rejected the Treaty of Versailles, with its provision for the establishment of the League of Nations. It would be only the 18th treaty rejected by the Senate in the history of the Republic.

Our beloved former colleague, Senator Bob Dole, has given his support to do what I think we can only describe as our duty. The President pleads.

Here I would note a distinction. In 1919, Woodrow Wilson could have had the Versailles Treaty, we could have had the League of Nations. Only he had been willing to make a modicum of concessions to those who opposed this Treaty and those who wanted some changes to it, to turn a treaty with those conditions.

Again to draw a parallel with 1919. During consideration of the Treaty of Versailles, the Senate was divided into three primary camps: those who supported the treaty; those who opposed the treaty, no matter what shape or form it might take—known as “irreconcilables” or “bitter enders”—and those who wanted some changes to the treaty, most importantly led by Senator Lodge.

There are some modern day irreconcilables who oppose this Treaty for the same reason that Jayeschew interational law: viewing it as an assertion of what nice people do. Such a view reduces a magisterial concept that there will be enforced standards to a form of wishful thinking. A position which Senator Dole is wise to adopt.

Today I would appeal to those Republicans who might consider themselves with Senator Lodge. Unlike 1919, this President has heard your concerns and
It is still unknown about chemical weapons use in the gulf and there is great concern throughout the Minnesota veterans community. I’ve seen the tragic effects of this when I’ve met with gulf war veterans who went to the gulf in 1990 and who have become ill after they returned. While many are uncertain about the causes of their illnesses, they suspect that exposure to toxic chemical agents was a factor.

Mr. President, I want to tell my colleagues about a story I recently heard concerning veterans who were part of the 47th Ambulance Company who may have been exposed to toxic chemicals. After the war, a couple of company members went exploring the area nearby and noticed a spill on the floor of a warehouse. There’s no way of knowing now exactly what the substance was, but they are concerned about possible exposure to a nerve agent. They were alarmed because even this kind of low-level exposure can be a severe and possibly fatal safety risk to health. The plea from the Minnesotan who told this story is, “Please! Get everyone to stop using this junk!” Well, that is exactly what we are trying to do, and ratifying the CWC is a vital part of this effort. If we don’t sign up, America’s soldiers—and indeed, all Americans—will be the worse for it.

Another Minnesotan who was a nuclear-bunker-clearing-specialist during the war talked about the panic and incorrect use of protective equipment that occurred when there were scud alerts accompanied by CBW alerts. There were soldiers who just couldn’t handle the threat of possible chemical attacks. And why should we be surprised? The use of chemical weapons is inhuman and even the perceived threat has to be psychologically damaging. These stories just strengthen my resolve to do all I can to push for ratification of this treaty.

Mr. President, face a decision between taking a lead role in this effort or standing on the sidelines—this decision should not be difficult for the United States which historically has taken the lead in arms control, seeking agreements that are in the national interest, verifiable, and contribute to world peace. I repeat in the national interest, verifiable, and contribute to world peace. And there is no question in my mind that the CWC fully meets these standards.

To me, it is a great mystery why this treaty is not already ratified. After all, Congress directed in 1985 that all U.S. chemical munitions be destroyed by 1999—since amended to 2004. Subsequently in 1993, the United States became one of the original signatories of the CWC, now awaiting ratification by this body. It would seem that there’s nothing so dramatic as waiting until after a terrible event has gone down—obviously and sensibly. This international treaty takes a major step forward in the elimination of the scourge of chemical weapons. As the world’s only superpower and leader in the fight for world peace, we must be out front on this convention.

This treaty itself has a very interesting and solid bipartisan history as well as strong popular support, and I am mystified as to why some of my colleagues want to reject a treaty for which we are largely responsible. The CWC was conceived during the Reagan administration, crafted and signed during the Bush administration and further negotiated during the Clinton administration. Former President Bush has continued to proclaim strong support for ratification. Its bipartisan credentials are thus impeccable. Legislators and national security experts from both parties firmly support it. Former Secretary of State James Baker argues that it is outrageous to suggest that either Presidents Bush or Reagan would negotiate a treaty that would harm national security. President Clinton sees the accord as building on the treaty that his father helped to forge a strong global consensus against the spread of weapons of mass destruction.

There is also support for this treaty from the armed services. I have the unique perspective of serving on both the Foreign Relations Committee and the Committee on Veterans’ Affairs. I know that many veterans organizations support this treaty—VFW, VVA, Reserve Officers Association of U.S., American Legion, AMVETS, Jewish War Vets, to name a few. What better testimony to its value? The treaty will reduce world stockpiles of weapons and will hopefully prevent our troops from being exposed to poison gases. And, for my colleagues who are still mystified as to why some of my colleagues want to reject a treaty for which we are largely responsible, ask this question: Are there opponents to this treaty? I cannot answer that. I can only say that it is always easier to tear something down than it is to build it. Ask ethnic minorities in Iraq—who
were the victims of Saddam's chemical attacks—why there are opponents. Ask Generals Schwartzkopf and Powell why there are opponents. According to General Powell, this treaty serves our national interest—to quote his comments at lawmakers' Affairs Committee hearing: "For us to reject that treaty now because there are rogue nations outside the treaty is the equivalent of saying we shouldn't have joined NATO because Russia wasn't a part of NATO." If we are signing this treaty, their will still be rogue nations. Ask the State Department, the intelligence community, the chemical manufacturer who stand to lose as much as $600 million in sales, why there are opponents to this treaty. And ask our own gulf war veterans who lived with the fear of chemical attack and may now be suffering the effects of exposure to chemicals why there are opponents. They and I will never understand it.

Mr. President, ratification of the Chemical Weapons Convention is crucial to all nonproliferation efforts. If America's message to the world is that the United States is not deeply concerned about the production of weapons of mass destruction, then it will encourage rogue states to either continue clandestine projects or to begin producing these weapons that could imperil U.S. troops in future conflicts. Lack of U.S. resolve on the CWC will also hurt efforts to encourage Russia to enter the political process. Russia needs to feel that it is part of the political process. The CWC has been strongly endorsed by former Secretary of State James Baker and former National Security Adviser Brent Scowcroft—both of whom have held key positions in the administration. They and I will never understand it.

Mr. President, I hope that all of my colleagues realize that the United States will incur serious costs if we don't submit instruments of ratification by April 29. Unless we join the convention now, the United States will be barred from having a seat on the executive council, the key decisionmaking body of the convention, for at least a year and, perhaps, longer. We would thus be precluded from influencing vital decisions to be made by the executive council regarding the detailed procedures that will be followed under the convention. There will still be sanctions against U.S. companies—the requirement that they obtain end-user certificates to export certain chemicals—will commence on April 29 if we are not a convention party. If we still haven't joined in 3 years, U.S. firms would be subject to a ban on trade in certain chemicals. In addition, U.S. citizens won't be hired as officials or inspectors by the body that will implement the convention until the United States becomes a party to the CWC. And, even more important than these costs to the United States, is the fact that failure to ratify the treaty, which was produced because of U.S. leadership, will have a negative impact on American leadership around the world.

Mr. President, permit me to briefly summarize each of the five conditions and to spell out the key reasons why I'm unalterably opposed to them:

CWC condition No. 29 on Russia precludes the United States from joining the convention until Russia ratifies and satisfies other specified conditions. The United States would hold hostage our ability to join the CWC to hardliners in the Russian Duma. As the President put it, "this is precisely backwards [since] the best way to secure Russian ratification is to ratify the treaty ourselves." I couldn't agree more with the President, whose position parallels that of Vil Myrzyanov, a Russian scientist who blew the whistle on the Soviet Union's CW program and strongly backs the CWC. When I sat down to my distinguished colleague, Senator Lugar, he said "Senate ratification of the convention is crucial to securing action on the treaty in Moscow." Unless, my colleagues join me in striking this amendment, we'll be permitting Russian hardliners to decide our foreign policy, while dimming prospects that Russia—which has the world's largest stockpile of chemical weapons—will ratify the CWC. How can this be in our national interest?

CWC condition No. 30 on rogue states bars the United States from ratifying the CWC until all states determined to possess offensive chemical weapons programs, including Cuba, Iran, Iraq, North Korea, Libya, Syria, Iran, and Iraq, and other states deemed to be state sponsors of terrorism, have ratified. This is a killer condition likely to prevent the United States from ever joining the CWC. If this condition is not struck, we would be using the lowest common denominator as a principle for determining our foreign policy. The United States would be placed in the bizarre and embarrassing position of allowing the world's most recalcitrant regimes to determine when we join the CWC, if ever. As former Secretary of State James Baker has said: "It makes no sense to argue that because a few parties refuse to ratify the convention the United States should line up with them rather than the rest of the world." Makes no sense at all, which is precisely why I strongly support striking this condition.

CWC condition No. 31 on barring CWC inspectors from a number of countries such as Cuba, Iran, Iraq, and North Korea, from ever entering the United States as part of CWC inspection teams. This is another condition that has the potential to seriously hamstring CWC implementation. To begin with, the United States already has the right under the CWC to bar inspectors on an individual basis each year when the CWC proposes its list of inspectors. If this condition is not struck, it is likely to provoke reciprocity, resulting in other nations blackballing all American inspectors. This would have the potential of undermining one of our main objectives in joining the treaty: to ensure American inspectors take the lead in finding violations. In addition, condition No. 31 would bar inspectors from a country like China even if United States national security might be better served by letting them confirm directly that the United States is not violating the CWC, but fails to require rejection of inspectors from other countries who might have a known record of improper handling of confidential data. Because of these serious flaws, I urge my colleagues to join me in voting to strike this condition.

CWC condition No. 32 which prohibits the United States from joining the CWC until the President certifies that the parties to the convention have agreed to strike article X and amend article XI. This provision is an outright killer that will prevent the United States from joining the Convention. Clearly the President can't make such a certification prior to April, and likely won't ever be able to do since the
Constitution permits a single State party to veto such amendments. Proponents of condition No. 32 wrongly contend that the Constitution requires the United States and other parties to share sensitive technology that will assist such countries as Iran to develop offensive CW capabilities.

In fact, Mr. President, neither article X nor article XI have such requirements. Article X, which focuses mainly on assisting or protecting convention mem- bers following an attack, is not attacked, or facing attack, by chemical weapons, provides complete flexibility for states to determine what type of assistance to provide and how to provide it. One option would be to provide solely medical antidotes and treatments to the threatened state. This is precisely the option the President has chosen under agreed condition No. 15 which specifies that the United States will give only medical help to such countries as Iran or Cuba under article X. Moreover, beyond medical help, the President has made clear the United States will be careful in deciding what assistance to provide on a case-by-case basis. In sum, there is no valid justification for scrapping article X.

Opponents of the CWC contend that article XI, which addresses the exchange of scientific and technical information, requires the sharing of technology and will result in the erosion of export controls now imposed by the United States on chemical exporting countries, which includes the United States. While this is plainly not the case, the President under agreed condition No. 7 is committed to obtain assurances from our Australia Group partners that article XI is fully consistent with maintaining export curbs on dangerous chemicals. Condition No. 7 also requires the President to certify that the CWC doesn’t obligate the United States to modify its national export controls, as well as to certify annually that the Australia Group is maintaining controls that are equal to, or exceed, current export controls.

Mr. President, one final point regarding the condition’s proponents concern that articles X and XI will require technology that will assist other countries to develop offensive chemical weapons programs. Exchanges of sensitive technology and information provided under terms of both articles would be legally bound by the fundamental obligation of treaty article X, which obligates parties never to “** assist, encourage, or induce, in any, anyone to engage in any activity prohibited to a State party under this convention.” This would ban assisting anyone in acquiring a chemical weapons capability.

I strongly urge my colleagues from both sides of the aisle to join me in voting to strike this condition.

CWC condition No. 33 would prohibit the United States from ratifying the CWC until the President can certify high confidence U.S. capabilities to detect within 1 year of a violation, the illicit production or storage of one metric ton of chemical agent. Since this is an unachievable standard for monitoring the treaty, this is a killer condition that would permanently bar U.S. participation in the CWC.

Mr. President, one can deny that some aspects of the CWC will be difficult to verify, nor can anyone affirm that any arms control agreement is 100 percent verifiable. And, as Gen. Edward Rowny, who was special adviser to President Reagan, pointed out in the Washington Post and chemical weapons treaty is inherently more difficult to verify than a strategic arms treaty, under which missiles and bombers can be observed by national technical means. For one thing, chemical weapons can literally be produced in thousands of large and small laboratories around the world. But the bottom line is one made succinctly and clearly by General Rowny: “If we are within the CWC, well-trained and experienced inspectors, employing an agreed set of procedures, intensive procedures, will have an opportunity to catch violators. Outside the CWC, no such opportunity will exist.”

I couldn’t agree more. As in many other matters, the perfect is not only unattainable but is also the enemy of the good. I hope than many of my colleagues will see this issue in the same light and will join me in voting to strike condition No. 33.

In conclusion, I want to stress that America has always been a leader in international arms negotiations. America should continue this proud tradition of leading the way. We as a nation have the opportunity to be one of the world’s leading guardians of the peace through the application of this treaty; we can participate in safeguarding our armed forces, our citizens, our children from the horrors of chemical weapons; we can lessen the likelihood of chemical weapons being used again in warfare.

But to make all this possible, we must have the perspicacity and foresight to grab this fleeting opportunity, this historic moment where we decide to join with other nations to improve the quality of life worldwide and assure a safer, saner world. We have just celebrated Earth Day—and I ask what better way to honor our planet is there than by now ratifying a treaty that will protect and safeguard her people?

To quote one of the veterans who himself is really struggling with illness which he thinks is based upon some exposure to chemicals during his service in the war, he said, “This is my plea. Please get everyone to stop using this junk.”

I really do think that the more I talk to veterans with their service in the gulf war fresh in their mind, many of whom are ill, many of whom are struggling with illness, who were fine before they served in the war and are not now and want to know what has happened to them, there are two different issues. I have the honor of being on both the Veterans’ Committee and the Senate Foreign Relations Committee, and, on the Veterans’ Committee, is to get to the bottom of this and make sure veterans get the care they deserve. But the other is when we have such an important treaty, such as a historically important agreement which is in the national interest, which is verifiable and which contributes to world peace and helps us get rid of this junk and is so important not only to our soldiers-to-be but also to children and grandchildren, Mr. President, I do not think there is any more important vote that we can make than one of majority support for the Chemical Weapons Convention.

In my State of Minnesota, I know the people are overwhelmingly for this agreement. People are under no illusion. They do not think it is perfect, but they think it is an enormous step forward for all of humankind, an enormous step forward for people in our country, an enormous step forward for people in other countries as well. Since the United States of America has taken a leadership position in the international community, in the international arena, it would be, I think, nothing short of tragic if we now were to go beyond our guidelines. I urge my colleagues involved in the implementation of this agreement, if we were not involved in exerting our leadership in behalf of this agreement.

I urge full support for this agreement, and I really do think I speak for a large, engaged majority in Minnesota.

I thank the Chair.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, time will be deducted equally.

Mr. BIDEN. Mr. President, I withhold my suggestion of the absence of a quorum. I yield 7 minutes to my friend from North Dakota.

Mr. DORGAN. Mr. President, today the Senate will vote on the Chemical Weapons Convention. President Reagan began the negotiations on this treaty. President Bush signed it. And President Clinton sent it to the Senate for our advice and consent.

We do a lot of things in this Chamber. Some of them are small and rather insignificant. But we also do some very big and important things and make some big and important decisions. The vote this evening on this treaty is a very significant decision for the people of America and also people around the world.

There are some who have opposed virtually all efforts in all cases to limit arms. They vote against all of the arms
control treaties, believing that they are not in our country's best interests. I think they were wrong, and I think they have been proven wrong in a number of areas.

In previous arms control agreements, we have relied on the significant success in reducing the nuclear threat against this country. I held up in this Chamber—indeed, somewhere right near this spot—not too many months ago a large piece of metal that I held up from that missile is metal that comes from the scrapheap because the missile does not exist any longer.

In the missile silo that existed, in the hole in the ground in the Ukraine, that hole in the ground which contained a missile with a warhead ensconced in that silo, there is now simply dirt. And in that dirt are planted sunflowers—no missile, no silo—sunflowers.

Now, why are sunflowers planted where a missile was once planted, a missile with a nuclear warhead aimed at the United States of America? Because of an arms control agreement which required that that missile be destroyed. So sunflowers exist where a missile once stood poised, aimed at our country.

Arms control agreements have worked. This particular convention which we will vote to ratify today would eliminate an entire class of weapons of mass destruction.

One of the floor of the Senate today and hold up a vial of sarin gas, and if one should drop that vial of gas on this desk and it would break, those in this room might not be leaving the room; they might not survive. If someone came here with a vial and a gas mask and wore the mask and appropriate protective clothing, then they would suffer no consequences.

My point is, who are the most vulnerable in our world when there is a poison gas or chemical weapon attack? The population of ordinary citizens is the most vulnerable. There are armies, if forewarned, that can defend themselves against it, but the mass population of citizens in our countries is extraordinarily vulnerable to the most aggressive poison gas and chemical weapons known to mankind.

There are a lot of arguments that have been raised against this convention, but none of them make much sense. Our country has already decided to destroy our stockpile of poison gas and chemical weapons. We have already made that decision. President Reagan made that decision. We are in the process of finishing that job. The question before the Senate is whether we will join in a treaty ratified already by over 70 other countries, whether we will decide to work to eliminate chemical weapons and poison gas from the rest of the world, to decide that if ever American men and women who wear a uniform of our country go abroad or go somewhere to defend our country, they will not be facing an attack by chemical weapons or poison gas.

That is what this debate is about. This is not a small or an insignificant issue. This is an attempt by our country and others to join together to ban an entire class of weapons of mass destruction.

Mr. President, I have spoken several times in this Chamber about the vote that we are to take today. This vote is late. This debate should have taken place long ago, but it did not. We pushed and agitated and pushed and pushed some more to get it to the floor of the Senate because we face a critical end date of April 29.

I commend those who finally decided to join us and bring this to the floor for a debate, but now as we proceed through several amendments and then final passage, it is important for the future of this country, for my children and the children of the world, that, this Senate cast a favorable vote to ratify the treaty that comes from this convention. It will be a better world and a safer world if we do that.

I want to commend those who have worked on this in Republican and Democratic administrations, those whose view of foreign policy is that it is a safer world if we together, jointly, reduce the threats that exist in our world. Yes, the threat from nuclear weapons. We have done that in arms control treaties. Those treaties are not perfect, but we have made huge progress. And now, also, the threat of chemical weapons and poison gas.

I am proud today to cast a vote for a treaty that is very significant, and I hope sufficient numbers of my colleagues will do the same. I hope that the news tomorrow in our country will be that the United States of America has joined 74 other countries in ratifying this critically important treaty for our future.

Mr. President, I yield the floor to and make a point of order that a quorum is not present. The PRESIDING OFFICER. The time will be divided equally.

The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Vermont, who has an hour under the agreement.

Mr. LEAHY. Mr. President, I yield myself such time as I may need under the hour reserved to the Senator from Vermont.

Mr. President, today the Senate will exercise its advice and consent authority under article II, section 2, clause 2 of the United States Constitution. We have to decide whether we will advise and consent to the Chemical Weapons Convention that has been the product of negotiations conducted by the Reagan, the Bush and the Clinton administrations. If we advise and consent to it, then President Clinton will be free to ratify the convention. If we do not, of course, he does not have that power to do so.

Last week I did not object to the unanimous-consent agreement by which the Senate is now finally able to consider the Chemical Weapons Convention. I did comment at that time on the manner in which we are proceeding. We have been forced to take the unusual step of discharging this important treaty from the Foreign Relations Committee without the benefit of committee consideration or a committee report. And, what is most extraordinary, is that it is the Republican leadership for the Republican majority that has insisted on this extraordinary procedure.

Last week we were required to discharge the Judiciary Committee from any consideration of S. 495, a bill that was taken up last Thursday with no committee consideration, no committee report, and an absolute minimum of debate. In fact, the Senate was asked to consider a revised, unamendable substitute version of the bill that was not made available to the Senator who raised concerns that it might, in fact, serve to weaken criminal laws against terrorism. I dare say at least 90 out of the 100 Senators who voted on S. 495 last week had not read it and probably did not have much idea of what was in it.

I mention this because we have taken a lot of time for recesses this year but we did not come up with a budget on April 15, even though the law requires us to do so. The leadership decided not to bring one before the Senate to vote on. Each one of us had to file our taxes on April 15, or the IRS would have come knocking on the door, but even though the law requires the leadership to bring up a budget bill, none was. I am not suggesting we not bring up the Chemical Weapons Convention now. It should have been brought up last September. But I worry that the Senate is suddenly doing this, launching into this other issue, not in any kind of procedures that would enable us to really know what we are talking about. I suggest that we should be looking at the way we have done this.

In 1988 I chaired hearings on the threat of high-tech terrorism. I continue to be concerned about terrorist access to plastique explosives, sophisticated information systems, electronic surveillance equipment, and ever more powerful, dangerous weapons. With the sarin nerve gas attack on the Tokyo subway system 2 years ago, we saw the use of harmful chemicals to commit terrorist acts.

The Judiciary hearings in 1988, 1991 and 1995, we heard testimony on easily acquired, difficult to detect chemical and biological weapons and explosives. On April 17, 1995, the date of the bombing of the Murrah Federal Building in Oklahoma City, we learned how easy it is for somebody, interested in terrorism, to concoct a lethal compound out of materials as easily available as fertilizer.
So, for more than a decade I have raised issues about the threats of nuclear, biological and chemical terrorism. I have worked with Members on both sides of the aisle to minimize those threats. We have cooperated on measures such as the Chemical and Biological Weapons Conventions, the Crime Control and Law Enforcement Act of 1994, and the Antiterrorism Act, passed in April of last year. We have concurred on those. Assuming we advise and consent today, and I think now I will think someone who wanted to hold it up realizes that this is not the kind of posture they want to be in, especially as a party going into elections next year—but, assuming that we advise and consent and the President can ratify it, I look forward to working with Senator HATTON to promptly consider and report implementing legislation that will continue the progress we are making today.

I look forward to hearings in the Judiciary Committee on S. 610, having that in mind. I urge that Senate leaders consider the threat and report it to the Senate before the Memorial Day recess.

I do not expect the distinguished senior Senator from Utah, chairman of the Judiciary Committee, to bottle up this measure. I do expect him to listen carefully to the views of our committee's views. I am going to try to get something approaching regular order. We have not on anything else yet this year, but maybe we could.

We have had the Chemical Weapons Convention before us since November 1993. As the April 28, 1997, deadline approaches—after which our lack of ratification risks economic sanctions against our chemical industry that would actually cost U.S. chemical companies hundreds of millions of dollars—I hope the Republican majority will join with the President and ratify it, and allow him to sign this treaty. I understand all Democrats will vote for it. I hope all Republicans will too.

In fact, our good friend and former colleague, Senator Bob Dole, endorsed ratification yesterday. I hope others are now going to follow him, because, really, we are deciding whether the United States will be a member of a treaty that goes into effect on April 29, with or without us. No matter what we do on the floor of the Senate, this treaty goes into effect on April 29. If we do not advise and consent, the United States will be left on the outside of the world community, with states like Iraq and Libya, which have refused to become parties to this important arms control measure. It is a fascinating situation, Mr. President. If we do not advise and consent, the United States will be left on the outside of the world community, with states like Iraq and Libya, which have refused to become parties to this important arms control measure. It is a fascinating situation, Mr. President. If we do not advise and consent, the United States will be left on the outside of the world community, with states like Iraq and Libya, which have refused to become parties to this important arms control measure. It is a fascinating situation, Mr. President. If we do not advise and consent, the United States will be left on the outside of the world community, with states like Iraq and Libya, which have refused to become parties to this important arms control measure.

I want to speak briefly about two of the amendments. The distinguished chairman of the Foreign Relations Committee, Senator HELMS, has been very insistent on them. They are important with respect to this treaty, and also with respect to the issue of anti-personnel landmines. That is a matter of great importance to me.

Proposed condition 20 would, among other things, prohibit the United States from ratifying the treaty until Russia has done so. Proposed condition 30 would prohibit the United States from ratifying the treaty until 162 nations having chemical weapons programs, including China, North Korea, and Iraq, have ratified the treaty. In other words, we would say that China, North Korea, and Iraq would determine the timetable for the United States. Can you imagine that in any other context? We would be screaming on this floor. Of course we would not allow that to happen. These conditions would effectively prevent the United States from ratifying the Chemical Weapons Convention and allow the world's most recalcitrant regimes to decide the rules of international conduct.

To its credit, the administration strongly opposed these amendments. It argues, and I agree, that we should ratify this treaty even if it does, and even assuming that rogue States like Iraq and Libya and North Korea do not. In other words, even if these other nations which could easily produce chemical weapons do not join the treaty, the United States should still do so. Why? Because, by ratifying the treaty we isolate the rogue nations, we make it harder for them to produce and use chemical weapons. And, were they then to do so, if all of us had joined in this convention and they moved outside the convention, they would suffer international condemnation and sanctions.

In support of this argument the administration has turned to some of our most distinguished military and national security leaders. Let me quote what they are saying about our ratification to Russia's or to the actions of such nations as China and Iraq.

Gen. Brent Scowcroft and former CIA Director John Deutch say:

[U.S. failure to ratify] gives Russia—which has the world's largest stock of chemical weapons—even greater protections to U.S. business, and our soldiers, and those who are concerned about constitutional violations.

Shortly, we are going to vote to strike five other conditions that opponents of the treaty say are necessary to address their concerns. I hope that, rather than addressing their concerns, we address the concerns of the United States. Those five conditions should be seen for what they are, treaty killers, designed by those who have no desire to see us participate in this treaty, no matter how many modifications we make.

I want to speak briefly about two of the amendments. The distinguished chairman of the Foreign Relations Committee, Senator HATTON, has been very insistent on them. They are important with respect to this treaty, and also with respect to the issue of anti-personnel landmines. That is a matter of great importance to me.

Proposed condition 20 would, among other things, prohibit the United States from ratifying the treaty until Russia has done so. Proposed condition 30 would prohibit the United States from ratifying the treaty until 162 nations having chemical weapons programs, including China, North Korea, and Iraq, have ratified the treaty. In other words, we would say that China, North Korea, and Iraq would determine the timetable for the United States. Can you imagine that in any other context? We would be screaming on this floor. Of course we would not allow that to happen. These conditions would effectively prevent the United States from ratifying the Chemical Weapons Convention and allow the world's most recalcitrant regimes to decide the rules of international conduct.

To its credit, the administration strongly opposed these amendments. It argues, and I agree, that we should ratify this treaty even if it does, and even assuming that rogue States like Iraq and Libya and North Korea do not. In other words, even if these other nations which could easily produce chemical weapons do not join the treaty, the United States should still do so. Why? Because, by ratifying the treaty we isolate the rogue nations, we make it harder for them to produce and use chemical weapons. And, were they then to do so, if all of us had joined in this convention and they moved outside the convention, they would suffer international condemnation and sanctions.

In support of this argument the administration has turned to some of our most distinguished military and national security leaders. Let me quote what they are saying about our ratification to Russia's or to the actions of such nations as China and Iraq.

Gen. Brent Scowcroft and former CIA Director John Deutch say:

[U.S. failure to ratify] gives Russia—which has the world's largest stock of chemical weapons—an easy excuse to further delay its own accession to the CWC.

April 24, 1997

CONGRESSIONAL RECORD — SENATE

S3575
CONGRESSIONAL RECORD – SENATE

April 24, 1997

Former Secretary of State James Baker says:

[Some have argued that we should not contribute to the treaty because states like Libya, Iraq and North Korea, which have not signed the Chemical Weapons Convention, do not have the resources or the desire to comply with its provisions. They argue that this would be futile and there are better ways to deal with these states.]

I would say with some irony that this is precisely the argument that I have been using on antipersonnel landmines. Let me start with what the President, the White House staff, the Secretary of Defense, General Schwarzkopf, and former Secretary Baker have said. These arguments apply lock, stock, and barrel to the problem of antipersonnel landmines. Why not do it to China to be a part of a treaty banning antipersonnel landmines. But that is not going to happen any sooner than Iraq is going to sign the chemical weapons treaty. Their failure should not be used as an excuse for the United States not to sign a treaty banning antipersonnel mines when 100 other nations, including many that have produced and used landmines or have been devastated by their effects, are ready to sign such a treaty.

When the administration on the one hand says we have to go forward with the Chemical Weapons Convention—and I agree—even though some countries, the worst ones have not yet joined, is it possible that the administration then turns around and says we cannot do the same thing with antipersonnel landmines until everybody joins in.

No treaty is universal. In fact some treaties have taken effect with only 20 signatories. But by establishing the international norm, the rogue nations are isolated and pressure builds on them to sign. And that is the only way.

So I ask, Mr. President, why does the administration argue one way on chemical weapons but not follow through on its argument when it comes to antipersonnel landmines? Landmines are just as indiscriminate.

Why, when many more American soldiers have been killed by antipersonnel landmines, are Americans and others, have been killed and horribly maimed by landmines than by chemical weapons?

The reason, of course, is we pushed for the Chemical Weapons Treaty because we have already renounced our use of chemical weapons, just as we pushed for the Test Ban Treaty because we had renounced our own nuclear tests. But we have not yet renounced our use of antipersonnel landmines.

If we did do so, if the United States were to renounce its use of antipersonnel mines, as so many other nations have done, including many of our NATO allies, I guarantee that the administration would make exactly the same arguments in support of a treaty banning those weapons as it is making in support of the CWC.

They would say that we should not allow Russia, China, and others to develop a threat to international conduct should be. They would say it absolutely no sense that because a few pariah nations refuse to join a landmine ban the United States should line up with them rather than the rest of the world. And they would say that a treaty banning antipersonnel landmines would reduce the landmine problem to a few notorious outlaws and make the world safer for all its people. These are the arguments that are made on the Chemical Weapons Convention. They are right. They also would be right in making these same arguments in support of a treaty banning antipersonnel landmines.

In fact, Mr. President, in a letter to the New York Times on April 24, 1997 by Robert Bell, the Senior Director for Defense Policy and Arms Control, National Security Council, Mr. Bell wrote:

We will be in a much stronger position to make sure other parties to the Chemical Weapons Convention do the same if we are inside, not outside a treaty.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

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


U.S. WOULD BENEFIT FROM CHEMICAL TREATY

(By Robert G. Bell)

To the Editor:

Re A.M. Rosenthal’s “Matter for Character” (column, April 22), on the Chemical Weapons Convention, which the Senate will vote on April 24:

Mr. Rosenthal says that Article 10 of the treaty should be a “deal breaker” because it allegedly would allow terrorist nations’ access to defensive technology that would help them evade the defenses of responsible states.

If countries that have joined the Chemical Weapons Convention, renounced chemical weapons and destroyed their stockpiles can request defensive assistance—and then only if they are threatened with or under chemical attack. Further, President Clinton has committed to the Senate in a binding condition that the United States will limit access to defensive technologies, like those in Iran or Cuba—should they ratify and comply with the treaty—to emergency medical supplies.

And we will be in a much stronger position to make sure other parties to the Chemical Weapons Convention do the same if we are inside, not outside a treaty that will compel other nations to do what we decided to do years ago: get rid of chemical weapons.

Mr. LEAHY. I agree with Mr. Bell, and I know he worked tirelessly on the CWC. But unfortunately, Mr. Bell, who I am sure is well motivated, has not been listening to the same argument to antipersonnel landmines. The Vice President will not apply that argument. Many of the same people who are up here arguing for the Chemical Weapons Convention make one argument on the Chemical Weapons Convention and turn that argument completely around when it comes to antipersonnel landmines even though we face a grave danger, every day, from antipersonnel landmines.

There are 100 million of antipersonnel landmines in the ground in 68 countries, where every few minutes somebody is maimed or killed by them. This is, in many ways, a greater danger...
to innocent people than chemical weapons. And I wish the administration, I wish Mr. Bell, I wish the Vice President, I wish others who have not made their same arguments on antipersonnel landmines that they do on chemical weapons. I wish perhaps they could give us a correction of the time. They pose a grave threat to our troops. They are the Saturday night specials of civil wars. They kill or maim a man, woman or child every 22 minutes every day of the year. They are aptly called weapons of mass destruction. In fact, they are the only weapon where the victim pulls the trigger. They are a weapon where one Cambodian told me, in their country they cleared their landmines with an arm and a leg.

I am proud to support the President, the Vice President, and the rest of the administration on the Chemical Weapons Convention. But I hope that they will take the same position on antipersonnel landmines and say, let us bring together the like-minded states and there are many who are ready to join in a treaty to ban them, join with them, and then put the pressure on the other countries like Russia and China and so on who will take longer to do it.

If American children were being torn to pieces every day on their way to school, or while playing in their backyards, we would have made it a crime long ago. It is the outcome of landmines that should shock the conscience of every one of us.

So I am going to vote to advise and consent to the Chemical Weapons Convention so the President can ratify it and to extend the leadership necessary to help rid the world of the scourge of chemical weapons. I look forward to ratification and to the implementation legislation to make the treaty a reality.

And I will also continue to work to convince the administration this is the kind of leadership we need if we are to rid the world of antipersonnel landmines—a scourge every bit as horrifying as chemical weapons, frankly. Mr. President, a scourge that is killing more people today and tomorrow and last year and next year, and on and on, than chemical weapons. We should be leading the world's nations to end the destruction and death caused each day by landmines, not sitting on the sidelines.

I will conclude, Mr. President, by quoting from a letter to President Clinton signed by 13 of this country's most distinguished military officers, including Gen. Norman Schwarzkopf; former Supreme Allied Commander J ohn Galvin; former Chairman, Joint Chiefs of Staff, David J. Jones, and others. They said:

We view such a ban [on antipersonnel landmines] as not only humane, but also militarily responsible.

I quote further:

The rationale for opposing antipersonnel landmines is that they are in a category similar to poison gas... they are insidious in that their indiscriminate effects... cause casualties among innocent people...

They said further:

Given the wide range of weaponry available to military forces today, antipersonnel landmines are not essential. Thus, banning them would not undermine the military effectiveness or safety of our forces, nor those of other nations.

Mr. President, every single argument the administration has made in favor of us joining the Chemical Weapons Convention could be made to us to go to Ottawa to sign a treaty banning antipersonnel landmines. Because by doing that, we would have 90 percent of the nations of this world pressuring the remaining 10 percent, and that pressure would be enormous.

I reserve the balance—

Mr. President, how much time is remaining to the Senator from Vermont?

The PRESIDING OFFICER. Twenty-seven minutes.

Mr. DODD. May I inquire, Mr. President, from Vermont?

Mr. President, I am looking for some time for you to get to the Senator from Vermont. There is a couple of us here who have requested some time. In fact, I know my colleague from California has made a similar request. My colleague from Maryland has asked if our colleague from Vermont would be willing to yield some time to talk to them. We could make some remarks and maybe expedite this process.

Mr. LEAHY. Mr. President, I intend to be speaking again further on this. I have 27 minutes remaining.

The PRESIDING OFFICER. There is a correction of the time. You actually have 32 minutes left.

Mr. DODD. I needed 10 minutes.

Mrs. BOXER. If I could have 7 minutes, I would ask the Senator.

Mr. LEAHY. I will yield 10 minutes to the Senator from Connecticut, 7 minutes to the Senator from California, and withhold the balance of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much. I appreciate my friend from Connecticut allowing me to proceed. I may not use the full 7 minutes. I will try to be very concise.

Mr. President, I rise in strong support for the ratification of the Chemical Weapons Convention. And I base my support on four main facts.

First, the Chemical Weapons Convention is in the national security interests of the United States of America because it reduces the likelihood that American soldiers or civilians will ever face a chemical weapons attack.

We should not lose sight of why this is so important. The effects of chemical weapons are so barbaric, so devastating, that we must do all we can to ensure that they are never used again.

Chemical weapons are among the most horrible devices ever conceived. If they do not kill their victims instantaneously, chemical weapons invade the respiratory system making it unbearably painful to breathe. When chemical weapons were used in Iraq by Saddam Hussein, against the Kurds, eyewitnesses reported that the pain was so great that many victims submerged themselves in nearby rivers to escape the spreading gas.

Mr. President, we are a civilized nation here. We must do all we can to prevent this torture. And approving CWC is a major step. I know many of my colleagues had questions. I know that Senator BIDEN and others have worked tirelessly to address those problems. And I feel what we will have before us, if we defeat the killer amendments, the five killer amendments, will lead us to a far more civilized world.

All signatory nations of the CWC agree never again to manufacture chemical weapons, nor to use them in war. They agree to destroy all existing stocks of chemical weapons. They agree to allow inspections of chemical plants to verify that no weapons are being manufactured illegally.

To those who say there are some nations not at the table that will not sign the treaty, I know that is so. I will say this: If we sign this treaty and we are a party to it, it will be far more difficult for nonsignatory nations to develop chemical weapons. This is the case because rogue states will find it far more difficult to import the raw materials and manufacturing equipment they need to develop chemical weapons.

Another reason, the second reason: If the United States fails to ratify the convention, it will still go into effect, but it will be weaker. It will be weaker because many nations will stay off this treaty and, therefore, there will be fewer who are actually bound by it. Also, our inspectors will not be on the team to go and search for possible CWC violators. Our inspectors are among the best in the world, and they will give us confidence as to the true state of chemical weapons production. Why would we want to stay off a treaty that will go forward that will not have our inspectors on those teams?

Third, failure to ratify will hurt American business. The CWC imposes trade sanctions against nonsignatory nations that limit the ability of their chemical industries to export many of their products, especially those of the highest purity. It could cost our companies hundreds of millions of dollars every year. Now, opponents say that the CWC would impose additional regulations on an already heavily regulated industry, our chemical industry. They argue the convention will result in vast new compliance costs. But when you take the compliance costs of $250,000 to $2 million for the entire industry, that is a small price to pay compared to the hundreds of millions of dollars that would be lost if sanctions were imposed.

The vast majority of the chemical industries strongly supports the CWC. U.S. chemical companies advised the
Reagan and Bush administrations throughout the original CWC negotiations. Leading U.S. chemical trade associations support the CWC. They know the costs of compliance are small and the risks to industry are great if we fail to ratify.

Fourth, failure to ratify will undermine our credibility, America's credibility, in the world. Imagine a treaty that was brought forward by Ronald Reagan, continued toward the goal line by George Bush, and now a Democrat President following a legacy of those two Republican Presidents, wanting to take this over the goal line, and suddenly we are going back off. It seems to me our credibility is absolutely at stake here. I believe we should not back away from this treaty. We should pass it and defeat the killer amendments.

Mr. President, to those who raise all sorts of flags about this treaty, we should understand this: We could always withdraw from the convention on 90 days' notice. This right to withdraw is guaranteed to all signatory nations by article XVI of the CWC.

Mr. President, in closing, I thank the Senate from Vermont for his generosity, and my friend from Connecticut. I join with them. The CWC is in our national interests. It will enhance national security, protect American jobs; it will help maintain our position of global leadership; and, most important of all, it will really protect the world from the most horrible, horrible weapons of our time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Thank you, Mr. President. I thank my colleague from Vermont for his generosity in yielding time.

Mr. President, yesterday I included some extensive remarks in the RECORD regarding the treaty's overall merits, and the remarks speak for themselves today.

First, I begin by commending our colleagues, the chairman of the Foreign Relations Committee, Senator HELMS; the ranking Democrat on the committee, Senator BIDEN; the majority leader, Senator LOTT; and the minority leader, Senator DASCHLE, for working out the arrangements of this treaty so we can come up for a vote prior to the April 29 deadline.

Let me say, Mr. President, while there are disagreements—and there will be over the ultimate decision of whether or not to support the treaty—I think the debate and the process we have gone through has been healthy. I suspect those who are deeply involved in the workings of this treaty have improved it. So I commend all of our colleagues for the work they have done on this particular effort. I think it is how the Senate of the United States ought to conduct its business when it comes to matters dealing with obligations to commit our country for many years to come. It was no mistake that our Founding Fathers required super-majorities to commit this Nation to international arrangements, and the fact that we require supermajorities for treaties, I think, is worthwhile.

Mr. President, I want to focus my attention, if I can, on the first amendment here. The amendment will strike a condition in the treaty that has been included by Senator HELMS. I am going to oppose condition 30, which I believe will be the first vote we will cast. This is the rogue states condition. I will explain what that means and express why I think it ought to be struck from this treaty in the brief time I have available to me.

Mr. President, we must ask only one question today. We must ask: Is this treaty in the best interests of our country? That is our obligation as Members of the U.S. Senate. That is the question which we must address. This condition 30, the rogue states condition, I think, is not in the best interest of this country. I will explain why I think it would prohibit the United States from ratifying the Chemical Weapons Convention. It would prohibit us, of course, from ratifying the convention until nations such as North Korea, Libya, Syria and Iran sign the treaty.

More than any of the other conditions we will vote on, Mr. President, later today, this condition would delay indefinitely, in my view, the ratification of this treaty. The so-called rogue states condition, I think, would prohibit the United States of America to wait until all of the pariah states of the world ratify before we, ourselves, would accept the treaty that we, ourselves, negotiated.

There is a reason, Mr. President, that we use the words rogue and pariah to describe these countries such as North Korea, Libya, Iran. These are the nations that are the loners in the international arena and who routinely disregard international opinion in pursuing their own interest. These rogue nations, these rogue nations, have never given weight to world opinion. There is no reason to expect that they will have a change of heart any time soon. Waiting for these rogue states to accept this treaty is literally like waiting for Godot.

Let it be known, then, that a vote against striking this condition is, in my view, without any question whatsoever, a vote to prohibit U.S. participation in the Chemical Weapons Convention. If we include, Mr. President, this condition 30, the rogue states condition, we might as well include a condition that requires ratification by every single nation on Earth before we ratify. These are, indeed, the very last nations that would ever accept this treaty. That is because these nations, these rogue nations, fear this treaty and the international determination that it demonstrates.

Our country, Mr. President, has decided unilaterally to destroy its aging chemical weapons stockpile by the year 2004. That is a decision we have already made. Regardless of what other nations do, we have decided to take ourselves out of the chemical weapons business unilaterally, and yet the assumption under this faulty condition is that we must not disarm until other nations with chemical weapons or chemical weapons capability disarm as well.

We must be clear, Mr. President, that having agreed, ourselves, to destroy our chemical weapons, this treaty with whether we can act with the backing of the world to bring other nations to do the same. As Secretary Albright has said very simply, 'This treaty is about other nations' chemical weapons, not our own.' We will destroy, Mr. President, our weapons because they are no longer needed. So this idea that we must wait for other nations to ratify this treaty, I believe, is totally flawed.

This convention would establish an international norm that will allow us to pressure rogue states who decide they would rather keep and enhance their chemical weapons stockpile. On the basis of what we know now about the Persian Gulf war, that many thousands of this Nation's troops may have been exposed to chemical agents, we must not pass up the chance, in my view, to establish a norm that would have made it far more difficult for Iraq to have the weapons in the first place. Remember, Mr. President, there is no law that bars a nation from building, stockpiling, upgrading, or transferring their chemical weapons. In fact, when Iraq used chemical weapons against the Kurds, as heinous and as heinous as the Kurds did not even violate the Geneva Protocol because they did not use the agents in an international conflict.

What we need today, Mr. President, is a new agreement. This convention goes much further in establishing a basis for international action against chemical weapons themselves.

I further object, Mr. President, to this rogue states condition because we should not allow any decisions to be dictated by rogue states—by a Libya, a North Korea, and an Iraq. Let us remember that the negotiating teams of President Reagan and President Bush anticipated the likelihood that rogue nations would not accept this treaty. That is why President Reagan's and President Bush's teams included sanctions, when they wrote this treaty, against nations that remained outside of this treaty. This condition 30, the rogue states condition, results from those negotiating teams that worked so hard and with such great foresight on this very treaty. It assumes that they were so shortsighted that they did not anticipate that rogue nations would not accept this treaty. The truth, again, is that the negotiators knew very well that these rogue nations would look upon this treaty as something that they would have to oppose, so we and other nations determined that these rogue nations be penalized.

How ironic it is, Mr. President, that unless the United States strikes this...
Mr. President, I urge the adoption of the amendment to strike, and I urge the adoption of the treaty itself. I yield the floor.

The PRESIDING OFFICER. The chair recognizes the Senator from New Mexico.

Mr. BIDEN. Mr. President, I yield 7 minutes to my friend from New Mexico.

Mr. DOMENICI. Mr. President, first let me say that I believe the Senate has done itself proud with reference to the debate and participation of our Members in this series of debates and discussions regarding this treaty. When you add to it the closed session we had today, I think every Senator has had an ample opportunity to thoroughly understand this situation. I believe when the day ends and you have heard all of that, the overwhelming majority of the U.S. Senators are going to vote to ratify this treaty. I believe they are going to do that not because it is perfect, but because the world is better off and we are better off if we have this treaty than if we don’t.

Having said that, while the world has set about to perfect chemical weapons, the world has not. There is none of that, I can remember, as a very small boy, a great uncle who was a totally disabled American veteran. He was an Italian immigrant taken into the First World War. He served in the U.S. Army, and he was the victim of mustard gas. In that war, the Germans used mustard gas, a chemical weapon on the front, on the lines. Many Americans received toxic doses. In fact, this great uncle of mine, as I indicated, collected veteran benefits for his entire life for a total disability because of the mustard gas being used in World War I.

Science has perfected weapons beyond mustard gas, and the world lives under three scourges today. One is the possible proliferation of nuclear weapons; another is the proliferation of chemical weapons, and the third is the proliferation of biological weapons. Now, we have attempted in the past, starting with President Eisenhower, to do something about the proliferation of nuclear weapons. While we haven’t succeeded in totality, we have clearly succeeded beyond anything men of that day thought. It was not perfect. There were those who wanted to argue about it because it was not perfect, but we entered the nuclear age in a safer era without Atoms for Peace and everything that came with it. Having said that, let me suggest that we probably won’t find a way to enter into an international treaty on biological weapons. They are principally weapons of terrorists.

Let me talk about this treaty and tell the Senate in my own way why I am for it. First of all, I think it is an imperative. Even though it was said before, I say this because I have more time. Frankly, the reasons this treaty exists is because we are trying—the United States of America—to set in motion in the world a security and arms control treaty, and the overreaching question is: Will we be better off or worse off if we commit to its terms?

Now, this is not a treaty that is going to prevent terrorists from using chemicals as weapons if they see fit. We have made a choice of a chemical weapons treaty to commit itself to the military use of these kinds of drastic weapons. Now, it is not perfect, but let me suggest the second principle that everybody should know, including those Americans who worry about this treaty. America has already committed to totally destroying all of its chemical weapons. President Ronald Reagan, many years ago, said, let’s get rid of one kind of weapon, leaving only one left over. President Bush also agreed to get rid of them. America is now on a path to get rid of them in 10 years. All of this discussion has not changed that. So when we talk about the dangers to America, it should be understood that we have already decided that on our own. We want to get rid of them either way we think that is in our best interest—I would assume that is the case—and/or we think it is better for the world that we not have any because we think the world may follow our example. Having said that, it seems to me that, with the United States having agreed to destroy all of their weapons of this type, we ought to look at the treaty and ask, is it apt to work its will on the rest of the world quicker and better than if we didn’t have it? In everything I hear, everything I have read, in discussions with scientists that worked on it, including some of the top scientists who negotiated this agreement, they have all said that, even with its defects, the CWC is more apt than not to bring the rest of the world to the same conclusion that America has come to. They support that we might get to a point where there are none of these weapons around. So I regard the real question about this treaty, as compared with no treaty.

There are all kinds of nuances that one can talk about as you look at something as complicated as this. But I think, fundamentally, the issue is: What is best for the United States after we have committed to destroy our chemical weapons, is it better that we have the treaty or not? From everything I can tell, the 28 conditions that have been agreed upon are good clarifying language and may contain protections to our private property rights that we may have assumed early on would not be violated. But then we got concerned with the CWC and properly so. Now, there is going to be some judicial process to be required before inspections can occur. I believe we now will protect private facilities as well as public facilities like our national laboratories through requirements for search warrants as part of the language that Senator HELMS agreed on with our staff.

In summary, it seems to this Senator that if we join with other countries and begin moving to implement this treaty,
that we are better off with it than without it. Will it be difficult to get everyone in the world to agree with our position—the civil position of moral, decent leaders? I am not sure. But the question is, will it be any easier, or are we already succeed better, without the treaty? I am convinced that such is not the case.

Now, Mr. President, there are so many Senators to thank, but I say to Jow Kri, whose position I don't agree with, that I don't believe anybody has done something as complicated as this since I have been in the Senate, which is now 25 years. I compliment him for that.

I yield the floor.

Mr. BIDEN. Mr. President, I yield 5 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I thank the able Senator from Delaware, and I commend him for his extraordinary leadership with respect to the Chemical Weapons Convention. I know personally of the time and effort he has devoted to this cause. We are all in his debt.

Mr. President, less than a week before a landmark treaty—one which the United States led the world in negotiating—goes into effect internationally. The Chemical Weapons Convention, signed by President Bush on November 13, 1993, has now been ratified by 74 countries. The eyes of the world are upon the United States as we decide whether or not to join them.

It would be a major mistake if this treaty were to go into effect without us. Worse yet, if we fail to ratify, we could be jeopardizing our best chance to eliminate the chemical weapons that some day would be used against us.

This is a treaty that was advanced, negotiated, and signed by Republican Presidents with the encouragement, in 1999, of some 75 U.S. Senators. What a mistake it would be if the Senate were to forfeit this opportunity to protect American security, promote American interests and preserve American leadership.

If we fail to ratify the CWC, we will have done just that. If the Senate does not approve this historic treaty, our economic and security interests will suffer. Despite widespread and continuing bipartisan support for this treaty, despite support from some of our Nation's outstanding military leaders—such as General Shalikashvili and former Chairman of the Joint Chiefs of Staff Colin Powell, Admiral Crowe, General Vesseys, and General Jones—some of my colleagues argue that this convention does not serve our security interests.

The Chemical Weapons Convention is an unprecedented international agreement designed to eliminate a class of weapons of mass destruction. Unlike earlier protocols that prohibit only the use of chemical weapons, this convention aims at stopping their production, transfer, and storage by providing incentives for participation, verification of compliance, and penalties for violation. The United States is the only major industrialized country not to have ratified it yet. Our participation is critical to its ultimate success. This convention makes the threat of chemical weapons automatically disappear from the face of the Earth. But it will constrain their proliferation and make it harder for rogue regimes to gain access to them. By increasing the legal, moral, and financial costs of acquiring chemical weapons, it will deter covert chemical weapons programs and increase the likelihood they will be discovered.

There are three major reasons why this treaty will serve American interests and why a failure to ratify it could have severe repercussions.

First, the convention requires other nations to do something we already plan to do—destroy chemical arsenals. Under a law first signed by President Reagan, the United States will eliminate our current stockpile of chemical weapons by the year 2004, independent of what happens in this treaty. Our participation in this treaty is an important moral and political statement. We can only increase the value of that statement by meeting our obligations under the treaty.

In other words, this is not a debate over eliminating our own chemical weapons program, but rather a testament to the wisdom of doing so. This is a question of whether we can establish a regime that will require other countries to destroy their chemical weapons and stop building new ones. That is why Admiral Zumwalt has stated, militarily, this treaty will make us stronger.

It is not enough, however, to ask other nations to ratify the treaty. We must do so ourselves. Today, we have an opportunity to lead the world in abolishing these terrible weapons, rather than wriggling out of it with an excuse not to do so. If we do not adopt this treaty, or if we add crippling amendments, we will have single-handedly undermined the hope of ridding the world of this deadly scourge and of reducing the threat to our own citizens.

The second major reason to ratify this treaty is that it will provide us with better information about what other countries are doing in the realm of chemical weapons. We will gain the intelligence sources. As former Secretary of State Christopher explained, "By ratifying the Convention, we will add the force and weight of the entire international community to our efforts."

The third reason we must ratify this treaty is that a failure to do so will put U.S. chemical manufacturers at a serious competitive disadvantage. Once the CWC enters into force—which will happen Tuesday, with or without U.S. participation—chemical manufacturers in countries that have not ratified will find themselves faced with international economic sanctions. These countries will be required to obtain end-user certificates for the sale of certain chemicals abroad, and after 3 years, they will not be able to export those chemicals at all. The United States will be treated on a par with rogue states, who will no longer be trusted to conduct normal, commercial trade in chemicals.

These dismal scenarios were certainly on the minds of the chief executives of 53 of the Nation's largest chemical firms last August, who expressed their concern in a joint statement, warning: "Our industry's status as the world's preferred supplier of chemical products may be jeopardized if the United States does not ratify the CWC. If the Senate does not vote in favor of the CWC, we stand to lose hundreds of millions of dollars in overseas sales, putting at risk thousands of good-paying American jobs." American chemical companies have indicated a willingness to comply with the regulations under the treaty because they are not conducting illegal activity, and because they helped to design the treaty's inspection regime so that it would not threaten legitimate business secrets or compromise proprietary information.

Earlier this year, President Bush reaffirmed his support for ratification, telling reporters the treaty should transcend partisan. It is vitally important for the United States to be out front, not to be dragged, kicking, and screaming to the finish line on that question. We do not need chemical weapons, and we ought to get rid of them. As President Bush has said, we are opposed to others having them.

The CWC has been before the Senate for consideration for nearly 4 years now, providing ample opportunity for examination. Last year, after exhaustive hearings and review, it was reported favorably by the Senate Foreign Relations Committee, but not brought to a vote on the floor of the Senate.
Over the past few weeks a new series of hearings has been held, in open and in closed session, and all perspectives have been thoroughly aired. The administration has worked in good faith to negotiate a new resolution of ratification with the Senate. The question is whether the United States, by act of Congress, has decided to eliminate our own stocks of these weapons by 2004. They are designed to kill and incapacitate by causing such effects as skin blistering, blindness, lung damage, choking, nervous system disruption, paralysis, or even death by asphyxiation. Because of the ease of their dispersal over a wide area, chemical weapons are especially useful for targeting civilian populations.

The Chemical Weapons Convention is the most far-reaching attempt ever by the international community to control the spread of chemical weapons. It bans for the first time the development, production, and possession of chemical weapons and reinforces the international norm against their use. Since we are destroying our own chemical weapons, it only makes sense that we should want other nations to do so as well.

The convention requires all signatory states to declare and destroy any chemical weapons and the facilities used to produce them. It requires member states to submit annual reports on the production and use of certain sensitive chemicals. This information, combined with our own intelligence resources, will significantly improve our ability to monitor and prevent illegal transfers and uses of such chemicals.

Once the CWC takes effect, it will make it much harder and more costly for proliferators and terrorists to acquire chemical weapons. An intrusive verification system will be set up to detect violations. Sanctions will be imposed against nations that refuse to participate, making it more difficult for them to acquire precursor chemicals for production and an easier to monitor their efforts to do so.

The intelligence-sharing and global verification network that will result from this treaty will increase the chances that terrorist attacks involving chemical weapons can be prevented before they ever occur—a net gain in the security of our troops and our citizens.

Now, a number of very serious concerns have been raised about the CWC. I myself have shared some of these concerns. I will not speak to every criticism of the treaty, but I want to address some of these concerns now, because I believe very solid answers have been provided to virtually all of them.

Verification: Critics of the CWC have complained that it is not verifiable, and that it will be easy for nations who sign up to the treaty to cheat without notice challenge inspections if there are suspicions that it is being used to produce or store banned chemicals.

The CWC's verification regime requires routine inspections of all declared facilities working with significant amounts of chemicals listed by the treaty. In addition, a declared or not, may be subject to short-notice challenge inspections if there are suspicions that it is being used to produce or store banned chemicals.

The CWC also establishes significant trade restrictions on precursor chemicals. These restrictions will make it more difficult for nations who are not parties to the treaty to acquire these chemicals, and will provide us with much more information than we currently have about who is seeking to import such chemicals, and in what amounts.

So the concern about verification, while valid, I believe has been more than adequately addressed. We must go forward with this treaty in an open and aware that it will not detect every violation. But why would we deprive ourselves of the extremely useful tools and information this treaty would provide on the grounds that they are not foolproof? It would be incredibly shortsighted to do so.

Sharing Defense Technologies: During one of the hearings in the Senate Foreign Relations Committee earlier this month, the concern was raised that Article X of the CWC would require the United States to share advanced chemical defense technologies with rogue nations like Iran, who may sign and ratify the treaty. If indeed the treaty required that, there would be significant grounds for concern. But I believe the concern is overstated. The treaty allows the United States to assist Iran with its chemical weapons defense capabilities.

I ask unanimous consent that Mr. Berger's letter be printed in the Record at the conclusion of my remarks.

S3581

CONGRESSIONAL RECORD — SENATE

April 24, 1997

Mr. FEINSTEIN. Mr. Berger makes clear that paragraph 7 of Article X, which spells out the obligations of States Parties to assist others threatened by chemical weapons, would require the United States to provide nothing more than medical antidotes and treatments to any state we deemed unreliable. We have the option to provide advanced assistance to those states we trust, but that is not what the treaty says.

The administration is so comfortable with this reading of the treaty, that, in their negotiations with Senator HELMS...
and with the Majority Leader’s task force on the CWC, they have agreed to a binding condition (number 15) that would ensure that the United States will not provide any assistance other than medical assistance to any rogue nations that becomes a party to the treaty.

Another concern about Article X is that paragraph 3, which calls for parties to “facilitate . . . the fullest possible exchange” of information and technology on protection against chemical weapons, would allow the United States to share such equipment with rogue nations who sign and ratify the treaty.

The administration has made clear that the use of the words “facilitate” and “possible” in this paragraph mean that we will determine whether any specific exchange is appropriate, and we will not pursue those we deem inappropriate. In making these decisions, we will do nothing to undermine our national controls.

With these assertions in hand, I am satisfied that the United States will in no way be obligated to provide chemical weapons technology to any nation we deem to be untrustworthy.

Some raised the concern that Article X might induce other, less conscientious nations, to supply rogue states with defense technologies. But there is nothing that prevents those sales from taking place today, with no CWC in effect.

With the CWC, the countries who make exchanges allowed in Article X are legally bound by the treaty’s overriding principle, stated in Article I, that they can do nothing to “assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.”

In addition, the CWC would provide us with far more ability to scrutinize any exchanges than we have today. The result would be not increase, not decrease, in our knowledge of defense exchanges with rogue nations, and our ability to address any compliance concerns that may arise from these exchanges.

Cooperation on Chemical Technology: Another concern that has been raised involves Article XI. Some have suggested that Article XI, which deals with cooperation in chemical activities not prohibited by the treaty, would require the United States to provide other nations with access to our dual-use technologies and manufacturing secrets. Here again, the concern is unwarranted.

Article XI does aim to ensure that parties to the treaty can conduct legitimate chemical commerce, which is reasonable. But in his April 22 letter, Mr. Berger explains that this article does not require the United States, or any U.S. company, to provide any confidential business information to any foreign party.

As to the concern that Article XI will undercut export controls, indeed, the reverse is true. Mr. Berger makes clear that the all U.S. export controls now in effect are fully consistent with the CWC. In addition, our allies in the Australia Group, all 28 of them, have pledged to maintain all existing multilateral export controls, which they agree are fully consistent with the CWC.

Here again, the problem identified by critics of the CWC would actually be worse without the treaty. The CWC will allow us to better monitor chemical commerce that occurs today without our knowledge. It will also provide legal grounds for the United States to control exports, above and beyond our own existing export controls and those of the Australia Group.

To address the concerns raised about Article XI, the Administration has agreed to a binding condition (number 7) that the President must certify now and on an annual basis that the Australia Group is continuing to effectively control chemical exports and remains a viable mechanism for doing so.

According to this condition, the President must also certify that nothing in the CWC obligates the United States to weaken our own export controls, and that each member of the Australia Group remains committed to maintaining controls.

With this condition added to the resolution of ratification, I believe concerns about Article XI can be laid aside.

In fact, the negotiations between the Administration and Sen. Biden on the one hand, and Sen. Helms and the Lott task force on the other, have been remarkably successful in addressing the concerns that have been raised about the treaty.

In all, 28 conditions have been agreed to in these negotiations, on subjects ranging from verification and Articles X and XI, to Congressional prerogatives in providing funding for the OPCW; the establishment of an inspection and safeguards board; intelligence sharing; the Senate’s role in reviewing future treaty amendments; constitutional protections in the inspection of U.S. facilities; our armed forces’ continued ability to use non-lethal riot control agents, such as tear gas; and maintaining robust U.S. chemical defense capabilities.

With all of these conditions agreed to, there are only five areas remaining in dispute. One would think we were near the point of a visibly unanimous vote to ratify the CWC.

And yet, we still hear charges that the administration is “stonewalling.” That is simply not the case. Far from stonewalling, the administration has worked very hard to address the Senate’s concerns. But it appears that some people simply do not want to take yes for an answer.

And so, we have five conditions in this resolution of ratification which the Administration has identified as “killer” conditions. These conditions would make our ratification of this treaty meaningless, because they would either gut central provisions of the treaty, or set up unachievable goals that must be met for us to deposit our instruments of ratification. They should all be defeated.

Let me briefly address each of these killer conditions.

Condition 29 would prohibit the United States from ratifying the CWC until Russia ratifies it and takes a series of other actions to comply with past agreements.

Besides holding United States foreign policy hostage to a group of hardliners in the Russian Duma, this condition ignores the fact that the CWC provides precisely the tools that would be helpful in detecting Russian violations of this and past treaties. It also gives Russia an easy excuse to delay ratification itself. On the grounds of self-interest, this condition shoots ourselves in the foot.

Condition 30 would prohibit the United States from ratifying the CWC until rogue states such as North Korea, Libya, Syria, Iran, and Iraq have ratified it. By accepting this treaty, we allow these rogue regimes to set the standards of international conduct. It is the equivalent of saying that we should not outlaw drug smuggling because some people will still smuggle drugs.

By ratifying the CWC, the United States will make it easier to forge international coalitions aimed at eliminating the chemical weapons programs of these regimes, even through military force when necessary. It will also set a standard for those nations to follow and when these regimes are replaced by more responsible ones.

Condition 31 requires the United States to reject all CWC inspectors from countries like Iran and China. This condition is unnecessarily rigid. It would prevent us from allowing suspect states from seeing for themselves that we are not violating the treaty. It would also certainly result in American inspectors being excluded from inspections in these countries.

A better approach would be to strike this language and enact implementing legislation that would allow Congress a role in determining which inspectors should be barred, which the CWC allows the United States to do on a case-by-case basis.

Condition 32 would prohibit the United States from ratifying the CWC until Article X is eliminated and Article XI is amended. This is completely unjustified and completely unnecessary. Articles X and XI were included to reassure countries that signed the treaty that they would not be prevented from developing chemical weapons defenses or engaging in legitimate chemical commerce.

None of the 160 nations who have signed or 74 nations that have ratified the treaty will agree to renegotiate these provisions at the eleventh hour. It will simply result in our exclusion from the CWC—which is clearly the intent.

As Gen. Brent Scowcroft, National Security Adviser to President Bush,
The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BIDEN. Mr. President, I ask unanimous consent that the clerk will call the roll. The time will yield the time?

The PRESIDING OFFICER. The time will yield the time?

Mr. HELMS. Mr. President, I suggest unanimous consent that we go to the desk.

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

AMENDMENT NO. 47

(Purpose: To strike condition no. 30, relating to chemical weapons in other states)

Mr. BIDEN. Mr. President, I ask unanimous consent that I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be reported.
The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 47.

On page 63, strike lines 8 through 20.

Mr. BIDEN. Mr. President, this is condition No. 30. As was indicated at the outset of the unanimous consent agreement, the Senate has now agreed to 28 of the 33 conditions that were attached to the treaty that is before us today.

As I indicated at that time that I would be moving to strike five of the conditions, any one of which—at least four of which—if adopted, would essentially vitiate the treaty; would make our ratification useless.

They are killer amendments. This is one of those amendments. Mr. President, condition No. 30 would hold hostage our joining the Chemical Weapons Convention to the condition that rogue states—several rogue states, such as Iraq, Libya and North Korea—would have to sign and ratify the treaty before we would move to the treaty. This has a very perverse impact. The first impact is we wouldn’t be in the treaty. We would not have ratified the treaty, if we ratified this condition. Second, it has a perverse impact. It would foreclose the United States from participating in the convention until a band of 2-3 regimes that specialize in flaunting norms of civilized behavior decide for us when we should be a member of this treaty. Seventy-four nations have already signed onto it.

This condition turns the present global arrangement on its head. Instead of the civilized nations of the world setting the rules, this condition effectively lets the villains determine the rules of the road and American policy. This condition ignores the critical fact that regardless of what the rogue states do, regardless of whether we join the CWC, or not, we have decided unilaterally to destroy our chemical weapons stockpile. We will not use chemical weapons to respond to a chemical weapons attack. That is a judgment our military and our last Commander in Chief and this one has made. Instead, we will rely on what General Schwarzkof said, and General Powell, General Shalikashvili, and others will rely upon our overwhelming nonchemical military capabilities to deter and retaliate against the use of chemical weapons.

The truth of the matter is that the CWC is good, what it proposes is to create a global chemical weapons ban, and it will not do any such thing. It simply will not achieve any other of the goals. Thirty percent of the countries with chemical weapons programs, including all of those with what is called aggressive programs, have not yet signed the treaty, let alone ratified it. Yet, these
countries have been and will continue to be the paramount chemical weapons threat to the United States.

About 6 years ago, during Operation Desert Storm, the United States was so concerned about Iraq's chemical weapons program that we focused a huge percentage of our long-range forces in the Persian Gulf being rotated upon Saddam Hussein's chemical weaponry. A facility 65 miles north of Baghdad was the nucleus of Iraq's chemical weapons program, and a priority target during the early days of the Gulf War. I was amazed then that no one seemed to pay much attention. And I am amazed now that no one seems to remember General Schwarzkopf's remarks during a press briefing at that time in Saudi Arabia. It was on February 27, 1991. Here is what he said:

The nightmare scenario for all of us would have been to go through the Iraqi tank barrier, get hung up in this breach right here and then have the enemy artillery rain chemical weapons on the troops that were in the gage, in the breach right here.

Pointing to specific points.

Well, the point is this. That nightmare scenario exists today since Iraq has neither signed nor ratified this treaty.

Let us look at another rogue regime, North Korea. On March 18, 1996, the Director of the Defense Intelligence Agency, Lt. Gen. Patrick Hughes, forwarded to me a DIA assessment of North Korea's military capabilities which underscored United States concern with the war-fighting uses to which chemical weapons can be put.

Now, according to that study, and I am quoting, 'In any attack on the South, P'yongyang could use chemical weapons to attack forces deployed near the DMZ, suppress allied air power and isolate the peninsula from strategic reinforcement.'

Now, in boasting that this treaty will make us safer from Saddam Hussein and set up to 10 minutes. The PRESIDING OFFICER: They have not.

Mr. HELMS. I thank the Chair. The PRESIDING OFFICER: Who yields time?

Mr. BIDEN. Mr. President, I yield the distinguished Senator from Massachusetts up to 10 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts for 10 minutes.

Mr. KERRY. I thank the Chair. I thank the distinguished minority manager.

We have now finally arrived at the first of a series of real confrontations on this treaty, and we will vote shortly on this striking of the first reservation. It really is not possible to over-emphasize the importance of each of these votes. There are four votes, each of which would cripple this treaty. If there are 100 Members of the Senate prepared to vote for this treaty—and we know there are not—but if there were and we subsequently were to adopt one of these reservations, those 100 votes would be absolutely meaningless because we would have deprived ourselves the capacity for this treaty to go into effect if we do not strike these reservations.

The fact is that the United States would be simply unable to ratify now or at any time in the immediate future, and quite possibly never, if the effort to strike any one of these fails. That is the gravity of what we are going to be doing in this Chamber in the course of this afternoon.

The first of these reservations, condition 30, which the Senator from Delaware has ably discussed, has been called, somewhat antiseptically, "Chemical Weapons in Other States."

The text is very short, and I just want to quote it verbatim. It says:

Prior to the deposit of the United States instrument of ratification, the President, in consultation with the Director of Central Intelligence, shall certify to the Congress that countries which have been determined to have offensive chemical weapons programs, including Iran, Iraq, Syria, Libya, the Democratic People's Republic of Korea, and all other countries determined to be state sponsors of international terrorism have ratified or otherwise acceded to the convention.

Let me translate that into simple English. Under the terms of that condition, we will hold ourselves hostage to the very outlaw, rogue states that we seek to control by passing this convention. Under the terms of that condition, we would in fact do nothing to change the status quo.

The distinguished chairman of the committee said we have to hold on to this amendment and defeat the treaty essentially because Iraq, Iran, Libya, these countries have chemical weapons today. Well, if we do not pass this treaty, nothing whatsoever will change with respect to the threat versus the United States. Each and every one of those countries will continue to produce and we will continue on the path that we have been on for some years which is destroy our chemical weapons stocks. Why? Because we have decided, and appropriately I believe, that we do not need and do not intend to fight a war with chemical weapons. Now, this particular reservation has a noble objective. I do not think any of us would argue, the real objective is to get those rogue states to get rid of their chemical weapons. We are all in favor of that, if that is the real objective. But I respectfully suggest the real objective is to come around through the back door and do through the back door what they may not be able to do through the front door. There is no Senator in this Chamber who does not hope that Iran, Iraq, Syria, Libya, the Democratic People's Republic of Korea, and Sudan, and in fact, every nation on Earth, is going to someday ratify the CWC. If that was the case or it was about to happen or had happened, there would be a lot less concern about how we are going to go about clarifying, inspecting, or challenging during the course of this treaty. But that is not the case. There is not one of those Senators who has drafted this resolution who can look any other Senator in the eye in this Chamber and say, I believe that any of those rogue states are about to ratify tomorrow, the next day, or the next day. That is not going to come as any surprise to anybody here in the Chamber, Mr. President. This is not one of those things that.

In fact, during most of the 10 years during which the Reagan administration and the Bush administration negotiated over exhausting amounts of time to develop this treaty, they developed it to structurally design it would apply to trade in chemicals conducted by nations that do not ratify the treaty.
Mr. HELMS. I have here, Mr. President, a few pariah states refusing to join the convention, and I would just as soon not be associated with those thugs in this particular measure.

I think that is a pretty strong statement about precisely what this reservation would have the effect of doing. General Powell, who has already been quoted by my colleague, made it very clear that we should not do this and make the United States unable to do the tracking, and therefore, to support for defenses against such threats.

In fact, in December 1995, the then-vice chairman of the Joint Chiefs of Staff, Mr. Schlesinger, called for improvements in our ability to track chemical weapons development.

Mr. BIDEN. I yield my colleague another 30 seconds.

Mr. KERRY. I have here a former Assistant to President Reagan and Secretary of State Mr. Baker said:

Some have argued that we shouldn't commit to the treaty because states like Libya, Iraq and North Korea, which have not signed it, will still be able to continue their efforts to acquire chemical weapons. This is obviously true, but the convention, which will go into effect in April whether or not we ratify it, will make it more difficult for those states to do so by prohibiting the sale of chemicals to nonmembers that can be used to make chemical weapons.

He said:

It makes no sense to argue that because a few pariah states refusing to join the convention, the United States should line up with them rather than the rest of the world.

This is a bipartisan sentiment, Mr. President, and I hope the Senate will vote to ratify, or if we fail to ratify by April 24, we will have endorsed the CWC, which promise to reduce the menace posed by mass destruction weapons but which cannot do so--in fact, tend to make the countries that we want to align itself with those nations.

Mr. HELMS. I am very much in favor of the ratification of the treaty.

And he said:

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 think that is a pretty strong statement about precisely what this reservation would have the effect of doing.

Mr. BIDEN. I yield my colleague another 30 seconds.

Mr. KERRY. Former Assistant to President Reagan and Secretary of State Mr. Baker said:

Some have argued that we shouldn't commit to the treaty because states like Libya, Iraq and North Korea, which have not signed it, will still be able to continue their efforts to acquire chemical weapons. This is obviously true, but the convention, which will go into effect in April whether or not we ratify, will make it more difficult for those states to do so by prohibiting the sale of chemicals to nonmembers that can be used to make chemical weapons.

He said:

It makes no sense to argue that because a few pariah states refusing to join the convention, the United States should line up with them rather than the rest of the world.

This is a bipartisan sentiment, Mr. President, and I hope the Senate will vote to ratify, or if we fail to ratify by April 24, we will have endorsed the CWC, which promise to reduce the menace posed by mass destruction weapons but which cannot do so--in fact, tend to make the countries that we want to align itself with those nations.

Mr. HELMS. I am very much in favor of the ratification of the treaty.

And he said:

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 think that is a pretty strong statement about precisely what this reservation would have the effect of doing.

General Powell, who has already been quoted by my colleague, made it very clear that we should not do this and make the United States unable to do the tracking, and therefore, to support for defenses against such threats.

In fact, in December 1995, the then-vice chairman of the Joint Chiefs of Staff, Mr. Schlesinger, called for improvements in our ability to track chemical weapons development.

Mr. BIDEN. I yield my colleague another 30 seconds.

Mr. KERRY. Former Assistant to President Reagan and Secretary of State Mr. Baker said:

Some have argued that we shouldn't commit to the treaty because states like Libya, Iraq and North Korea, which have not signed it, will still be able to continue their efforts to acquire chemical weapons. This is obviously true, but the convention, which will go into effect in April whether or not we ratify it, will make it more difficult for those states to do so by prohibiting the sale of chemicals to nonmembers that can be used to make chemical weapons.

He said:

It makes no sense to argue that because a few pariah states refusing to join the convention, the United States should line up with them rather than the rest of the world.

This is a bipartisan sentiment, Mr. President, and I hope the Senate will vote to ratify, or if we fail to ratify by April 24, we will have endorsed the CWC, which promise to reduce the menace posed by mass destruction weapons but which cannot do so--in fact, tend to make the countries that we want to align itself with those nations.

Mr. HELMS. I am very much in favor of the ratification of the treaty.

And he said:

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 think that is a pretty strong statement about precisely what this reservation would have the effect of doing.

General Powell, who has already been quoted by my colleague, made it very clear that we should not do this and make the United States unable to do the tracking, and therefore, to support for defenses against such threats.

In fact, in December 1995, the then-vice chairman of the Joint Chiefs of Staff, Mr. Schlesinger, called for improvements in our ability to track chemical weapons development.

Mr. BIDEN. I yield my colleague another 30 seconds.

Mr. KERRY. Former Assistant to President Reagan and Secretary of State Mr. Baker said:

Some have argued that we shouldn't commit to the treaty because states like Libya, Iraq and North Korea, which have not signed it, will still be able to continue their efforts to acquire chemical weapons. This is obviously true, but the convention, which will go into effect in April whether or not we ratify it, will make it more difficult for those states to do so by prohibiting the sale of chemicals to nonmembers that can be used to make chemical weapons.

He said:

It makes no sense to argue that because a few pariah states refusing to join the convention, the United States should line up with them rather than the rest of the world.

This is a bipartisan sentiment, Mr. President, and I hope the Senate will vote to ratify, or if we fail to ratify by April 24, we will have endorsed the CWC, which promise to reduce the menace posed by mass destruction weapons but which cannot do so--in fact, tend to make the countries that we want to align itself with those nations.

Mr. HELMS. I am very much in favor of the ratification of the treaty.

And he said:

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 think that is a pretty strong statement about precisely what this reservation would have the effect of doing.

General Powell, who has already been quoted by my colleague, made it very clear that we should not do this and make the United States unable to do the tracking, and therefore, to support for defenses against such threats.

In fact, in December 1995, the then-vice chairman of the Joint Chiefs of Staff, Mr. Schlesinger, called for improvements in our ability to track chemical weapons development.
April 24, 1997

CONGRESSIONAL RECORD – SENATE

S3587

the face of repeated and well-documented violations by Saddam Hussein. What likeli-
hood is there that we would be any more in-
sistent when it comes to far less verifiable
bans on production and stockpiling of such
weapons?

As a non-party, the United States would
also remain free to oppose dangerous ideas
such as imposing inspections and dismantling
manufacturing facilities and defensive equip-
ment to international pariahs such as Iran and
Cuba. And the United States would be less
likely to be swayed by informal understand-
ings or international agreements having no
protective capabilities, out of a false sense
of security arising from participation in the
CWC.

In addition, if the United States is not a
CWC party, American taxpayers will not be
asked to bear the substantial annual costs of
our participating in a multilateral regime that
will not “end the chemical weapons
business” in countries of concern. (By some
estimates, these costs would be over $200
million per year.) Similarly, U.S. citizens and
companies will be spared the burdens asso-
ciated with reporting and inspection ar-
rangements that might involve unreasonable
searches and seizures, could jeopardize confi-
dential works in progress and yet could not
ensure that other nations—and espe-
cially rogue states—no longer have chemical
weapons programs.

Against these advantages of nonparticipa-
tion, the purported down-sides seem rela-
tively inconsequential. First, whether Rus-
sia actually eliminates its immense chemi-
cal arsenal is unlikely to hinge upon our par-
ticipating in the CWC. Indeed, Moscow is
now actively creating new chemical agents
that would circumvent and effectively defeat
the treaty’s constraints.

Second, the preponderance of trade in
chemicals would be unaffected by the CWC’s
limitation on the supply of chemicals external
to the treaty regime, if any, fairly modest
on American manufacturers.

Finally, if the United States declines to
join the present Chemical Weapons Conven-
tion, it is academic whether implementing
arrangements are drawn up by others or not.
In the event the United States does decide to
become a party at a later date—perhaps after
improvements are made to enhance the trea-
ty’s effectiveness—it is hard to believe that
its preferences regarding implementing ar-
rangements will be given any significant
weight. This is particularly true since the
United States would then be asked to bear 25
percent of the implementing organization’s
budget.

There is no way to “end the chemical
weapons business” by fiat. The price of at-
tempting to do so with the present treaty is
unacceptably high, and the cost of the illu-
sion it creates might be higher still.

[From the Weekly Standard, Mar. 24, 1997]

A BAD TREATY

The United States Senate must decide by
April 28 whether to ratify the Chemical
Weapons Convention. The press, the pundits,
and the Clinton administration have treated
the debate as another chapter in the histo-
rious of battles between “internationalists”
and “isolationists” in the new, post-Cold
War era.

But what we really have here is the con-
tinuation of one of this century’s most
enduring disputes. In the first camp are the
high priests of arms control theology, who
have long argued that international agreements
are a dangerous anachronism.

The case for ratifying the Chemical Weap-
ons Convention is a triumph of hope over ex-
perience. It is an attempt to reform the world by collecting signatures. Some of the
most dangerous nations—Iraq, Syria, Libya,
and North Korea—have not ratified the con-
vention. The United States cannot ensure that
it will. Some of the nations that are signatories, like Russia, China, Iran, and Cuba, are
manifestly unreliable and are already looking for ways to circumvent the convention’s provi-
sions.

The convention’s most prominent Ameri-
can defenders agree that it is probably not
verifiable. And it isn’t. Chemicals can be produced in small but deadly amounts in tiny make-shift labora-
tories. The new terrorists—choosy to poison subway riders in Japan in 1995, for in-
case, was produced in a 14 ft.-by-8 ft. room.
No one in the American intelligence commu-
nity believes that a president would order such strong uni-
lateral action, since he would be bound to
turn over evidence of a violation to the
international pariahs such as Iran, Syria, and
Cuba. And the United States would be
subject to foreign inspection, with inspectors
Our troops safer from chemical attack . . .
we have no more important obligations, es-
pecially in the wake of what we now know
about the Gulf War.

Although all civilized nations can embrace
the notion of eliminating chemical weapons,
we would, nevertheless, be a mistake to ratify
the CWC, signed by more than 160 nations—
including the United States during the Bush
administration.

The treaty requires the destruction of
chemical weapons that signatories to the
treaty own or possess, or weapons anywhere
under their jurisdiction; the destruction of
chemical weapons abandoned on the terri-

dory of another state; the destruction of
chemical-weapons production facilities; the
prohibition of riot-control agents as a meth-
od of warfare—all reasonable and worthy
goals.

Ever since 1675, when a French-German
agreement not to use poison bullets was con-
cluded in Strasbourg, nations have struggled
with how to limit the terribly destructive
nature of chemical weapons, though none of
the subsequent international agreements
prevented the use of chemical weapons by
warring factions.

In the 1980s, Iraq used chemical weapons,
including nerve gas, against Iran, clearly
violating the 1925 Geneva Protocol. But an
international conference has failed to agree
to enforce or fortify the Geneva Protocol, prov-
ing the difficulty is not a lack of law, but the
failure to enforce it.

In the case of the CWC, for the first time
in U.S. history, private industry will be sub-
ject to foreign inspection, with inspectors
being dispatched from an agency based in the Netherlands. In addition, businesses must prove to the U.S. government and international inspectors that they are not producing or stockpiling chemical weapons without non-compliance fines reaching as high as $50,000 per incident.

Tucson’s Sundt Corp. estimates that “with five or six or 10 job sites, Sundt has 2,000 contractors, subcontractors, and suppliers in two states, and up to 25 job sites utilizing subcontractors and suppliers in eight states, the complete and final determination of what we have is going to be a long time coming. The compounds and the derivatives, the interactive relationships (with the list of chemicals) could involve the cost of a chemist’s or consultant’s time amounting to a few hundred dollars, not including Sundt Corp.’s administrative time.”

Under the terms of the treaty, inspections may be conducted at any facility within a state party without probable cause, without a warrant. Inspectors will be authorized under the treaty to collect data and analyze samples. This could result in the loss of proprietary information, or “based upon the depth of inspection, e.g. interviews with corporate personnel, employees, vendors, subcontractors; review of drawings, purchase orders, inspection and reviews of internal and external correspondence; we feel that it could be difficult to safeguard confidential information during this inspection,” says the Sundt Corp.

The obligation to open on-site inspections raises clear Fourth and Fifth Amendment concerns, which is why no probable cause need be shown while a foreign state will have the right to a challenge inspection of a U.S. facility without the grounds that are essential for such a search.

As Sen. J. Kyl, R-Ariz., has pointed out, the CWC may actually contribute to the proliferation of chemical technology because of its requirement that the United States share information with rogue nations, once they sign onto the CWC.

Further, American technology that might actually enhance the safety of U.S. troops—such as non-lethal immobilizing agents—could be prohibited if the Senate ratifies the convention in its present form.

The forces on both sides of this issue in Washington are men and women of good will. But the CWC is not a good deal for the United States. That is the message the Senate should strongly consider to send to Bill Clinton, in unimpeachable terms.


The debate over the Chemical Weapons Convention looks like it’s about to turn into a slugfest, notwithstanding last week’s spectacular of Jesse Helms and Madeleine Albright holding hearings. Intimations of the battle to come were heard the week before last, when then-secretary of State Warren Christopher de-
unfunded mandate, as well as the constitutional problems with spot checks by international inspectors. There may be ways out of these problems without the need to push back to the bargaining board. One would be for the Senate ratification resolution (a document that accompanies all international treaties ratified by the Senate) to state that the treaty should be imposed on American companies at least until such a time as the treaty has been ratified by countries that are key to its effectiveness—such as Russia and Iran.

On Friday, Senate Majority Leader Trent Lott informed administration negotiators that they will have to deal directly with the staff of Sen. Jesse Helms' Foreign Relations Committee, which is indeed where the responsibility belongs. Mr. Helms has some other issues outstanding with the administration, including State Department reorganization. If the CWC is truly as important as the White House claims it is, there is little time to be lost in getting the White House to work on the legitimate problems of this treaty.

The Clinton administration has been pushing hard for ratification by that date, and the U.S. Thus the administration is being pressured to impose the treaty on American companies at least until such a time as the treaty has been ratified by countries that are key to its effectiveness—such as Russia and Iran.

Many senators are worried that the U.S. lacks the capability of other countries’ compliance with the CWC. This disquiet is fueled in part by the rather vague intelligence assessments by Arms Control and disarmament agency Director John Holum and other officials, who repeatedly have asserted the Senate that the CWC is “effectively verifiable.” Indeed, proponents say the CWC will be an added tool for intelligence collection.

But intelligence reports demonstrate it is insufficient, even though intelligence chiefs have given the treaty bandwagon every endorsement. In 1994, then-CIA Director R. James Woolsey told senators that “the chemical-weapons program 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.” And a May 1995 National Intelligence Estimate stated that production of new chemical weapons would be difficult to detect and confirm as a CWC-sponsored activity.

Several countries—notably including Russia—maintain clandestine chemical weapons programs designed to elude detection. The administration virtually ignored reports of Moscow’s continuing covert development and production of binary nerve agents, and made no visible attempt to induce Moscow to terminate the programs—until last week, when the Washington Times made public a classified Pentagon report. The report described Foliant, the code name of a super-secret program begun under the Soviets to develop nerve agents that could kill many microscopic amounts. One of those substances is A-232 of the Novichok class of binary weapons, which were designed to circumvent future CWCs. The Pentagon report says the chemical formulas are not defined in the CWC lists. Therefore, Novichok weapons technically are not banned under the treaty. The administration counters that they are banned “in spirit,” but as with all its arms control agreements, Moscow has been banking on the technical fallout. Russian military scientists and journalists revealed the program, but Russian officials were forced to deny it. The leaked Pentagon report’s low level of classification—secret as opposed to top secret—suggests that protecting intelligence sources and methods is not one of the administration’s objectives. Rather, it appears the facts were simply too inconvenient for the administration’s purposes.

Nearby all the leaked information had appeared in the press long before. In September 1992, Vil Mirzayanov, a dissident Russian scientist who worked for 26 years on the clandestine nerve-agents program, wrote an article in Moscow News describing the existence and nature of Novichok, and the specific intent to circumvent the CWC. More details emerged over the next two years as authorities pursued—though not always—Mr. Mirzayanov. One of Russia’s top binary weapons scientists, Vladimir Ugiev, revealed the existence of A-232—which he personally developed—in an interview with the magazine Novoye Vremya in early 1994. And in May 1994, Moscow Times reporter Vladimir Zhirnov wrote an article for the Baltimore Sun and other publications. Backed by letters from Sens. Bill Bradley (D., N.J.) and Jesse Helms (R., N.C.), the U.S. Senate formally joins the CWC regime. A creative solution might be, for instance, to say that the treaty’s requirements must be fulfilled before the United States formally joins the CWC regime. A creative solution might be, for instance, to say that the treaty’s requirements must be fulfilled before the United States formally joins the CWC regime.
The world has known about A-232 since the May 1994 publication on this page of an article by a Russian scientist, who warned how his colleagues were attempting to camouflage its existence. It is now the subject of a classified Pentagon paper, reported in the Washington Times earlier this month, on the eve of what is shaping up to be an escalation in September that could lead to chemical weapons use. Wiley Collins, who is involved in the Chemical Weapons Convention, notes that the administration was forced to sound the retreat then, pulling the treaty from consideration when it became clear that the Senate was preparing to vote it down. Now it's time to turn the page in full view of the United States, that at least we can begin to outlaw poison gas from the earth.

This is an admirable sentiment—who isn't against making the world safe from the horrors of chemical weapons? The danger of ratification is that it's far from reality. In fact, ratification would likely bring the opposite result. It is time to focus on matters of higher priority than ramrodding through a controversial treaty that merits careful deliberation.

The Administration, meanwhile, is mounting a full-court press, with the president offering a plea for ratification in his State of the Union message. But that at last we can begin to outlaw poison gas from the earth.

The United States—along with the heaviest burden fall on their smaller partners—who are parties to the Convention should be abandoned. The Administration, meanwhile, is mounting a full-court press, with the president offering a plea for ratification in his State of the Union message. But that at last we can begin to outlaw poison gas from the earth.

This is an admirable sentiment—who isn't against making the world safe from the horrors of chemical weapons? The danger of ratification is that it's far from reality. In fact, ratification would likely bring the opposite result.

A few key danger areas. It would obligate U.S. companies to provide fellow signatories with full access to their latest chemical technologies, notwithstanding American trade or foreign policy. One country that will be a great help in upping its chemical capabilities is China, which, upon signing the CWC, declared its intention to take a leadership role in the Convention with the Convention should be abandoned.

No doubt Cuba and Iran, to name two other signatories, share the sentiment. The Russian team that came up with A-232 no doubt could accomplish much more with the help of the most up-to-date technology from the United States. Verification is an insurmountable problem, and no one—not even the treaty's most ardent supporters—will promise that the treaty can be enforced. In the administration's observed skepticism about the CWC can be "effectively verified." Yet if chemical weapons are easy to hide, as A-232 proved, they are also easy to make. The sarin used in the poison-gas attack on the Tokyo subway was not made in a fancy lab but in a small, ordinary room used by Aum Shinri Kyo's amateur chemists. The treaty provides for snap inspections of companies that make chemicals, not of religious cults that decide to cook up biological weapons programs and which have histories of consorting, and weapons. A-232 admitted in 1995 that it had produced over 500 tons of a lethal nerve gas agent before the Gulf War. The U.N. inspectors had previously been unable to uncover evidence of this, despite the rigorous inspection regime than even those mandated by the Chemical Weapons Convention verification regime. As noted, Iraq has neither signed nor ratified the Chemical Weapons Convention.

Iraq—despite the most intrusive inspection and monitoring regime in the history of the world—has remained a chemical weapons production capability and continues to hide details and documents related to its chemical weapons program. The U.N. Special Commission believes that Iraq continues to have the ability to produce chemical weapons. It is presently developing a new generation of medium-range ballistic missiles that will be able to carry chemical warheads. North Korea has neither signed nor ratified the Chemical Weapons Convention.

Iran—this is the critical, Iran's chemical weapons program is among the largest in the Third World. It has continued to expand, even since Tehran signed the CWC. The Central Intelligence Agency believes that Iran has no intention of abiding by the terms of the CWC. Iran is making improvements to its chemical capability and these would suggest it has made a long-term commitment to its chemical program. I repeat, the CIA believes that Iran has no intention of abiding by the terms of the CWC. It is the most active state sponsor of international terrorism. It is directly involved in planning and directing terror attacks. And it could supply chemical weapons to a number of terrorist groups. Iran has not ratified the Chemical Weapons Convention.
Mr. President, the point is, unless these countries are party to this treaty, whatever benefits the treaty has are essentially meaningless. This is one of the reasons why former Defense Secretary Dick Cheney said this, in a letter he wrote about a week ago. He said:

Those nations most likely to comply with the Chemical Weapons Convention are those states that likely will constitute a military threat to the United States. The governments we should be concerned about are likely to cheat on the CWC, even if they do participate.

In effect, [he wrote] the Senate is being asked to ratify the CWC even though it is likely to be ineffective, unverifiable, and unenforceable. Having ratified the convention, we will then be told we have “dealt with the problem of chemical weapons” when in fact we will not. Ratification of the CWC will lead to a sense of complicity, totally unjustified given the flaws in the convention.

Finally, to the point. The Senator from Massachusetts said that we are somehow associating ourselves with thugs by not joining. I find that really an argument that is, really—

Mr. HELMS. Insulting. Mr. KYL. Mr. President, I don’t want to use the word insulting, but it has no persuasive force that way. Does this mean if a country like Iran or Cuba, for example, signs up, that we would be associating with lesser thugs? Actually, don’t the proponents of the treaty want us to associate with thugs nations, if this is going to mean anything? Don’t we want all of those countries in the treaty with us?

Somehow, under their logic, we don’t want to associate with these thugs. Yet, they want to pass a treaty that, presumably, if it is going to mean anything, has these thugs in it, in which case we are associating with them.

Obviously, the point is not whether we are associating with thugs. I don’t think that any of us can fail to make appropriate distinctions here. The fact of the matter is, the thugs nations, if this treaty is to mean anything, ought to be part of the organization and, at that time, the United States then could participate in a meaningful way.

Until those thugs are a part of this treaty, we are just wasting our time and money and putting a lot of our citizens to an awful lot of unnecessary hassle.

The point of this condition is to make a point, to make the point that the countries that really matter are not even going to be governed by this treaty. It is one of the reasons why this treaty, in the end, cannot be supported.

The PRESIDING OFFICER. Who yields time? The Senator from North Carolina.

Mr. HELMS. Mr. President, allow me to inquire of the distinguished colleague, does he have somebody ready to go now? I do, if he does not.

Mr. BIDEN. Why don’t you go ahead? Mr. HELMS. I believe I have an hour and 6 minutes that I saved a while ago. I yield 10 minutes of that to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. HELMS. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee for his leadership on this issue, for talking about this treaty so that all of America is beginning to see what the issues are.

I hope to be able to support the Chemical Weapons Convention as strengthened by the resolution of ratification introduced by the chairman of the Foreign Relations Committee.

Before I conclude, I want to draw our attention to the remarkable events in Lima, Peru. The Peruvian Armed Forces and police conducted a bold, daytime raid and rescued 71 of the 72 hostages being held by a terrorist group for 4 months. As part of the operation, the Peruvian Army used riot control agents to stun the terrorists and rescue the hostages.

I would caution my colleagues, regarding what we hope to do on this treaty, that the actions of the Peruvian Armed Forces that resulted in minimal loss of life among the hostages were quite possibly a violation of the Chemical Weapons Convention, which expressly forbids the use of riot control agents as a method of warfare.

I make this point because this treaty has many things in it that we must think about very carefully. I believe the proposals the distinguished Senator from North Carolina has offered in the resolution before us will turn a flawed treaty into an effective, verifiable tool of American foreign policy. We are talking about safeguards that ensure the treaty will be something that America can support, knowing that there are protections against constitutional rights and in the security of our country.

One of the amendments before us today would take away one of the very important elements of protection that I just spoke of. The amendment I am referring to does not require that the Director of the CIA certify that the countries which have been determined to have offensive chemical weapons, like Iran, Iraq, Syria, Libya, North Korea, China—have ratified the convention. We want to make sure that those countries are going to come under the auspices of this convention. I think it is important that we have those safeguards.

So, I hope my colleagues will support the resolution, the underlying resolution, rather than the amendments that are being put forward.

I am glad the Senate is taking the opportunity to improve this treaty. It is our constitutional responsibility to advise and consent on treaties is one of the most important that we have. Unfortunately, we have gotten into the bad habit of all consent and no advice. When it comes to that, we cannot let that happen. That is why we are here. That is why the Constitution requires two-thirds of our body to ratify any treaty that America would participate in.

Mr. President, international treaties extend the full faith and credit of the United States, and they become the law of our land when they are ratified. So the United States cedes a little sovereignty with every treaty the Senate ratifies. That is why the framers of our Constitution wanted to be very careful that two-thirds of the Senate would be needed to ratify any treaty that would become the law of our land.

Like no other treaty before it, the Chemical Weapons Convention will make it distinctly unattractive for our thousands of companies who will be faced with new Government regulations or be subject to searches and seizes of
Mr. President, I think we have to address three key questions when we are talking about not only destroying our chemical weapons but sharing the technology that we have for defending against them.

My first question is: Will this treaty achieve the desired objective, an objective we all want, and that is to rid the world of chemical weapons?

I do not think so. Even the most ardent supporter of the treaty knows that this is not going to rid the world of chemical weapons. We know that there are outlaw regimes producing chemical weapons as we speak that have no intention of signing or ratifying this treaty.

Iraq is one example. Iraq makes a mockery of international agreements. The Government of Iraq has used chemical weapons against its own people, for Heaven's sake. Who among us believes that a government that would do this would honor an agreement when it has already used these weapons on its own people?

Even worse, this treaty as written actually encourages the spread of chemical weapons technology among the countries that are parties to it because articles X and XI require treaty participants to share their chemical weapons defense technologies and prohibits countries from placing restrictions on commerce in chemicals that can be used for weapons purposes. Mr. President, how can we do that?

We are talking about restricting ourselves from producing chemical weapons, which we want to do, and we are talking about sharing our defenses against chemical weapons with countries that may be represented in international inspection groups that would come into our businesses and could easily give this information back to the countries who are not signatories.

That is why these amendments are so important, so that every one of these countries that has chemical weapons will be a party to this agreement, so that at least we would know that we have some ability to sanction these countries when they are not able to show us that they are complying.

Mr. President, my second question is: Can we determine with reasonable accuracy that the other countries that have signed the treaty will honor it, as President Reagan's words, "trust but verify." We need the ability to verify.

This is a treaty that I am afraid there is no way we could really verify. In fact, even the supporters admit that you cannot really verify it. We are trying to strengthen it so that we will have at least some ability. But then it comes into question, are we going to exercise those abilities?

Mr. President, we have three good, tough, supposedly enforceable international agreements to restrict the use of and destroy chemical weapons. Several of these agreements have failed. So now we have today to consider another agreement, even tougher, that involves more countries, and we hope it will work where others have failed.

Their property by teams of international inspectors. These are the practical effects this treaty will have on ordinary Americans.

As many as 670 companies in my home State of Texas will be directly affected. Only a few of these companies are actually in the chemical industry. Many others use small amounts of chemicals for legal, nonmilitary purposes. But according to this treaty, they will be required to submit business information to a new United Nations-style international organization that will monitor this treaty, or they will have to open their property to inspections by teams of international inspectors.

Because of the way this treaty will affect ordinary Americans, it is a profound departure from previous arms control treaties which were really limited to military contractors and installation personnel. That is why we have to look carefully at this treaty. If we are going to impose this burden on ordinary Americans, then we must make sure that the benefits outweigh the costs.

First, let me say, without qualification, I strongly support chemical warfare international convention that is supposed to rid the world of chemical weapons and destroy chemical weapons.

The two Russian agreements are currently in effect. But those agreements have failed. Right now our international inspectors cannot even agree upon a resolution condemning Iraq.

When the Government of Iraq used chemical weapons against its own citizens in the 1980's, the United Nations could not even agree upon a resolution condemning Iraq.

Unfortunately, neither the Geneva Protocol against chemical weapons use nor the two agreements that we have signed with Russia are actually being enforced.

When the Government of Iraq used chemical weapons against its own citizens in the 1980's, the United Nations could not even agree upon a resolution condemning Israel.

The two Russian agreements are dead, too. The Russian Prime Minister told Vice President Gore in July 1996 that the Russians have outlived their usefulness. It appears that the Russians do not intend to honor these agreements. I remind my colleagues that Russia has the world's largest stockpile of chemical weapons, and this is a matter.

So, Mr. President, we have three good, tough, supposedly enforceable international agreements to restrict the use of and destroy chemical weapons. Several of these agreements have failed. So now we have today to consider another agreement, even tougher, that involves more countries, and we hope it will work where others have failed.
Mr. President, I think that the committee has done an excellent job of protecting the interests of Americans in this treaty. I hope that we can keep the safeguards so that all of us can vote for this treaty. I would like to because I respect the people who are for the treaty.

I have the greatest regard for President Bush. I think he is a wonderful man. He would never leave the United States of America defenseless. But you know, if Senator Kyl and Senator Helms had not stood up, one of the safeguards that President Bush put in the treaty would have been taken out, and that is the use of tear gas by our forces in wartime, because President Bush made sure that we said right up front, yes, we will use tear gas because Bush made sure that we said right up front, yes, we will use tear gas because in wartime, because President Bush put in safeguards that President Bush put in.

President Clinton disagreed with that. He said, no, we would not use tear gas. But because of the efforts of Senators Kyl and Senator Helms, we have been able to agree on that issue.

So, Mr. President, I hope to be able to support this treaty. I think the distinguished chairman of the committee for allowing me to speak for his leadership. I would like to be able to support it, but I will not support the treaty without the safeguards to the security of America. That is my first responsibility.

Thank you, Mr. President.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield 10 minutes to my colleague from Indiana.

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

Mr. Lugar. I thank the Chair.

I thank the distinguished Senator from Delaware.

Mr. President, the objective of the Chemical Weapons Convention, the debate that we are involved in now, is leadership, a question of leadership by our country.

We can take a look at all the exceptions and the negative views, but the positive force I think we want to stress in framing this issue is, the United States of America, our statesmen, our President Ronald Reagan, George Bush, now President Bill Clinton, and many who have worked with them in the Armed Forces and in statecraft, recognize that our country has a very substantial problem in the world, namely that of chemical weapons.

We came to a determination on our part that these weapons were unreliable, unstable, dangerous, and so dangerous, as a matter of fact, that we did not wish to employ them—we wished to destroy them. We have been doing that as a matter of our own.

Our dilemma is that other nations, primarily Russia, with substantial stores much greater than our own, but a variety of other nations, purportedly have these weapons. Our problem is to convince other nations in the world that we all ought to be about the task of ending production of these weapons, ending possession, storage, ending any vestige.

Now, in order to do that, we have to bring other nations into this with us. Therefore, we have offered leadership now for many years. We have convinced 74 other nations that have already signed the Chemical Weapons Convention that they ought to be with us in this quest. I make that point at the outset, Mr. President, because the motion before the Senate is to strike a condition added, at least to this treaty, that would say we ought to forgive our leadership, we ought to really forget what our objective has been for years. I presume we ought to forget we are in the process of destroying all of our own chemical weapons and simply hope that others will follow.

As a matter of fact, if we do not ratify this convention this evening, others will proceed, but they will proceed without us. Our diplomacy with Russia will be severely impaired. As a result, even though we do not work with Russia on this one, it is the matter of fact, to help them destroy chemical weapons—through reasons the world will find hard to understand, we will have denied the very treaty we have asked others to sign.

Let me say with all due respect to those who formulated the idea that we should not ratify the Chemical Weapons Convention unless the so-called rogue states—named as North Korea, Libya, Syria, Iran, and Iraq—must have really stayed up nights trying to think of some way to throw us off course. I presume they felt that our antipathy to some of these states would be such that we would say if they are not going to be a part of it, we ought not to proceed. We ought to simply go after them in a unilateral way. Let me examine that for a moment, Mr. President.

The Senator from Delaware and the Senator from Massachusetts have talked about law, about legitimacy. As a matter of fact, our Nation does have the mobility to be an enforcer. In the event we feel our security is threatened, our President might, in fact, consider a military action against a nation that otherwise might threaten us. But let us examine the implications if our President decides to do this. If he is going to act unilaterally without benefit of international law—and international law does count because other nations understand the implications of that cooperation and the binding that brings—if we are going to contemplate solo strikes without benefit of international law, then we will have to think about outright rights, about the problem of our pilots if our aircrafts are down, about a number of implications in which we count upon cooperation of nation-states. International law does count. It makes a difference that there is a law against this, and that the United States acts with other nations and with their backing to enforce that, and that we shall have to do.

Much has been said about lack of majority, will or lack of political will, but, Mr. President, I have seen very little of that in this Chamber during this debate. We are serious about this.

Mr. President, let me add just as a topical matter, because the Members of the Senate have been watching local television at least in the last half-hour appreciate that in northwest Washington, in the downtown area near the B’nai B’rith headquarters, a vial of chemical material or biological material is present that authorities of the police and fire department and special persons in the Washington, DC, area have now picked up this material, and people in the B’nai B’rith headquarters are being decontaminated. A suggestion is that it may be anthrax, a very deadly biological.

It was not long ago on this floor, Mr. President, that the Nunn-Lugar-Domenici Act was debated and we talked then in terms of attempting to bring Department of Defense resources into the cities with the cities of this country—Washington DC, being prominent among them, Atlanta, GA, Denver, CO, and 23 other cities have been named—so that in the event there should be another threat, this specific mentioned in the debate we were prepared to move. That is leadership, Mr. President. We saw the threat and we prepared to move upon it. We have done so.

Now, we will do so with regard to the international scene. But the treaty gives us the basis of international law. To suggest for a moment, Mr. President, we ought to be deterred from our leadership by whether Iraq joins, whether Iran is involved, whether the Nunn-Lugar Act should be involved, is to stretch credibility really to the breaking point. These nations are irrelevant to our membership and our leadership. They are irrelevant to our standing for international law and our ability to act, and to act decisively. That must be our standard, Mr. President.

With imagination, one will think of all sorts of hobgoblins that can be thrown up to make an interesting debate, but debate is leadership, and debate is decisive political will, and the debate is our ability to convince other nations of the world they should come with us, that we are reliable, that we stay the course, that our word is good, administration after administration.

Mr. President, this is the reason we should vote to strike this amendment, this condition, from the convention immediately, decisively. It has been a point, clearly, a parliamentary procedure, and that our failure to do so, as a matter of fact, jeopardizes the entire treaty. It is impossible, if impossible, our Nation would ever join, would ever follow through on our leadership, if we were to wait upon states
General Hughes said:

In any attack in the south, Pyongyang could use chemical weapons deployed near the DMZ, suppress allied air power, and isolate the peninsula from strategic reinforcement.

Four days ago in a Seoul, North Korea, newspaper there was an article quoting very high North Korean officials as saying they now have adequate chemical weapons toalborg South Korea. This is going on as we speak. So we are talking about nations that are not going to be our friends. These are the ones that, whether they are signatories, or whether they ratify or not, it doesn't make too much difference. It tickles me when they talk about, "Russia is going to do that." Last night, I was on a talk show and we finally agreed that on the 1990 Bilateral Destruction Agreement, they have been found in noncompliance of that, and of the START I, of the Conventional Forces in Europe. Even though my opponent denied it was the INF, in fact, they were. In the 1995 Arms Control Disarmament Agency report, it says that they are not in compliance with that; the START II, they have not been in compliance with that.

But let's assume if a country like Russia doesn't comply when they ratify, what about these rogue nations? I can tell you for sure that those proponents of the ratification have gone to an extent where you make it look like—or to make us believe that the Reagan administration, if they were here today, would be in support of this Chemical Weapons Convention. I can assure you that they would not. Coincidentally, I happened to be on a talk show—"Crossfire"—with a very fine gentlemen, Ken Adelman. He had been in the Reagan administration. We found out, after he gave his testimonial as to why we should ratify—and he admitted it was not verifiable nor is it global, but he still thought we should do it. Mr. Adelman is prejudiced by his membership on two boards of directors, the International Planning and Analysis Center and on Newmeyer and Associates. These companies, which he directs, have clients in many foreign countries, including China and Japan, and they represent companies that deal in chemicals such as those from the Upjohn Co. People say this is just chemicals. It is not just chemical companies we are talking about. In this chemical association that gets so much attention, it represents 192 chemical companies. These are the large ones, the giants. There are some 4,000 other companies, and you can expand it beyond purely chemical companies to some 8,000 other companies, most of whom are opposed to this, because they would be shut out in the competition.

I think the whole thing on this particular amendment is whether or not this would have any positive effect on the rogue nations if we should ratify...
April 24, 1997

CONGRESSIONAL RECORD — SENATE

S3595

the Chemical Weapons Convention. I don’t think there is anybody here who is so naive to think that, voluntarily, if they are a part of it, they would reduce their chemical behavior. I think those of us in this room can argue and debate about this treaty. But I believe that it is important to lay, to press the urgency of this, former Secretary of Defense, J ames Schlesinger, said, “To the extent that others learn from international sharing of information on chemical warfare defenses, our vulnerability by suggestion that is diminished. Finally, this treaty in no way helps shield our soldiers from one of battlefield’s deadliest killers. As indicated earlier, only the threat of effective retaliation provides such protection.”

What he is saying is there is not that we would use chemical weapons, but by the fact that we are not a party to this treaty is one that would at least offer some type of a deterrent. So I think, Mr. President, you and look and read of the hostility that is over there. James Woolsey said, in 1993:

More than two dozen countries have programs to research or develop chemical weapons, and a number have stockpiled such weapons, including Libya, Iran, and Iraq.

Three of the countries we are talking about:

The military competition in the always volatile Middle East has spurred others in the region to develop chemical weapons. We have also noted a disturbing pattern of biological weapons development following closely on the heels of the development of chemical weapons.

Mr. President, the threat is there, and we know that other countries can sell their technology, as well as their systems, to rogue nations. We know Russia has done this, to specifically Iran and other nations, not when they sold their technology, but also their equipment. So it is a very scary thing to think that we might be putting ourselves in a position that would increase our exposure to the threat of chemical warfare and would increase the proliferation of chemical weapons in the Middle East.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I believe time has expired. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. If the Chair will refresh my memory, a motion to table is not in order, is that correct?

The PRESIDING OFFICER. All time would have to be yielded back on the amendment in order for a motion to table to be in order. The unanimous-consent agreement does not appear to preclude a motion to table.

Mr. HELMS. How much time remains, Mr. President?

The PRESIDING OFFICER. Currently, the Senator from North Carolina would have 4 minutes 27 seconds on the amendment. The Senator from Delaware would have 2 minutes 37 seconds.

Who yields time?

Mr. BIDEN. Mr. President, how much time remains for me?

The PRESIDING OFFICER. The Senator controls 2 minutes 37 seconds.

Mr. BIDEN. I yield myself the remaining time. I will speak to a couple of points. With regard to Ken Adelman, I am sure our colleague from Oklahoma didn’t mean to impugn his motivation by suggesting for whom he worked. I would not suggest that of Mr. Rumsfeld because of where he works now, that it caused him to have that view. Ken Adelman—although I disagree with him most of the time, he was an able member of the administration. He was viewed as a hawk at the time he was here. For the record, I am sure there was no intention to do that?

Mr. INHOFE. If the Senator will yield, I made it very clear before my remarks that I held him in the highest esteem. However, the fact remains that he does work for those companies that have an interest, and that could be a conflict of interest. I think that could be drawn by anyone.

Mr. BIDEN. I yield Senator for making what he meant. I didn’t think that’s what he meant. I was hoping that was not what he meant, but it is what he meant. That could be said about almost everybody who testified before our committee, for and against the treaty, and I frankly, I think that the leaders for and against this treaty in the last two administrations are men and women of integrity who would have no conflict. They are consistent with what they did within those administrations.

Let me point out a few things. It seems interesting to me that here we are, the very people—our very colleagues who want to have a provision saying that we want all these rogue nations in the treaty mean the treaty is worthless. Translated, very simply, they are not for this treaty under any circumstance, whether or not these nations are in the treaty or out of the treaty. I also point out that—in the interest of time, I will not be able to point it out in detail—every argument against this treaty made thus far on the floor today, I respectfully suggest, is made worse by not being in the treaty under the treaty. I find it, quite frankly, interesting.

My time is up. I hope my colleague will not move to table. We agree not to attempt to amend any of those conditions. I hope we will yield back the time up or down. Apparently, it is not in the agreement. If he chooses to do it, I guess he has the right.

Mr. HELMS. Mr. President, I shall now move to table for whom I have the remaining time. The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 47.
The yeas and nays have been ordered. The clerk will call the roll. The assistant legislative clerk called the roll.

The result was announced—yeas 71, nays 29, as follows:

[Roll Call Vote No. 46 Ex.]

YEAS—71

Abraham (D-AZ)
Akaka (D-HI)
Baucus (D-MT)
Biden (D-DE)
Bingaman (D-NM)
Bond (R-OR)
Boxer (D-CA)
Breaux (D-LA)
Bryan (D-WI)
Bumpers (D-AR)
Byrd (D-WV)
Chafee (R-RI)
Cochran (D-MS)
Coats (R-IN)
Cleland (D-GA)
Chafee (D-RI)
Byrd (D-VA)
Bryan (D-MS)
Breaux (D-LA)
Bond (D-CA)
Biden (D-DE)
Abraham (D-IL)

nays 29, as follows:

[Roll Call Vote No. 46 Ex.]

YEAS—71

YEAS—71

The amendment (No. 47) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senate from Delaware withdraws his inquiry. Who seeks time?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi, the majority leader.

Mr. LOTT. Mr. President, can I get time off the manager's time from the bill?

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

Mr. LOTT. I do still have my leader time. If I need that, we can use that also.

Mr. President, I had planned on and had hoped to be able to speak after all of the votes on the motions to strike because I did not in any way want to distract from those motions to strike. I have hopes that at least some of them might actually be defeated, particularly the one with regard to inspectors coming into the United States from some of the so-called rogue countries, but I think it is important we go ahead and state our positions at this point. Everybody has made their case. It is time to make decisions and to move on. I want to start by thanking Senator HELMS for his cooperation. Without his cooperation we would not be here today. His cooperation guaranteed that we were able to develop a process that was fair, that allowed us to get S. 495 up and voted on last week, that all of the remaining issues in disagreement would have an opportunity to be debated, considered and voted upon.

He really has done an excellent job. There is no question that he continues to have great reservations about this legislation. But his efforts and the efforts of Senator KYL from Arizona have been nothing short of heroic. They have been tenacious. They have done their homework. They have made excellent statements both here and in our closed session earlier today. I think they should be commended for what they have done. In fact, their work and their success has contributed greatly to the likelihood that this treaty actually will pass. That had not necessarily been their intent, but they wanted to make sure it passed, they wanted it to pass in the best possible form. I also thank the Democratic leader for his courtesies as we worked through a very complicated unan- nymous-consent agreement. We were watched over very carefully by the Senator from West Virginia. I thank the Senator from Delaware, [Mr. BIDEN] for his cooperation and his patience, and I think the fact that we have all sort of kept cool heads and been careful how we proceeded has served us well.

Mr. President, our Constitution is unique in the power it grants the Senate in treaty making. Article II, section 2 states the President "shall have the power to make treaties, but the advice and consent of the Senate, provided two-thirds of the Senators present concur." The Senate's coequal treaty making power is one of our most important constitutional duties. All 100 Senators have approached this duty very seriously in examining the Chemical Weapons Convention, as we should. We have participated in and we have listened to hearings laying out the arguments for and against the convention. We have looked closely at many provisions of the convention and have sought the advice and counsel of experts and former policymakers. We read many articles and we have heard the arguments making the case for and against it.

Before addressing my views on the convention itself, I should like to share with my colleagues a brief history of the Senate's action on this convention, how we got to where we are today.

The Chemical Weapons Convention was signed in the United States as an original signatory on January 13, 1993, in the last days of President Bush's adminis- tration. For reasons that remain unclear, it was 10 months before Presi- dent Clinton sent the convention to the Senate. In his transmittal letter, dated November 23, 1993, President Clinton wrote:

I urge the Senate to give early and favorable consideration to the convention and to all of the advice and consent to its ratification as soon as possible in 1994.

Let me remind my colleagues that for the next 11 months, until the 103d Congress adjourned on December 1, 1994, the Senate majority leader was George Mitchell and the chairman of the Foreign Relations Committee was Claiborne Pell.

Despite Democratic control of the White House and the Senate, the Sen- ate did not consider the Chemical Weapons Convention in 1994.

In late 1995, Senate Democrats began a filibuster on the State Department authorization bill to force action on the CWC. On December 1, 1995, an agreement was reached providing for the convention to be reported out of the Foreign Relations Committee by April 30, 1996. The committee honored that agreement, and the convention was placed on the Executive Calendar. That is where matters stood when I became majority leader on June 12, 1996. Only 6 days later, before I had a chance to get my sea legs at all, there began a filibuster once again by the Senate Democrats to force Senate ac- tion on the convention.

To allow critical national defense legislation to proceed, we worked with Senators on both sides of the aisle, and again we reached an agreement guaran- teeing a vote by September 13, 1996.

In the weeks preceding the vote, opponents and proponents of the conven- tion made their case to Senators. On September 6, 1996, I requested the de- classification of certain key judgments of the intelligence community relating to key aspects of the convention. On September 10, the administration par- tially complied with that request, and certain intelligence judgments were made public. I asked the Senate to request that the exchange of letters on the in- telligence judgments be printed in the Record.

Mr. President, I understand the Gov- ernment Printing Office estimates it will cost $1,280 to print these letters in the Record.

There being no objection, the mate- rial was ordered to be printed in the Record, as follows:

OFFICE OF THE MAJORITY LEADER,}
Washington, DC, September 6, 1996.

President WILLIAM JEFFERSON CLINTON,
The White House,}
Washington, DC.

DEAR MR. PRESIDENT: I am writing to ask your cooperation and support for Senate ef- forts to obtain information and documents directly relevant to our consideration of the Chemical Weapons Convention.

As you know, the Senate is currently scheduled to consider the Convention on or before September 14, 1996 under a unanimous consent agreement reached on June 28, 1996. Immediately prior to the Senate agreement to consider the Convention, I stated, "With respect to the Chemical Weapons Convention, the Ma-

Majority Leader and the Democratic Leader
will make every effort to obtain from the administra-
tion such facts and documents as re-
quested by the Chairman and ranking mem-
ber of the Foreign Relations Committee, in or-
der to fully prepare for its consideration of the
issue of Russian compliance with existing
chemical weapons arsenals control agree-
ments and with the Chemical Weapons
Convention.

During a Senate Select Committee on In-
telligence hearing on June 17, 1996, Senator
Kyl asked for a specific document—a cable
written in Bonn, Germany by Arms Control
and Disarmament Agency (ACDA) Director
Holum, concerning recent Russian docu-
ment positions on the Bilateral Destruction
Agreement, ratification of the Chemical
Weapons Convention and on U.S. assistance
for the destruction of Russian chemical
weapons. On numerous occasions, Senator
Kyl was told the document did not exist. Fi-
nally, on July 26, Senator Kyl was able to see
a redacted version of the document under
tightly controlled circumstances but the
document has not been made available to
Chairman Helms or other Senators.

Mr. President, the unanimous consent
agreement of June 28, 1996, was entered into
in good faith, and based on our understand-
ing that the Administration would be
fully forthcoming in the provision of in-
formation and documents to enable the Sen-
ate to fulfill its constitutional responsi-
bilities. Numerous judgements of the United
States intelligence community deserve as
wide a circulation as possible—particularly
since they are distinctly different than some
public statements made by officials of your Administra-
tion concerning the Convention.

Accordingly, I respectfully request that
you reconsider your refusal to declassify
materials also would reveal information
about U.S. force vulnerabilities. The para-
graphs that are still classified remain so
immediately to declassify the May 21, 1996
paragraphs which, as you know, an essential element of the Execu-
tive Branch's conduct of foreign relations is
the protection of the confidentiality of high
level, sensitive diplomatic discussions and
cooperation.

After a careful review of the paragraphs
of the intelligence documents that you re-
quested be declassified, we have determined
they were properly classified. However, we
have been able to declassify parts of the
treaty which, as you know, has been before
high-level Administration team briefed Sen-
ate debate on the CWC. As you know, a
cable written by ACDA Director Holum, the
July 8, 1996 letter from Russian Prime Minister
Chernomyrdin and selected paragraphs from
the Chemical Weapons Convention.

I regret that we cannot declassify the May
21, 1996 cable or the letter from Russian
Prime Minister Chernomyrdin to Vice
President Gore because these documents have been properly classified
under E.O. 12958; they contain sensitive diplomatic
information regarding high-level, ongoing
negotiations, the disclosure of which may af-
flect the ability to negotiate. In addition, the correspondence you requested
is between the highest levels of the United
States and Russian governments, and was
exchanged with the expectation that it
would be kept in the strictest confidence.

As you know, an essential element of the Execu-
tive Branch's conduct of foreign relations is
the protection of the confidentiality of high
level, sensitive diplomatic discussions and
cooperation.

After a careful review of the paragraphs
of the intelligence documents that you re-
quested be declassified, we have determined
they were properly classified. However, we
have been able to declassify parts of the
treaty which, as you know, has been before

I regret to inform you that your adminis-
tration has not been fully cooperative in
Senate efforts to obtain critical information.
Chairman Helms wrote to you on June 21, 1996—just after a vote on the
Conven-
tion—and asked eight specific questions. Chairman Helms also re-
quested the provision and declassification of documents relating to crit-
"sues of Russian compliance with existing
chemical weapons arsenals control agree-
ments and with the Chemical Weapons
Convention.

On July 26, Senator Kyl was able to see
a redacted version of the document under
tightly controlled circumstances but the
document has not been made available to
Chairman Helms or other Senators.

Mr. President, the unanimous consent
agreement of June 28, 1996, was entered into
in good faith, and based on our understand-
ning that the Administration would be
fully forthcoming in the provision of in-
formation and documents to enable the Sen-
ate to fulfill its constitutional responsi-
bilities. Numerous judgements of the United
States intelligence community deserve as
wide a circulation as possible—particularly
since they are distinctly different than some
public statements made by officials of your Administra-
tion concerning the Convention.

Accordingly, I respectfully request that
you reconsider your refusal to declassify
materials also would reveal information
about U.S. force vulnerabilities. The para-
graphs that are still classified remain so
immediately to declassify the May 21, 1996
paragraphs which, as you know, an essential element of the Execu-
tive Branch's conduct of foreign relations is
the protection of the confidentiality of high
level, sensitive diplomatic discussions and
cooperation.

After a careful review of the paragraphs
of the intelligence documents that you re-
quested be declassified, we have determined
they were properly classified. However, we
have been able to declassify parts of the
treaty which, as you know, has been before
high-level Administration team briefed Sen-
ate debate on the CWC. As you know, a
cable written by ACDA Director Holum, the
July 8, 1996 letter from Russian Prime Minister
Chernomyrdin and selected paragraphs from
the Chemical Weapons Convention.

I regret that we cannot declassify the May
21, 1996 cable or the letter from Russian
Prime Minister Chernomyrdin to Vice
President Gore because these documents have been properly classified
under E.O. 12958; they contain sensitive diplomatic
information regarding high-level, ongoing
negotiations, the disclosure of which may af-
flect the ability to negotiate. In addition, the correspondence you requested
is between the highest levels of the United
States and Russian governments, and was
exchanged with the expectation that it
would be kept in the strictest confidence.

As you know, an essential element of the Execu-
tive Branch's conduct of foreign relations is
the protection of the confidentiality of high
level, sensitive diplomatic discussions and
cooperation.

After a careful review of the paragraphs
of the intelligence documents that you re-
quested be declassified, we have determined
they were properly classified. However, we
have been able to declassify parts of the
As part of this continuing effort, I have attached a detailed response which includes the declassified material.

Sincerely,

ANTHONY LAKE, Assistant to the President for National Security Affairs.

RESPONSES TO ISSUES RAISED BY MAJORITY LEADER LOTT

The issues addressed in the attachment to your letter concern chemical weapons proliferation challenges we must address, with or without the CWC. The CWC provides concrete measures to raise the costs and risks of engaging in CW-related activities. The CWC also will improve our knowledge about CW activities worldwide. This is why the Government is strongly supported by both Presidents Bush and President Clinton.

Since the CWC was submitted to the Senate in 1992, the Intelligence Community has kept the Senate fully informed of its judgments regarding the Convention. During the past three years, the Intelligence Community has written a number of briefs to the Committees on Intelligence, and other reports, testified in numerous public and executive session hearings, answered dozens of intelligence questions for the record, and briefed numerous members on the status of efforts to resolve the Global War on Terrorism.

The Intelligence Community judgments on the CWC reflect any of the information it has from the Services, Joint Staff and OSD, and is working to identify the needs of the military. The Intelligence Community is well aware of the significant defense and intelligence implications of the CWC. In the past three years, the Intelligence Community has testified, the Administration's budget request for FY 97 for our chemical defense programs is $505 million. The U.S. military is well aware that it must improve its chemical defense capability and is working to identify the needs of the military.

The CWC also will improve our knowledge about CW activities worldwide. This is why the Government is strongly supported by both Presidents Bush and President Clinton.

Since the CWC was submitted to the Senate in 1992, the Intelligence Community has kept the Senate fully informed of its judgments regarding the Convention. During the past three years, the Intelligence Community has written a number of briefs to the Committees on Intelligence, and other reports, testified in numerous public and executive session hearings, answered dozens of intelligence questions for the record, and briefed numerous members on the status of efforts to resolve the Global War on Terrorism.

The Intelligence Community judgments on the CWC reflect any of the information it has from the Services, Joint Staff and OSD, and is working to identify the needs of the military. The Intelligence Community is well aware of the significant defense and intelligence implications of the CWC. In the past three years, the Intelligence Community has testified, the Administration's budget request for FY 97 for our chemical defense programs is $505 million. The U.S. military is well aware that it must improve its chemical defense capability and is working to identify the needs of the military.

As regards our chemical defense capabilities, we are working to identify the needs of the military. The Intelligence Community judgments on the CWC reflect any of the information it has from the Services, Joint Staff and OSD, and is working to identify the needs of the military. The Intelligence Community is well aware of the significant defense and intelligence implications of the CWC. In the past three years, the Intelligence Community has testified, the Administration's budget request for FY 97 for our chemical defense programs is $505 million. The U.S. military is well aware that it must improve its chemical defense capability and is working to identify the needs of the military.

As regards our chemical defense capabilities, we are working to identify the needs of the military. The Intelligence Community judgments on the CWC reflect any of the information it has from the Services, Joint Staff and OSD, and is working to identify the needs of the military. The Intelligence Community is well aware of the significant defense and intelligence implications of the CWC. In the past three years, the Intelligence Community has testified, the Administration's budget request for FY 97 for our chemical defense programs is $505 million. The U.S. military is well aware that it must improve its chemical defense capability and is working to identify the needs of the military.

The CWC's declaration provisions will improve the U.S. ability to obtain information about other countries' CW efforts. These provisions will facilitate detection and monitor-
significant benefits in dealing with the threat of chemical terrorism. Implementing legislation will strengthen our legal authority to investigate and prosecute persons who commit, attempt or conspire to commit acts prohibited by the treaty. It will also make the public more aware of the threat of chemical weapons and of the fact that the acquisition of such weapons is illegal.

The following are among significant benefits:

Investigation. The proposed U.S. implementing legislation contains the clearest, most comprehensive and internationally recognized definition of a chemical weapon available. A new provision implementing legislation will enable an investigator to request a search warrant on the basis of reasonable suspicion of illegal chemical weapon activities. This provision, rather than suspicion of an attempt or conspiracy to use a weapon of mass destruction, as under current U.S. law. By providing law enforcement officials and prosecutors with new authority to prevent and punish violations of federal law involving chemical weapons, CWC implementing legislation improves prospects for detection, early prosecution and possibly even prevention of chemical terrorism in the United States.

Proposed U.S. implementing legislation will also aid prosecution. Because possession of a chemical weapon (whether or not it is intended for other purposes, such as a law against conspiracy to use a weapon of mass destruction.

Penalties. Under the proposed U.S. implementing legislation, any person who knowingly engages in prohibited CW-related activities far short of actual use of a chemical weapon could be subject to the maximum punishment of life in prison or any term of years. In contrast, under existing U.S. legislation, equivalent penalties require proof of use or an attempt or conspiracy to use a weapon of mass destruction. Thus, it would be difficult under current law for prosecutors to prove possession of the last 10 years curtailed unless a scheme to use chemical weapons is well advanced.

Trade Controls. The proposed U.S. implementing legislation would also substantially strengthen existing export/import control laws and regulations by strictly controlling the import and export of those chemicals posing the greatest risk (listed in Schedule 1 of the CWC) and also regulating the production, acquisition, retention, transfer or use of such chemicals within the United States. Fines of up to $250,000 would be levied for unlawful production, acquisition, transfer, etc. of such chemicals.

Emergency Authority. The proposed U.S. implementing legislation contains authority to seize, forfeit and destroy chemical weapons. This important provision protects the constitutional rights of property owners while allowing law enforcement officials to seize and destroy a chemical weapon under exigent circumstances (i.e. where harm is imminent). The new provision represents a significant change in the institutional authority to prevent a potential catastrophe and save lives.

Public Awareness. Tips by concerned private citizens could lead to the discovery of a chemical weapons program. Ratification of the CWC and enactment of its implementing legislation will ensure, due to reporting and inspection requirements, that private companies and concerned citizens are more alert to and more likely to report any suspected chemical weapons-related activities.

The nonproliferation provisions of the CWC will deny terrorists easy access to chemical weapons stockpiles to eliminate the threat of chemical terrorism. Ratification of the CWC and implementation of this Amendment will increase the threat of chemical weapons stockpiles and by controlling international transfers of certain chemicals than can be used to make chemical weapons. In particular, the CWC requires Parties to cease transfers of certain CW agents and CW precursor chemicals to non-Parties and restrict transfer of Schedule 1 and Schedule 2 chemicals. The CWC also will help prevent the proliferation of nuclear, biological and chemical weapons, while allowing law enforcement officials to prevent transfer of certain CW agents and CW precursor chemicals to non-Parties and restrict transfer of Schedule 1 and Schedule 2 chemicals. The CWC also will help prevent the proliferation of nuclear, biological and chemical weapons.
Senate advice and consent is needed for their entry into force. Despite this clear position, your Administration continues to argue that Senate advice and consent is not necessary in the event of legal formalization, and has chosen one among several options you might choose in the case of demarcation. This is unacceptable.

With specific reference to the Agreed Statement on Demarcation reached last summer, Section 406 of the Department of State, Foreign Operations and Related Programs Appropriations Act, 1997 (P.L. 104-208) prohibits expending funds on the Standing Consultative Commission "unless the President provides to the Committee a detailed analysis of whether * * * the Agreed Statement regarding Demarcation agreed to by the Standing Consultative Commission on June 24, 1996 * * * will require the advice and consent of the Senate of the United States." The report submitted on your behalf did not answer this question.

Finally, the May 31, 1996 Conventional Forces in Europe flank agreement contains negotiated amendments and significant changes to the 1990 CFE Treaty. Yet, again your Administration has taken the legal position that Senate advice and consent is not necessary.

Mr. President, I have pledged to work with you in a bipartisan fashion on a wide range of challenges facing our country. Nowhere is such cooperation more important than in foreign policy and national security. But bipartisanship is a two-way street. The Administration has now restarted a public campaign to gain Senate advice and consent for the Chemical Weapons Convention. As you seek bipartisan cooperation, you must understand our expectation for such cooperation on ABM multilateralization, ABM demarcation, and CFE flank limits.

Senate advice and consent arms control treaties after their negotiation and after their substantive modification is not an option—it is a requirement of our Constitution. I am sure you understand that it will be very difficult to explore the possibility of Senate action on the Chemical Weapons Convention without first addressing legitimate security and Constitutional concerns on other important arms control issues. I stand ready to work with you and your national security team on a comprehensive arms control strategy.

I am aware that this Administration has deliberately not included this map as part of the Treaty when it was signed in 1990, and the Bush Administration did not include this map as part of the original object and purpose of the ABM Treaty.

Senate advice and consent arms control treaties after their negotiation and after their substantive modification is not an option—it is a requirement of our Constitution. I am sure you understand that it will be very difficult to explore the possibility of Senate action on the Chemical Weapons Convention without first addressing legitimate security and Constitutional concerns on other important arms control issues. I stand ready to work with you and your national security team on a comprehensive arms control strategy.

As we consider the next steps in this process, I want to remind you of two problems that remain unresolved. First, on January 8, 1997, I wrote to you expressing concerns about your administration's approach to a number of critical arms control issues, including demarcation limits and multilateralization of the Anti-Ballistic Missile Treaty of 1972 (ABM Treaty) and about the formalization of the Conventional Armed Forces in Europe Treaty of 1990 (CFE Treaty).

To date, I have not received a response. Each of these significant treaty modifications are subject to the Constitution's shared treaty making power and, accordingly, cannot enter into force until receiving the advice and consent of the United States Senate.

Second, I have repeatedly pointed out that the CWC is currently under consideration by the Committee on Foreign Relations. Accordingly, it is essential that you and your administration honor the publicly-stated commitments to work closely and expeditiously on the adoption of the CFC Treaty and the admission of new states to NATO will be effected through agreements that will be submitted for the advice and consent of the Senate. This situation and timing is therefore different from when you submitted the CFC flank agreement for立法action on May 24, 1996. According to the Administration, it is prepared to consider a resolution of ratification if you agree to submit the map to the Senate in 1991 as part of the Treaty when it was signed in 1990, and the Bush Administration did not include this map as part of the original treaty arrangement as closely as possible. This was true with respect to the elaboration of the ad ref MOU as well and, accordingly, the Administration has made it clear that it is prepared to work with you and your national security team on a comprehensive arms control strategy. We hope that the breakout on ABM/TMD demarcation achieved at the Helsinki Summit will set the stage for a meeting at which we can work on the CFE flank issue. The Administration continues to believe that the agreement does not require the advice and consent of the Senate, or any other form of congressional approval, to enter into force.

DEAR MR. PRESIDENT: As you know, we have been working in good faith to try to establish a process under which the Senate might consider the CFC Treaty proposed for the Chemical Weapons Convention (CWC).

As we consider the next steps in this process, I want to remind you of two problems that remain unresolved. First, on January 8, 1997, I wrote to you expressing concerns about your administration's approach to a number of critical arms control issues, including demarcation limits and multilateralization of the Anti-Ballistic Missile Treaty of 1972 (ABM Treaty) and about the formalization of the Conventional Armed Forces in Europe Treaty of 1990 (CFE Treaty).

To date, I have not received a response. Each of these significant treaty modifications are subject to the Constitution's shared treaty making power and, accordingly, cannot enter into force until receiving the advice and consent of the United States Senate.
activity prohibited to a State Party under this Convention.”

To respond to these concerns, the Administration has worked closely with the Senate to develop conditions relating to both Articles that have now been incorporated in the resolution of ratification (Agreed Conditions #7 and #8). These conditions will substantially reinforce and strengthen the treaty by: prohibiting the United States under Article X from (a) providing the CWC organization funds that could be used for chemical weapons defense assistance to other States Parties; and (b) giving certain states that might join the treaty any assistance etc.; (2) requiring that the President explaining some of our arms control priorities, including the submission of three significant treaty modifications for advice and consent: The ABM Demarcation Agreement, the ABM Realignment Agreement, and the flank agreement to the Convention on Chemical Weapons Defense Assistance to Europe Treaty. The administration had previously refused to submit these treaties for Senate ratification.

I wrote at that time. Bipartisanship is a two-way street. Your administration has now restarted a public campaign to gain Senate advice and consent for the Chemical Weapons Convention. As you seek bipartisan cooperation, you must understand our expectation for such cooperation on ABM multilateralization, ABM demarcation, and CFE flank limits.

On March 18, I again wrote the President reminding him that he had not received a response to my January 8 letter. I also pointed out that “It is essential that you and your administration honor the publicly stated commitments to work closely and expeditiously with Chairman HELMS on issues before the committee, including the representation of a plan to reorganize the U.S. foreign affairs agencies.

From the beginning of the 105th Congress, I made clear as best I could to all who would listen in the administration that bipartisanship could not mean forcing the Senate into acting on administration-chosen priorities if we did not likewise have an opportunity to consider issues that are important to the Senate, in fact, issues we think we may or may not owe, how can we deal with the U.S. assessment at the United Nations that could be fairer, and we are working from a comprehensive Republican document as a basis for the discussions. I think we see some action already occurring. The Secretary General has been working at it, and I think he understands we are very serious about U.N. reform.

On State Department reorganization, I am very pleased that the administration has proposed, I think, some major changes. Chairman HELMS, and many others, have worked to streamline our foreign policy bureaucracy, and now it looks like we are going to have a chance to do that.

The Agency for International Development, the Arms Control and Disarmament Agency and the U.S. Information Agency were started and organized during the cold war. Barely more than a year ago, President Clinton vetoed a bill which would have mandated the dismantling of only one foreign affairs agency. Last week, however, thanks to the efforts of Secretary of State Madeleine Albright and the involvement of the President, the President agreed to abolish both the USIA and ACDA and to fold many of AID’s functions into the State Department. This will make our science resources go further, I think, and is already an important step in ensuring American interests, not bureaucratic interests, are behind our foreign policy decisionmaking.
On each of these parallel issues—and I call them parallel, that is the way they have always been discussed—we have made progress. I think it is important that we realize that. Thanks to the persistence of the chairman and thanks, too, to the chair of the Senate Foreign Relations Committee, we have made progress with U.N. reform, with State Department reorganization, and the fact we will be able to consider these treaties. No serious observer can claim that we have not moved forward in these areas.

There have been important changes in the Chemical Weapons Convention over the past few months. Last September, I worked closely with Senators Helms, Kay and others in opposition to the treaty. Had we not canceled the vote, I would have voted against it, and I believe that it would have failed.

In the aftermath of that debate, some in the White House blamed political motivations. The President said it was partisan politics involving America’s security. But, fortunately, calmer heads have prevailed this year. The administration did come to the table and they negotiated with us. They recognized the legitimate concerns that were ignored last year. So we have engaged in a process of member-and-staff-level discussions that have had a major impact on this convention.

There are 28 agreed items in this resolution of ratification that were not there last September. Senator KYL, Senator HELMS, and Senator BIDEN have been working together on this. They reached agreements. Some of them were negotiated with us. I said, “Yes, we should do this,” and the administration didn’t particularly agree. Others in the administration said, “Yes, we should do this,” and some of our colleagues did agree with it. There has been a give and take, but real progress has been made.

Many of these items have addressed the concerns that have been cited by opponents as reasons to oppose the CWC. I have gone over some of the letters, some of the memos I have received—and I have received a lot of them—and point by point has been addressed, maybe not 100 percent, maybe not to their total satisfaction, but progress has been made. I will not go down the whole list of 28, but I want to list some of the more critical ones where real progress has been made.

First, on search and seizure, condition 26 requires search warrants for inspections of American facilities. We were worried about a constitutional problem here. Now it has been addressed.

Second, on our ability to use riot control agents, condition 26 ensures that the U.S. policy since 1975 remains in effect. Our military can use nonlethal agents, such as tear gas, to rescue downed pilots. Certainly, that should have been in there all along. I don’t know why there was resistance to it, but it has been addressed.

Third, on intelligence sharing, condition 5 places strict limits on all U.S. intelligence shared with the international organization established under the CWC.

Fourth, on maintaining robust chemical defenses, condition 11 mandates a series of steps including negotiations with the major chemical arms producers to destroy all nerves and sarin in war game scenarios and high-level leadership of the U.S. Army’s Chemical School.

Fifth, on information sharing, an area that has worried me the most and right now, in this moment, progress has been made in two ways. First, with regard to these articles X and XI, condition 7 makes crystal clear that nothing in the CWC undermines U.S. export control laws, and that the informal Australia Group export controls will continue. Condition 15 helps to ensure that defensive assistance under the convention will be strictly limited. So I invite my colleagues who may still have some doubts to look at these conditions—conditions 7 and 15—dealing with effective sharing and how we have restrictions on the defensive assistance.

Sixth, on financing Russian implementation, which I think is a ridiculous idea personally on its face, but condition 12 requires the United States from making any commitment to finance Russia’s chemical weapons destruction program in an effort to secure Russian ratification of CWC.

Seventh, conditions 1, 17, 6, and 20 preserve preserves secrecy in this and in future treaties. They preserve our right to pass reservations to treaties, to ratify future amendments to the CWC and to make clear the executive branch cannot commit to appropriations in advance of congressional action.

Eighth, on noncompliance, condition 13 requires a series of steps to be taken by the United States in the event of noncompliance by a party to the convention. Condition 13 mandates unilateral actions and requires the United States to seek a series of multilateral actions to deal with CWC violations.

Ninth, conditions 3 and 22 address financial concerns about the Organization for the Prohibition of Chemical Weapons set up under this convention. One sets a binding limit on the U.S. assessment to ensure we are not creating another international entitlement program, and the other requires an independent inspector general to be created to increase accountability of the OPCW.

Finally, condition 10 requires an annual report of condition that, for the first time in arms control, shifts the burden of proof to making the administration certify compliance. As previous experience has demonstrated, the arms control bureaucracy has refused to find clear evidence of noncompliance. This condition will change and will ensure our vigilance on monitoring issues.

Each of these conditions makes the resolution more secure today. A better document, there is no doubt about it, certainly better than the document we were considering last fall. Each of these changes addresses concerns raised by treaty opponents last year and addresses my own concerns. In addition, the Senate is considering this convention in a manner agreed to by all 100 Senators. We first considered, and passed, the amendment to the Chemical and Biological Weapons Threat Reduction Act of 1997 sponsored by Senator KYL. We are considering the resolution of ratification drafted by Senator HELMS. Think about that. We are considering that he drafted and that he had in the committee. That is what we brought to the floor, and the process requires that motions to strike be offered to take provisions out. Much progress has been made, and many Senators have been cooperative.

But there should be no mistake, serious problems remain with this convention. Unfortunately, key protections in the convention, which I think is a ridiculous idea personally on its face, but key protections included under the Reagan-Bush administrations—high confidence in detecting militarily significant violations in a timely manner. Detecting the production and stockpiling of chemical weapons may be more difficult than detecting the existence, obviously, of nuclear-armed warheads.

But I will vote to retain the verification standard that has served our country well in previous arms control agreements. I understand why my colleagues might not agree with that and they might vote in a way that would lower this verification standard, but it is a serious problem.

Condition 30, which we just voted on, I think should have been kept in the document. Condition 29 conditions U.S. participation in the convention upon demonstration of cooperation with the largest chemical weapons arsenal on Earth—Russia. Russia has not implemented the Bilateral Destruction Agreement signed in 1990. Russia has not submitted accurate data on chemical weapons. That is a real concern, and we have reason to believe they are devoting resources now to develop new chemical agents which are outside the scope of CWC. I support retaining this condition because I believe it makes sense to expect Russia to live up to past agreements before entering into new ones.

I strongly support condition 31 which would require the President to exercise the power given in the verification act and the convention to deprecators from terrorist states and from states which have violated U.S. proliferation law, particularly, I hope and think that we can defeat the motion to strike here. It is not a killer amendment which we ought to retain the right to bar those inspectors.

Finally, there is the most serious question of articles X and XI, whether
April 24, 1997

CONGRESSIONAL RECORD—SENATE

S3603

these provisions on information-sharing will increase the likelihood of, in fact, chemical weapons proliferation. Over the past few weeks, I have made it clear to the administration as best I could that the legitimate concerns about the implementation of articles X and XI would need to be addressed more than what was in the condition. I support delaying our ratification until the CWC is renegotiated to deal with these articles. For obvious reasons, the administration does not want to do that, and probably the majorities of the Senate would not want to do that.

But this very morning, I received a letter from President Clinton which I think is significant. The President made specific assurances that the United States would exercise its right to withdraw from the convention if any one of three things occurred: If countries used “article X to justify providing defensive chemical weapons equipment, material, or information to another party that could result in U.S. chemical protective equipment being compromised…”;

If countries use article XI to justify chemical transfers which undermine the Australia Group;

If countries regard “out transfers or exchanges under either article X and XI which jeopardize U.S. national security by promoting chemical weapons proliferation”.

These are specific and probably unprecedented. Yes, it is a letter. It is not in the document, but it is signed by the President of the United States in very strong language that, frankly, I was pleased but somewhat surprised that he agreed to say, I will withdraw after consultation with the Senate. If any one of these things happen, he is the President and his assurances in foreign policy must make a difference. They address countries even justifying transfers where there is concern. They address the administration which promote chemical weapons proliferation.

Mr. President, I think this is a very important document. I have made that letter available to our colleagues. I have more copies.

Every Member has struggled with one fundamental question: Are we better off with or without this convention? In my mind, there is no easy answer. I want to know that my children and our country will be better off, and that I will be able to deal with chemical weapons with it, but I have my doubts.

Experts, whose opinions I respect deeply, are divided on the question. Over the last 2 weeks, I have had many conversations to discuss this convention. I spoke with Presidents Bush and Ford. I talked with my good friend, former Secretary of Defense Dick Cheney, former Secretary of Defense Weinberger, Steve Forbes, former Secretary of Defense Les Aspin, Sec- retary of Defense Richard Armitage, Colin Powell, and uniformed military officers—a great variety of people. I met with leaders of groups that are deeply opposed and well in-

formed about the treaty’s flaws. I talked with President Clinton, Secretary Albright, and Joint Chiefs of Staff Chairman Shalikashvili.

Republican Senators, with long experience in national security matters, are among those who believe people can and do disagree, and reasonable people will vote on opposite sides.

After our negotiations, hearings, and discussions, it is time to make decisions—decisions that will be important to the future of our men and women in uniform and the future security of our country.

I have decided to vote in support of the Senate giving its advice and consent to the Chemical Weapons Convention. I will do so not because I believe it will end the threat posed by chemical weapons or rid the world of poison gas. I will do so not because I believe this treaty is verifiable enough or even enforceable enough. And I will do so because I believe there are no additional or ongoing concerns related to articles X and XI.

I will vote for the convention because I believe there will be real and lasting consequences to the United States if we do not ratify the convention. In a way, the credibility of commitments made by two Presidents of our country—one Republican and one Democrat—is at stake.

I will vote for the convention because I believe the United States is marginally better off with it than without it. It will provide new tools to press signatories for compliance. It will enable us to gain access to sites and information we are currently unable to examine.

Through the important and enlightening debate we have had over the past few months, I am convinced the convention will bring new focus and energy to this administration’s non-proliferation efforts. We have certainly heightened the awareness and knowledge of the concerns we have. One year ago, few of us even knew about the Australia Group. Now we have committed ourselves and the administration to keeping the Australia Group as a viable tool to limit access to chemicals and technology.

Yes, the CWC may give legal cover to proliferators in Teheran or in Beijing. But they have undertaken such efforts in the past and no doubt will do it again in the future.

I believe our allies in Europe are more likely to join with us in isolating Iran if we are a party to this convention than if we rejected it tonight. They have made it clear that they hope we will ratify it, whether it is Canada or whether it is Britain or our European allies or Japan.

I believe this convention will increase the cost of covert chemical weapons programs, and it will increase our chances of detecting such programs.

I think there is a long list of good reasons why Senators and tell us a lot about leadership. It has been exaggerated. I have talked to a lot of Senators on one. Not one of them—has said that they would vote on it on any basis other than what is best for our country.

The way the Senate works, we debate these issues—we read, we study, we argue, we go back and forth. We set up a fair process, and then we come to a conclusion. We make a decision. We vote on it. And I do not think it is fair to exaggerate any one Senator’s role in this whole effort.

I think the Senate should be complimented today for the way it has handled this. I think that Madison, and others, placed their faith in this institution. And I think it has worked well. The efforts of Senator HELMS and Senator KYL have been heroic. They have done a magnificent job. Others that have supported the convention have done their part too.

I think that this process has helped the Senate as an institution to exercise the leadership assigned to it by the Constitution. And that, I submit, is the only real test of leadership that truly matters.

I urge the adoption and ratification of this treaty.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

When the roll was complete, Mr. HELMS said to the Chair:

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

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

Mr. HELMS. We have a small difficulty which can be remedied in short order. Without going into a great deal of detail, we are trying to adjust the time back to have accommodated the majority leader and his remarks.

So I ask unanimous consent that—how much time did we agree to?

Mr. BIDEN. That the remaining time that the chairman have be 35 minutes, the remaining time under the control for the Senator from Delaware be 15 minutes, and I believe Senator LEAHY has 14 minutes anyway, and that be the recessed time date.

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

Mr. HELMS. I thank the Chair.
Mr. HELMS. I yield to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that Jeff Severs be permitted privileges of the floor for the duration of the debate.

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

AMENDMENT NO. 48

(Purpose: To strike condition no. 29, relating to Russian elimination of chemical weapons)

Mr. BIDEN. Mr. President, I send an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 48.

Beginning on page 6L, strike line 21 and all that follows through line 7 of page 63.

Mr. BIDEN. Mr. President, this amendment strikes condition 29. I will speak to this in a moment, but I yield the floor to the half-hour that I have allowed control as my friend from Indiana desires to discuss this.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I thank the Chair and the distinguished Senator from Delaware. The condition that we move to strike, condition 29, would prohibit the United States from ratifying the Chemical Weapons Convention until the President certifies that Russia has done the following:

1. Ratified the CWC, complied with the 1990 bilateral destruction agreement, fulfilled its obligations under the 1989 Wyoming memorandum of understanding, and ceased all chemical weapons activities.

Mr. President, two arguments against this condition prevailed, at least on the last vote that we had. I cite the first important argument is simply that this is a killer amendment. Senators need to know that a vote to leave this in the convention effectively terminates the convention. Senators cannot have it both ways.

I simply indicate, in his very important statement, the majority leader, Senator Lott, referencing a particular condition that he found appealing, indicated it was not a killer amendment. But, in fact, this one is a killer amendment. Therefore, there is a crucial reason to vote to strike it.

Second, Mr. President, once again we are talking about American leadership. It is in our interest, clearly, to get Russia's attention to the chemical weapons problem. We have decided unilaterally in this country that chemical weapons are not useful to us in our defense, largely because we cannot necessarily guard our own troops against the fallout and against the problems they create. So we are destroying them.

Russia always had greater stocks than we have. They still do. It has been in our interest to work with the Russians. In the Cooperative Threat Reduction Act, so-called Nunn-Lugar-Domenici Act, we have worked with the...
Russians in a first instance to assist them in the techniques of destroying chemical weapons in Russia. There are seven very large sites that need to be dealt with. We are dealing now with the Russians at the first.

Mr. President, I have had a personal experience of last October when it was my privilege to accompany the then Secretary of Defense, William Perry, and my colleagues Senator Sam Nunn and Senator Joe Lieberman, in a visit to Russia, specifically to the Defense Department of Russia and to military persons involved in weapons of mass destruction. Perhaps equally importantly, Mr. President, I was my privilege to go with my colleagues from America to the Russian Duma. On that particular day, our first attempt was to attempt to gain some understanding by members of the Duma about the importance of the START II treaty and its ratification. While we were there, we visited with the relevant committee comparable to our Foreign Relations and our Armed Services Committee about the Chemical Weapons Convention.

The Russians—in what we characterize as the administration of the executive branch, and the legislative branch, the Duma—made identical points to us, that the START II treaty was coupled in consideration with the expansion of NATO. They said this is a political issue. These two are joined together.

With regard to the Chemical Weapons Convention, they made the clear distinction that it was not political, it was not involved with either NATO or START II or other arrangements. As a matter of fact, they perceived it was in the interests of Russia to ratify the treaty. They also pointed out that Russia has very little money, that at this particular point in history Russian taxes are not being paid with regularity. They do not benefit for at least their paychecks are often delayed. As a result, they pointed out that arms control expenses were a very great problem for them. I think we understand that. That is not a sufficient reason for Russia to dodge its responsibilities. But it was a reason offered as to why they had postponed consideration.

In addition, Mr. President, they have postponed consideration because despite our leadership from the very beginning, our leadership to destroy our own chemical weapons, then to try to sign up all the nations of the world to destroy theirs, and to make this an international law project, the Russians read our press and they understood that we had had difficulty last December in ratifying this convention. So they simply were curious as to whether we were serious now. Well, we are, Mr. President. I simply say that the question is before the Senate and should not be delay or perhaps failure to ratify the treaty, because we are waiting on Russia. Our leadership is imperative. We are the country that is leading the world. We are the country that is leading Chemical Weapons Convention matters. Our citizens of the United States take that seriously. Mr. President, a large majority of Americans want us to act. They believe the U.S. government can do everything possible, and they recognize, as do most Senators, that this convention is unlikely to get that job done very swiftly but they do recognize it is an advance, it is a constructive step. To reschedule it, in effect, to proceed that we are waiting for Russia, or hoping that two agreements that are specified in the condition might somehow come to fulfillment is to miss the entire point of the leadership that is involved and the persuasion we must have.

Mr. President, I believe it is important, as soon as we ratify this convention, for the President of the United States to stand for the President Yeltsin his responsibility to gain ratification. At the Helsinki summit meeting recently, President Yeltsin assured our President he would offer that leadership. He assured our President he understood the responsibility of the Russians. He also asked our President to do his duty to help get the job done here. In fairness, our President has been fulfilling that responsibility, as did Senator Dole yesterday, as have President Bush and President Ford, as they have come forward as Presidents who understand, and as the majority leader understands. In his statement today, he mentioned one reason for voting for this treaty is the fact that two Republican administrations have made a commitment. An American word means something. Our leadership has continuity and staying power. It does not flip one way or another, depending upon the leadership that is occupying the oath. Mr. President, I simply say, once again, American leadership is at stake. We are looking at a killer amendment. This condition must be struck. I ask Senators to vote aye when the roll is called.

I thank the Chair.

Mr. HELMS. Mr. President, before I plead on this amendment, I have been around this place for quite a while. Before I came to the Senate as a Senator, I had the honor of serving with two Senators as administrative assistant. Time after time, at the conclusion of long arduous debate and votes on various issues, a parlor thank you is due to the staff of people who did most of the work. I talked to Senator Biden and told him I want to do it now before we begin to sign off. He suggested that I go first.

Admiral Nance, sitting back there, with the white hair, that young man, he and I were boyhood friends back in Monroe. Adm. James W. Nance, the chief of staff of the Foreign Relations Committee; Tom Klein; Mark Thiesen; the former Secretaries of Defense, who have been here—particularly Marshall Billingslea—Colleen Noonan; Beth Wilson, and the rest of the Foreign Relations Committee staff.

Senator Kyl has three remarkable young people: David Stephens, John Rood, and Jeneane Esperne. Senator Craig has Yvonne Bartoli and Jim Jatras.

I want to thank, in particular, some people from the outside on this help enormously in our trying to build a case to protect the American people from the extravagances of this treaty. But that is neither here nor there, but I want to thank those four great former Secretaries of Defense who came up—Dick Cheney, Donald Rumsfeld; James Schlesinger; the marvelous Jane Kirkpatrick; Steve Forbes, who came down from New York; Richard Perle; Frank Gaffney; Doug Feith, and Fred Clay. I also want to include the retired flag and general officers.

I know that when I am driving home in a few hours from now, I will think of others. Just speaking for all of us, I want to thank them all. I know Senator Nunn who wants to do the same thing on his side.

I yield the floor.

Mr. BIDEN. Mr. President, I thank the chair. I apologize because I have to call on a partner. Although it is a very good idea to do it now, I was preparing to do it later, so I may leave somebody out, and I may amend this.

Let me begin by thanking a young man, who came over from my personal staff, in the Foreign Relations Committee and I think maybe Mr. Billingslea may have thought he was his cousin, they spent so much time together in the last couple of months, and that is Puneet Talwar. He has done a great deal of the heavy lifting for me on this, along with Ed Levine, from the Intelligence Committee, who is now working with me. Ed Hall, the minority staff director; John Lis; the young man—well, he has been with me so long that he is getting old—Brian McKeon, who is now the minority; Frank Januzzi; Dawn Ratliff; Kathi Taylor; Ursula McManus, who we kept up late at night writing memos and other things on our behalf; Casey Adams; Bill Ashworth, a former long-time staff member of the Foreign Relations Committee and Senator Pell's staff; David Schanzler, who worked with me on the Judiciary Committee; Mary Santos; Kimberly Burns; Jennette Murphy; Larry Stein; Randy DeValk; Sheila Murphy, all leadership staff persons who have worked with me.

I have left out some, but I will augment this with the staff members of the Intelligence Committee, the Appropriations Committee, the Judiciary, the Foreign Relations Committee, and the Armed Services Committee. They all played major roles.

The hearings that the distinguished chairman had on this treaty time around were, I think, among the best hearings—I do not always agree with the witnesses—that I have participated in in my 25 years. The cast of characters were the luminaries of previous administrations, as well as
Senator Lugar's long-time staff aide, Kenny Myers. I envy Ken Myers, son of a team working for him, Kenneth as good as he is that he has a father and son team working for him, Kenneth...
and, therefore, said that it would be integral to Russian entry that the United States entered first, which is what we are about to do.

I think these four commitments by Russia are integral to the success of the Chemical Weapons Convention if we are to have a truly global ban. That is why this condition 29 should remain a part of the resolution of ratification.

Quickly, to the four points: First, reasonable progress in implementing the 1990 Bilateral Destruction Agreement. Reasonable progress simply means that we are continuing to work on complying with it. That is what the Russians agreed to do when they entered into this agreement in June 1990. This is an agreement between President Bush and President Gorbachev.

By the way, when proponents of this treaty speak of it as a Reagan-Bush-Clinton treaty, I point out the fact that the treaty was different in the Reagan and early Bush years than it is now. The underpinnings of the treaty was that this bilateral destruction agreement between Russia and the United States would be in place and would be enforced and would be complied with by the two parties. This agreement specifically stated that the United States would not be able to declare integral weapons inspections; that is, the destruction of chemical weapons agents, to provide for onsite inspections of CW facilities, and require data declarations.

The Bilateral Destruction Agreement is central to the CWC before us today. Without it the Chemical Weapons Convention is a much weaker treaty than it would otherwise be. The CWC was negotiated with the assumption that the United States and Russia would both destroy and verify destruction of their stockpiles under the Bilateral Destruction Agreement. But Russia has not implemented the Bilateral Destruction Agreement, and it appears that they have no intention of doing so. Russian Prime Minister Chernomyrdin, in this letter to Vice President Gore that I mentioned before, essentially stated that the Bilateral Destruction Agreement and the 1989 Wyoming Memorandum of Understanding have outlived their usefulness insofar as Russia is concerned.

The Chemical Weapons Convention before us today is no substitute for the Bilateral Destruction Agreement. Under the Bilateral Destruction Agreement, the inspectors of Russian facilities would not be international inspectors. They would be U.S. professional inspectors, and there would be more frequent inspections. The United States would have guaranteed access to data declarations, some of which would be the case under the CWC.

So it is important that Russia at least indicate to us that it is making reasonable progress to implement the BDA before we enter into force CWC.

Second, the resolution says there should be compliance with the 1989 Wyoming Memorandum of Understanding. Without getting into a lot of detail, I will simply note that this memorandum of understanding was essentially an agreement between the two states that we would exchange data on how much chemical weapons we had and to provide the information on the status for binary weapons programs.

To meet that condition, the United States has given information to the Russians. Russia declared a 40,000 metric ton agent stockpile. However, present reports and other information do not give any provision that the Defense Intelligence Agency estimated possible former Soviet Union—now Russian—stockpile could be as large as 75,000 tons. Russia has refused to provide information on the status of its binary weapons program. And, according to the former Director of Central Intelligence Jim Woolsey, "The data we have received from Russia makes no reference to binary chemical weapons or agents. That is contrary to our understanding of the program that was initiated in the former Soviet Union of the [CWC]."

There are additional indications of activity on the part of the Russians, all of which suggest that they are not in compliance with this 1989 memorandum of understanding. Our second point in this condition is getting compliance with that.

Third, we want the Russians to ratify this treaty at the same time that we do. That is what they want to do. We believe that will be a preferable course of action. It is also the position of almost all of the United States entering into the treaty causing the Russians to be concerned that we would set up the rules of the treaty, in effect, in a way that would be amicable to their interests, thus perhaps causing them never to enter into the treaty.

A CWC without Russia, furthermore, means that over 50 percent of the world's known chemical weapons stockpile will be outside of the treaty regime. Should the United States ratify the treaty with the absence of Russian participation or the involvement of other states that have weapons, the treaty's intrusive verification schemes would, for all intents and purposes, be focused solely on the United States, the only nation likely to declare integral weapons inventory. In effect, we would be paying 25 percent of the cost of the treaty to verify our own compliance.

Finally, Russian commitment to forego a chemical weapons capability. This is central to the meaning of the CWC. If Russia is not willing to do this, obviously their intentions are not to comply with CWC.

We have evidence of the so-called Novichok class of nerve agents that is more lethal than any other known chemical to the United States.

According to Jane's Land-Based Air Defense 1997-98, Russia is developing three new nerve agents, two of which are eight times as deadly as the VX nerve agent stockpiled by Iraq. Mr. President, Russia's new chemical agents do not depend on stockpiles that are on the CWC list of scheduled chemicals, according to sources. Thus, inspectors will neither be prepared nor allowed to look for them, nor will Russia be precluded from importing these components. A declassified portion of a May 1995 national intelligence estimates states "Production of new binary agents would be difficult to detect and confirm a CWC-inhibited activity.

In conclusion, in light of these ongoing activities and related United States intelligence estimates, it is reasonable to condition United States ratification of the CWC to the President certifying that the Russian government is not planning chemical weapons capability or other activity contrary to the purpose of the convention weapons treaty.

For those reasons, Mr. President, I join the distinguished majority leader and the chairman of the Foreign Relations Committee in urging that we not strike this condition from the resolution of ratification.

Mr. LEVIN addressed the Chair. The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, parliamentary inquiry: How much time is under the control of the Senator from Delaware?

The PRESIDING OFFICER. Seven minutes.

Mr. BIDEN. I yield 5 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, it isn't always that our top military officials so strongly and jointly agree that an arms control treaty is in our national security interest. But in the case of the chemical weapons treaty before the Senate today, that strong support has been expressed over and over and over again.

The Chairman of the Joint Chiefs, General Shalikashvili, speaking on behalf of the Chiefs of each of the services and the combatant commanders, urged the Senate to ratify this treaty because it would make it less likely that our troops will face chemical weapons. Their position is not based on politics or public opinion polls; it is based on their military judgment.

In a recent interview with the Center for Intelligence, George Tenet, has said that this treaty will give us additional tools to inspect for chemical weapons that we otherwise would not have.
The United States, under former President Bush, led the way to the negotiation of this treaty. It would represent a tragic blow to American leadership were the Senate to reject a treaty negotiated and supported by three Presidents. This treaty will lead to the day, if and when the day comes that we may act militarily to eliminate a country’s chemical weapons, the credibility of and support for, that effort will be undermined by our lack of clean hands and our refusal to ratify a treaty that makes it clear that those weapons will be created to begin with.

The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities, and it creates new international sanctions to punish those states that remain outside of the treaty. If we fail to ratify the convention, we will imperil our leadership in the entire area of nonproliferation, perhaps the most vital security issue of the post-Cold-War era.

Relative to condition 29 that is before us, there is a motion to strike this condition that has been made by the Senator from Indiana. It is based on many grounds. But the first ground that I would point out, which seems to me is the foremost ground even before we get to the details of this condition, is that this condition is a killer condition. If this condition stays in this resolution, it kills this ratification resolution because it makes it conditional on somebody else ratifying.

Do we want to make our ratification conditional upon these other events? Do we want to give Russia the power to decide our participation in the leadership of this crucial treaty? The President has said—I am here quoting him—“This is precisely backwards. The best way to secure Russian ratification is to ratify the treaty ourselves. Failure to do so will not only give hard-liners in Russia a hold out but will give them the means to hold onto their chemical weapons.”

Do we want Russia to ratify? Clearly we do. General Shalikashvili, who has so strongly supported the ratification of this treaty, has testified before us in the Armed Services Committee as follows: “The most significant advantage derived from the convention is the potential elimination of chemical weapons by state parties.” He went on to say, “Eventual destruction of approximately 40,000 tons of declared Russian chemical weapons will significantly reduce the global chemical threat.”

That is why General Shalikashvili has said, among other reasons, that the ratification of this treaty will make it less likely that our troops would ever face chemical weapons because the largest declared stockpile by Russia must be destroyed under this treaty. General Shalikashvili, Chairman of our Joint Chiefs, speaking for each of the chiefs and our combatant commanders, says that the destruction of 40,000 tons of declared chemical weapons by Russia is the most significant advantage to this treaty.

What does our ratification have to do with Russian ratification? I would suggest here that we listen to a number of voices. But one of them is a Russian voice—a Russian scientist who blew the whistle actually on the Soviet Union chemical weapons program. His name is Vil Myrzyanov. He is a high-level Russian scientist. This is what he said about the relationship in a letter that he wrote to Senator Lugar. “Senate ratification of the convention is crucial to securing action on the treaty in Moscow.”

Our ratification, he is telling us—this is an inside voice—is critical to getting the Duma to ratify this treaty. And getting the Duma to ratify this treaty is, in the eyes of General Shalikashvili, the single most important advantage of the treaty because then 40,000 declared tons of chemical agents, the largest stockpile in the world, will be destroyed and less available for leakage, less available to any potential sale or disposition to others adversely or inadvertently.

So our leadership is important to a safer world. This is a treaty that we helped to draft, negotiated, and now it is before us to ratify. But our leadership is also crucial to securing ratification of this treaty inside of Russia.

The decision of whether the United States ratifies this convention is for this body, the United States Senate to decide—not the Russian Duma. We should strike this killer condition.

The purpose of both the Bilateral Destruction Agreement and the Wyoming MOU was to help make progress towards achieving a CWC.

Now that we have the CWC complete, the BDA and the Wyoming MOU are less relevant. We can enter the CWC without the BDA being implemented.

The BDA does not go as far as the CWC. BDA would permit both sides to keep 5,000 tons of chemical agent. The BDA does not permit challenge inspections.

The CWC requires complete destruction of all chemical weapons, and provides for challenge inspections to any facility suspected of a violating the CWC.

If the CWC is ratified by the United States—which this killer condition would prohibit—and by Russia—it is entirely possible that the United States and Russia can finish negotiations on the BDA and let it enter into force.

If the United States does not ratify this convention, there is little chance Russia will ratify it and there is no chance for this BDA ever entering into force.

If we want Russia to ratify the CWC—and surely we must—then we should ratify the CWC—which, in turn requires us to strike this condition.

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

Mr. HEVHS. I thank the Chair.

Mr. President, I am going to abbreviate my statement in the interest of time, hoping that we can help Senators get out a little bit earlier, including the distinguished occupant of the Chair.

Mr. President, this condition is very important. It forbids the deposit of the United States instrument of ratification on the Chemical Weapons Convention until that country has made sufficient progress in implementing the 1990 Bilateral Destruction Agreement and has resolved concerns over its incomplete data declarations under the Wyoming memorandum of understanding, ratified the convention and has committed itself to forgo the clandestine maintenance of chemical weapons production capability.

That sounds fine, but more than anything else it is a measurement of how Russia is playing games in terms of not doing things to live up to its agreement.

I have the highest hope that Russia one day will have a free enterprise way. And that all the rest of it, but such commitments by Russia are absolutely imperative and essential to the success of this CWC, this treaty, in securing a truly global ban on possession and use of chemical weapons. If Russia continues to drag its feet, its future will be worth almost nothing. And for my part, as one Senator, I am extremely concerned that Russia, the country that possesses the largest and the most sophisticated chemical weapons arsenal in the world, has refused consistently to agree to implement its commitments to eliminate its chemical weapons stockpile despite the 1990 United States-Russian Bilateral Destruction Agreement.

Now, put any face on it you want, but if Russia fails to do that, then Russia is telling this Senate, this Government, the American people, we don’t care what you want; we are going our own way. And that is a pretty dangerous position for Russia to take in terms of world peace.

This coupled with the Russian withdrawal from the BDA and the Russian Parliament rejection of the chemical weapons destruction agreement in Moscow portends ominous things to come in terms of Russia’s ratification of this treaty.

Now, I hope Senators are aware, and if they are not aware, that they will become aware, that Russia is by far and away the world’s largest possessor of chemical weapons. If the United States in eliminating its own chemical stockpile could assure that Russia also destroyed its stockpile through the Bilateral Destruction Agreement, 99 percent of the world’s chemical arsenal would be eliminated independently of this treaty. So that gives you some idea of the enormity of this situation which has been passed over and over and over. I think everyone does.

Now, of course, Russia has signed the CWC but it has not ratified this treaty. Evidence has come to light recently, by the way, suggesting that Russia may not pursue ratification of this treaty in the near term and does not intend to abide by the CWC even if it ratifies it.

I just want Senators to understand what they are doing. It is all very well
and good to succumb to the imaginative suggestion that we are doing something about chemical weapons when we pass this treaty. We are not. It is not going to do one bit of good until the United States is able to persuade some other people to do things that they have already agreed to do. So the danger is how the American people are going to respond; those who have endorsed this treaty into believing that something is being done about chemical weaponry.

I hope, if we do nothing else in our opposition to this treaty, we can make the American people aware that nothing is being done for their safety by this treaty, I wish it were different. I wish I did not have to stand here and say this. But those are the facts. This treaty is absolutely useless in terms of giving the American people any security at all.

According to a May 6, 1996, letter from the DIA, the Defense Intelligence Agency, to the chairman of the Senate Select Committee on Intelligence:

There are several factors affecting Russia's actions regarding its CW programs and arms control commitments. Russian officials probably believe they need a CW capability to defend other nations from chemical warfare. They cite a potential threat from purported CW programs in the United States, other Western nations, and several countries on or near Russia's borders.

Now, the DIA continued:

In addition, Russian officials believe that dismantling the CW program would waste resources and rob them of valuable production assets. They maintain that the CW production facilities should not be destroyed but be used to produce commercial products.

Well, la-de-da. Every nation that has some ulterior motives with chemical weapons can say the same thing.

Moreover, these officials do not want to see their life's work destroyed, their jobs eliminated, and their influence diminished.

And here we are probably going to ratify this treaty in spite of the great concern about the views of Russia's senior military leadership on the Chemical Weapons Convention and on the elimination of Russia's chemical warfare capability in general.

On numerous instances, the United States has received indications that key elements within the Russian Government staunchly oppose the CWC. Back in 1994, October 25, Dr. Lev Fyodorov—I met him the So not know how to pronounce his name—head of the Union for Chemical Security, told Interfax news service that key officers from the Russian Ministry of Defense had spoken against the treaty during the Russian Duma defense committee's closed hearings on October 1994.

Now, my concerns about the two Russian generals responsible for Russia's chemical warfare elimination program have been well documented in a series of letters to President Clinton, and I ask unanimous consent that these letters be printed in the Record.

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


THE PRESIDENT, The White House Washington, D.C.

DEAR MR. PRESIDENT: I take no offense at your declaration to the effect that I am irresponsibly delaying consideration of the Chemical Weapons Convention. Both of us, now that this treaty is sufficiently and the CWC is a treaty which in my view must not be seriously considered by Congress unless and until the issue of verification can be resolved.

There is no disagreement that the production stockpiling and use of chemical and biological weapons is inherently abhorrent, and especially by rogue regimes. Yours is the second Administration with which I have raised compelling question about verification, Russian compliance, Russian binary weapons programs—and the cost of the Chemical Weapons Convention.

If and when we receive satisfactory answers to these concerns, there would be a substantial increase in the probability of this treaty's being reported out of the Foreign Relations Committee for formal consideration by the Senate.

I was astounded to learn, as surely you were, that the former Chairman of the [Russian] President's Committee on Conventional and Nonproliferation Problems of Chemical and Biological Weapons, Lieutenant General Anatoly Kuntsevich, is now under the house arrest for his having delivered 1,800 pounds of military chemicals to terrorists in the Middle East in 1993. What's more, the Russian intelligence service asserts that General Kuntsevich attempted to sell 5 tons of military chemicals to the same buyers a year later, in 1994. He was caught in the act. Needless to say, the arrest of this key Russian negotiator of the Chemical Weapons Convention on trafficking charges—for dealing in the very same chemical agents he was supposed to be controlling—calls into question the integrity of every provision of the Chemical Weapons Convention. It certainly lends credibility to concerns about the trustworthiness of Russian declarations regarding its current chemical and biological programs, its stockpiles, and the sincerity of the Russians' willingness, and ability, to abide by the CWC and other agreements. General Kuntsevich's role in chemical weapons dates to the 1980s. As Deputy Commanders of Soviet Chemical Forces, he was honored as a hero of Socialist Labor in 1989. In 1991, he was a member of the Soviet delegation to the United Nations Conference on Disarmament, which negotiated the CWC. In 1993, he received the Lenin Prize for his work on binary chemical weapons. Through his many years as a negotiator for the Soviet/Russian governments, Kuntsevich won a number of concessions on the Chemical Weapons Convention and follow-on provisos to the Bilateral Destruction Agreement. Moreover, he was responsible for Russia's dubious declarations under the Woyning Memorandum of Understanding.

While General Kuntsevich has been removed by President Yeltsin in April 1994, concern remains that the General may have conspired to negotiate significant loopholes in the agreements with the obvious intent of enabling him and others to engage in chemical trafficking with impunity—and possibly to permit Russia to evade its obligations.

I respectfully request a thorough analysis of the negotiating record of the CWC and the Bilateral Destruction Agreement in order to review the role of General Kuntsevich in securing various provisions and concessions. I regard this analysis to be essential to any credible review.

Furthermore, I need to know General Kuntsevich's role in the provision of questionable data declarations under the Woyning Memorandum. Has he been allowed to retain contacts with the Yeltsin government since his removal?

There are three other questions, Mr. President, that simply must be answered:

(1) When did the U.S. government learn of General Kuntsevich's role in trafficking chemical weapons and other corrupt practices?

(2) Were you aware of his activities, and his arrest, while you were urging the Congress to move forward on the ratification of the CWC?

(3) If General Kuntsevich has been under house arrest since April 1994, what could explain the timing of the Russian government's revelations regarding his activities?

The Russian government should be urged to accelerate and complete its investigation of General Kuntsevich. I do hope you will obtain from the Russian government a full accounting of precisely what was sold and to whom, and how Russian export controls were circumvented. Additionally, what precautions, if any, have been taken to prevent such future incidents from occurring?

Obviously, unless and until these concerns and those raised previously have been addressed, it would not be fair to the security and safety of the American people even to consider moving the Chemical Weapons Convention out of Committee.

Respectfully,

Jesse Helms.


DEAR COLLEAGUE: I am confident that you were astonished, as I was, that Russia's former chief negotiator for the Chemical Weapons Convention is now under house arrest for trafficking in the very military chemicals he purportedly was seeking to control. Apparently, General Kuntsevich in 1993 sold 1,800 pounds of chemical agents to terrorists in the Middle East. He was caught attempting to sell another 5 tons a year later.

Many of us have consistently raised concerns regarding the verifiability and enforceability of the Chemical Weapons Convention. The most recent incident makes it demonstrable that the CWC, even had it been in effect, would have been helpless to interdict illicit trade in chemicals. (General Kuntsevich is alleged to have transferred chemicals not listed on the chemicals annex of the CWC, and those chemicals went to a country that was not even a signatory to the Convention. He was caught red-handed by traditional, national law enforcement means, not by some global policing mechanism.)

Furthermore, had General Kuntsevich not been caught, it is conceivable that he and/or his cronies may have worked their way into
the administrative body of the CWC, and would then have access to a plethora of information regarding the chemical programs of all signatories, and forewarning of all short-term actions to be conducted under the Convention.

The attached letter that I sent to President Clinton underscores my concerns arising from the arrest of General Kunstevich. Given Kunstevich’s influence over the negotiating process of the CWC, and his responsibility for overseeing the destruction of his own program, I implore under the U.S.-Russian Bilateral Destruction Agreement, I have requested a thorough review of the negotiating record of both agreements.

I brought this latest incident to your attention as the Senate continues its discussion of issues surrounding the Chemical Weapons Convention. Kunstevich’s arrest highlights the many legitimate concerns we all share regarding how best to guard against the threat that chemical weapons pose to our nation’s security.

Respectfully,

Jesse Helms
U.S. Senate, Committee on Foreign Relations, Washington, DC, June 21, 1996

The President, The White House, Washington, DC.

Dear Mr. President: I was gratified to note your Administration’s decision to impose sanctions against Lieutenant General Anatoly Kunstevich, former Chairman of the [Russian] President’s Committee on Conventional Problems of Chemical and Biological Warfare. Your letter had written to you on October 25, 1995 regarding his having been arrested on charges of selling military chemicals to a foreign terrorist.

Disturbing information about General Kunstevich’s activities prompted my concerns about whether the U.S. can believe Russian declarations regarding: (1) its current chemical and biological programs and stockpiles; (2) its willingness to abide by the 1990 U.S.-Russian Bilateral Destruction Agreement (BDA); and (3) its intent to ratify the Chemical Weapons Convention.

General Kunstevich was, at all, one of the most senior officers in Russia’s chemical weapon program. He conducted an assessment identifying Russian officials opposed to the dismantlement of Russia’s chemical weapons stockpile, or who might hinder the implementation of the CWC. Please declassify these reports provide them to the Committee.

(2) The Central Intelligence Agency stated in a report in March, 1996, that “some CW-capable countries that have signed the CWC show no signs of ending their programs.” Does the intelligence community believe that Russia intends to forgo all aspects of its chemical weapons program?

(3) Is it the case that Russia has not yet conducted essential chemical weapon destruction facility? Is it also true that the Shchuch’ye Implementation Plan exists only on paper, and that the plan does not yet even include such rudimentary components as baseline data, engineering survey data, or a site feasibility study? How many years will finalization of these critical elements of the Russian destruction program take?

(4) On June 23, 1994, the then-Director of Central Intelligence, R. James Woolsey, stated that the U.S. had “serious concerns over inconsistencies and contradictory aspects of the data” provided to the United States by Russia regarding its chemical weapons program. How will Russian withdrawal from the BDA affect U.S. efforts to resolve questions regarding “contradictions” in Russia’s declarations about its chemical weapons stockpile? Is the Administration prepared to challenge immediately the veracity of Russian reporting under the CWC if Russia provides data which mirrors that provided to the United States under the 1989 Wyoming Memorandum of Understanding?

(5) Dr. Vil Mirzayanov, former chief of counterintelligence at the State Union Scientific Research Institute of Organic Chemistry and Technology, has alleged that Russia has produced a new class of binary nerve agents five to eight times more lethal than any other known chemical agent, and that work may be continuing on these chemical weapons. Is the Administration satisfied that the Russian Federation has indeed ceased the development and/or production of all offensive chemical weapons agents?

I will appreciate your assistance in resolving these concerns concerning issues which so directly impact on the national security of the United States.

Respectfully,

Jesse Helms
U.S. Senate, Committee on Foreign Relations, Washington, DC, June 26, 1996

The President, The White House, Washington, DC.

Dear Mr. President: When I wrote to you on June 21 regarding perhaps the most significant, ominous shift in Russian arms control policy since the end of the Cold War, I wrote about several things. In Part, I am attaching information from the Administration concerning reports that Russia will not implement the six-year old U.S.-Russian Bilateral Destruction Agreement (BDA) or pursue ratification of the CWC in the near future. Mr. President, since writing to you, my concerns as to whether Russia will ever fully disclose its chemical weapons activities have increased. Russia may not even in-
from the BDA lower the intelligence community's already poor level of confidence in its ability to monitor Russian treaty compliance.

Mr. President, I respectfully reiterate my request for detailed, and unclassified responses to the questions I asked of you on July 21, 1996. I also will appreciate your providing:

(1) the Chernomyrdin letter of July 8, 1996, which I understand must be unclassified since it was transmitted by facsimile around Washington on unsecured lines;

(2) all assessments by the intelligence community discussing the views of Prime Minister Chernomyrdin towards the BDA, the CWC, and any assessments as to whether the favors complete elimination of Russia's chemical weapons arsenal;

(3) the draft joint statement and all relevant documents supplied by Russia to Vice President Gore prior to the President's Moscow Summit;

(4) a detailed assessment of discrepancies in Russia's Wyoming MOU data and the results of any bilateral discussions regarding those discrepancies;

(5) a detailed assessment by the intelligence community of the impact that non-implementation of the BDA and Wyoming MOU will have on the U.S. ability to monitor Russian compliance with the CWC; I am particularly concerned about the potential for an increase in the total stockpile of chemical weapons stockpiled in Russia.

In closing, Mr. President, I should note for the record that the unanimous consent agreement to proceed to consideration of the CWC on or before September 14, 1996 is predicated entirely upon the administration's providing "such facts and documents as requested by the Chairman and ranking minority member of the Foreign Relations Committee."

I hope we can work together on this matter. I will appreciate your assistance in resolving these questions concerning issues which so directly impact on the national security of the United States and the American people.

Respectfully,

JESSE HELMS.

Mr. HELMS, Mr. President, we are all aware of how the administration has refused, refused to provide the Senate, despite my repeated requests, my repeated entreaties to them, to give us an updated assessment of the Russian position regarding the BDA and the CWC.

Russian Prime Minister Chernomyrdin wrote to Vice President Gore on July 8, 1996 stating that both the BDA and the 1999 Wyoming memorandum of understanding have outlived their usefulness to Russia, don't you see. Moreover, the Prime Minister, one, tied Russian ratification of this treaty, the CWC, to United States agreement to a joint statement linking ratification by the United States to Russian ratification; two, stated that the American taxpayers—get this—the American taxpayers must pay the cost of the Russian destruction program; and three, he linked ratification to United States acquiescence to Russia's position on conversion of its chemical weapons facilities. The shift in Russian arms control policy, you see, will have important ramifications.

First, the minimalist approaches taken by Russia in its data declaration on the Wyoming memorandum of understanding will go unresolved. Russia's declaration of 40,000 metric tons of its stockpiled chemical weapons is equivalent to 40,000 tons of agent. This declaration is absolutely untrue. The Director of Central Intelligence, James Woolsey, testified before the Foreign Relations Committee on June 23, 1994, that the United States had "serious concerns over apparent incompleteness, inconsistency and contradictory aspects of the data" submitted by Russia under the Wyoming MOU. On August 27, 1993, Adm. William Studeman, Acting Director of Central Intelligence, wrote to Senator Glenn stating:

"We cannot confirm that the Russian declaration of 40,000 mt is accurate. In addition, we cannot confirm that the total stockpile of chemical weapons stockpiled in Russia is as large as 75,000 metric tons."

Omissions in Russia's MOU data declarations have clear implications for how Russia will interpret the various provisions of the CWC. Because the BDA mandates annual updates to the United States on-site inspections of Russian chemical weapons facilities, combined with data declarations, the United States can expect to gain real monitoring benefits from the CWC only if the Bilateral Destruction Agreement [BDA] is implemented. This agreement provides for United States on-site inspections of Russian storage, destruction and production facilities. Without the BDA, the United States will be forced to verify Russian CWC compliance based upon a smaller number of inspections than anticipated under the bilateral arrangement, with inspections of Russian sites by the OPCW rather than by United States personnel, and with no guaranteed United States access to detailed inspection data. In other words, the intelligence community's already poor confidence level in its ability to monitor Russian treaty compliance will fall even lower.

Fourth, Russian insistence on excluding several of its chemical weapons-related facilities from the BDA's definition of "chemical weapons production facility," and hence from the CWC's definition, relates directly to its desire to maintain a clandestine chemical weapons production capability. The
United States refusal to accede to the Russian position, which would have—in turn—strengthened the Russian case for facility conversions under the CWC, may be a primary reason that Russia has refused to implement the ABM, that we should, in any circumstance, allow Russia to exclude its chemical weapons facilities from inspection.

Moreover, without the bilateral agreement the OPCW will increase the size of its international inspectorate and purchase of additional equipment. This will drive up vastly the expected costs of the regime. Further, the CWC requires States Parties to pay for monitoring of their chemical weapons production, storage, and disposal facilities.

Mr. President, I guess we ought to respond once more—it is an exercise in futility, but we ought to keep responding to that old litany that we have heard this day about making the United States ratification of the CWC contingent on the United States being first. Let us look at a little bit of history. This Senate approved the START II treaty amidst a clamor of claims by Moscow as a part of President Nixon's 1972 anti-ballistic missile treaty. This treaty does not meet my full expectations. Does anybody hear anything familiar about that? More than 15 months have passed and the Russian Duma still has not approved START II. Instead, the Russian leadership rendered ratification of the START II treaty contingent of United States acquiescence to Russian interpretation of, get this, the 1972 anti-ballistic missile treaty and now the Chemical Weapons Convention is being tied to NATO enlargement and other issues.

Mr. President, surely, surely, Senators will not fail to refuse such linkages, and the best way to do it is to require, to stipulate unmistakably that Russia must act in good faith and ratify the Chemical Weapons Convention first. Indeed, in his letter to Vice President Gore, the Prime Minister of Russia stated that the United States should wait for Russia.

I urge Senators to reject that motion to strike.

I yield the floor. I do not know who has been waiting the longest.

Mr. WARNER. I think the Senator from Oklahoma, Mr. President, has been waiting longer than I. I will follow him.

Mr. HELMS. I did not see anybody over here.

Mr. LEVIN. Senator WARNER is going to get part of our time.

Mr. INHOFE. I think Senator WARNER should go ahead since we are going back and forth across the aisle.

Mr. LEVIN. I yield 5 minutes to Senator WARNER.

The PRESIDING OFFICER. The Senator from Michigan yields to the Senator from Virginia.

Mr. WARNER. Mr. President, I was asked by a reporter my view of the distinguished majority leader's role in this very important debate, and I replied, without hesitation, that the tougher the issue, the closer the division within the ranks of the Senate and most particularly within our party, the tougher the leadership challenge. I am proud to join others in saying our leader has met that challenge.

Likewise, my distinguished colleague and friend from day one in the Senate, the senior Senator from North Carolina, together with Senators Kyl and Smith and INHOFE, have met the challenge. They have ensured that the Senate has conducted a full and thorough debate on the issue. They have been instrumental in achieving the 28 conditions which have been adopted by the Senate. Those conditions have improved the document which the President submitted to the Senate in 1993.

There is a clear division within the ranks of Republicans on this issue, and it has been a conscientious and thoughtful process by which each has reached his or her position.

Now, Mr. President, to go to the subject in itself. I would not go into the details of this treaty. I would like to speak to the broader issue.

I first learned of chemical weapons at the knee of my father who was a surgeon in the trenches in World War I. He described to me in vivid detail how he cared for the helpless victims of that weapon.

On this day, I request of the Senator from Oklahoma if he has other wishes. There are 5 minutes remaining on the amendment.

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining.

Mr. INHOFE. I request of the Senator from North Carolina if he has other wishes.

Mr. HELMS. I yield 7 minutes to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining.

The work in this debate has gone far to show that it is a living document. Under the leadership of Senator HELMS and Senator LOTT we have already brought about a number of changes. The Senate may effect further changes as the evening progresses. But the important thing we must keep in mind is that this document must be regarded as one that has to be improved. And it is the leadership of the United States that must step forward to achieve that goal.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from North Carolina.

Mr. HELMS. May I ask the distinguished Senator from Oklahoma how much time he believes he will need?

Mr. INHOFE. May I have 6 minutes?

Mr. HELMS. I yield 7 minutes to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining.

The Senator is recognized for the remainder of the time.

Mr. INHOFE. I inquire of the Senator from North Carolina if he has other Senators requesting time?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining.

Mr. HELMS. Yes. I think I have some time over in one corner.

The PRESIDING OFFICER. The Senator has time on the resolution, if he wishes. There are 5 minutes remaining on the motion.

Mr. HELMS. I understand that. I have 5 minutes. Then he would like 2 minutes. So take it out of the other pot.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for up to 2—up to 7 minutes.

Mr. INHOFE. Are you sure that's right?

The PRESIDING OFFICER. Yes.
But, one of the statements that was made by the distinguished Senator from Michigan I thought was interesting. He said, if I got it right, and correct me if I am wrong: “The single most important reason to ratify the treaty is to encourage Russia to ratify it.” It is so ordered. I cannot imagine it does not seem to make that much difference because of their past history on what they have done.

I would like to clear up something because I think we have gone through this before. I have a bill on this issue. It has been clearly implied by both Republicans who are supporting the ratification of the Chemical Weapons Convention as well as Democrats who are supporting it that this was started in the Reagan administration and that Ronald Reagan was in support of a chemical weapons treaty.

I happened to run across something here that I am going to read. These are the conditions—I am going to save the best one for last. Conditions under which Ronald Reagan said he would agree to the ratification of a chemical weapons convention.

First, the condition was that strategic defense initiative and theater missile defense systems be deployed and operational as one safeguard against cheating. As we know, currently we do not have those in place.

Second, the condition was that the United States would have absolute veto power over all CW decisions. Obviously, in this one there is no veto power. Obviously, the President would not support this.

Third, that the United States would have absolute veto power over all CWC decisions. Obviously, in this one there is no veto power. Obviously, the President would not support this.

President Reagan also, even though it is not on my list, verbally indicated on more than one occasion that one of his conditions would be that we would not have to incur the financial responsibility, in the United States, of other countries complying with it. In fact, right now our compliance costs on this convention appear to be, according to the Foreign Relations Committee report, $13.6 billion and the cost of Russia complying with this would exceed that.

It has been stated on this floor many times that Russia has somewhere between 60 and 70 percent of all the chemical weapons in the world, so, obviously it would be more than that. What is Russia going to do? Are they going to comply? Let us say they go ahead and ratify. If they ratify it, you know, everyone in this Chamber knows, that they are going to look to the United States to pay the bill. START I, CFE, INF. And while they have ratified these, they have not complied. They have not ratified a lot of treaties, including the 1990 Biological Weapons Destruction treaty, the ABM Treaty—that goes back to the 1970s. START I, CFE, INF. Second while they have ratified these, they have not complied.

There are three steps you go through. One is you have to sign them. Second, you ratify them. But, third, you have to comply. And they have been found out of compliance. I cannot imagine why we would expect that they would comply with this one if they ratified it if they have not complied with the previous one.

The distinguished Senator from Michigan quoted, somewhat extensively, Gen. John Shalikashvili, the Chairman of the Joint Chiefs of Staff, as saying that this would have the effect of reducing the proliferation of chemical weapons.

I would only say, trying not to be redundant, if that is the case, then you are taking his word over four previous Secretaries of Defense: Dick Cheney, James Schlesinger, Donald Rumsfeld, and Robert Gates, all four of whom said this would have the effect of increasing the proliferation of chemical weapons and their use in the Middle East.
CONGRESSIONAL RECORD — SENATE
April 24, 1997

S3614

IMPENDING CWC DEBATE
(For Frank Gaffney, J.R.)

There is a certain irony to the timing of the looming Senate debate on the Chemical Weapons Convention. After all, in a sense this treaty was the direct result of one of Saddam Hussein’s earlier genocidal operations against the Kurds of Northern Iraq. It came about after the abysmal 1989 conference where a scores of nations could not be themselves even to cite—let alone condemn or sanction—the Iraqi government for its use of chemical weapons against its own people, let alone the Iranian military. Such attacks directly violated the existing “international norm” on chemical warfare: the 1925 Geneva Protocol banning the use of chemical weapons.

In a bid to deflect criticism for the international community’s failure to enforce one relatively simple control treaty, the politicians and diplomats decided to negotiate a new, utterly unverifiable agreement. After four years of further negotiations in Geneva, “international norms” against chemical warfare was minted: the Chemical Weapons Convention (CWC).

Now, readers of this column learned last week that, quite apart from the problems with this treaty from the standpoint of its verifiability and enforceability, there are a number of questions that have been posed about how the CWC has been affected by Russian bad faith and other changed circumstances since the United States signed up:

- How much has been spent to meet the CWC’s various requirements?
- How many of these requirements have been endorsed by the Senate?
- How many of these requirements have been completed?
- How much have been completed?
- How many have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
- How much have been completed?
amendments, and give this treaty the two-thirds vote it needs and desires.

The 29-year-old pursuit of a chemical weapons treaty has finally reached its moment of truth in the U.S. 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. It has moved forward under Republican and Democratic Presidents alike. In 1995, 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 1970s, 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 1980s. And President George H. W. 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, 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 is about eliminating 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.

Regardles of the treaty, the United States is destroying its chemical weapons stockpile.

Today culminates 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 shoot-out that is going on in the Senate on this series of killer amendments.

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 are voting today, seek to settle differences of opinion the wrong way. They are killer amendments.

I hope the Senate will note “no” on all of them. If any 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 our national 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 are critical to the control 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 control on the chemicals 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 weapons production. Every effort will be made to make the detection procedures as effective as possible. It is hypocritical for opponents of 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 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.

Mr. BIDEN. Mr. President, how much time do I have on this amendment?

The PRESIDING OFFICER. The Senator from Delaware has 5 minutes 45 seconds.

Mr. BIDEN. Mr. President, unless there is some one in opposition, I yield as much time of the remaining time that my colleague from Pennsylvania would like to the Senator from Pennsylvania, Senator SPECTER.
And the search and seizure provisions are adequate to protect constitutional rights, a field I have had substantial experience with as a district attorney, so that there will have to be a criminal standard of probable cause.

Taken as a whole, with the additions by the President today—even though it had been made a part of the RECORD, I ask unanimous consent that, following my comments, the President’s letter to Senator LOTT be printed in the RECORD.

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

(See exhibit 1)

Mr. SPECTER. All factors considered, this is a treaty which ought to receive Senate ratification.

Sincerely,

BILL CLINTON.

Exhibit 1

The White House,

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: During Senate ratification proceedings on the Chemical Weapons Convention (CWC), concerns have been raised over Article X, which provides for certain types of assistance in the event that a State that has joined the treaty and renounced any chemical weapons (CW) capability is threatened with or suffers a chemical weapons attack. The Australia Group, which encourages free trade in non-prohibited chemicals among states that adhere to the CWC, have suggested that these articles could result in the CWC promoting, rather than stemming, CW proliferation despite States Parties’ general obligation under Article I: “never under any circumstances to possess, encourage, or produce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.”

To respond to these concerns, the Administration has worked closely with the Senate to develop conditions relating to both Articles that have now been incorporated in the resolution of ratification (Agreed Conditions #7 and 15). These two conditions would substantially reinforce and strengthen the treaty by:

- Prohibiting the United States under Article X from (a) providing the CWC organization with funds that could be used for chemical weapons defense assistance to other States Parties; and (b) giving certain states that might join the treaty any assistance other than medical antidotes and treatment.
- Requiring the President to (a) certify that the CWC will not weaken the export controls established by the Australia Group and that each member of the Group intends to maintain such controls; (b) block any attempt within the Group to adopt a contrary position; and (c) report annually as to whether Australia Group controls remain effective. Without other conditions, I am pleased to inform you that we have now received official confirmations from the highest diplomatic levels in each of the 30 Australia Group nations that they agree that the Group’s export control and nonproliferation measures are compatible with the CWC and that they are committed to maintain such controls in the future.

While supporting these guarantees and safeguards, you expressed the concern on Sunday that nations might still try to use Article XI to take proscriptive measures that could undercut U.S. national security interests, notwithstanding the best efforts of U.S. diplomacy to prevent such actions. I am, therefore, prepared to provide the following specific assurance related to these two Articles:

In the event that a State Party or States Parties to the Convention act contrary to the obligations under Article I by:

- Using Article X to justify providing defensive chemical equipment or information to another State Party that could result in U.S. chemical protective equipment being compromised so that U.S. warfighting capabilities in a CW environment are significantly degraded;
- Using Article XI to justify chemical transfers that would make it impossible for me to make the annual certification that the Australia Group remains a viable and effective mechanism for controlling CW proliferation; or
- Carrying out transfers or exchanges under either Article X or XI which jeopardize U.S. national security by promoting CW proliferation;

I would, consistent with Article XVI of the Convention, regard such actions as extraordinary events that have jeopardized the supreme interests of the United States and therefore, in consultation with the Congress, be prepared to withdraw from the treaty.

Sincerely,

BILL CLINTON.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute remaining.

Mr. BIDEN. Mr. President, let me just take the minute to say the following: If you do not like this treaty and you are not for it, vote against it. If you think this treaty makes sense, vote for my amendment, because if this treaty contains this provision it is dead. This is a so-called killer amendment.

So those of you who have concluded you are not going to vote in the final analysis for this treaty, vote no. Those of you who have decided you want to vote for this treaty—to cut through it all—vote yes. I mean, it really is that basic, because if my motion fails to strike, this treaty is dead.

I yield back the remainder of my time, if my colleague from North Carolina is prepared to yield back his time. I am prepared to vote.

Mr. HELMS. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BIDEN. Mr. President, for the benefit of my colleagues, I am, as you know, a supporter of the CWC. I am, in fact, the proud sponsor of the CWC. I am proud of what we have done. As in the test ban treaty, when countries were not coming forward, the United States took an initiative and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.

Mr. President, I am, as you know, a supporter of the CWC. I am, as you know, a supporter of what we have done. As in the test ban treaty, when countries were not coming forward, the United States took an initiative and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware.

Earlier, the distinguished Senator from Delaware read a long list of staff and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.

Mr. President, I am, as you know, a supporter of the CWC. I am, as you know, a supporter of what we have done. As in the test ban treaty, when countries were not coming forward, the United States took an initiative and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware.

Mr. President, I appreciate efforts of the Senator from Utah to get an order, and that is no more than I could expect for somebody that bears certain similarities to the Senator from Vermont.

The amendment (No. 48) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. BIDEN. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, how much time is reserved for the Senator from Vermont?

Mr. BIDEN. Mr. President, the request is for 34 minutes remaining on the resolution.

Mr. LEAHY. Mr. President, for the benefit of my colleagues, I will be very brief. Mr. President, I appreciate efforts of the Senator from Utah to get an order, and that is no more than I could expect for somebody that bears certain similarities to the Senator from Vermont.

Earlier, the distinguished Senator from Delaware read a long list of staff and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.

Mr. President, I am, as you know, a supporter of the CWC. I am, as you know, a supporter of what we have done. As in the test ban treaty, when countries were not coming forward, the United States took an initiative and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.

Mr. President, I am, as you know, a supporter of the CWC. I am, as you know, a supporter of what we have done. As in the test ban treaty, when countries were not coming forward, the United States took an initiative and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.

Mr. President, I am, as you know, a supporter of the CWC. I am, as you know, a supporter of what we have done. As in the test ban treaty, when countries were not coming forward, the United States took an initiative and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.

Mr. President, I am, as you know, a supporter of the CWC. I am, as you know, a supporter of what we have done. As in the test ban treaty, when countries were not coming forward, the United States took an initiative and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.

Mr. President, I am, as you know, a supporter of the CWC. I am, as you know, a supporter of what we have done. As in the test ban treaty, when countries were not coming forward, the United States took an initiative and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.

Mr. President, I am, as you know, a supporter of the CWC. I am, as you know, a supporter of what we have done. As in the test ban treaty, when countries were not coming forward, the United States took an initiative and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.
This yardstick of “effective verification” has been the standard against which every arms control agreement for the last decade has been measured. It should be the standard against which the CWC is measured as well.

For any arms control agreement to be effective it must be verifiable. When Vice President George Bush put forward the first U.S.-sponsored text for the CWC, he told negotiators in Geneva on January 18, 1984, that:

“...for a chemical weapons ban to work, each party must have confidence that the other parties are abiding by it...”

No sensible government enters into those international contracts known as treaties unless it can ascertain—or verify—that it is getting what it contracted for.

I could not agree more.

In my view, this standard cannot be met by the CWC. On March 1, 1989, then-Director of Central Intelligence [DCI] William Webster stated that monitoring the CWC “is going to be costly and difficult, and, presently, the level of confidence is quite low.” On January 24, 1989, Director Burns noted that “verification of any chemical ban is going to be extremely difficult.”

Further, on the CWC, submitted on March 18, 1994, states that the CWC’s verification provisions, together with National Technical Means [NTM], “are insufficient to detect, with a high degree of confidence, all activities under the Convention.” Then-DCI Woolsey testified on June 23, 1994 that “I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale.”

Most significantly, declassified portions from the August 1993 NIE note:

The capability of the intelligence community to monitor compliance with the Chemical Weapons Convention is severely limited... with the scope of activities prohibited under the Convention.

In conclusion, verification of the CWC is plagued by the fact that too many chemicals are dual-use in nature. Chemicals used to make pen ink can be used to make deadly agent. It is absurd to say that if the intelligence community has low confidence in its ability to detect in a timely fashion the covert production of chemical weapons which could produce militarily significant quantities. We should not cheapen the norm of effective verifiability by claiming that the CWC meets this standard— for it patently does not.

In conclusion, verification of the CWC is plagued by the fact that too many chemicals are dual-use in nature. Chemicals used to make pen ink can be used to make deadly agent. It is impossible to monitor every soap, detergent, cosmetic, electronics, varnish, paint, pharmaceutical, and chemical plant around the world to ensure that they are not producing chemical weapons, or that toxic chemicals are not being diverted to the production of chemicals elsewhere. Countries such as Russia are well aware that if they ratify the CWC, they can cheat with impunity. Indeed, on May 6, 1996 the Defense Intelligence Agency informed the chairman of the Senate Select Intelligence Committee that Russia intends to maintain the capability to produce chemical weapons, regardless of whether or not it ratifies the CWC.

The Senate, therefore, should not agree to this treaty until U.S. intelligence capabilities have caught up with President Clinton’s Wilsonian idealism.

Finally, I will say a word or two about the counter-arguments we have heard on this condition. Patently ignoring the conclusions of the Joint Chiefs, the administration has claimed that the right standard for detecting violations is not 1 metric ton, but a "large-scale, systematic effort by a potential adversary to equip its armed forces with a militarily significant chemical warfare capability * * *" It is absurd to say that if the intelligence community has high confidence in its ability to detect "any large-scale, systematic effort by a potential adversary to equip its armed forces with a militarily significant chemical warfare capability * * *" the CWC is effectively verifiable.

I have no doubt that it would be difficult to conceal the existence of a program on the scale and size of the former Soviet Union’s for example. But not one of the countries that currently envision a need for chemical weapons intends to wage World War III and conquer Western Europe. Not one of them.

Again, let me reiterate just how ridiculous this argument is. Nobody—not Russia, China, Iran, Iraq, Libya, Syria, India, Pakistan, Egypt, or North Korea—is engaged in a large scale production of chemical agent. For example, according to today’s Washington Times, Russia may produce its new nerve agents at a pilot plant in quantities of only 55 to 110 tons annually.

In other words, the intelligence community has low confidence in its ability to detect in a timely fashion the covert production of chemical weapons which could produce militarily significant quantities. We should not cheapen the norm of effective verifiability by claiming that the CWC meets this standard—for it patently does not.

In conclusion, verification of the CWC is plagued by the fact that too many chemicals are dual-use in nature. Chemicals used to make pen ink can be used to make deadly agent. It is impossible to monitor every soap, detergent, cosmetic, electronics, varnish, paint, pharmaceutical, and chemical plant around the world to ensure that they are not producing chemical weapons, or that toxic chemicals are not being diverted to the production of chemicals elsewhere. Countries such as Russia are well aware that if they ratify the CWC, they can cheat with impunity. Indeed, on May 6, 1996 the Defense Intelligence Agency informed the chairman of the Senate Select Intelligence Committee that Russia intends to maintain the capability to produce chemical weapons, regardless of whether or not it ratifies the CWC.

The Senate, therefore, should not agree to this treaty until U.S. intelligence capabilities have caught up with President Clinton’s Wilsonian idealism.

Finally, I will say a word or two about the counter-arguments we have heard on this condition. Patently ignoring the conclusions of the Joint Chiefs, the administration has claimed that the right standard for detecting violations is not 1 metric ton, but a "large-scale, systematic effort by a potential adversary to equip its armed forces with a militarily significant chemical warfare capability * * *" It is absurd to say that if the intelligence community has high confidence in its ability to detect "any large-scale, systematic effort by a potential adversary to equip its armed forces with a militarily significant chemical warfare capability * * *" the CWC is effectively verifiable.

I have no doubt that it would be difficult to conceal the existence of a program on the scale and size of the former Soviet Union’s for example. But not one of the countries that currently envision a need for chemical weapons intends to wage World War III and conquer Western Europe. Not one of them.
Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Amendment No. 49

(Purpose: To strike condition No. 33, relating to effective verification)

Mr. BIDEN. Mr. President, I ask unanimous consent that the amendment be taken out of the 10 minutes that we are about to agree to on it would be taken out of the 10 minutes. I ask the Senator from Rhode Island to be recognized next for 10 minutes. Does the Senator have somebody?

Mr. BIDEN. Mr. President, if I could ask a parliamentary inquiry. A lot of our colleagues are looking to determine when the final vote will take place. It is my understanding that the Senator from Delaware has the option to move to strike three more conditions relating to intelligence verification, one relating to inspectors, and one relating to articles X and XI. On each of those motions the Senator from Delaware, there is an hour reserved, equally divided, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. The attempt is being made, as we speak, to reduce the time on those amendments. I respectfully suggest that on the next amendment that I am going to move—my intention was to move to strike the intelligence provision—or verification, I should say, No. 33, and that instead of an hour equally divided on that amendment, I respectfully suggest we have 20 minutes equally divided on that amendment. Is that all right with the Senator?

Mr. HELMS. That will be fine, from this point. I will consume a few minutes.

Mr. BIDEN. In other words, the Senator has already spoken on the intelligence issue. The time he has spoken on it would be taken out of the 10 minutes that we are about to agree to on the amendment. I have not yet spoken to the desk. The Senator was under the impression I already sent the amendment to strike.

Mr. BIDEN. Mr. President, on this amendment, of my 10 minutes, I will yield 7 minutes to the Senator from Rhode Island. But prior to doing that, let me say briefly what this amendment does.

This amendment strikes a condition in the treaty that sets a verification standard that, if it were in the treaty, would not be able to be met; therefore, it would kill the treaty. I will not speak more at this time.

I yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. HELMS. Mr. President, just a moment. I must leave the Chamber for a few minutes. After the Senator from Rhode Island has concluded, I ask unanimous consent that the Senator from Alabama be recognized to consume our 10 minutes.

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

The Senator from Rhode Island.

Mr. CHAFFEE. Mr. President, I strongly support the Chemical Weapons Convention, a treaty which serves our national security interests in a number of ways. U.S. ratification would help set an international standard that would put political pressure on outlaw nations to rid themselves of chemical arsenals. This treaty will also give our intelligence community valuable new tools to combat illicit production of deadly chemicals, even among nations that do not ratify the convention.

Mr. President, ratification of the Chemical Weapons Convention by the United States this evening would constitute our Nation’s profound tradition of leadership in the field of international security. We took the lead in the formation of NATO, on the containment of communism, and on the defeat of Iraqi aggression in the Persian Gulf. This evening, we can again assert our irreplaceable leadership by participating in an effort to ban chemical weapons around the world.

Mr. President, condition No. 33, which we are now debating, must be stricken in order for the United States to participate in the Chemical Weapons Convention. Condition No. 33 requires that the President—these are the conditions of condition No. 33—the President of the United States must certify with “a high degree of confidence” that our intelligence community can detect “militarily significant” violations of the convention.

Now, Mr. President, what does “militarily significant” mean? It is defined as 1 metric ton or more of these chemical weapons.

Mr. President, this condition is simply impossible to achieve. This condition would bar the United States from participating in the CWC forever. We must understand that the convention seeks to ban chemical weapons. These weapons, by their very inherent composition, are extremely difficult to detect in relatively small quantities, such as a ton. This truth has been part of the beginning, and no one, Mr. President, has alleged that the CWC will eliminate chemical weapons from the face of the Earth.

If an individual wants to build a chemical weapon somewhere in a small shack or a cave in some remote area of the world, he or she will always be able to do so, regardless of the outcome of this vote. No treaty, no matter how it is written, will ever be able to stop such an occurrence. Our inability to verify fully the CWC is not a result of any flaws in the convention. It is due to the innate difficulty in monitoring chemical weapons and their components.

Mr. President, I also question the definition of “militarily significant quantity,” as being 1 metric ton or more of chemical weapons agent. Although 1 metric ton can certainly do a lot of damage, particularly in a terrorist attack, I will defer to military experts to consider what is military significant. In testimony to the Senate, Gen. John Shalikashvili stated that tonnage is not the only factor to consider in assessing the military capacity to use chemical weapons. He stated that “an illicit chemical stockpile into something militarily useful, an adversary must have vast supplies of these weapons, and he must have an infrastructure for handling them and must have troops trained in the use of these weapons.”

It is these more complex activities—the training of the troops, for example—that the Chemical Weapons Convention, together with our intelligence resources, will be able to verify. As Gen. Shalikashvili stated, the United States Foreign Relations Committee, under the CWC, it will no longer be possible for a country to buy a few pounds of these chemicals from
various sources around the world to amass an abnormal supply of chemicals. Our intelligence community has, in fact, indicated on a number of occasions that this convention will provide another tool to the U.S. inventory of ways to slow worldwide expansion of chemical weapons capability. In brief, the Chemical Weapons Convention will supplement—it will not replace, but it will add to—ongoing efforts to monitor chemical weapons production worldwide.

Now, critics of this treaty claim it is unverifiable, that we will not be able to catch adversaries abroad who cheat. But they also allege that the CWC's verification regime, while too weak to catch those cheaters abroad, is too intrusive for American industry. In other words, it won't let us find anything abroad, but it is too intrusive for other nations as far as inspection in the United States. They can't have it both ways.

The fact is that the Chemical Weapons Convention's verification tools—in other words, how to determine whether there are weapons in other countries—go beyond those of other arms control treaties that we have approved in the Senate in the past. No treaty will ever be able to verify totally a ban on chemical weapons. Condition No. 33 is impossible to meet. The condition that is in this, which we are seeking to strike, is an impossible condition to meet. It serves no purpose other than to prevent the ratification of the Chemical Weapons Convention treaty. So I urge my colleagues to support the motion to strike this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise to address the issue of verification, and in opposition to the motion to strike condition No. 33 contained in the resolution of ratification, relating to effective verification. I have a number of serious concerns with respect to the Chemical Weapons Convention.

As chairman of the Senate Intelligence Committee, however, I have a particular responsibility to ensure that any treaty ratified by this body can be effectively verified by the intelligence community.

If it cannot be verified, the CWC could be used by the means by which CWC member states, such as China and Iran, expand and enhance—rather than reduce—their CW capabilities.

In negotiating the INF Treaty, ratified in 1988, President Reagan set forth an eminently reasonable standard to guide the negotiation and implementation of arms control agreements. "Trust," he said, "but verify."

But I am afraid that the critical, second part of President Reagan's formula seems all too often forgotten, with respect to this treaty. The CWC, and especially the verification regime, is based on the triumph of hope and trust over experience and history.

In its efforts to obtain ratification, the administration has—if I may borrow a phrase from a former vice-chairman of the committee, Senator Mynahan—"defined verification down."

Condition No. 33 to the resolution of ratification seeks to correct that problem. It conditions deposit of the U.S. instrument of ratification on a Presidential certification to Congress that the treaty is effectively verifiable. This treaty cannot be betrayed by a nation determined to preserve a small, secret program by using the delays and managed access rules allowed by the convention.

Those, Mr. President, are not my words. Those are the words of the intelligence community describing its ability to monitor compliance with the treaty before us.

I should point out to my colleagues, in light of the fact that the National Intelligence Estimate from which I have quoted is dated August 1993, that the Acting Director of Central Intelligence, George Tenet, and other intelligence officials have confirmed on numerous occasions that the key judgments cited above are current.

In an open hearing on February 5 of this year, I asked George Tenet, the acting Director of Central Intelligence, about the verifiability of the CWC. Our discussion went, in part, as follows:

Acting Director Tenet said: "We can never guarantee that a power that signs up to this agreement won't cheat. These... chemical and biological developments are small, they are easily hidden. They are not like big nuclear developments that have big signatures that everybody understands."

"In other words, it will be fairly easy to cheat some, wouldn't it?"

Acting Director Tenet responded: "It will be easy to cheat, Mr. Chairman."

Mr. President, the treaty before us today is deficient in many respects: both in what it does, and in what it fails to do.

As chairman of the Senate Intelligence Committee, I must therefore conclude that the greatest flaw with the CWC is that, absent a certification of effective verification, we cannot even know if it is doing what it is supposed to be doing, and we cannot know the extent to which it is failing to do what it should do: This treaty is unverifiable.

Therefore, I support condition No. 33, and oppose the motion to strike it. If I have any time left, I yield it to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the chairman for yielding to me.

Mr. President, I rise in opposition to the motion to strike condition 33, relating to effective verification.

As a member of the Senate Select Committee on Intelligence, I believe I have a responsibility to ensure that this treaty can be effectively verified by the intelligence community.
If the CWC cannot be verified to ensure that it will, in fact, eliminate the scourge of chemical weapons, then what is the point of ratifying it? In fact, the CWC may well make things worse, not better. Some signatory states may use the technology-sharing provisions of titles X and XI, combined with the cloak of international respectability they gain by joining the CWC, to advance their CW programs and exports.

Consequently, the resolution of ratification seeks to address the verifiability problem, by requiring the President to certify to the Congress that the CWC is effectively verifiable before submitting the U.S. instrument of ratification.

Mr. President, we have all heard what the intelligence community said about the verifiability of the CWC in its National Intelligence Estimate of August 1993, but I think this judgment is worth repeating:

The capability of the Intelligence Community to monitor compliance with the Chemical Weapons Convention (CWC) is severely limited and likely to remain so for the rest of this decade.

If that judgment has changed, the President should be able to provide the necessary certification. But as we well know, and as the Acting Director of the CIA George Tenet has confirmed on several occasions, that judgment has not changed. With all the assets at our disposal, the intelligence community still cannot verify compliance with this treaty.

The Senate has already discussed the classified aspects of our intelligence and verification capabilities in considerable detail in closed session, and I cannot add anything to that debate now.

What I would like to do, is provide an example of the way in which a determined proliferator can evade, and defeat, what is perhaps the most extensive scrutiny ever imposed on an uncaptured nation in peacetime. I am referring, of course, to Iraq.

Iraq is exhibit A for a number of propositions. First, Iraq is the very model of a rogue state. It is a country that has not only developed chemical and biological weapons [CBW], and come within a hair’s breadth of producing a nuclear device, but has actually used chemical weapons against Iran, and against its own citizens.

Second, as a nonsignatory to the CWC, Iraq is an example of those countries that will not be constrained by the CWC, and will proceed apace with the production of chemical weapons.

Third, and this is the point I wish to focus on, Iraq is the most current example of the effectiveness—or the lack thereof—of even the most intrusive international monitoring.

Treaty supporters point to the Organization for the Prohibition of Chemical Weapons [OPCW]—and may well add the ability of OPCW inspectors to carry out unchallenged inspections of suspected violations—as a means of effective verification.

Yet the intelligence community concludes, in an unclassified excerpt from the 1993 NIE, that:

The key provision of the monitoring regime—challenge inspections at undeclared sites—can be thwarted by a nation determined to hide them by using the delays and managed access rules allowed by the convention.

Acting CIA Director Tenet reiterated that judgment in a letter to Senator Kyl, dated March 26, 1997.

In the years since the end of the Persian Gulf war, weapons inspectors from the U.N. Special Commission [UNSCOM] have combed Iraq in search of nuclear, chemical, biological, and missile production and storage sites—inspectors armed with powers far greater than those of OPCW inspectors, I might add.

Despite this extraordinary level of scrutiny, Iraq is believed to retain: chemical weapon precursors and production equipment, and possibly large quantities of deadly VX agent and munitions; BW cultures, production equipment, agent and weapons. These stocks can be used to create a large stockpile in a matter of days; and an operational SCUD missile capability, including support vehicles, launchers, fuel, operational missiles, and, most alarming of all, possible chemical or biological warheads.

Last, Iraq retains nuclear weapons blueprints, mass-production tools, and know-how, is believed to be continuing its nuclear weapons design work; and probably has the ability to create a nuclear weapon—if it obtains fissile materials—with very little warning. Mr. President, I am not reciting this information in order to criticize UNSCOM. I commend Ambassador Rolf Ekeus, and the dedicated UNSCOM inspectors, for their persistence in the face of determined Iraqi resistance and intimidation.

But if these are the results of 6 years of international monitoring of Iraq—a pariah country, defeated in war, and subjected to massive invasions of its national sovereignty—then I wonder what the OPCW inspectors, with their far more limited powers, can realistically hope to accomplish in other countries?

As a final note, I should remind my colleagues that before the gulf war, Iraq was a member in good standing of the International Atomic Energy Commission, or IAEA, subject to all the usual IAEA inspections and safeguards.

Yet Saddam Hussein was within months of having a nuclear weapons capability on August 2, 1990, when he invaded Kuwait. Had Saddam waited until he had a nuclear device, Kuwait might yet be the 19th province of Iraq—and tens of thousands of people, including thousands of American soldiers, might have died.

Mr. President, I do not come to the floor to question the mission of the Intelligence Committee to say to my colleagues that this treaty is absolutely verifiable. The distinguished chairman of the committee indicated that Mr. Tenet, Acting Director of Central Intelligence, said it will be difficult to verify and quoted him as saying it would be easy to cheat. What he did not do, regrettably, is go on with the follow-on quote. The next sentence in his answer was, “But, in the absence of the tools the convention gives us, it will be much harder for us to apprise you”—meaning the committee—“and apprise the military and policymakers of where we think we are in the world with regard to these developments.”

Let me be clear. The United States has made a decision that we are going to destroy our chemical weapons and try to lead the world in the elimination of chemical weapons. That is what this policy is all about. We didn’t have this treaty presented to us. We made a conscious decision to eliminate our own chemical weapons and then try to develop a regimen that enables us to identify and detect as much as possible. Our Director of Central Intelligence, as well as our military, has indicated that we are going to increase the identification that we are able to do and increase the likelihood that we will be able to end up with the result being that we have no chemical weapons in any military arsenal on this planet.

No treaty is absolutely verifiable. Condition 33 makes verification more difficult by setting a level of identification, we do not need to benefit from the convention. Far more important to our security are the improvements to our identification efforts we stand to gain under the CWC.

Verification is a political decision made by policymakers. To make this
decision, our intelligence agencies will need to provide evidence to support a conclusion made by policymakers. The benefits we will receive under the CWC come from our increased ability to identify whether a nation is developing, storing, or using chemical weapons. Under the CWC's routine and challenge inspections, we will be better able to identify the storage and destruction of declared chemical weapon stocks. We will also be better able to identify any attempt to develop the infrastructure to handle chemical weapons and any military training in the use of these weapons.

U.S. intelligence officials have stated that the CWC will add to their monitoring tools to counter the chemical weapons threat. Data declarations will provide evidence of compliance or non-compliance, routine inspections make it more difficult and costly to use legitimate facilities to produce chemical weapons, and challenge inspections will give the United States the opportunity to seek further indications and evidence under the CWC.

In addition, the CWC will help stymie chemical weapons development by non-signatory, rogue nations by restricting trade in key precursor chemicals to non-parties. Acquisition efforts for chemicals, technology, and equipment by non-signatories will provide the United States with tools to pursue compliance concerns with parties who may be the source of the materials.

These are real benefits to our identification efforts that will help ensure the safety of our troops and citizens. However, if we impose an impossible standard of verification and fail to ratify the CWC, we will lose these benefits.

Further, condition 33 creates an arbitrary definition of what is a "militarily significant" amount of chemical weapons. This condition deems one metric ton of chemical weapons to be a threat to our national security. Without the CWC, chemical weapons production and stockpile on a small or grant scale will still be an acceptable practice. Under the CWC, not only will this no longer be acceptable, but we will have additional tools in our arsenal to identify chemical weapons programs. In addition, this condition deems one metric ton of chemical weapons to be a horrible threat under some circumstances, in no way is a militarily significant quantity of chemical weapons defensive system of the target forces. It depends on the terrain, the weather, the number of troops, the type of chemicals used, how the chemicals are delivered, and the chemical weapons defensive system of the targeted forces. He stated that, “The quantity is totally scenario dependent, and it would be difficult to cite a specific number.”

During the Iran-Iraq war, both sides used tens of tons against each other without altering the course of the war. The Defense Department found that it would take several hundred to a thousand tons to disrupt logistics in a war; and the United States's own stockpile of chemical weapons, which we are committed to destroy with or without the CWC, is about 30 thousand tons. One metric ton of chemical weapons, while still posing a horrific threat under some conditions, in no way is a militarily significant threat to our national security.

Without the CWC, chemical weapons defensive system of the target forces. It depends on the terrain, the weather, the number of troops, the type of chemicals used, how the chemicals are delivered, and the chemical weapons defensive system of the targeted forces. He stated that, “The quantity is totally scenario dependent, and it would be difficult to cite a specific number.”

During the Iran-Iraq war, both sides used tens of tons against each other without altering the course of the war. The Defense Department found that it would take several hundred to a thousand tons to disrupt logistics in a war; and the United States's own stockpile of chemical weapons, which we are committed to destroy with or without the CWC, is about 30 thousand tons. One metric ton of chemical weapons, while still posing a horrific threat under some conditions, in no way is a militarily significant threat to our national security.
know, is when there is going to be a challenge inspection, or a routine inspection, there is a list of inspectors. They give the names. As few as 3 and as many as 15 inspectors are going to show up on the doorsteps of X, Y, Z company, and they list their names and then provide their credentials. Guess what? Our intelligence community from the time those names are given—it is like a jury pool. The Presiding Officer was a Federal prosecutor. It is like a grand jury. Every country submits inspectors that they pick. The President’s Committee picks inspectors from each of the countries. They sit in one town and one city. When an inspection comes up, they say “You, you, you, and you go and inspect.” They have to submit those names. Our intelligence community, when that pool is picked, will do a background check on every one of those guys and women. They know their names. So they can, in fact, go out there and say—we can say, or the intelligence community can say—“Look, he is on that inspection group. Strike him. We don’t want him.” You can do that. The only time we can’t strike is when—I have a smart staff here. In the late hours they think they are having a fight. You are fired.

I am only kidding. That is a joke; a little levity at this time.

As my distinguished friend on the Intelligence Committee, formerly of my staff, wrote, “They can’t strike when they are on the plane.” You have to give 24 hours notice you don’t want So and so in there. So they say or you can already strike anybody. We do this in a blanket way. We knock the class of the field out of the inspection process. We don’t want to do that. With all due respect, this is not a thoughtful amendment. This is not an proactive way. I ask for the yeas and nays on this amendment.

Mr. BIDEN. Mr. President, have the yeas and nays been ordered on the previous amendment? If not, I would ask for the yeas and nays on the previous amendment as well.

Mr. BIDEN. Mr. President, the Chemical Weapons Convention would provide inspectors from foreign countries unprecedented access to U.S. facilities, both commercial and Government-related. Inspectors would be permitted to interview site personnel, inspect records, photograph onsite apparatus, take samples, record readings of plant process, and determine the extent to which they monitor processes. The risk that trade secrets or national security secrets could be stolen during inspection is very high.

First, proprietary information is often the basis for a chemical company’s competitive edge. Industrial espionage can enable a competitor to obtain at a minimal cost information that its originator acquired only through an enormous investment of time and money, thereby erasing the company’s competitive advantage. For this reason, the theft of trade secrets can cripple even a giant company and can be fatal to a smaller enterprise.

Second, because chemicals covered by the CWC are used in a variety of aerospace activities, from the manufacture of advanced composites and ceramics to additives for paints and fuels, dozens of defense contractors are targeted for routine inspections under the CWC. This is the reason that when we are talking about proprietary information, we may also be talking about national security information.

A company such as Lockheed Martin, Northrop Grumman, Hercules, Raytheon, and the Hexcel Corp. will be forced to allow foreign nationals access to their facilities, employees, and records. Our national laboratories further could be inspected under this treaty, as will Government facilities.

Previous national trial inspections conducted in the United States in preparation for the CWC revealed that inspections under the treaty are an extremely dangerous threat to sensitive information. Soil and water samples were collected in the vicinity of rocket propulsion facilities in one such inspection. They were analyzed at the Lawrence Livermore National Laboratory. Using modern techniques, analysts were able to discern classified information about the formulation of the rocket propellant and the process used to make it.

Finally, Mr. President, China and others likely intend to use CWC inspections for espionage purposes. They should not be allowed to do that. The officials of the preparatory commission for the Organization for the Prohibition of Chemical Weapons, the OPCW, have stated that all of the Chinese inspectors were directed to volunteer for the organization and that these inspectors have direct ties to China’s defense chemical warfare program. Accordingly, and the point of this condition, the Senate should uphold this provision which would direct the administration to exercise a United States treaty right such as the Senator from Delaware pointed out, we have this right under the treaty—we are simply directing the President to exercise this right to bar inspectors from China, which has an active industrial espionage program and has violated United States nonproliferation laws, from entering the United States to engage in these inspections. In addition, it would prevent inspectors from entering the United States and are state sponsors of terrorism—Iran, Iraq, Syria, Libya, Sudan, North Korea, and Cuba—from participating in these inspections.

Mr. President, I do not think this is an unreasonable provision. There is no downside to the provision, only the positive potential that fewer trade and national security secrets would be handed over to countries that are openly hostile to the United States.

Therefore, I urge the Senate to reject the motion to strike.

At this time I yield the remaining time to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Could I inquire about how much time is remaining?

The PRESIDING OFFICER. There are 1½ minutes.

Mr. LOTT. Mr. President, I have already stated my position. I do think we should vote to ratify this convention, but I think we should defeat this motion to strike. This is not a killer amendment. This is very serious, where we are just saying that we should have the ability to bar these inspectors from these countries that have violated U.S. nonproliferation laws. You are talking about inspectors from so-called, as the Secretary of State has called them, “rogue nations” that want to come in here and get into finding information that could help them to further contribute to proliferation.

So I urge the Senate on this motion to vote to defeat the motion to strike. We would have the ability, we should be able. As a matter of fact I think require that we bar these inspectors from coming into this country when they are contributing to the problem all over the world. So I yield the remainder of my time.

Mr. BIDEN addressed the Chair.

Mr. BIDEN. Mr. President, the Chemical Weapons Convention would provide...
Mr. KYL. Mr. President, let me summarize the argument the majority leader and I made in opposition to the motion to strike this condition. The treaty currently provides for the President to say that he does not want inspectors from certain countries coming into the United States. There is a reason for that. What we are doing is directing him only in two cases to, in advance, say, these are the countries covered: Those countries that sponsor state terrorism, pursuant to our definition of that in China because of its violation of another law.

So it is only those countries that have violated American law and who are the state-sponsored terrorists who can be denied inspectors in the United States. The PRESIDING OFFICER. The time has expired. Under the previous order, the question now occurs on agreeing to the Biden amendment No. 50. They yeas and nays have been ordered. The assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

**[Rollcall Vote No. 49 Ex.]**

**YEAS**

- Akaka  Feingold  Lieberman
- Baucus  Feinstein  Lugar
- Biden  Ford  McCain
- Bingaman  Franks  Mikulski
- Boxer  Glenn  Moseley-Braun
- Breaux  Gorton  Moynihan
- Bryan  Graham  Murray
- Bumpers  Hagel  Reed
- Byrd  Harkin  Reed
- Chafee  Hutto  Robb
- Cleland  Hollings  Roberts
- Coats  Inouye  Rockefeller
- Cochran  Jeffords  Roth
- Collins  Johnson  Santorum
- Conrad  Kennedy  Sarbanes
- D'Amato  Kerry  Smith (GR)
- Daschle  Kerry  Snowe
- DeWine  Kohl  Specter
- Dodd  Landrieu  Stevens
- Domenici  Lautenberg  Torricelli
- Dorgan  Leahy  Welton
- Durbin  Levin  Wyden

**NAYS**

- Abraham  Gramm  McConnell
- Allard  Grams  Murkowski
- Ashcroft  Grassley  Nickles
- Bennett  Gregg  Sessions
- Bond  Helsom  Shelby
- Brownback  Hutchinson  Smith (NH)
- Burns  Hutchinson  Thomas
- Campbell  Inhofe  Thompson
- Coverdale  Kean  Thurmond
- Craig  Kyl  Warner
- Enzi  Lott  Martin
- Faircloth  Mack

The amendment (No. 49) was agreed to.

**AMENDMENT NO. 50**

The PRESIDING OFFICER. Under the previous order—the Senator from Delaware.

Mr. BIDEN. I am sorry to interrupt the Chair. You were going to say 1 minute for explanation, is that correct, equally divided?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. Mr. President, the purpose of my amendment is to strike a provision in the bill that requires the President to disallow an inspector from any of a number of countries, from Russia to Iran.

There is in the treaty already the ability of the United States to strike any inspector. The inspectors must be named before an inspection takes place. The reason why we do not want a blanket exemption is, if we blanket exempt all those folks, they will blanket exempt any U.S. inspector.

We want inspectors in the bad guy's country. We do not want to do this. It is counterproductive.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me summarize the argument the majority leader and I made in opposition to the motion to strike this condition. The treaty currently provides for the President to say that he does not want inspectors from certain countries coming into the United States. There is a reason for that. What we are doing is directing him only in two cases to, in advance, say, these are the countries covered: Those countries that sponsor state terrorism, pursuant to our definition of that in China because of its violation of another law.

So it is only those countries that have violated American law and who are the state-sponsored terrorists who can be denied inspectors in the United States. The PRESIDING OFFICER. The time has expired. Under the previous order, the question now occurs on agreeing to the Biden amendment No. 50. They yeas and nays have been ordered. The assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

**[Rollcall Vote No. 49 Ex.]**

**YEAS**

- Akaka  Feingold  Lieberman
- Baucus  Feinstein  Lugar
- Biden  Ford  McCain
- Bingaman  Franks  Mikulski
- Boxer  Glenn  Moseley-Braun
- Breaux  Gorton  Moynihan
- Bryan  Graham  Murray
- Bumpers  Hagel  Reed
- Byrd  Harkin  Reed
- Chafee  Hutto  Robb
- Cleland  Hollings  Roberts
- Coats  Inouye  Rockefeller
- Cochran  Jeffords  Roth
- Collins  Johnson  Santorum
- Conrad  Kennedy  Sarbanes
- D'Amato  Kerry  Smith (GR)
- Daschle  Kerry  Snowe
- DeWine  Kohl  Specter
- Dodd  Landrieu  Stevens
- Domenici  Lautenberg  Torricelli
- Dorgan  Leahy  Welton
- Durbin  Levin  Wyden

**NAYS**

- Abraham  Gramm  McConnell
- Allard  Grams  Murkowski
- Ashcroft  Grassley  Nickles
- Bennett  Gregg  Sessions
- Bond  Helsom  Shelby
- Brownback  Hutchinson  Smith (NH)
- Burns  Hutchinson  Thomas
- Campbell  Inhofe  Thompson
- Coverdale  Kean  Thurmond
- Craig  Kyl  Warner
- Enzi  Lott  Martin
- Faircloth  Mack

The amendment (No. 50) was agreed to.

The VICE PRESIDENT. Fifteen minutes.

Mr. BIDEN. Mr. President, I have spoken to the majority on this. The distinguished Senator from Virginia has been waiting around patiently all day and I keep bumping him. I want to yield up to 5 minutes of my time on the bill to him at this moment, and then I will move, with permission of the chairman, to the last condition.

I yield to the Senator from Virginia.

The VICE PRESIDENT. The Senator from Virginia.

Mr. ROBB. I thank my friend and colleague from Delaware.

Mr. President, there's not much left to say about ratification of the CWC—even here in the Senate. We've had seventeen formal hearings on the topic over the last two years—both open and closed—and as a member of all three national security committees, I have participated in most of them. In addition, the salient features have been discussed in countless meetings and fora that have been widely reported in both print and broadcast media. Finally, for everyone involved, the moment of truth has arrived and we will cast what will certainly be one of the most important votes of the 105th Congress.

Mr. President, I have been committed to ratification for some time, but I know some of our colleagues have had reservations. There is no question that respected opponents of ratification have raised important and legitimate questions. But those questions have been thoroughly and painstakingly answered by the proponents, including and I believe that our failure to ratify this chemical weapons convention today would represent a serious setback for the United States and the entire international community and unquestionably would be viewed as a failure of leadership by the world's indispensable nation.

I will not repeat all of the arguments that have been made. In his news conference earlier today the majority leader framed the essential question. And he repeated it here on the Senate floor earlier this afternoon. And I certainly commend him for the way he responded. He asked will we be better off with or without the treaty—for me that is not a close call.

I believe we will be much better off, by any measure I can think of, if we ratify the convention.

I hope that the 28 conditions that we agreed to yesterday, and the additional reassurances provided by the President today, will insure that at least two-thirds of our colleagues reach the same conclusion.

The United States is getting out of the chemical weapons business or without an international agreement—and because over 70 other nations have already ratified the convention, it goes into effect on April 29th, regardless of
what we do. The only matter we'll decide tonight is whether we'll be able to participate and shape the banning of the use, development, production, and stockpiling of chemical agents, or be cast with the pariah states that will face increasing difficulty due to permanent trade restrictions on non-CWC members.

If we want to play a leading role in at least reducing the likelihood that poison gas will be used against us or the rest of the international community, we have no choice but to ratify this convention.

Of course, there are no absolutes when it comes to arms control verification, but through the most far-reaching, extensive, and intrusive inspection procedures ever agreed to, the CWC represents a clear step in the right direction.

I do not question the patriotism of any of our colleagues who oppose ratification, but I believe we owe a special debt of gratitude to those statesmen who might find some partisan or ideological advantage in opposing ratification, but who put our country's interest first in supporting it.

In that regard, I'd like to single out our former colleague and Majority Leader, Bob Dole, who now joins the Presidents of both parties who negotiated, signed, and submitted the convention for ratification, as well as a distinguished galaxy of present and past top-level national security leaders.

And, I would like to conclude by commending Senator Biden, the ranking member of the Foreign Relations Committee, and Senator Lugar, a longstanding expert in the area of arms control, for their leadership and tenacity these last few weeks. Due to their tireless efforts, I hope we will have the votes to ratify the CWC and signal to the world our continuing leadership, by example, to eliminate these weapons of mass destruction from the face of the earth.

Mr. President, I yield the floor.

AMENDMENT NO. 51

(Purpose: To strike condition no. 32, relating to stemming the proliferation of chemical weapons)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Enzi). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment number 51.

On page 65, strike lines 5 through 24.

Mr. BIDEN. Mr. President, we now turn to the last condition that I am seeking to strike which will require the President, before he deposits the instrument of ratification, to certify that the Chemical Weapons Convention has been amended by striking article X and XI in several respects.

Mr. President, I apologize for the shorthand, because it does not do justice to the arguments of my friends who oppose this, but this is what we call in the trade a killer amendment. Were this to pass, there is no treaty. I will speak to that later.

With permission of the chairman of the committee, I yield to the Senator from Arizona, Mr. MCCAIN, who, as the old saying goes, has forgotten more about this treaty than most people know. I yield such time as he consumes.

Mr. MCCAIN. Mr. President, failure to approve the amendment proposed by the Senator from Delaware would require the United States to delay ratification of the Chemical Weapons Convention until we obtain the agreement of other CWC parties to delete one of the treaty's articles and significantly alter another.

I believe the issue of technology transfer is a serious one because it is the one argument that seeks to demoralize the United States. It will actually harm the United States national security.

The critics argue because of article XI of the CWC we will have to eliminate our dependence on chemical weapons and disband the Australia Group, a 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 on 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, Mr. President, our experience with essentially similar language in the Nuclear Non-Proliferation Treaty shows that we need not weaken our national or multilateral export controls. The Nuclear Suppliers Group, the counterpart of the Australia Group, was actually founded after the NPT went into force. Nor has the NPT obliged us to tighten our national controls on the transfer of nuclear technology, even to other NPT parties. The United States enacted the Nuclear Non-Proliferation Act of 1978, 10 years after the NPT was signed. Moreover, beyond the text of the CWC itself we have condition 7 of the resolution of ratification before us. This 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 multinational controls in our national technology are compatible with the treaty and will be maintained under the CWC.

We also have condition 15 obliging the United States to share only medical antidotes and treatment to countries whose citizens are attacked with chemical weapons.

Finally, we have received today from the majority leader a letter which President Clinton has sent to him committing the administration to withdrawing from the CWC if other parties misuse articles X and XI of the treaty. In the words of the majority leader, this commitment is unprecedented and ironclad.

Let me just remind my colleagues, Mr. President, that the President of the United States in this letter states:

In the event that a State Party or States Parties to the Convention act contrary to obligations under either Article X or XI which jeopardize the national security or military interests of the United States
to withdraw from the treaty.

Mr. President, I do not know how we could be any clearer than that letter from the President of the United States.

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 Australian Group participants to block exports to countries of concern?

Mr. President, the supporters of this condition portray renegotiating the CWC to change these two articles as a feasible undertaking. We are talking about a new treaty with more than 160 other signatories, more than 70 of which already ratified. This is not a feasible undertaking. We are talking about a new treaty with more than 160 other signatories, more than 70 of which already ratified. This is not a what we do. The only matter we'll decide tonight is whether we'll be able to participate and shape the banning of the use, development, production, and stockpiling of chemical agents, or be cast with the pariah states that will face increasing difficulty due to permanent trade restrictions on non-CWC members.

If we want to play a leading role in at least reducing the likelihood that poison gas will be used against us or the rest of the international community, we have no choice but to ratify this convention.

Of course, there are no absolutes when it comes to arms control verification, but through the most far-reaching, extensive, and intrusive inspection procedures ever agreed to, the CWC represents a clear step in the right direction.

I do not question the patriotism of any of our colleagues who oppose ratification, but I believe we owe a special debt of gratitude to those statesmen who might find some partisan or ideological advantage in opposing ratification, but who put our country's interest first in supporting it.

In that regard, I'd like to single out our former colleague and Majority Leader, Bob Dole, who now joins the Presidents of both parties who negotiated, signed, and submitted the convention for ratification, as well as a distinguished galaxy of present and past top-level national security leaders.

And, I would like to conclude by commending Senator Biden, the ranking member of the Foreign Relations Committee, and Senator Lugar, a longstanding expert in the area of arms control, for their leadership and tenacity these last few weeks. Due to their tireless efforts, I hope we will have the votes to ratify the CWC and signal to the world our continuing leadership, by example, to eliminate these weapons of mass destruction from the face of the earth.

Mr. President, I yield the floor.

AMENDMENT NO. 51

(Purpose: To strike condition no. 32, relating to stemming the proliferation of chemical weapons)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Enzi). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment number 51.

On page 65, strike lines 5 through 24.

Mr. BIDEN. Mr. President, we now turn to the last condition that I am seeking to strike which will require the President, before he deposits the instrument of ratification, to certify that the Chemical Weapons Convention has been amended by striking article X and XI in several respects.

Mr. President, I apologize for the shorthand, because it does not do justice to the arguments of my friends who oppose this, but this is what we call in the trade a killer amendment. Were this to pass, there is no treaty. I will speak to that later.

With permission of the chairman of the committee, I yield to the Senator from Arizona, Mr. MCCAIN, who, as the old saying goes, has forgotten more about this treaty than most people know. I yield such time as he consumes.

Mr. MCCAIN. Mr. President, failure to approve the amendment proposed by the Senator from Delaware would require the United States to delay ratification of the Chemical Weapons Convention until we obtain the agreement of other CWC parties to delete one of the treaty's articles and significantly alter another.

I believe the issue of technology transfer is a serious one because it is the one argument that seeks to demoralize the United States. It will actually harm the United States national security.

The critics argue because of article XI of the CWC we will have to eliminate our dependence on chemical weapons and disband the Australia Group, a 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 on 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, Mr. President, our experience with essentially similar language in the Nuclear Non-Proliferation Treaty shows that we need not weaken our national or multilateral export controls. The Nuclear Suppliers Group, the counterpart of the Australia Group, was actually founded after the NPT went into force. Nor has the NPT obliged us to tighten our national controls on the transfer of nuclear technology, even to other NPT parties. The United States enacted the Nuclear Non-Proliferation Act of 1978, 10 years after the NPT was signed. Moreover, beyond the text of the CWC itself we have condition 7 of the resolution of ratification before us. This 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 multinational controls in our national technology are compatible with the treaty and will be maintained under the CWC.

We also have condition 15 obliging the United States to share only medical antidotes and treatment to countries whose citizens are attacked with chemical weapons.

Finally, we have received today from the majority leader a letter which President Clinton has sent to him committing the administration to withdrawing from the CWC if other parties misuse articles X and XI of the treaty. In the words of the majority leader, this commitment is unprecedented and ironclad.

Let me just remind my colleagues, Mr. President, that the President of the United States in this letter states:

In the event that a State Party or States Parties to the Convention act contrary to obligations under either Article X or XI which jeopardize the national security or military interests of the United States to withdraw from the treaty.

Mr. President, I do not know how we could be any clearer than that letter from the President of the United States.

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 Australian Group participants to block exports to countries of concern?

Mr. President, the supporters of this condition portray renegotiating the CWC to change these two articles as a feasible undertaking. We are talking about a new treaty with more than 160 other signatories, more than 70 of which already ratified. This is not a feasible undertaking. We are talking about a new treaty with more than 160 other signatories, more than 70 of which already ratified. This is not a
April 24, 1997

Mr. President, I don't—to the relief of most—intend to speak again. I want to congratulate Senator HELMS for his leadership on this issue, for his willingness to bring this treaty, which he opposed, to the floor. I congratulate Senator BIDEN for his consistent stance. He just said that I knew more about the treaty. I know of nobody who knows more details of the treaty than the Senator from Delaware, unless it is the Senator from Indiana, Senator LUGAR, who has consistently voted on this and is unimpeachable in his position to ratify this treaty along with Senator BIDEN.

I congratulate my colleague from Arizona, Senator KYL, who fought long and hard in this cause. He has done a masterful and admirable job in articulating his position on this issue. Our majority leader, Senator LOTT, has been through hundreds of hours of meetings and has had tough negotiations with the administration. Senator LOTT got from the President of the United States a letter which he calls unprecedented. I agree. I believe that it is something that can assure all of our citizens that if there are violations of this treaty, the United States of America will leave, and leave immediately.

Mr. President, I suppose, at this point, it would be an exercise in futility to go into great detail about why the Senate should reject this chemical weapons treaty. But let me touch on it. I ask the Chair to notify me when I have talked for 8 minutes.

Mr. President, this treaty won't work—won't touch—terrorist states like Libya, Iraq, Syria and North Korea. The administration admits this itself. The administration also admits that this treaty is unverifiable. The fact that Russia is already cheating, the pressure to bar inspectors from hostile nations, such as Iran and China, to come and inspect the businesses of the United States of America, it seems to me that these defects, in and of themselves, are reason enough to oppose the treaty.

But one in the Senate often has to face reality. Let me say this. There is one issue that has raised the greatest concern among Senators, I believe—the issue on which the ratification vote should hinge—and that is the administration's refusal to modify Articles X and XI of this treaty.

Now, these controversial provisions require the transfer of dangerous chemical agents, defensive gear and knowledge to any nation that joins the CWC, including—get this—terrorist states like Iran and Cuba, and known proliferators like China and Pakistan. Now, think of the implications of that. If anybody is out there in televisionland, I hope you will consider what is going on here on the Senate floor and who votes how. It really will be right there to tell them straight.

Mr. HELMS: Mr. President, I suppose, at this point, it would be an exercise in futility to go into great detail about why the Senate should reject this chemical weapons treaty. But let me touch on it. I ask the Chair to notify me when I have talked for 8 minutes.

Mr. President, this treaty won't touch—won't touch—terrorist states like Libya, Iraq, Syria and North Korea. The administration admits this itself. The administration also admits that this treaty is unverifiable. The fact that Russia is already cheating, the pressure to bar inspectors from hostile nations, such as Iran and China, to come and inspect the businesses of the United States of America, it seems to me that these defects, in and of themselves, are reason enough to oppose the treaty.

But one in the Senate often has to face reality. Let me say this. There is one issue that has raised the greatest concern among Senators, I believe—the issue on which the ratification vote should hinge—and that is the administration's refusal to modify Articles X and XI of this treaty.

Now, these controversial provisions require the transfer of dangerous chemical agents, defensive gear and knowledge to any nation that joins the CWC, including—get this—terrorist states like Iran and Cuba, and known proliferators like China and Pakistan. Now, think of the implications of that. If anybody is out there in televisionland, I hope you will consider what is going on here on the Senate floor and who votes how. It really will be right there to tell them straight.

Former Secretary of Defense, Dick Cheney, during the previous public administration, the Bush administration, by the way, told the Foreign Relations Committee earlier this month that Articles X and XI amount to what he said are "a formula for greatly accelerating the proliferation of chemical warfare capabilities around the world." Now, this condition is an essential protection in the Senate's resolution of ratification. It would make approval of this treaty absolutely contingent upon the administration's agreement to seek modifications of Articles X and XI. You have heard me say that over and over again for the past several weeks and months. Now, I have urged Senators to oppose efforts to strip that key protection. But here we go again. If this motion to strike prevails, it will be an invitation to the Senate to reject the treaty entirely. But I don't think the Senate is going to accept that invitation.

In any case, why should we modify Articles X and XI? The administration and the President of all of us' allies, the CWC is better than nothing. Well, to the contrary. With Articles X and XI unmodified, this treaty is far worse than nothing. Instead of halting the spread of poison gas, this treaty will be used by its proliferating neighbors to modernize their chemical arsenals, giving them access to our secrets for defending against poison gas attack, and giving a United States imprimatur to third country terrorism. We don't need to spread our defensive technology to rogue states. Anybody who needs a road map or wants one for how this will work doesn't have to go to a lot of trouble. I just examine how Russia has taken advantage of similar provisions in the Nuclear Non-Proliferation Treaty. Russia is, at this very moment, using that treaty to justify its sale of nuclear reactors to Iran, under a provision known as "Atoms for Peace," if you will, in the treaty's Articles X and XI. Again, I have to chuckle when I say it—dubbed "Poisons for Peace"—if Russia or China decide, for example, to build a chemical manufacturing facility in Iran, giving that terrorist regime the chemical agents and high technology it needs to modernize its chemical weapons program, Russia and China not only could argue that they are allowed to give Iran this technology, but not only would be obliged to do so under a treaty, mind you, ratified in the past several weeks and months.

In short, ratifying the chemical weapons treaty sends a signal to the world that something has been done about the proliferation of chemical weapons. In fact, it would not have done anything at all except make bad matters worse, because Articles X and XI of this treaty—this dangerous, dangerous treaty—assure that the Chemical Weapons Convention will in any way that in any way the spread of chemical weapons rather than stop it.

So in this next to the last vote of the evening, Senators have a choice. In
making that choice, I for one cannot imagine that the U.S. Senate would reject the advice of four former distinguished Secretaries of Defense, who testified that unless Articles X and XI are modified, the Senate should refuse to ratify the treaty.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. I note that the ranking was raised by Mr. President, I will yield myself 10 minutes.

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

Mrs. FEINSTEIN. Mr. President, I want to express my strong support for the motion to strike condition 32 from the resolution of ratification.

I strongly support the Chemical Weapons Convention. I believe it is very much in our national interests to ratify this treaty.

The pending motion is to strike condition 32 from resolution of ratification of the CWC. It is essential that this motion pass, because if it does not, our decision to ratify the treaty will be meaningless.

During the debate over this treaty, a number of serious concerns have been raised over Articles X and XI. I myself have shared some of these concerns.

But I want to address these criticisms of that treaty now, because I believe that very solid arguments have been provided to virtually all of them.

I met at the White House last Friday with National Security Adviser Sandy Berger and Special Assistant to the President for Defense Policy and Arms Control Robert Bell, who explained these answers to me in detail, and I found their explanations persuasive.

Sharing Defense Technologies: During the April 9, 1997 hearing in the Senate Foreign Relations Committee, the concern was raised by several witnesses that Article X of the CWC would require the United States to share advanced chemical defense technologies with rogue nations like Iran, who may sign and ratify the treaty.

If indeed the treaty required that, there would be significant grounds for concern. But I believe the concern is unwarranted and unfounded.

In an April 22 letter to me, National Security Adviser Sandy Berger makes it very clear that Article X of the CWC would impose no obligation on the United States to assist Iran with its chemical weapons defense capabilities.

I ask unanimous consent that Mr. Berger's letter be included in the Record at the conclusion of my remarks.

Mr. Berger makes clear that paragraph 7 of Article X, which spells out the obligations of States Parties to assist others threatened by chemical weapons, would require the United States to provide nothing more than medical antidotes and treatments to any state we deemed unreliable. We have the option to provide more advanced assistance to those nations we trust, but no obligation.

The Administration is so comfortable with this reading of the treaty, that, in their negotiations with Senator Helms and with the Majority Leader's task force, they agreed to a binding condition (number 15) that would ensure that the United States will not provide any assistance other than medical assistance to any rogue nation that becomes a party to the treaty.

Another concern about Article X is that paragraph 3, which calls for parties to "facilitate * * * the fullest possible exchange of information and technology on detection against chemical weapons," which some here have said would require the United States to share such equipment with rogue nations who sign and ratify the treaty.

The Administration has made clear that the use of the words "facilitate" and "possible" in this paragraph mean that the United States will determine whether any specific exchange is appropriate, and we will not pursue those we deem inappropriate. If these decisions, we will do nothing to undermine our national export controls.

With these assertions in hand, I am satisfied that the United States will in no way be obligated to provide chemical weapons technology to any nation we deem to be untrustworthy.

Some have also raised the concern that Article X might induce other, less conscientious nations, to supply rogue states with technologies. But there is nothing that prevents those sales from taking place today, with no CWC in effect.

Within the CWC, the countries who make exchanges allowed in Article X are legally bound by the treaty's over-riding principle, stated in Article I, that they can do nothing to "assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this article." Any country's failure to uphold this obligation would enable the full force of over 160 nations to coalesce in support of sanctions, and possibly military action.

In addition, the CWC would provide us with far more ability to scrutinize any exchanges of chemical defense equipment than we have today. The result is a net increase, not decrease, in our knowledge. It will also provide a State Party under this Convention.

Another concern about Article X is that it would ensure that the United States will determine whether any specific exchange is appropriate. If these decisions, we will do nothing to undermine our national export controls.

The Administration has made clear that the use of the words "facilitate" and "possible" in this paragraph mean that the United States will determine whether any specific exchange is appropriate, and we will not pursue those we deem inappropriate. If these decisions, we will do nothing to undermine our national export controls.

with the countries undertaking exchanges are legally bound by the fundamental obligations in Article I—the overriding Article X, the Administration has agreed to a binding condition (number 7) that the President must certify now and on an annual basis that the Australia Group of 30 nations is continuing to control chemical exports effectively and remains a viable mechanism for doing so.

According to this condition, the President must also certify that nothing in the CWC obligates the United States to weaken our own export controls, and that each member of the Australia Group remains committed to maintaining current export controls.

With this condition added to the resolution of ratification, I believe concerns about Article XI can be laid aside.

In fact, the negotiations between the Administration and Sen. Bennett on the one hand, and Sen. Helms and Sen. Lott's task force on the other, have been remarkably successful in addressing the concerns that have been raised about the treaty.

If the Administration is willing to meet the concerns of the critics of Articles X and XI, as it has, and those critics still insist on the removal of those articles as their price for ratifying the treaty, it is clear that the intent is to kill the treaty altogether.

I want to express my strong support for the motion to strike condition 32 from the resolution of ratification.

I strongly support the Chemical Weapons Convention. I believe it is very much in our national interests to ratify this treaty.

If the Administration is willing to meet the concerns of the critics of Articles X and XI, as it has, and those critics still insist on the removal of those articles as their price for ratifying the treaty, it is clear that the intent is to kill the treaty altogether.

I want to express my strong support for the motion to strike condition 32 from the resolution of ratification.

I strongly support the Chemical Weapons Convention. I believe it is very much in our national interests to ratify this treaty.
Mr. President, first of all, I would like to reassure countries who signed the treaty that they would not be prevented from developing chemical weapons defenses or engaging in legitimate chemical commerce.

None of the 160 nations who have signed or 74 nations that have ratified the treaty will agree to renegotiate these provisions at the eleventh hour. It will simply result in our exclusion from the CWC—which is clearly the intent.

As Gen. Brent Scowcroft, National Security Adviser to President Bush, testified before the Foreign Relations Committee on April 9, 1997:

"Starting over * * * is pure fantasy. If we reject the treaty, we will incur the bitterness of all our friends and allies who followed us for 10 years in putting this thing together * * *. The idea that we can lead out again down a different path I think is just not in the cards. We have got to deal with this treaty as it is."

The negotiation between the administration and Senator BIDEN on the one hand, and Senator HELMS and Senator LOTT’s task force on the other, I think have been remarkably successful in addressing the concerns raised by the treaty. And I urge all my colleagues to support this resolution of ratification.

The negotiations between the administration and Senator BIDEN on the one hand, and Senator HELMS and Senator LOTT’s task force on the other, I think have been remarkably successful in addressing the concerns raised by the treaty. And I urge all my colleagues to support this resolution of ratification.

The negotiations between the administration and Senator BIDEN on the one hand, and Senator HELMS and Senator LOTT’s task force on the other, I think have been remarkably successful in addressing the concerns raised by the treaty. And I urge all my colleagues to support this resolution of ratification.
CONGRESSIONAL RECORD – SENATE

April 24, 1997

from California, Senator Feinstein. And I find that I rarely disagree with my colleague from Arizona, Senator McCain. This is a treaty which has caused division among reasonable people. I respect their views immensely. We find that even former members of the same administration, the Bush and Reagan administrations, now find themselves on opposite sides of this issue. So it is a matter upon which reasonable people can differ. As I said, I respect the views of those who have disagreed with me, and they have certainly shown a respect for my views, which I appreciate.

These two articles are among the most important in the treaty, and I think a little bit of background is important for us to understand the reason we believe that it is important that they not be included in the treaty when we enter into force.

We have said initially that this treaty is not global. It doesn’t cover countries that should. It is not verifiable. It is fairly well acknowledged there are no sanctions. But supporters have said it is better than nothing. There are some advantages to it. Our response is that in some respects it is not better than nothing.

In particular, these two sections, articles X and XI, make it worse than nothing, and we ought to get rid of them. It is true that to get rid of them, the states parties to the convention have to agree. That will take some time. But we believe it is better, before the United States enters, when we have the leverage to cause that renegotiation to occur, to have it occur at that time. Therefore, the resolution of ratification is passed, but prior to the President actually depositing those articles, the President certify to us that articles X and XI have been removed, or fixed.

Why is this so important? Secretary of Defense Cheney was quoted by the distinguished members of the panel, and I think he succinctly said it. Therefore, I will summarize these thoughts by quoting Secretary Cheney in his letter of April of this year.

He said:

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, articles X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe.

Mr. President, I ask unanimous consent that Secretary Cheney’s letter be printed in the RECORD.

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

DALLAS, TX, April 7, 1997.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Thank you for your letter inviting me to join several other

formers of Defense in testifying in early April when the Foreign Relations Committee holds hearings on the Chemical Weapons Convention. Regrettably, other commitments will prevent participation. I hope that this correspondence will be sufficient to convey my views on this Convention.

During the years I served as Secretary of Defense, I was deeply concerned about the inherent unverifiability, lack of global coverage, and unenforceability of a convention that permitted the production and stockpiling of chemical weapons. My misgivings on these scores have only intensified during the four years since I left the Pentagon.

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. In my judgment, articles X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe.

Mr. KYL. Mr. President, what is it about articles X and XI that cause Secretary Cheney and so many others to conclude that they should be removed? I will quote to you the language of Article X provided that “* * * each state party undertake 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, in plain English, those parties which have defensive capability will undertake to facilitate the fullest possible exchange of that technology equipment—on and so on, to the countries that don’t have them. They shall have the right to participate in the fullest possible exchange of that equipment.

Article XI is the article that says that the parties shall: “(b) undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemical equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the convention.”

That is to say, peaceful purposes. And, second, that the state parties shall not maintain among themselves any mechanisms that in any international agreements, incompatible with the obligations undertaken under this convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemical technology for industrial, agricultural, medical, pharmaceutical, and other peaceful purposes.”

These two provisions were inserted in the treaty essentially as inducements to get the parties to join the treaty, in effect, saying, “If you will join the CWC, those of us who have this technology and these chemicals will provide them to you. We will sell you the chemicals for peaceful purposes—not for chemical weapons. And we will provide you with the technology that you can defend against any possible use against you.” Of course, the price for having that right is not developing chemical weapons.

In this respect, the treaty was compared to the Nuclear Non-Proliferation Treaty, and the so-called “Atoms for Peace,” which said that if the countries would forswear the development of nuclear weapons building that the developed countries of the world would provide them peaceful nuclear technology. For some countries this worked. But sadly we know that a couple of other countries used the peaceful technology to build their nuclear weapon capability.

So, Secretary Cheney, and many others, fear that these sections, these articles, would permit countries—since they have been induced to come into the treaty with these commitments—to then call upon those commitments from the countries that have this equipment.

Is this an unreasonable assumption? Today, we are basically hearing statements that suggest that that is not the way it was intended at all.

That is a very recent phenomenon. As a matter of fact, right after the CWC was signed, it was very clear to all states parties that they begin to dismantle the trade restrictions they had in place on chemicals in order to come into compliance with the CWC.

According to the information I have in testimony before the Senate, and I am quoting now, “Australia Group members”—these are the countries that have agreed not to sell chemicals to terrorist states—“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 obligations under the Convention.”

Now I know that those trade restrictions were incompatible with the new commitments they had undertaken in articles X and XI of the convention, and the Australia Group itself issued a
formal statement which concluded again that states parties were reviewing this, and I am quoting, “with the aim of removing such measures for the benefit of states parties to the convention acting in full compliance with the obligations of the convention.”

The point being that when the treaty went into effect the parties knew full well that trade restrictions they had were no longer compatible with the convention, with articles X and XI, and that they have gone to have to review limiting those trade restrictions, and the Australia Group is a very successful group of countries that has trade restrictions against trade in chemicals to these terrorist states.

Well, we then began raising the questions about articles X and XI. The administration position changed 180 degrees, Mr. President. The administration began to say, well, actually, we could continue our restrictions under these two articles. And we said, well, it will simply not work unless everybody else does it. They said, we could even persuade the Australia Group countries to do that. In other words, to do exactly the opposite of what they had originally decided they had to do to be in compliance.

So the administration has made much of and my colleagues have spoken of the fact that the United States will now interpret the Chemical Weapons Convention as not requiring us to provide the equipment and as doing to allow us to maintain trade restrictions even despite articles X and XI. Moreover, that we have even tried to get our fellow Australia Group countries to maintain their restrictions in place.

That is laudable. We have at least pushed the rock that far up the mountain. We have got them to agree these two sections should not operate the very way they plainly say they will. I think it is a little unseemly to be signaling the way they plainly say they will. I think it is a little unseemly to be signaling that they intend to continue their trade from occurring today, Mr. President, but the problem is that theCOLOR has all the action here; we would like to have a piece of that action, and therefore when one country breaks an embargo it begins to fall apart. That is why I submit that just focusing on United States action under the treaty is not going to solve the problem.

There is also the idea—and this is really not a proper legal argument, but some have said that article I supercedes the specific articles of the convention. Now, for those who are lawyers, they recognize this is not true. The specific always governs over the general. Article I is a general prohibition. The very specific articles such as articles X and XI will control. They are the specific implementation of the treaty.

But to conclude now, Mr. President, the President of the United States has said given the fact that there are concerns, continuing concerns about articles X and XI, he will write a letter which maybe will put your mind at ease, and that letter has been referred to here by some of my colleagues. I do not doubt the sincerity of the President in sending the letter and certainly the sincerity of my colleagues in believing that letter provides some solace, but I would like to make five points with respect to that letter.

If the things under articles X and XI happen that we think will, it does not solve anything for the United States to pull out of the treaty as the President says he might do. The time to exercise leverage is now before we are a party to the treaty. And what we are saying is putting the United States getting into the treaty, we should make sure that articles X and XI are removed so that these bad things do not happen. Once they happen, there is no point of the United States pulling out of the treaty. That does not solve anything.

So what the President says he is willing to do, frankly, is not an inducement.

Moreover, there is the argument that it is better to be inside the treaty than it is to be outside. That is like believing, once we are inside it is going to be much harder to leave than it is to get in in the first place.

Third, certifications of the kind that the President indicated he would be willing to make are very, very hard to do. There are a whole series of certifications that have to be made under U.S. law. They are too hard. We end up doing them. The certification of Mexico is a good example, to certify that the thing can stay within us is in the war on drugs. Most people believe that that was not an honest certification. But the desire to cooperate with Mexico was so strong that it overrode the point of being honest in the certification. The same thing is true with the Arms Control Disarmament Act, the annual Pell report, section 51. We know that Russia is not in compliance with the Biological Weapons Convention or with the Wyo- menstrum Memorandum of Understanding or with the Bilateral Destruction Agreement, but the most this administration has ever done is to conduct high-level discussions with the Russians. It is too hard to certify that they are in compliance, and therefore take the action that is required.

The same thing is true under the Export-Import Ban Act with respect to violations by China and several other laws that China has violated with respect to its chemical weapons transfers to Iran. These certifications are simply too hard. And while I agree, I am sure the intentions of the President are appropriate in this regard, those certifications I submit are not going to be done.

The time line here is important, too. This is a commitment by President Clinton. It is between 2 and 3 years before any action can be taken under this convention. That means that this President’s term will almost be expired before he would have the opportunity to even consider the issues that are set forth in his letter. So it is not an effective commitment.

And finally, Mr. President, the letter only deals with United States actions, the point that I made in the beginning. The question here is not United States actions. The question has always been what are we going to do with those countries of the world that seek an offensive chemical weapons capability, a capability that we would like to deny them, countries like Iran, the one I have been talking about here. This commitment, the President’s commitment in his letter does absolutely nothing with respect to the sales of chemicals and chemical technology from a country like China to a country like Iran. It doesn’t affect it at all.

And while it is a nice commitment to have made with respect to the United States participation and attempting to keep the Australia Group together, the fact is it does not deal with part of the problem that has concerned us from the very beginning.

I conclude with this letter to simply make this point. As I said, reasonable people can differ, and I respect the views of those who disagree with me. They have sincere belief that this treaty is better than nothing. And if they believe that way, they should vote yes on this treaty. There are also those of us who disagree with that proposition. But I urge my colleagues, if you believe that this letter provides the basis for support for the treaty, I honestly believe it is inaccurate. If you are going to vote yes on this treaty, do it for grounds other than this letter because it does not provide a satisfactory response to the very real problem that
has been discussed by Secretary Cheney, by Secretary Weinberger, by Secretary Rumsfeld, by Secretary Schlesinger, and a host of other people who have all said that the fundamental problem is articles X and XI. Unless they are removed, we are looking for more proliferation, not less, under this treaty. And it is for that reason the motion to strike should be defeated, Mr. President.

Mr. NICKLES. Mr. President, first I would like to compliment my colleague from Arizona, Senator Kyl, for an excellent statement. I happen to think that this amendment we are debating is the key amendment of the entire debate. I certainly compliment all Senators for their involvement in this debate. I think it has been one of the best debates we have had in the Senate for a long time. It is also one of the most important issues we have had where we have seen so many colleagues, particularly on this side of the aisle, who have been undecided and probably because of this language dealing with article X and article XI.

This is the language we have heard from former Defense Secretary Cheney, former Secretary of Defense Schlesinger, and Cap Weinberger, they spoke against in their statements before the Senate Foreign Relations Committee.

Also, I note that President Clinton has a letter addressing this issue. But I looked at it a little bit more. Certainly concur with the goals and objectives; we want to reduce chemical weapons. And we have taken a laudatory step by saying we are going to ban them in this country and we want to encourage other countries to ban them, and I think that is great. And that is in article I. I see article I is over here, and if one reads article I it looks great. But I think it is incumbent upon us as Senators to read the balance of the treaty.

When you read article X, and it is in the treaty, it 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.

Share defensive technology. I know the administration said, well, we are not going to destroy. But it is there for treaty that we are going to. I find that a little contradictory, we are going to limit what we are going to share. This says to the fullest extent possible. The language is very contradictory in what the administration says they are going to do. And then you read the letters as written, and I think the language of the treaty is. I think maybe the language of the treaty will supersede.

If we are signing a treaty, don’t we mean to comply with all of it. And then again we are not just talking about the United States, because I hope that we don’t just give our technology away to some countries, some countries that can’t sign this convention and will not comply. We know that. We have had some experience. We have seen it not only with the Geneva Protocol on chemical weapons, but we also have seen it with the biological weapons convention which a lot of countries say they have not complied with and we know that. Our intelligence community has done a pretty good job, and in many cases we know a lot of countries are not complying.

But I think it is legitimate to ask, are we better off with it or without. And I have heard good debate on both sides. But this language says to me we have to share this technology. Not only do we have to but also other countries, including countries like China, would be sharing this technology with Iran. Under the treaty, they would be obliged to, or certainly that is what they will be saying. Does that increase the likelihood and the dangers of chemical weapons? I am afraid it does. And then looking at article XI, and again just looking at the treaty and looking at the language of the treaty—every once in a while I think it is important we do—and under article XI, section 2(c) it states:

Not 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 scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes.

In other words, we want a lot more trade in other chemicals that aren’t banned by this treaty.

There is a very special in the Wall Street Journal that I ask unanimous consent to have printed in the RECORD.

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

[From the Wall Street Journal, Apr. 24, 1997]

**CHEMICAL REACTIONS**

Before today’s vote on the Chemical Weapons Convention, we hope that some Senator will twist his tongue around the 20 chemicals listed here and read their names into the record. This list makes two important points about what’s wrong with the treaty.

First is that many ordinary chemicals can be put to deadly use. The chemicals on this list can be used in such mundane products as laundry soaps, ink and fumigation agents—or they can be used in lethal weapons. Bear this in mind when you hear the President assert that the CWC will “banish poison gas from the Earth.”

The second point is that the CWC will not only fail to protect us from the most deadly chemicals, it will require it. American companies currently are restricted from exporting these dual-use chemicals under the terms of an international agreement, the Australia Group, which is made up of 29 Western countries committed to ensuring that their exports don’t contribute to the spread of chemical weapons.

But Articles X and XI of the CWC require member countries to transfer chemicals and information to any other member country that asks. This goes a long way toward explaining why the Chemical Manufacturers Association is so loud in its support of the treaty.

Senators who are still considering how to vote might consider whether selling such chemicals to China or Iran or Cuba will help make the world safer from chemical weapons—or make the world a more dangerous place.

**MUSTARD GAS FOR SALE**

Trade in these 20 precursors for chemical warfare agents, now would be permitted under the Chemical Weapons Convention:

- 3-Hydroxy-1-methylpiperidine
- Potassium fluoride
- 2-Chloroethanol
- Dimethylaniline (DMA)
- Methane hydrochloride
- Dicyclohexylamine
- Potassium cyanide
- Hydrogen fluoride
- Methyl benzoate
- 3-Quinuclidon
- Pinacolone
- Potassium cyanate
- Potassium bifluoride
- Ammonium bifluoride
- Sodium fluoride
- Sodium bifluoride
- Sodium cyanide
- Phosphorus pentasulfide
- Diisopropylamine (DIPA)
- Diethylaminoethanol (DEAE)
- Sodium sulfide
- Triethanolamine hydrochloride

Source: Senate Foreign Relations Committee

Mr. NICKLES. This article lists about 20 chemicals that are not prohibited by this treaty, that basically this section of article X1 says you will be able to sell those chemicals. As a matter of fact, no restriction. This language says that countries cannot maintain amongst themselves any restrictions including those in any international agreements. It does not say some. It says any international agreements. That sounds pretty open. A lot of those chemicals can be used to develop chemical weapons. They can also have a dual purpose. It can be kind of confusing.

I understand the President in his letter today said, well, he would try to end the confusion. And so I looked at his letter, and in his letter on page 2 he says—dealing with article X, he said:

Using article X to justify providing defensive chemical weapon equipment, material or information to another State Party that could result in U.S. chemical protective equipment being compromised so that U.S. war fighting capabilities in a chemical weapons environment are significantly degraded.

If that is the case, he wants out. What is “significantly degraded”? How much of a degradation? I do not know that you would ever reach—since he has “significantly degraded,” I do not know, because the word “significantly” is there that it would ever be treated. And then in (b) he talks about where it would be impossible for him to take a certification on the Australia Group. But in the final language he says we would get out if the implementing of this convention carries out transfers or
exchanges under either article X or XI which jeopardize U.S. national security by promoting chemical weapons proliferation. When is that going to be triggered?

His final conclusion is kind of interesting and reads the AP story that said, well, because of the President’s letter, he said if these things happen, we are out of there, we are going to walk away from the treaty. I do not read that in his language. It says I would be prepared to withdraw. It did not say he would do it. He really does not parodize our national security, he might be prepared, but it did not say he would withdraw, after consulting with Congress.

In other words, I do not find a lot in this letter that gives me any real comfort or assurance that article X or XI has really been addressed. And I appreciate the fact that a lot of our colleagues have addressed this issue, but to me treaties are important. And we have a large part of the Senate driven down over various sections of the treaty, maybe none more than article X and XI, but it happens to still be in the treaty. And the President’s letter notwithstanding, at the conclusion of his letter he said if these things happen or any of these things happen I would be prepared to withdraw.

Frankly, Senator Kyl is right. That is not going to happen in 2 or 3 years. It is not going to happen under President Clinton. I do not know that this letter would be binding on succeeding or successors of the President.

So, Mr. President, this language is vitally important. I would tell my colleagues from North Carolina my vote on final passage depends on this amendment. If we are able to make this change by the Senator from North Carolina, I will vote maybe for final passage. I think this is a killer amendment, having it in the treaty. I think it is that important. I do not know that this letter would be binding on succeeding or successors of the President.

Mr. President, this language is vitally important. I would tell my colleagues from North Carolina my vote on final passage depends on this amendment. If we are able to make this change by the Senator from North Carolina, I will vote maybe for final passage. I think this is a killer amendment, having it in the treaty. I think it is that important. I do not know that this letter would be binding on succeeding or successors of the President.

Mr. MCCAIN and a lot of other people on the other side of the treaty, I have spent just a lot of time on it. But I happen to think that this article X and article XI do a lot of damage. Since we are ratifying not just article I, but the entire treaty, I urge my colleagues to vote to delete the section. I urge my colleagues to vote to delete the section. I think this is the most important amendment and discussion that we will have to date.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. They have not.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Mr. President, how much time remains under the control of the Senator from Delaware?

The PRESIDING OFFICER. Eleven minutes.

Mr. BIDEN. Mr. President, I suggest my colleague and I divide that time. I yield 5 minutes to my friend from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the condition we are discussing, all Senators by this time, I am certain, understand, requires the President to certify that the parties to the convention have the capacity to transfer technology of the convention and amend article XI of the convention. That means, in simple language, that the United States would simply say a treaty negotiated by 160 countries, now ratified by, apparently, 74—unilaterally, we simply knock out article X and severely amend article XI.

As all Senators who have addressed this will admit, this means effectively the end of the treaty, at least in terms of our participation, because, clearly, the other states under the treaty are under no obligation to renegotiate the entire treaty at that point. This is the reason it is strictly a killer amendment. It simply knocks out material parts of the convention.

If those who are advocating this had a point, there might be reason to pause at this point and not ratify the treaty. But by large it appears to me that most of us want to ratify the treaty and we do so with assurance, first of all, that we do not transfer this technology to the Iranians. There is no possibility this President, the next President, Members of the Senate, any responsible American is going to furnish material to countries that are rogue states that are going to jeopardize our security. The treaty does not call for that, as again and again we pointed out. This was a generous interpretation that the Iranians gave because, at least from that standpoint, they would like to have the right to strike back. But the United States would never be that gullible escapes me. There is no mandate to give anything away.

Those of us who advocate the treaty have been saying we will not. The President of the United States has been asked for assurance, and he said that he will not. He has sent letters to the majority leader and to individual Senators affirming this in any number of ways.

Furthermore, the question arises, “Fair Mr. President or Mr. Senator, if you will not give things away to the Iranians, how about the French or the Germans or some other nation? Perhaps they will do so.” As Secretary Cohen replied on Meet The Press on Sunday—Secretary Albright, likewise, who was sitting beside him responded to this question—they pointed out that is a very good reason for us to be around the table with the other countries from the beginning, setting the rules.

If Senators are seriously concerned that other countries are going to give away the store, we had better be there to help restrain them, to offer our leadership. It comes back to that, our leadership. We were the ones that started the whole process—President Reagan, President Bush, President Clinton. We are the ones who had a good idea: If we were getting rid of our chemical weapons others ought to get rid of theirs.

This is our treaty, as Secretary Albright said, “Made in the USA.” And we ought to be there to set the rules, to be the governing board, to assert our leadership at the moment that it is crucial after April 29. We say simply to those who have qualms about articles X and XI, we are not going to give away the store, any of us, as patriotic Americans. We would like to be at the table to make sure no one else entertains that thought. But I say also, whether we are there or not, the treaty is going to happen after April 29. We better be there and, hopefully, with affirmative votes to strike this fifth situation we have discussed this evening, this fifth condition, and not have the President withdraw the treaty.

These are very important for the foreign policy and security of our country.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes 11 seconds.

Mr. BIDEN. Mr. President, I yield myself 5 minutes and I ask to be informed of the remaining time.

I am not going to take the time to speak to why this is a killer amendment and why this is so important, because I could not improve upon what the Senator from Indiana said. I mean that sincerely.

It is real basic. This gets down to real basic considerations. Anybody who has the capacity to transfer technology can do that right now. They can do it right now. If they are in the treaty, the treaty does not even call for transfer that technology, but they, theoretically, could transfer technology. If we are not in the treaty we are not there to modulate their attitudes, their activities. We are out of the game.

This seems to me to be so simplistic and basic. But let me put on the hat I have worn for the past 5 years. I have been teaching constitutional law at Widner University on Saturday mornings, a three-credit course. You know the old joke is, if you want to learn a subject, teach it. If I had spent nearly as much time studying it when I was in law school, as much time as I have spent teaching it, I would have...
ended up in the top of the class, not the bottom. I don't think I would have the record the Senator from Indiana had, but it would be better.

But all kidding aside, there is something, to quote Elliott Richardson, our former Attorney General, and Abe Chayes, Harvard Law School professor, and a number of other professors, which I will submit for the RECORD, there is, as the letter to me says, regarding article X and article XI, it says:

"As it is axiomatic that all treaty provisions must be interpreted in view of the purposes and objectives of the treaty and that a subsidiary obligation should never be read out of context to authorize behavior that would contravene a primary obligation, nothing in article X or XI may undermine article I . . ."

But the first part of that sentence—maybe I spent too much time in law schools. There is no legal scholar in America who will tell you that you can read a subsidiary provision in a treaty, a document, a contract or anything else, that contravenes the stated purpose of the treaty—the stated purpose of the contract. You cannot do that.

Think about it. Forget being a lawyer, just think about it. How could you write a contract, make a deal that said, "This is our purpose," and five paragraphs later say, "but if you don't want to meet the purpose, you don't have to." It is bizarre. This is an abysmal legal interpretation.

Let me also point out—I wish my friend had not taken down their chart. The Senator's chart, those in opposition to my amendment, a chart on article XI, is somewhat incomplete. The paragraph that sat up there for a half-hour or so, paragraph 2 in the chart, read, "The state party shall . . ." and then it goes on, and then the subparagraphs (b) and (c) were shown. But they left out of the chart the first part of that. The words that were missing are very key. They read as follows:

Subject to the provisions of the convention and without prejudice to the principles and applicable rules of international law, the state party shall:

That is the part they left out of article X and XI. What does article X and XI refer to? They are referring to article I. I do not want to be overly technical here. This is not rocket science. What does treaty language say?

Each State party to this convention undertakes never under any circumstances:

(a) to develop or produce or otherwise acquire, stockpile or retain chemical weapons or transfer, directly or indirectly, chemical weapons to anyone;
(b) to use chemical weapons;
(c) to engage in any military preparation to use chemical weapons;
(d) to assist, encourage or induce in any way anyone to engage in any activity prohibited to a state party under this convention.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIDEN. I yield myself 2 additional minutes under the bill.

Mr. President, what are we talking about here? Do you know what this debate on article X and article XI reminds me of, speaking of law school? The only thing I ever did do well in law school was moot court. I won that. Does that surprise you all? But I did.

It reminds me we used to do—maybe when my friend from Indiana was at Oxford. You would walk in and you would be presented a question. The question before the court or the question before the House is—and you got assigned a position you came up with the best arguments.

This reminds me of that, as if we all got together earlier today and said, OK, one side has to argue that article X and article XI do all these terrible things. I am glad I did not get that side to argue. The reason is, it is much harder to make the case. My friend from Arizona, who is an able trial lawyer, is doing a very good job. But, look, you cannot avoid the central purpose of the treaty. Never, ever, the treaty, under any circumstances, can any party assist, encourage, induce in any way anyone to engage in any prohibited activity.

I yield myself 2 more minutes on the bill.

So we are in a position here where I really understand the worry. But, even if there was any merit to the reading that is given by my friends, we have, in the conditions that we did support, we have two conditions which cover this double cover it. We promise we are not going to transfer anything that is not medical in nature.

Mr. President, a party cannot do something in the treaty by transferring material which would have the effect these Senators are worried about, because if it had the effect they were worrying about, then it would be assisting, encouraging, inducing in some way engaging in activity prohibited by the treaty and all chemical weapons are prohibited by the treaty.

To reiterate, Mr. President, this is a killer, pure and simple. This will prevent the United States from joining the Chemical Weapons Convention.

The condition requires the President to certify that he has achieved the impossible: that he has been able to substantially rewrite the treaty.

There is no chance—none—that he can achieve this by April 29, and it is highly unlikely that he can ever do so—because recommendations may be blocked by any State party to the convention. If a party wants to keep us out—and thus render the treaty ineffective—it can easily do so.

Aside from the practical difficulties of re-writing a treaty that took nearly a decade to negotiate, there is no need to do so.

Let me start with article 10. The Senator from North Carolina wants to get rid of it completely.

Article 10 contains two paragraphs at issue. Paragraph three provides that:

[E]ach 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.

Note that this paragraph contains ambiguous terms like "facilitate" and "permitted under the Convention and consistent with our national export controls on these heavily regulated items.

I ask unanimous consent that this letter be ordered to be printed in the RECORD, as follows:


Hon. Joseph R. Biden, Jr.,
Washington, D.C.

DEAR JOE: During the Senate Foreign Relations Committee's hearings last week, concerns were again raised about the impact of the Chemical Weapons Convention (CWC) on the ability of rogue states to acquire advanced chemical defense or chemical manufacturing technology. I would like to take the opportunity to elaborate further on these issues and set the record straight.

First and foremost, I would like to take issue with the charge that the Nuclear Non-Proliferation Treaty (NPT) and the Biological Weapons Convention (BWC), which have language similar to the CWC on promoting trade for peaceful purposes, have hastened the spread of these dangerous weapons and technologies. In fact, export controls in these areas have been made tougher and these controls, as well as the treaties themselves, have gained the support of more and more countries over the years.

Regarding the specific CWC Articles in question, one area of concern has been whether Article X of the CWC might force us to share advanced chemical defense technologies and equipment with countries like Iran and to assist in the development of CW defensive capabilities. Let me assure you that Article X does not require the U.S. or any other Party to the CWC to transfer advanced chemical weapons defense technologies and equipment with countries such
as Iran or to assist them in the development of such capabilities.

Although Paragraph 7 of Article 10 obligates States Parties to provide assistance through an organization in response to a request by a State Party that has either been threatened by the use of chemical weapons or that has a chemical weapons capability against it, assistance is broadly defined in the article as including medical antitoxins and treatments. Article X provides complete flexibility for States Parties to determine what type of assistance they provide and how they provide it. A State Party's obligation under paragraph 7 of Article X may be met in any way—by contributing money to a voluntary fund (managed by the treaty organization); by concluding an agreement with the organization concerning the procuring and furnishing of specified types of assistance; or by declaring (within 180 days after the CWC's entry-into-force) the kind of assistance it might provide in response to an appeal by the organization.

To meet its obligations under Article X, therefore, the U.S. can choose from a variety of options and forms of assistance. In no case would the administration be compelled to share advanced chemical defense technology and equipment, or even to provide older model gas masks. During the negotiations with Majority Leader Lott and the Task Force he established on the CWC, the Administration has agreed to a binding condition, regarding Article X, of ratification of a federal law that will ensure that no assistance other than medical antitoxins and treatments is provided by the United States to any country of concern.

A particular concern has also been raised about Paragraph 3 of Article X. This paragraph states that "Each Party undertakes to facilitate to the fullest possible extent the exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons." The inclusion of the words "facilitate" and "possible" underscores that no specific exchange is required and that any exchange which does occur is limited to that which we determine would be appropriate and permitted under the Convention and consistent with our national export controls on these heavily regulated goods. Paragraph 3 of Article X does not override any other rights and obligations under international law, such as the right to have export controls.

The Administration's Article X also include whether other less scrupulous countries might seek to use this article as an excuse to profit by giving away defense secrets. This concern misses the main point, which is that any such unscrupulous exchanges can take place now without the CWC. With the CWC, countries undertaking any exchanges in Article X are legally bound by the fundamental obligation of the treaty in Article I, which obligates Parties never to "assist, in any way, by contributing money to a voluntary fund (managed by the treaty organization); by concluding an agreement with the organization concerning the procuring and furnishing of specified types of assistance; or by declaring (within 180 days after the CWC's entry-into-force) the kind of assistance it might provide in response to an appeal by the organization."

The Chemical Weapons Convention will mean not only that all relevant trade is subject to closer scrutiny, especially with countries whose compliance may be in doubt, but it will also provide the legal basis as well as the verification mechanisms to repress all such compliance concerns.

In this regard, concern has been raised specifically that Paragraph 6 of Article X could provide an opportunity for other States Parties to require states to provide assistance bilaterally. Paragraph 6 states that "Nothing in this Convention shall be interpreted as impeding the right of States Parties to require states to provide assistance bilaterally . . . concerning the emergency procurement of assistance." This paragraph does not require or obligate a Party to provide emergency bilateral assistance, but simply states that a Party may choose to provide such emergency assistance. Thus, the Administration believes that with the CWC in force, any exchange of chemical defense assistance takes place within the framework of the fundamental obligations of the treaty not in acquiring a chemical weapons capability. A specific concern also has been raised that Paragraph 5 of Article X could be read to require the release of advanced and classified information about defensive capabilities and technologies. This is simply not the case. Paragraph 5 requires the international Technical Secretariat which will administer the Convention to establish and maintain "for the use of any requesting State Party, a database containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties." As stated in the Article-by-Article Analysis submitted to the Senate on November 23, 1993, "freely available" means "from open public sources." Further, the Convention imposes no obligation on States Parties to contribute to this database. Hence, the provision does not require the release of classified or otherwise sensitive information about U.S. chemical capabilities.

A second area of concern has been whether Article XI of the CWC, which relates to the exchange of dual-use chemicals and chemical production secrets for purposes not prohibited by the CWC, might force our industry to share proprietary and otherwise confidential business information. It will require the U.S. Government to force private businesses to undertake such actions.

Article XI is explicitly subject to the fundamental ban in Article I on assisting any one in acquiring a chemical weapons capability. Here again, far from undercutting export controls, the CWC will be a barrier for stronger controls, enforced by more countries. I want to make clear that the export controls that we and other Australia Group members have undertaken, as well as our own national export controls, are fully consistent with the CWC and will further its implementation. This is not just a U.S. Government position. In recent weeks, we have instructed our embassies to confirm with our Australia Group partners that they agree that the Group's export control and nonproliferation measures are fully compatible with the CWC. Our partners have confirmed this and have also confirmed that they are committed to maintaining such export control and nonproliferation measures in the future.

In order to address the concerns raised about Article XI, the Administration has agreed to a binding condition in our negotiations with the Majority Leader's Task Force that would have the President certify prior to the deposit of our instrument of ratification that nothing in the Convention obligates us to accept any weakening of our export controls, that we maintain the right to impose export controls unilaterally or collectively on chemicals and chemical production activities, and that the Australia Group agrees that its export controls and nonproliferation measures are consistent with the CWC and is committed to maintain such export controls in the future. Furthermore, as prescribed in the condition, the President must certify on an annual basis that the Australia Group continues to maintain effective and comprehensive controls on exports and that it remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials. If this certification cannot be made, the President must consult with the Senate for the purpose of obtaining a resolution of continued adherence to this condition.

I hope this information facilitates the Senate's consideration of the CWC. I look forward to continuing to work with you and other Senate supporters to ensure a successful vote on this vital treaty in the days ahead.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President
for National Security Affairs.

Mr. BIDEN. Moreover, as with any treaty, this paragraph must be read in light of the object and purpose of the convention. The purpose of the treaty, quite obviously, is to ban chemical weapons.

And any nation which provides technology to a country of concern would find itself in violation of the overriding obligation of Article One of the treaty, which requires states "never under any circumstance * * * to assist, encourage, or induce, in any way, anyone to engage in any activity prohibited by a state party under this Convention."

This is an overriding obligation. It governs everything you do under the treaty.

Ronald Lehman, the head of the Arms Control and Disarmament Agency during the Reagan Administration, stated during a recent Foreign Relations Committee hearing that we reiterated that again and again and again. But the most important, I think, telling factor in support of the U.S. interpretation is the fact that after the Convention was done so many of the usual list of suspects were so unhappy that they did not get what they wanted in these provisions.

On this point, I would also like to refer to a letter submitted to me by a group of eminent legal advisers, including Abe Chayes of Harvard Law School, former State Department legal adviser, and Elliot Richardson, former Secretary of Defense and former Attorney General. They write that the language in paragraph three which discusses that each State Party has the right to "participate in exchanges of equipment" is axiomatic—that is, it "merely reffirms current trade policies that allow non-CWC states to exchange goods and services. Each State Party has the right to participate in this trade at the level of its own choosing, including not to trade at all. There is no affirmative duty to trade * * *

I ask unanimous consent to have the letter printed in the RECORD at this point.

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

Hon. Joseph R. Biden, Jr.,
U.S. Senate.
Washington, D.C.

Mr. BIDEN: You have asked us to state whether Articles X and XI of the Chemical Weapons Convention (CWC) require
States Parties to "undertake to share everything that is hard to achieve in a chemical weapons capability" thereby enabling States Parties to develop a "militarily effective chemical weapons capability." Before analyzing Articles X and XI, we note that the CWC primarily obligates all States Parties in Article I and, as states do in paragraph (7) "never under any circumstances" to "assist, encourage or induce, in any way, anyone to engage in any activity" prohibited under the CWC. Article Iprohibits activities not to develop, produce, stockpile, acquire or retain chemical weapons, and to engage in any military preparations to use chemical weapons. Article I also states that all treaty obligations must be interpreted in view of the purposes and objects of that treaty and that a subsidiary obligation should never be read out of a treaty or be understood as being null if it would contravene a primary obligation, nothing in Article X or XI may undermine Article I by assisting a country in developing a chemical weapons capability.

Article X is titled "Assistance and Protection Against Chemical Weapons." Paragraph (7) is the only provision in Article X which contains affirmative obligations: each State Party must elect to take one or more of three specified measures of assistance. Under Article X, the United States is required, to the extent to which it can do so, to provide medical antidotes and treatment to states not eligible for assistance. The critical characterization of the CWC quoted in the first paragraph of this letter focuses on selected provisions of the CWC. In our view, nothing in paragraph (7) can remotely be construed as requiring the United States to provide equipment or assistance that would enhance a rogue state's offensive or defensive chemical weapons capability; rather, a proper reading of the treaty as a whole would support that the provision of assistance that would encourage such a result.

Paragraph 2 clarifies that the CWC does not restrict a State Party from assisting a country in developing a chemical weapons capability for peaceful uses. Subparagraph 2(e) states: "the United States, to meet its commitments, shall have the right to participate in, the fullest possible exchange of equipment, materials or information that may do so without fear of contravening the CWC. This includes the obligations not to develop, produce, stockpile, acquire or retain chemical weapons, and to engage in any military preparations to use chemical weapons. To pursue these activities without fear of being punished under the CWC, a State Party must review all current trade policies that allow those in effect today.

Before analyzing Articles X and XI, we note that the CWC primarily obligates all States Parties in Article I and, as states do in paragraph (7) "never under any circumstances" to "assist, encourage or induce, in any way, anyone to engage in any activity" prohibited under the CWC. Article Iprohibits activities not to develop, produce, stockpile, acquire or retain chemical weapons, and to engage in any military preparations to use chemical weapons. Article I also states that all treaty obligations must be interpreted in view of the purposes and objects of that treaty and that a subsidiary obligation should never be read out of a treaty or be understood as being null if it would contravene a primary obligation, nothing in Article X or XI may undermine Article I by assisting a country in developing a chemical weapons capability.

Article X is titled "Assistance and Protection Against Chemical Weapons." Paragraph (7) is the only provision in Article X which contains affirmative obligations: each State Party must elect to take one or more of three specified measures of assistance. Under Article X, the United States is required, to the extent to which it can do so, to provide medical antidotes and treatment to states not eligible for assistance. The critical characterization of the CWC quoted in the first paragraph of this letter focuses on selected provisions of the CWC. In our view, nothing in paragraph (7) can remotely be construed as requiring the United States to provide equipment or assistance that would enhance a rogue state's offensive or defensive chemical weapons capability; rather, a proper reading of the treaty as a whole would support that the provision of assistance that would encourage such a result.

Paragraph 2 clarifies that the CWC does not restrict a State Party from assisting a country in developing a chemical weapons capability for peaceful uses. Subparagraph 2(e) states: "the United States, to meet its commitments, shall have the right to participate in, the fullest possible exchange of equipment, materials or information that may do so without fear of contravening the CWC. This includes the obligations not to develop, produce, stockpile, acquire or retain chemical weapons, and to engage in any military preparations to use chemical weapons. To pursue these activities without fear of being punished under the CWC, a State Party must review all current trade policies that allow those in effect today.

Mr. BIDEN. More to the point, even if we were obligated—which we're not, we maintain export controls on chemical defense equipment. In other words, we do not allow it to be sold to the rogue states.

The only specific obligation contained in Article Ten is in paragraph seven, which is how you provide assistance to nations facing attack by chemical weapons.

This provision also has much flexibil- ity—it allows a nation to choose one of three methods for providing assistance. But to ensure that this paragraph does not become a loophole, we have added a binding condition, condition number fifteen, which limits the type of assistance we will provide—at least when it comes to countries ineligible for economic or military assistance, which includes the rogue states—chemical antidotes and treatment.

Let me now turn to Article Eleven. The proponents of this condition contend that this article requires us to weaken our export controls under the CWC. There is nothing in the CWC that requires us to weaken our export controls. But just to ensure that there isn't any doubt, we have agreed to a binding condition that addresses the problem.

Condition seven requires the Presi- dent to certify that nothing in the Convention requires us to weaken our export controls, and that the Australia Group—an informal group of potential supplier states to which the United States belongs—will continue to main- tain controls over chemical weapons precursors that are equal to, or exceed, those in effect today.

The Australia Group has already indicated, as a group, that it will maintain its export controls. On October 17, 1996—a little more recently than the statement read by the Senator from Arizona—the Australia Group stated that the "maintenance of effective export controls will remain an essential practical means of fulfilling obligations under the CWC."

To put it in a nutshell, I asked the ad- ministration to ask each country—in- dividually—whether it intended to maintain existing levels of controls. The answers have come back—all in
the affirmative—as the president stated today in his letter to the majority leader.

Finally, the President committed today, in the event that either Article Ten or Article Eleven to legitimate trade and to avoid enduring our security, the President will consult promptly with Congress on whether we should withdraw from the Convention. This is an extraordinary commitment. So I hope it resolves everyone’s concern.

Mr. President, I reserve the remainder of the time on the amendment.

The PRESIDING OFFICER. There is 1 minute remaining on the amendment.

Mr. BIDEN. Oh, there is 1 minute remaining on the amendment? Mr. President, in that case I have another 10 minutes.

No, if the majority is ready to yield back their time, I will yield back my minute.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. A bum deal, just like this treaty.

Mr. BIDEN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I always enjoy holding court with my friend from Delaware. We have had some of these debates in the past, and this is the thing that lawyers like to argue about, but I believe that most lawyers will agree with me that what they learned in law school was that the specific provisions of the contract always prevail over a general statement at the beginning of the contract. There are a lot of rules of instruction. Later provisions generally govern over previous provisions on the theory that you later describe your intent, fully cognizant of what was before. The same thing is true with specific provisions of the contract, and that is why article I is called, not “CWC article I,” but rather “general article.” “Article I, General Obligations.”

Then, article II is definitions, and after that are the specifics. This is the reason why the Australia Group itself issued a statement right after this convention was entered into undertaking to review, in light of the implementation of the convention, the measures that they take “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.”

Australia Group members would not have had to do this under the interpretation of the convention by my friend from Delaware. Rather, they began to do this because they read articles X and XI the same as the many experts do that I cited earlier as limiting our ability to impose trade restrictions on states parties to the convention. That is why it says we will undertake to facilitate, and the other states parties have the right to the fullest possible trade in these chemical weapons. This is not just my view. I read to you what Secretary Cheney said before, James Gilmore, chairman of the President’s Defense Committee, and head of the CIA. It is plain that article X legitimizes such transfers.

The PRESIDING OFFICER. The Senator from Delaware has 33 seconds.

Mr. BIDEN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated October 17, 1996—speaking of superseding—which supersedes the statement referred to by my colleague about the Australia Group. It says:

In this context, the maintenance of effective export controls will remain an essential practical means of fulfilling obligations under the CWC and the BTWC.

Translated into ordinary English, it means that we adhere to the commitment we made in the Australia Group with export controls. We believe it is consistent with the CWC and required by the CWC.

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

AUSTRALIA GROUP MEETING

Australia Group participants held informal consultations in Paris between Oct. 14-17, to discuss the continued problem of chemical weapons 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 Toxic Weapons Convention (BTWC) will be absolutely essential. They welcomed 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 destroy 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 and their 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 their national measures solely on preventing any contribution to chemical and biological weapons programs. Participants noted that the value of these measures was not just limited to the U.S. The participants agreed that discussions initiated 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 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 in 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.

The Australia Group has decided to host a regional seminar on non-proliferation matters, in Buenos Aires, in the first week of December 1996. France will organize a seminar on CBW export controls for Central and Eastern European countries and the Commonwealth of Independent States in Bucharest on Oct. 14-17.

This seminar will be an historic watershed in global efforts to abolish chemical weapons for all time. They also noted that this is not just my view. I read to you what Secretary Cheney said before, James Gilmore, chairman of the President’s Defense Committee, and head of the CIA. It is plain that article X legitimizes such transfers.

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 countries will continue to ensure their national activities support the goal of a world free of chemical weapons.

All of the participating countries reiterated their previous expression of 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 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 extraordinary steps to ensure that relevant national regulations promote the object and purpose of the CWC and are fully consistent with the Convention. They strongly recommended that countries bring their national laws 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. BIDEN. We are ready to vote, Mr. President.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 51. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 50 Ex.]

YEAS—66

Akaka     Finken
Baucus     Ford
Biden      Gregg
Bingaman   Grassley
Boxer       Gramm
Bray       Harkin
Breaux      Hatch
Bryan       Hatch
Bumpers     Reed
Byrd         Reid
Chafee      Rohb
Cleland   Hollings
Coats         Rockefeler
Cooper       Roth
Collins     Johnson
Conrad       Kennedy
D’Amato      Kerry
Daschle     Kerry
DeWine        Kohl
Dodd        Lautenberg
Domenici    Lieberman
Durbin     Liebman

NAYS—34

Abraham    Gramm
Allard     Grams
Ashcroft   Grassley
Bennett    Gregg
Bond       Helms
Brownback   Hutchinson
Burns       Humble
Campbell     Inhofe
Coverdell   Kempthorne
Craig         Ky
Enzi         Lott
Faircloth   Mack

The amendment (No. 51) was agreed to.

Mr. HELMS. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that I be allowed to use the 5 minutes allocated to each leader for purposes of closing debate in addition to my 15 minutes for the leader in an effort to make my statement at this point in the debate.

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

Mr. DASCHLE. Mr. President, let me begin by commending the distinguished majority leader for his leadership on this issue and for his eloquent statement earlier today. I think he spoke for a large number of the American people, both Republicans and Democrats in coming to the conclusion he did about this treaty. I rise to commend him and to support him in the decision that he made.

I also want to commend the distinguished ranking member of the Foreign Relations Committee, the Senator from Delaware, for his leadership on our side of the aisle. No one could have managed this bill better. And we could not have come to this point were it not for the remarkable commitment he has made in the effort to pass this treaty. I thank him for his leadership in bringing us to this point tonight.

Under the terms of article II, section 2 of the Constitution, the Senate alone established the requirement that two thirds of the Senate must support a treaty for it to take effect.

This is as it should be. There is no more important or unique power assigned to the Senate by the Constitution than the authority to provide advice and consent on treaties. With this authority, however, comes obligations. Senators must examine a treaty not through a prism of narrow political pursuits, but rather from the perspective of broad national interests.

Put simply, the most important question we should ask ourselves when considering the Chemical Weapons Convention, or any other treaty, is, does this make sense for the Nation and are its citizens more secure?

Mr. President, after a thorough review of this treaty, its negotiating history, and the 28 conditions added by the Senate, I believe the answer to this question is a resounding and unequivocal yes.

The Chemical Weapons Convention bans the development, production, stockpiling, and use of toxic chemicals as weapons. A look at the negotiating history of the CWC reveals that this treaty is truly a bipartisan product.

Negotiations, as has been mentioned now on several occasions throughout the day, began with President Reagan in the early 1980s.

While the bulk of the negotiations and most of the difficult decisions occurred during the Bush administration, President Clinton finished the work started by his two predecessors and submitted the treaty to the Senate for consideration in November of 1993.

The Senate’s counsel on crucial issues was sought and provided repeatedly throughout the course of the decade-long negotiations. Playing an especially important role in this regard was the Senate’s Arms Control Observer Group, a bipartisan gathering of Senators with special interests and expertise in arms control matters. Currently, Senators STEVENS and BYRD lead the group.

In addition, since the treaty has been before the Senate for nearly 3 years, Members have had ample opportunity to request the information needed to reach their judgment, and more than sufficient time to carry out a thorough examination of the treaty’s impact on our national security.

During that 3-year period, nearly 20 hearings have been conducted in several different Senate committees, including Armed Services, Foreign Relations, Intelligence, and Judiciary. In addition, the administration has made available over 1,500 pages of documentation on the Chemical Weapons Convention and answered over 300 questions from Senators and their staffs.

Moreover, as a result of intensive, around-the-clock negotiating sessions between the administration, Senator HELMS and Senator BIDEN, the resolution of objections has led to 28 separate conditions on the U.S. Senate’s resolution of ratification. That is 28 individual clarifications by the Senate about the terms and conditions under which the U.S. would enter into the Chemical Weapons Convention. These conditions were the product of over 100 hours of discussion. And I am told that the vast majority of the conditions address problems first raised by Republicans. I think it is safe to say that these list of conditions address virtually every legitimate concern that has been raised about the potential impact of the CWC on our national security and economy.

Mr. President, we must now evaluate what has been revealed during this process that has spanned three Presidential Administrations and includes numerous hearings, briefings and mounds of documents. What have we learned about the merits of the CWC in the nearly 3½ years since President Clinton submitted it to us?

First, officials from previous Administrations who were involved in the CWC negotiation, like General Brent Scowcroft, the National Security Advisor to Presidents Reagan and Bush, has said the following:

“The time has come for the Senate to uphold U.S. leadership in combating the proliferation of weapons of mass destruction by providing its consent to the [Chemical Weapons Convention].

And President Bush himself, in a February meeting with Secretary of State Madeleine Albright and former Secretary of State James Baker, noted: “I and others strongly support efforts to get this chemical weapons treaty approved. This should be beyond partisanship. I think it is vitally important for the United States to be out front. . . . We don’t need chemical weapons, and we ought to get out front and make clear that we are opposed to others having them.”

Second, what are the views of America’s chemical manufacturers—the industry that will be most directly affected by the provisions of the CWC? The chemical industry is America’s largest export industry, posting $60 billion in export sales last year alone. Opponents of this treaty claim its ratification will lead to onerous and costly
CONGRESSIONAL RECORD – SENATE

April 24, 1997

S3637

restrictions and regulations on this industry as well as the exposure of confidential, proprietary information.

The chemical industry has repeatedly refuted these claims; yet, it appears that CWC's critics are so blinded by their ideological zeal to kill all arms control treaties that they cannot take no for an answer. One of the industry's best responses was contained in a letter sent late last year to the distinguished Majority leader, Senator LOTT. This letter is an important one, so I will quote it in full:

"The chemical industry has long supported the Chemical Weapons Convention. Our industry participated in negotiating the agreement and in U.S. and international implementation efforts. The treaty contains substantial protections for confidential business information. We know because industry helped to draft these provisions. In short, our industry has thoroughly examined and tested this Convention. We have concluded that the benefits of the CWC far outweigh the costs, and the real proof would come from not ratifying the CWC. . . . If the Senate does not vote in favor of the CWC, we stand to lose hundreds of millions of dollars in overseas sales, putting at risk thousands of good-paying American jobs."

So says the chemical industry in a letter signed by the CEOs of 53 of America's preeminent chemical manufacturers. Signees include the ARCO Chemical Company, the Ashland Chemical Company, the Bayer Corporation, the B.F. Goodrich Company, the Dow Chemical Company, the Eastman Chemical Company, the E.I. Dupont Company, the Exxon Chemical Company and the Monsanto Company. I should also note that companies signed this statement before we agreed upon the 28 conditions I discussed earlier, several of which would further reduce the possibility that proprietary information from American businesses would fall into the hands of our adversaries.

Well, Mr. President, what about the military? After all, it is our men and women in uniform who must face, as they did in Desert Storm, the threat of an attack from lethal chemical weapons. Yet, we are talking about invisible and instantaneous killers. What about our people in the Pentagon who have to make the decisions that may ultimately lead to the exposure of our troops to that insidious threat? General Shalikashvili, the Chairman of the Joint Chiefs of Staff, testified before the Senate Foreign Relations Committee:

"The potential benefits of the Chemical Weapons Convention will have a positive impact on our service components and how the U.S. military fulfills its responsibility to national security."

In another appearance before the Foreign Relations Committee, General Shalikashvili noted:

"From a military perspective, the Chemical Weapons Convention is clearly in our national interest. The non-proliferation aspects of the convention will retard the spread of chemical armament to areas in which it is not currently a problem. It reduces the probability that U.S. forces may encounter chemical weapons in a regional conflict."

Some may argue that General Shalikashvili is but one general who was appointed by President Clinton. To those skeptics, let me say three things. First, General Shalikashvili's record of service to this country is unparalleled. Second, a comprehensive review of this record will not reveal a single instance where he failed to offer anything but a highly accurate, unvarnished opinion. Third, he is not alone. An April 3 letter to the President states the following:

"The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities; and it creates new international sanctions to punish those states who remain outside of the treaty. For these reasons, we strongly support the CWC."

Mr. President, that letter was sent on behalf of 16 three- and four-star generals and admirals, including Colin Powell, John Vessey, and Norman Schwartzkopf. This letter, in addition to an endorsement by David J. Jones, means that every occupant in the last 20 years of the position of chairman of the Joint Chiefs of Staff has come out in support of the CWC.

The final group the Senate has heard from in its efforts to weigh the pros and cons of the Chemical Weapons Convention is the intelligence community. The task of verifying this treaty, like all arms control treaties, ultimately falls on the shoulders of the Central Intelligence and the other organizations within the intelligence community. Despite the most comprehensive, intrusive verification regime in the history of arms control, critics of CWC argue that it is unverifiable; if they had their way, the Senate would reject the CWC because the Central Intelligence Agency will be unable to detect any violations of the treaty itself. But in this case, the perfect is the enemy of the good.

While the intelligence community has rightly acknowledged that it cannot detect all chemical agents—anywhere or at anytime—it has also said that it can effectively verify the provisions of this treaty. Moreover, the critics' argument ignores the fact that, with or without the Chemical Weapons Convention, our intelligence community will still seek to collect information on efforts by foreign nations to develop and produce chemical weapons. The more important question is whether the intelligence and nonproliferation efforts are helped or hindered by the adoption of the treaty.

According to James Woolsey, then director of the Central Intelligence Agency, and former CIA director George Tenet, acting director of the CIA:

"The Intelligence community has the broadest mission—with or without the treaty—of detecting the existence and assessing the threat from chemical weapons programs of any country. This mission must be carried out regardless of whether we have the additional requirement to assess such activities against the treaty's ban and verifications. And it is to this broader mission that the CWC can make a significant contribution."

The Senate has heard from President Reagan's National Security Advisor, from President Bush, from the leading figures in the chemical industry, from the current chairman of the JCS, three of his predecessors and 14 other three- and four-star generals and admirals, and from the intelligence community. Each of these groups and individuals have looked at the CWC from their unique perspectives and interests and each has reached the same conclusion: the Senate should support this treaty and should do so promptly.

Mr. President, I would submit since the Senate received the CWC treaty for its advice and consent, one other group has spoken all too loudly to us: those who commit terrorist acts. In the 3½ years this treaty has been before the Senate, terrorist incidents have occurred with a sickening and disturbing regularity: the sarin gas attack in the Tokyo subway; the bombing of the Murrah Federal Building in Oklahoma City; the attack CCXV in Dharan, Saudi Arabia; the suspected bombing of TWA flight 800; the bombing in Olympic Park in Atlanta. Each incident has painfully dramatized the fact that we live in an age where, unfortunately, no one is inoculated against the threat of terrorism. No community stands outside the reach of determined terrorists. As President Clinton noted in a recent address, "Terrorism has become an equal opportunity destroyer, with no respect for borders."

This treaty is an opportunity to send a small message to those who threaten our families, our communities and our way of life with their unprovoked acts of violence.

The United States Senate has heard what terrorists have to say. Today, with our votes on this treaty, we determine how the United States Senate will respond to these acts. I hope we will respond with the moral stand. We are determined to make the moral stand. We are determined to advance our families, our communities and our borders. Tonight America has the opportunity to make the moral stand. We are destroying our own chemical stockpiles. We began that cleansing process under President Reagan and it continues today. Why should we oppose a treaty that demands the world to live up to a moral standard that we have already willingly accepted ourselves? Why deprive ourselves of the right to call upon our neighbors to live up to the example
that we in the United States are willing to act?

In summary, Mr. President, this is a necessary treaty. It has been endorsed by a bipartisan group of Senators who are experts on this issue, by advisors to President Clinton, by the U.S. military, by our chemical industry and by our intelligence community.

To all of this I would add two final points. First, over 80 percent of the American people have indicated their support for ridding the world of toxic agents by ratifying the CWC. Second, over 70 countries have already ratified this treaty and thereby forsaken the use of chemical weapons. Mr. President, this treaty is going to happen, not for what is contained in this treaty, but because of the leadership that is provided in this Senate. The President, I ask that the Senate ratify this treaty.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. How much time remains?

The PRESIDING OFFICER. The Senator from North Carolina has 21 minutes, the Senator from Delaware has 7 minutes, the Senator from Vermont has 8½ minutes, and the majority leader has 15 minutes.

Mr. BIDEN. I yield myself such time as I may consume under the 7 minutes. I do not plan on using it all.

Mr. President, it has been a long road to this spot, this point. We have had not one but extensive debate in the last 2 days, we have had an extensive debate on this floor, in committees, in the press, among foreign policy experts, think-tank types, for the past 3 years. We reached the point where we are constitutionally required to fulfill a duty of either permitting our consent to ratification or withholding it. As both leaders have pointed out, it is maybe the most significant responsibility delegated to the U.S. Senate.

I realize that we sometimes stand on this floor, particularly when any one of us and all of us have invested a significant amount of time in one issue or another where we feel that we have spent most of our waking hours for the past month, two, or three—everyone has experienced that on this floor—and we tend to think that since we put so much time into the passage of a piece of legislation, or in this case, a treaty, that maybe it is the most important thing that the Senate has done or could do because I guess we say to ourselves we would not invest that much of our time, our energy, our mind, our soul, into the effort if it was not so important.

Acknowledging that we all differ on that point, Reagan and Bush don't sometimes more important than what it is, I respectfully suggest that the vote each of us is about to cast on this treaty is likely to be the most significant vote any of us cast in this Congress.

Twice today I have been referred to as the senior Senator from Delaware. I want the record to show, I know I am the junior Senator. I am the second Senator from the United States. I have been here 25 years, but that young man in the back there is the most senior junior Senator, the distinguished Senator from South Carolina, Senator HOLLINGS, because the most senior Senator of senior Senators is his colleague, senator THURMOND.

Mr. President, I am not sure that there is any vote that I have cast in the last 4 or 5 years that I think is as significant for the future of the United States as this treaty. And as I said, and I will conclude with this, not merely because of what the treaty attempts to do—and that is, for the first time in the history of modern man, ban even the possession of an entire category of weapons, of weapons that make war—why this is the most important vote.

We are at a juncture in our history, Mr. President, in my opinion, where the United States has an opportunity, which rarely comes to any nation in its history, to negotiate, to effect a bargain, on two occasions—where our actions and our leadership can literally, not figuratively—and it is not hyperbole—can literally shape, at least on the margins, the future of the world.

After World War II, we stepped up to the plate. My father's generation and my grandfather's generation and grandmother's and my mother's generation stepped up to the plate. They did things, when we look back on them, that must have taken incredible courage. Can you imagine having over 10 million men still under arms and standing up as a Senator, or as a President, or as a Secretary of State, and saying, by the way, I want us now to send billions of dollars to those people who are experts on this issue, by advisors to Presidents Reagan and Bush, and Senator LUGAR, said: They led. But they did what the Senator from Indiana, Senator HOLLINGS, because he is the most senior Senator of senior Senators is his colleague, senator THURMOND.

Carolina, Senator HOLLINGS, because he is the most senior junior Senator, the most senior Senator of senior Senators is his colleague, senator THURMOND. Senator HOLLINGS, because he is the most senior junior Senator, the Senator from Delaware.

Mr. President, I yield the remainder of my time, and I yield the floor.
in full compliance with the Non-Proliferation Treaty. And so it will get one nuclear reactor from Russia, maybe more. And perhaps China will throw in a reactor or two as well. And we can do nothing to stop it.

The administration says that we will not sell Iran chemical technology or defensive gear under the same provisions of the CWC. We are not selling them nuclear reactors either. Russia is.

And it will not be the United States which provides Iran the chemical technology. They will get it from Russia and China under “Poisons for Peace.” And Iran will give it to its terrorist allies Syria and Libya, who have not signed up to the treaty. And we will be powerless to protest—because if we ratify this treaty, here, today, in this body, we will have endorsed these transfers.

Now this morning the President has offered us some sweeteners for the hemlock he is asking us to swallow. He promises to keep an eye on any problems Articles X and XI may cause. I appreciate his willingness to recognize the legitimacy of the concerns my colleagues and I have expressed. However, I can’t help but feel that this last ditch attempt is not sufficient to face the danger. The notorious Chemical Weapons Convention (CWC) is a treaty that the administration insists we ratify. A treaty which promises to keep an eye on any problems Articles X and XI may cause. I appreciate his willingness to recognize the legitimacy of the concerns my colleagues and I have expressed. However, I can’t help but feel that this last ditch attempt is not sufficient to face the danger.

I am a veteran of the counter-proliferation wars. Every week, I see more and more evidence that proliferation activities that should require the President, under existing law, to levy sanctions against Russia, China, or both. We never do, and we won’t under the terms of the CWC with or without the assurances under Articles X and XI. The President doesn’t want to fight with those 800-pound gorillas. In much the same way as we will turn a blind eye while Russia helps Iran get a nuclear weapon, we will allow others to develop chemical weapons. And that won’t be a darn thing we’ll be able to do.

Should Articles 10 and 11 of the CWC be renegotiated? Yes. Did the Senate err by stripping out the protections we inserted that would have required the administration to act? Yes. And I am deeply disappointed that I was unable to convince my colleagues of the danger to the people of the United States and our allies. We have made a terrible, potentially cataclysmic, mistake today in ignoring the desperate need to revise the terms of this treaty.

Without revision of Articles 10 and 11, this treaty is bad for America, and bad for the world. It must be voted down. For it ratify this treaty, our children and our grandchildren will hold us accountable. They will hold us accountable when Iran or Syria or Libya or North Korea finally uses a chemical weapon—and they will do so—built with technology they acquired through the last ten and twelve days as to those who posed by this treaty. And most important, let us listen to our conscience. Let us vote to reject the Chemical Weapons Convention.

Mr. President, let us listen to the wisdom of the four former Secretaries of Defense, who have urged us to oppose this treaty. Let us listen to the mountain of evidence—classified and unclassified—that has been presented over the last ten and twelve days as to those who posed by this treaty. And most important, let us listen to our consciences. Let us vote to reject the Chemical Weapons Convention.

Mr. HELMS. Mr. President, I send an amendment and ask for its immediate consideration. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. BIDEN, proposes an amendment numbered 52.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment numbered 52.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, line 18, strike “payments” and insert “any payment”.
On page 8, line 2, insert “the head of”. On page 8, line 10, insert “‘or the affiliated organization’ after ‘t’ion’.
On page 9, line 11, insert “‘or the affiliated organization’ after ‘Organization’.
On page 13, line 21, insert “‘or the affiliated organization’ after ‘Organization’.
On page 14, line 5, insert “, and any official or employee thereof” after “functions”.
On page 15, line 6 and 7, strike “to United States ratification’ and insert ‘affecting the object and purpose’.
On page 18, line 2, insert “support for” after “resolution of”.
On page 20, line 12, strike “citizens,” and insert “citizens and”.
On page 23, line 18, strike “obligation” and insert “obligations”.
On page 26, line 19, strike the comma.
On page 32, line 13, insert “of Representatives” after “House”.
On page 34, line 1, strike “Committee” and insert “Committees’.
On page 34, line 3, insert “the” after “and”. On page 37, line 11, insert a comma immediately after “games’.
On page 40, line 9, strike “of” and insert “for”.
On page 41, line 16, insert “of the Convention” after “ratification”.
On page 47, line 19, insert “the ratification of” after “to”.
On page 49, line 5, move the margin of “(i)” 2 ems to the right.
On page 49, line 11, move the margin of “(ii)” 2 ems to the right.
On page 49, line 16, move the margin of “(iii)” 2 ems to the right.
On page 52, line 9, insert a comma after “(D)”.
On page 53, line 21, strike the comma.
On page 55, line 4, insert “a schedule of” after “to”.
On page 57, line 1, strike “the” the first place it appears and insert “to”.

On page 59, line 15, strike the comma.
On page 61, line 11, strike “on an involuntary basis”.
On page 61, line 12, insert “where consent has been withheld”, ‘after “States,”’.
On page 8, line 8, insert “‘, if accepted,” after “provision”.
On page 25, line 19, insert “on Intelligence” after “they”.
On page 27, line 7, strike “‘is’” and insert “are”.
On page 27, line 22, insert “on Intelligence” after “‘Committee’.
On page 57, line 15, strike “‘Rwanda’” and insert “‘Rwanda’”.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 52) was agreed to.

Mr. KEMPThORNE. Mr. President, it was President Ronald Reagan who said, “Trust but verify.” Sound advice I believe we should heed today.

Reluctantly, I rise in opposition to the Chemical Weapons Convention. Do I want to see the elimination of chemical weapons and deadly poisons? Absolutely. Will the proposed treaty actually prevent the use of chemical weapons? Not in my opinion. As I’ve listened carefully to all of the arguments, I’ve concluded the proposed treaty will not do what it is intended to do, and, in fact, may actually do more harm than good.

Again, trust but verify.

Like many Americans, I took notice when four recent Secretaries of Defense came out in opposition to the Chemical Weapons Convention. The opposition of Secretaries Schlesinger, Cheney, Rumsfeld and Weinberger is based, in part, on the fact that the treaty is not verifiable. In other words, we have no way of knowing if our “partners” in this agreement are living up to their end of the deal. Like the four former Secretaries of Defense, I am troubled by statements by CIA and Department of State officials who do not have “high confidence” the treaty can be verified, key provisions “can be thwarted” and detection of small amounts of chemical weapons “will admittedly be extremely difficult.” In my mind, the admission of Clinton Administration officials that the treaty is not verifiable raises serious questions about the value of the agreement.

The Chemical Weapons Treaty also contains provisions, Articles X and XI, which mandate the sharing of all chemical weapon development and technology, including chemical weapons defensive technology, with other countries. These provisions might allow countries like Iran and Iraq to acquire advanced defensive technologies so they can improve their chemical weapons combat capability. This exchange of technical information, mandated by the treaty, may also be used to develop ways to defeat our chemical weapons defensive technology. Because of these flaws in the treaty, Senator Cheney wrote “In my judgement, the treaty’s Articles X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the
I want to point out that one of the conditions removed from the Resolution (directed toward U.S. to renegotiate Articles X and XI to ensure the treaty does not inadvertently increase the threat of chemical weapons. The Clinton Administration viewed the requirement to renegotiate the treaty as a "killer amendment" and encouraged the Senate to strike this condition. Under pressure from the President, the Senate voted to remove this condition so renegotiation of these important articles will not happen.

In addition, the President's letter to Majority Leader Lott on the day of the vote acknowledges that there are legitimate security concerns regarding the flaws in Articles X and XI. I'm troubled because the letter is non-binding and it will be three years before we will see if Articles X and XI lead to the proliferation of chemical weapons technology. The President says the U.S. could then withdraw from the Convention, but by then the damage will have been done.

I believe this treaty by itself would stop chemical weapons, I would support it. During my own deliberations regarding the CWC, I had a thoughtful discussion with James Schlesinger, a former Secretary of Defense, Secretary of Energy and Director of the Central Intelligence Agency. Secretary Schlesinger made the point that although scores of nations ratified the Geneva Protocol which claimed to "prohibit" the use of poison gas, Iraq used mustard gas against Iran and its own citizens with impunity. In my mind, this episode demonstrates one of the weaknesses of international treaties which sound good on the surface but lack enforcement procedures in practice.

I am also concerned about the provisions of the Chemical Weapons Convention which will allow international inspectors access to chemical businesses and other important national security facilities. The idea that North Korea or Iraq can come into the United States and examine our facilities and then take that information home to help their own chemical and defense industries is wrong. The treaty makes no arrangement to compensate businesses for the loss of this sensitive data. This is another reason I believe the Chemical Weapons Convention will, in fact, do more harm than good.

As a member of the Senate Armed Services Committee, I understand the military threat posed by chemical weapons. I continue to support efforts to destroy the U.S. chemical weapons stockpile in a safe and environmentally sensitive manner. I oppose any effort to give a "killer amendment." I believe the United States should threaten massive retaliation against any nation that might consider using these weapons against our citizens or soldiers. I am also very proud of the leadership role of the United States in the fight to stop the spread of chemical weapons. Without a doubt, this leadership role will continue whether or not we ratify the CWC.

I think it is important to be honest with ourselves. The Chemical Weapons Convention cannot be verified. The treaty will not prevent countries or terrorists from acquiring or using chemical weapons. The treaty may in fact increase proliferation of advanced defensive technologies and the treaty may jeopardize proprietary information of U.S. companies.

As I weigh these facts, I conclude the Chemical Weapons Convention (CWC) does more harm than good and I will cast my vote against the ratification of this treaty.

Mr. DeWINE. Mr. President, I will vote today to ratify the Chemical Weapons Convention (CWC). I do so without any illusions. I have concluded that it will be of marginal benefit, but that its benefits do outweigh the risks. Clearly, no chemical weapons treaty can be 100% verifiable. Inside the CWC, there is at least a better chance of catching violators than if we remain outside the treaty.

I commend the Chairman of the Foreign Relations Committee, Senator Helms, as well as Senator Kyl., and others who have worked so hard to improve this treaty. As a result of their efforts, for example, we retain the right for our troops to use tear gas in hostage rescue operations; we require search warrants in cases where consent is not granted to protect 4th amendment rights; and we restrict U.S. assistance to rogue nations under Article X to medical antidotes and humanitarian assistance.

This is a historic agreement bringing together 74 countries that have ratified the treaty in a comprehensive, worldwide fight, to ban chemical weapons. The treaty requires all nations to follow America's lead to destroy all chemical stockpiles by 2007. The CWC also provides for sanctions against those who trade in chemical agents with non-parties to the treaty. These provisions will help to ensure that on a future battlefield our troops will be less likely to face chemical weapons.

Passage of this treaty should not bring a false sense of security. A treaty alone will not protect our troops and citizens from chemical weapons. We should continue to devote attention and resources to improving our chemical weapons defenses. We should provide our troops with the equipment and training they need in combat situations. The parties to this treaty must also take adolators who resort to using chemical weapons. As a member of the Intelligence Committee, I will work to ensure that the goals of this treaty are not lost in its implementation.

Mr. FEINGOLD. Mr. President, I rise today in support of the resolution of ratification of the Chemical Weapons Convention.
legitimate threat to the security of the United States.

Nevertheless, I think we gain more by establishing an international regime that prohibits such behavior than we do by refusing to exercise U.S. leadership in that regard.

My second, and more important, point is this: The CWC is the best avenue available today for beginning to control the spread of chemical weapons, and leading, eventually, to the total elimination of such weapons.

Those countries that do ratify the treaty—and this group represents most of the responsible players on the international stage—recognize that through the CWC, the world firmly rejects the existence and use of chemical weapons. The treaty puts in place mechanisms to enforce its precepts and monitor its progress, and signatories are committed to complying with these mechanisms.

What of the handful of nations who flout international will, and will not sign on to this treaty?

First, defense experts at the very top of our military command structure are satisfied that the use of chemical weapons by these so-called rogue states does not pose a significant threat to our national security. In March 1996, then-Secretary of Defense William Perry told the Foreign Relations Committee that he was "damm sure" that the United States could respond massivel y and effectively to any chemical weapons challenge.

Moreover, the CWC will make it easier for the international community to track the chemical ingredients necessary for weapons production and to inhibit the flow of these materials to rogue or non-signatory states. The Convention will impose trade sanctions on non-signatory countries whether or not they are known to possess chemical weapons. This provision was devised by the Bush administration specifically to make it expensive for countries not to join this Convention.

As Secretary of State Madeleine Albright said in testimony before the Foreign Relations Committee earlier this month, "These penalties would not exist without the treaty. They will make it more costly for any nation to have chemical weapons, and more difficult for rogue states or terrorists to acquire materials needed to produce them.

Those states that we are most concerned about currently are unwilling to accept the norms that the treaty would establish. That is why they have thus far chosen not to ratify. But it is just as clear these states will never accept the treaty if the United States refuses to ratify.

This is why I plan to vote in favor of striking the so-called killer amendments that would tie the deposit of our instrument of ratification to the actions of these nations.

If the linkage were to remain in the resolution, the Senate would become responsible for painting the United States into a very uncomfortable corner, a corner from which we would be unable to exit. Such conditions would force the United States, which led the negotiations of this treaty, to engage in a game of chicken with other countries. It should instead join our allies in ratifying this treaty.

Mr. President, this treaty provides a solid start to limiting the flow of chemical weapons.

It urges the destruction of all chemical weapons, and more information about the prevalence of chemical weapons than we have ever had before.

And it will make the dissemination of such weapons—and the materials used to make them—more actionable than they have ever been before.

Mr. President, do I think the treaty could be improved? Of course. So I am pleased that the CWC has the provision for amendment after it comes into force.

But now is not the time to debate amendments to the treaty. One hundred sixty-one nations have signed the Chemical Weapons Convention and 74 of them have ratified it.

I think we can all assume that—just as we played a leading role in negotiating the existing treaty—the United States will again be at the forefront of efforts to make the treaty more effective after a period to test its utility.

We have the technological means and the economic weight to do so. But only if we ratify this treaty prior to its entry into force on April 29. Only by that deadline—now less than a week away—will the United States be a full participant in the Organization for the Prohibition of Chemical Weapons [OPCW], the governing body that will have the responsibility for deciding the terms for the implementation of the CWC.

Would I like to see the enforcement provisions of the CWC written in a less ambiguous way?

Could sanctions against violators be spelled out more clearly? Absolutely.

But the CWC was laboriously crafted throughout three decades to meet the security and economic interests of States Parties. The United States led this effort, and the treaty which we are voting on reflects our needs. As Secretary Albright has said, this treaty has "Made in the USA" written all over it. That is why the CWC has the broadest international support of any defense and business communities.

Mr. President, I would like to address an issue that is of particular importance to me, and that is the potential constitutional implications of this treaty.

In particular, the argument has been made, incorrectly in my opinion, that adoption of the CWC would subvert, in some way, the constitutional protections of the fourth amendment which— as Americans, we all enjoy. Let me say at the outset that preserving the fourth amendment is a responsibility that I take very seriously and very personally. My concern about preserving the protections of the fourth amendment does not end at the corners of this treaty. I have opposed in this Congress proposals to weaken the fourth amendment’s protections, for example, in the area of wire taps.

I am pleased to see that throughout the debate over this treaty, many of my colleagues have taken an active interest in promoting the rights bestowed upon us by the fourth amendment.

Indeed, I welcome the opportunity to work with these members on future initiatives to protect our vital provision of our Constitution.

With respect to the claim that ratification of this treaty risks constitutional protections for Americans, I think three points need to be stressed.

First, this treaty, and in particular the inspection language therein, is the product of bipartisan efforts spanning many years. In fact, it was the Bush administration which rejected efforts to adopt overly broad, and undoubtedly unconstitutional, precedents in favor of those in the treaty today.

Second, although the treaty itself acknowledges the supremacy of the constitutions of its signatories, this would seem to be a case even without specific language. The Senate cannot, be it through signing a treaty or passing a law, subvert any of the protections guaranteed by our Constitution. That is the very essence of our Constitution: it is the bedrock of our freedoms and cannot be abrogated short of amendment to the Constitution itself.

Mr. President, during a Judiciary Committee hearing last September, I questioned Professor Barry Kellman of the DePaul Law School on various aspects of the constitutionality of this treaty and on each of the points I have raised here today. On each point, Professor Kellman was in agreement with me. In fact, Professor Kellman, who has indicated many years, and much time and energy to reviewing the constitutional implications of the Chemical Weapons Treaty, testified that, "every serious scholar" who has looked into the issue has found this treaty to be constitutional.

Finally, to the extent there are concerns to be addressed, and there may be, the proper context for airing those concerns is during what I expect to be a lively discussion over the implementation of the treaty. I am concerned that we have a chance to debate in the next several weeks. It is in the implementing legislation—not the treaty itself—where these issues should be addressed and resolved.

I look forward to working with concerned colleagues as we consider implementation of the treaty, so I am pleased that the unanimous consent agreement arrived at regarding the resolution of ratification before us today included the intent to debate and vote on ratifying legislation prior to the Memorial Day recess.

As the debate over the implementing language continues, I will work with...
my colleagues to ensure that the language we ultimately adopt fully and properly reflects the protections embodied in the United States Constitution.

In the interim, however, we should not become sidetracked by arguments that this treaty is unconstitutional or subverts the fourth amendment. The inspections conducted pursuant to this treaty will be conducted pursuant to the Constitution of this nation. Nothing in this treaty can, nor does it even attempt to, alter that simple, but fundamental fact.

Mr. President, I support the ratification of the Chemical Weapons Convention which I believe is in the best interests of the United States.

And if the Senate is to lend its support to this treaty, we must vote to strike each one of the five conditions before us. Four of these would pronounce the treaty dead on arrival by linking the deposit of the U.S. instrument of ratification to conditions that are simply impossible to achieve—by April 29, or at any time in the near future. The other condition would establish the selection of inspectors that would greatly undermine the entire inspection process.

Mr. President, it is imperative that those of us who support this treaty help write the language that would undermine U.S. participation in the Convention in this manner.

And, after doing so, Mr. President, I hope my colleagues will join me in voting for final passage of the resolution of ratification.

Mr. LAUTENBERG. Mr. President, I rise to urge my colleagues to ratify the Chemical Weapons Convention.

The Chemical Weapons Convention is a historic arms control treaty which will significantly enhance America's security. The treaty prohibits the development, production, acquisition, stockpiling, and transfer of chemical weapons by those countries that are signatories to the treaty. Signatories would begin to destroy their chemical weapons within a year and to complete destruction of chemical weapons within ten years. Importantly, it prohibits the use of chemical weapons in combat, and it prohibits signatories from helping other countries to engage in any activity banned by the treaty. As such, the Chemical Weapons Convention is an important non-proliferation tool that will help slow the spread of dangerous chemical weapons and force the destruction of most of the world's chemical weapons stockpiles.

President Reagan recognized the wisdom of working to ban chemical weapons worldwide. Under his administration, on the floor of this body, the Chemical Weapons Treaty negotiations began. Those negotiations continued under President Bush, who signed the treaty. Now, five years after completion, with the full support of President Clinton, the Chemical Weapons Treaty is before the Senate for ratification.

There are many good reasons to support the Chemical Weapons Treaty.

First, and foremost, this treaty will protect America's military from the threat of chemical weapons attack without requiring America to give up anything militarily. The United States has already decided to destroy its chemical weapons stockpile, and no one has vowed to not use chemical weapons in warfare. Because the Chemical Weapons Convention requires other nations to abandon chemical weapons as the United States has done, America gains nothing, and our defenses and our troops will be less likely to face poison gas in future conflicts.

Civilians in America and worldwide will benefit from Senate ratification of this treaty as well. Last year's terrorist attack in Japan, in which chemical weapons were used against innocent civilians, reminds us that none of us is safe from the threat of chemical weapons. As long as chemical weapons are produced and stockpiled, the possibility remains real that they will end up in the hands of terrorists. Because the Chemical Weapons Convention requires all countries to enact laws making it a crime to develop, produce, or acquire chemical weapons, the treaty will make it harder for terrorists to obtain chemical weapons, making America's cities, streets, and schools safer.

Additionally, the Chemical Weapons Convention will help America and the intelligence community to better track and control the spread of chemical weapons and to punish violators. Through the verification regime established by the treaty, our country will be able to better track chemical weapons threats and establishing rigorous verification procedures to prevent cheating.

Already seventy countries have ratified the treaty, and it will go into effect with or without the United States. But if the Senate does not ratify the treaty, America will be siding with rogue nations like Iraq and Libya. If the Senate does not ratify the treaty, America will lose roughly $600 million in trade, a point I addressed more fully in an earlier speech to the Senate. If the Senate does not ratify the treaty, America will not be able to participate in the body that will determine the rules for implementing the treaty. And if the Senate does not ratify the treaty, America's credibility as a proponent of nonproliferation and arms control will be jeopardized.

Mr. President, I have no doubt in my mind that the United States should join a treaty we helped to shape and which enhances our security. With the Chemical Weapons Convention and our leadership, other nations will follow our lead and go 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 those that try to acquire them. It is much better off with the Chemical Weapons Convention than without it, and I urge my colleagues to ratify it without delay.

Mr. GORTON. Mr. President, I have thought long and hard on whether I should vote to ratify the Chemical Weapons Convention. I must admit that as the Convention was originally presented, I was inclined to oppose it. But after the hard work with the Majority Leader and with the many thoughtful opponents of ratification, I believe we have resolved a significant number of issues in contention and now believe that ratification of the Chemical Weapons Convention will do more to reach our common goal of eradicating these deadly and detested weapons from the earth than will non-ratification.

If I were to have to restate to my many constituents, and the thousands of Americans like them, who were relentless in raising their voices against many dangerous aspects of the treaty and its interpretation. Without their readily available assistance, we have reached the point we have today.

I also commend Senator HELMS, Senator KYL, and the Majority Leader for their work and negotiations with the Administration that has led to vast improvements in the Chemical Weapons Convention ratification documents.

Since the beginning of the debate on the Chemical Weapons Convention, I have stated that the real question is not whether to support the convention but the conditions of ratification. I am pleased to report that conditions on chemical weapons verification, weapons inspections, and chemical weapons technology so sensitive information on chemicals and chemical weapons technology so sensitive to the treaty would lull us into a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, to worry about the use of chemical weapons and now believe that ratification of the Chemical Weapons Convention itself advanced or inhibited this honorable cause.

As it was originally presented to the Senate for ratification, Mr. President, I believe the treaty did not advance our cause, but instead inhibited it by making sensitive information on chemicals and chemical weapons technology so sensitive to the treaty. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward addressing our cause. I think three of these agreements are particularly important.

First, I shared the concern of many of my constituents and several former Secretaries of Defense who testified before the Armed Services Committee that the convention would create a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, to worry about the use of chemical weapons and now believe that ratification of the Chemical Weapons Convention itself advanced or inhibited this honorable cause. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward addressing our cause. I think three of these agreements are particularly important.

First, I shared the concern of many of my constituents and several former Secretaries of Defense who testified before the Armed Services Committee that the convention would create a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, to worry about the use of chemical weapons and now believe that ratification of the Chemical Weapons Convention itself advanced or inhibited this honorable cause. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward addressing our cause. I think three of these agreements are particularly important.

First, the Chemical Weapons Convention requires that as the Convention was originally presented, I was inclined to oppose it. But after the hard work with the Majority Leader and with the many thoughtful opponents of ratification, I believe we have resolved a significant number of issues in contention and now believe that ratification of the Chemical Weapons Convention will do more to reach our common goal of eradicating these deadly and detested weapons from the earth than will non-ratification.

As it was originally presented to the Senate for ratification, Mr. President, I believe the treaty did not advance our cause, but instead inhibited it by making sensitive information on chemicals and chemical weapons technology so sensitive to the treaty would lull us into a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, to worry about the use of chemical weapons and now believe that ratification of the Chemical Weapons Convention itself advanced or inhibited this honorable cause. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward addressing our cause. I think three of these agreements are particularly important.

First, I shared the concern of many of my constituents and several former Secretaries of Defense who testified before the Armed Services Committee that the convention would create a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, to worry about the use of chemical weapons and now believe that ratification of the Chemical Weapons Convention itself advanced or inhibited this honorable cause. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward addressing our cause. I think three of these agreements are particularly important.

First, I shared the concern of many of my constituents and several former Secretaries of Defense who testified before the Armed Services Committee that the convention would create a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, to worry about the use of chemical weapons and now believe that ratification of the Chemical Weapons Convention itself advanced or inhibited this honorable cause. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward addressing our cause. I think three of these agreements are particularly important.

First, I shared the concern of many of my constituents and several former Secretaries of Defense who testified before the Armed Services Committee that the convention would create a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, to worry about the use of chemical weapons and now believe that ratification of the Chemical Weapons Convention itself advanced or inhibited this honorable cause. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward addressing our cause. I think three of these agreements are particularly important.

First, I shared the concern of many of my constituents and several former Secretaries of Defense who testified before the Armed Services Committee that the convention would create a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, to worry about the use of chemical weapons and now believe that ratification of the Chemical Weapons Convention itself advanced or inhibited this honorable cause. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward addressing our cause. I think three of these agreements are particularly important.

First, I shared the concern of many of my constituents and several former Secretaries of Defense who testified before the Armed Services Committee that the convention would create a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, to worry about the use of chemical weapons and now believe that ratification of the Chemical Weapons Convention itself advanced or inhibited this honorable cause. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward addressing our cause. I think three of these agreements are particularly important.
I now believe, however, that the agreement reached between Senator 
HELMS and the Administration that en-
sures our armed forces will continue to 
receive the equipment and training neces-
-sary to complete their missions in the 
field. Using chemical weapons is a major 
improvement which will guard 
against a debilitating false sense of se-
curity.

Second, I and many of my constitu-
ten had grave concerns about the treaty's 
limits on the United States ability to protect 
against unreasonable searches and 
seizures. The treaty, in its original 
form, did not go far enough to protect U.S. 
citizens and businesses from invol-
untary inspections. The treaty's provi-
sions on challenge inspections of chem-
ical producing facilities in the United States did not, in my opinion, comply 
with the Constitution.

I am pleased that the administration 
has agreed to a condition to protect 
the Fourth Amendment rights of all 
Americans as required by the Chemi-

cal Weapons Convention to the United 
States Constitution. According to this 
condition, before the U.S. deposits its 
instrument of ratification, the Presi-
dent must certify to Congress that for 
any criminal inspection in the United 
States for which consent has been 
withheld, the inspection team must 
first obtain a criminal search warrant 
based upon probable cause, supported 
by oath or affirmation, and describing 
the place to be searched and the par-
sions or things to be seized. For any 
routine inspection of a declared facili-
ty in the United States that is con-
ducted on an involuntary basis, the in-
pection team must obtain an adminis-
trative search warrant from a United 
States magistrate judge.

I am now confident that this agree-
ment will ensure that the constitu-
tional rights of U.S. citizens and busi-
nesses will be protected under the trea-

ty. I am pleased that Senators HELMS and 
KYL and the Administration for their 
work on this vitally important condi-
tion.

Third, I was troubled by the treaty's 
impact on the use of non-lethal riot 
control agents. Since the Chemical 
Weapons Convention was originally 
drafted, there has been a great deal of 
debate in the United States on whether 
the treaty language would preclude 
American armed forces from using non-
toxic riot control agents. Tear gas and 
other such chemicals provide the Unit-
ed States military with an invaluable 
tool when conducting sensitive opera-
tions. Tear gas, for example, is an 
excellent means of rescuing downed pi-
lots, or avoiding unnecessary loss of 
life when enemy troops and civilians 
are in the same area.

I am pleased with the agreement that 
has been reached on this issue. Accord-
ing to a condition the administration 
has accepted, the President will 
certify to Congress that the United 
States is not restricted by the conven-
tion in the use of riot control agents in 
the following situations: (1) in the con-
duct of peacetime military operations 
within an area of ongoing armed con-
flict when the United States is not a party to the conflict; (2) in consensual 
peacekeeping operations when the use of 
force is authorized by the receiving 
party; and (3) in consensual operations 
when force is authorized by the 
Security Council under Chapter VII of 
the United Nations Charter. The agree-
ment also leaves in place Executive 
Order 11850 signed by President Ford 
which cites four cases where the use of 
riot control was permissible under the 
Chemical Weapons Convention: avoiding unnecessary loss of life, subduing rioting 
enemy POWs, protecting supply convoys, and rescuing a downed pilot from enemy 
troops or a POW from behind enemy lines. I 
advise the administration for agreeing 
to this reasonable and necessary 
condition. It will ensure that the men 
and women of the United States armed 
forces have the tools necessary to do 
their jobs in precarious situations. 

While the 28 agreements made did do 
a long way to improve the Chemical 
Weapons Convention, I still had one re-
maining concern, in my view the most 
important concern, until this morning. 
That concern related to Articles X and 
XI of the convention and the propo-
sition that they might well force the 
United States to share sensitive infor-
mation on our chemical weapons de-
defense capabilities and to eliminate our 
export controls on dangerous chemi-
cals.

Article X of the treaty obliges all 
parties to provide assistance and pro-
tection to any State Party threatened 
by the potential use of chemical weap-
ons, including information on chemical 
weapons defense and detection. Article 
XI of the treaty obliges all parties to 
freely exchange chemicals, equipment 
and scientific and technical informa-
tion relating to the development and 
application of chemistry for purposes 
not prohibited by the treaty. This 
forbids parties to the treaty to main-
tain export controls that would re-
strict the trade and development of 
chemicals and chemical technology 
with other treaty parties.

Ironically, those provisions of the 
treaty, a treaty designed to eliminate 
the proliferation of chemical weapons, 
could in fact promote that very pro-
liferation. If the United States is 
forced under the treaty to provide this 
sensitive information to countries such 
as Iran, China, or Cuba, those countries 
could use that information to develop 
weapons against which we have no abil-
ity to defend.

It is my contention that Articles X 
and XI do more to inhibit the cause 
of eradicating chemical weapons than 
they do to promote it. Thus, they 
comprise a fatal flaw in the Chemical 
Weapons Convention. And, until today, 
I was inclined to vote against ratifica-
tion because of my concerns on Arti-
cles X and XI.

I am pleased to say, however, that the 
distinguished Majority Leader was 
remarkably successful in his negotia-
tions with the President on this most 
important aspect of the debate on the 
treaty. I commend him for his dili-
gence and commend the President for 
his wisdom in responding to our con-
cern.

This morning, the President sent 
Senator LOTT a letter in which he ex-
tended a promise that the United 
States will withdraw from the Conven-
tion if Articles X and XI are used by 
other treaty parties to undermine the 
treaty's intent. The specific circum-
cumstances under which the Presi-
dent agreed to withdraw from the trea-
y are as follows: (1) if Article X is used 
to justify actions that could degrade 
the effectiveness of the Chemical 
Weapons Convention; (2) if Arti-
cle XI erodes the Australia Group 
export controls; and (3) if Article XI pro-
motes increased proliferation of chemi-
cal weapons.

With this assurance from the Presi-
dent, I am now prepared to support the 
Chemical Weapons Convention and will 
vote for its ratification. With the 28 
agreements Senator HELMS and Sen-
ator KYL were able to negotiate, and 
with the final commitment from the 
President, I am comfortable with the 
treaty. The Convention has been trans-
formed from one doing more harm than 
good, to one promoting rather than in-
hibiting the cause of eradicating chemi-
cal weapons from the earth.

In closing, Mr. President, let me say 
that these changes could not have been 
done without the diligent and good-
faith negotiating done by the majority 
leader, and without the voices raised 
by the thousands upon thousands of Ameri-
cans who went out of their way to draw 
attention to the treaty's many flaws. 
They should be given the lion's share of 
credit for the conditions and modifica-
tions we have made that the Chemical 
Weapons Convention is now a more 
workable, more responsible treaty.

Mr. BAUCUS. Mr. President, I rise 
today to express my firm support of the 
Chemical Weapons Convention. I have 
been following this issue very closely 
and have the personal commitment to 
this treatyÐhave shown patience, diligence 
and understanding during this impor-
tant debate.

I also believe the time has come for 
us to lead the civilized world in signing 
this treaty. And to remember why, we 
need to look back to our history.

On October 30, 1918, 12 days before the 
end of the First World War, the 363rd 
Infantry Division received orders to at-
tack German positions outside the city 
of Audenarde in France. Many Monta-
tanas served in this division.

During this battle, German troops 
lost several hundred men and drove 
the Montana troops. The wind that morn-
ing just happened to be blowing to the 
west, and the gas carried over the Ameri-
can area. This morning, the 363rd fought 
valiantly that day. And in the end, they 
overtook the German positions with a 
minimal loss of life. But they, and hun-
dreds of thousands of other World War
I, veterans, carried scars in their lungs for the rest of their lives. It made breathing difficult and left many of them invalids.

Chemical weaponry has come a long way in the 79 years since that battle took place. Modern technology has made this type of warfare more devastating and more deadly. It can now kill instantly as well as scar and maim the lungs.

Chemical warfare is an indiscriminate killer. It can differentiate between a soldier and a civilian, a bunker from a subway, or a barracks from a school.

And worst of all, some chemical weapons are relatively easy to create. As we have seen in recent news reports, if the substances used to create chemical weapons are freely available, terrorist groups and cults can make them and use them against civilians.

This, of course, often makes them hard to detect. So the critics of this Convention have a point when they say it will be hard to verify.

But this agreement will make it much easier than it is now for us to find out when rogue states try to create or stockpile chemical weapons. We will have the right to inspect those factories and defense installations of those we suspect are creating these weapons. And we will be able to block those who do not sign from buying the substances they need to create chemical weapons.

That is why this treaty has wide support. If we choose not to ratify it, we cast ourselves with such countries as Iraq and Libya—one which used chemical weapons against Iran and its own Kurdish citizens, another suspected of clandestine efforts to create a chemical weapons program.

And we make it more likely that some day, another generation of American servicemen and servicewomen will suffer the kind of outrageous attack that the Montanans in the 362nd went through in 1918. That must not happen. And the Senate must pass this Convention.

If we ratify this treaty now, we allow the United States to participate in its administration from the outset. To fail to ratify the treaty is to lose our seat at the table. I want to make sure that we put American inspectors on the ground to ensure the eventual end of these weapons.

Again, I urge my colleagues to join me in supporting this treaty. And I look forward to the day we remove chemical weapons from the face of the earth.

Mr. MCCONNELL. Mr. President, I rise today to join my colleagues in addressing the issue of ratification of the Chemical Weapons Convention (CWC).

While some who are less familiar with the advice and consent process may regret the pace the Senate has undertaken, I strongly believe it is a point of pride. The Senate, led by Majority Leader LOTT, Senator Kyl, Senator HELMS, Senator Lugar and many others, has painstakingly reviewed the CWC for many months. The 33 conditions which have been the subject of protracted negotiations have created a document which better protects our nation's security interests. I congratulate Secretary Preston and the participants for their efforts.

Despite the best efforts of all involved I continue to harbor a number of serious reservations about the convention. I am concerned about its verifiability, the impact on U.S. business, the effect on U.S. efforts to eliminate existing chemical weapons stockpiles, and the number of rogue nations which are not party to the CWC.

Former CIA director James Woolsey testified that detection of violations of the CWC is so difficult that we cannot "have high confidence in our ability to detect noncompliance, especially on a small scale." Nowhere is this more evident than in Iraq. In a recent column, Charles Krauthammer pointed out that the Iraqis are the most intrusive, comprehensive inspections for weapons of mass destruction ever devised or implemented by an international organization. Yet, we continue to uncover secret sites and weapons installations where we doubt the extent of Saddam Hussein's lethal stockpile. If we are uncertain under the best of conditions, we should not understate the significant risks under adverse circumstances.

Mr. President, my second concern is the unforeseen impact inspection requirements might have on U.S. businesses. One estimate puts the number of Kentucky businesses which are likely to be impacted by the CWC at 44. Not all of these companies are large enough to be able to afford the increased costs of additional burdensome regulations. The chemical industry is already one of the most over-regulated industries in America. Currently, the EPA, OSHA, the DOT, the CWC, and other federal regulations on the industry is near $4.9 billion annually. Adding to this incredible financial burden is overkill.

In addition to the costly regulatory burdens, CWC asks these companies to withstand, the treaty will require companies to open their books and facilities to foreign inspection teams—creating a Pandora's box of commercial hazards. Former Defense Secretary Donald Rumsfeld points out, despite best efforts its possible, even likely, that inspection teams could come away with classified and proprietary information.

Specifically, the inspection requirements may compel companies to provide proprietary technical data which could be used to considerable financial advantage by competitors. Worse yet, the results might enable adversaries to enhance their chemical weapons capabilities, putting American soldiers and citizens at potential risk. These risks are heightened when the combination of imperatives in Condition 31 enabing the President to ban inspection teams with terrorist track records.
April 24, 1997

CONGRESSIONAL RECORD – SENATE

United States Senate must remain vigilant in ensuring that America continues to prepare adequate defensive capabilities against potential chemical or biological attack. Incidents such as the sarin gas attack in the Tokyo subway cannot be prevented by this or any other treaty.

The world remains a dangerous place and this treaty will not substantially change that fact. The Secretary of State insists that this Treaty is not about our chemical weapons—"a means to organize other nations." The plain fact is it will not constrain one nation from acquiring or using these weapons. Even if we are able to determine that a participating nation is violating the CWC, the means of redress or sanction available under the treaty are toothless and largely ineffective. The United Nations Security Council must craft penalties which could avoid potential Chinese or Russian vetoes. I am certain this would be a near impossible task.

With these objections stated, it is clear that I do not believe the CWC is a perfect document. In fact, it remains unclear whether the treaty will have any of the positive effects its proponents allege.

Why then do I feel compelled to support U.S. ratification? Quite simply it comes down to one issue—the necessity to sustain the strength and credibility of U.S. leadership. As the principal architect of the CWC, the United States risks our authority and stature should we refuse to ratify the convention. If this treaty is to enjoy any success it will be due to U.S. participation and leadership. As President Bush has stated repeatedly, "it is vitally important for the United States to be out front."

I also agree with former Secretary of State James Baker's assertion that failure to ratify the convention "would send a message of American retreat from engagement in the world."

The United States must be in a position to lead, and it must use this leadership to push other nations to follow our example and eliminate their chemical stockpiles. Just this week we heard from a former high ranking North Korean official of that country's significant chemical and nuclear capabilities and willingness to use both. The United States must be in a position to lead, and it must use this leadership to push other nations to follow our example and eliminate their chemical stockpile.

Every weapon of war is horrible. While the bloodshed, violence and destruction caused by things that kill people cannot be ranked, death by poison gases or viruses is particularly grisly. I am reminded of the words of Erich Maria Remarque in his novel about men lost to poison gas attacks during the Great War in the early part of this century:

"We found one dug-out full of them, with blue heads and black lips. Some . . . took masks off too soon . . . they swallowed enough to scorch their lungs. Their condition is hopeless; they choke to death with suffocation—"All Quiet on The Western Front" Erich Maria Remarque.

It was experiences like this that helped to generate worldwide hatred and fear of chemical weapons, and is what led to the Geneva Protocol of 1925.

In the 70 years since that time, negotiations have been conducted, conferences have been held, and agreements have been signed to permanently ban chemical weapons from the earth. It is universally recognized that outlawing chemical and biological weapons is the right thing to do, while it might not completely prevent any use in future conflicts—is the right thing to do.

That's why it is incredible to me, less than a week before the ratification deadline, that this treaty has become a point of political division here in the U.S. Senate.

This treaty is the first global arms control agreement to ban an entire class of weapons. Participating states must destroy their chemical weapons within 10 years of the treaty's enactment and pledge to never make them again. The agreement also creates an international organization to ensure compliance, and signatories must exchange data and permit routine inspections of their facilities.

Nations refusing to participate will be barred from purchasing the ingredients necessary to make chemical weapons and many commercial chemical products, and will face heightened scrutiny over their chemical weapons activities. Their chemical and biotechnology industries will face great international trade obstacles.

Opponents of the Chemical Weapons Convention argue that this treaty should not be ratified because countries such as Iraq, Iran and Syria are not signatories. They argue that the treaty is unverifiable, that it is intrusive, and that it is damaging international trade. Opponents argue that the treaty is not perfect, or whether its provisions will be adhered to, or whether its verification systems, and whether anything would change if they did. Fundamentally, we have been considering whether outcasts like Iran, Iraq and North Korea should sign this international agreement, and whether anything would change if they did. Fundamentally, we have been considering whether the proposed treaty is a step forward, or whether it is worse than no treaty at all.

Opponents have argued that the treaty is fatally flawed, and that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare.

But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.

It is universally recognized that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare. But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act. Every weapon of war is horrible. While the bloodshed, violence and destruction caused by things that kill people cannot be ranked, death by poison gases or viruses is particularly grisly. I am reminded of the words of Erich Maria Remarque in his novel about men lost to poison gas attacks during the Great War in the early part of this century:

"We found one dug-out full of them, with blue heads and black lips. Some . . . took masks off too soon . . . they swallowed enough to scorch their lungs. Their condition is hopeless; they choke to death with suffocation—"All Quiet on The Western Front" Erich Maria Remarque.

It was experiences like this that helped to generate worldwide hatred and fear of chemical weapons, and is what led to the Geneva Protocol of 1925.

In the 70 years since that time, negotiations have been conducted, conferences have been held, and agreements have been signed to permanently ban chemical weapons from the earth. It is universally recognized that outlawing chemical and biological weapons is the right thing to do, while it might not completely prevent any use in future conflicts—is the right thing to do.

That's why it is incredible to me, less than a week before the ratification deadline, that this treaty has become a point of political division here in the U.S. Senate.

This treaty is the first global arms control agreement to ban an entire class of weapons. Participating states must destroy their chemical weapons within 10 years of the treaty's enactment and pledge to never make them again. The agreement also creates an international organization to ensure compliance, and signatories must exchange data and permit routine inspections of their facilities.

Nations refusing to participate will be barred from purchasing the ingredients necessary to make chemical weapons and many commercial chemical products, and will face heightened scrutiny over their chemical weapons activities. Their chemical and biotechnology industries will face great international trade obstacles.

Opponents of the Chemical Weapons Convention argue that this treaty should not be ratified because countries such as Iraq, Iran and Syria are not signatories. They argue that the treaty is unverifiable, that it is intrusive, and that it is damaging international trade. Opponents argue that the treaty is not perfect, or whether its provisions will be adhered to, or whether its verification systems, and whether anything would change if they did. Fundamentally, we have been considering whether outcasts like Iran, Iraq and North Korea should sign this international agreement, and whether anything would change if they did. Fundamentally, we have been considering whether the proposed treaty is a step forward, or whether it is worse than no treaty at all.

Opponents have argued that the treaty is fatally flawed, and that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare. But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.

It is universally recognized that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare. But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.

It is universally recognized that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare. But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.

It is universally recognized that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare. But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.

It is universally recognized that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare. But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.

It is universally recognized that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare. But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.

It is universally recognized that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare. But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.

It is universally recognized that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare. But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.
The Chemical Weapons Convention is not a liberal or a conservative document. It is not a Democratic or a Republican document. It was negotiated by the Reagan and Bush administrations and it is supported by the Clinton administration. It is in the tradition of a nonpartisan foreign policy.

The Chemical Weapons Convention was made in America. It is inconceivable that we—the world’s only superpower—would refuse to ratify a Convention that we were instrumental in drafting.

Of course no treaty can ever eliminate every threat. That is why the United States must continue to maintain our strong chemical weapons defense program. At the Aberdeen Proving Ground in Maryland, scientists and technicians are developing better ways to protect our troops from the effects of chemical weapons. This important work must continue.

In addition, our intelligence agencies, like the National Security Agency, must continue to provide the kind of information that prevents the use of chemical weapons. The National Security Agency is listening in on the international criminals and terrorists as they and their chemical reagents produce weapons. The Chemical Weapons Convention will aid these efforts by making it harder for terrorists to get chemicals that could be turned against Americans.

America has always led the effort to end the use of chemical weapons—and the convention will ensure that other countries follow our lead. We have already decided not to use chemical weapons and we have started to dismantle our chemical stockpile.

Maryland is one of seven States that stores chemical weapons left over from the First and Second World Wars. For many years, we have lived with the threat of an accident. We are only now preparing to centralize the chemical weapons stockpile that is stored in Maryland. We in Maryland know first-hand the dangers these chemical weapons pose to military personnel and civilians. America’s priority must be to safely dispose of these lethal chemicals—not to produce them.

Mr. President, the Chemical Weapons Convention will make it harder for thugs and rogue nations to make and use chemical weapons. I urge my colleagues to join me in voting for its ratification.

Ms. SNOWE. Mr. President, in my view there is no greater threat to our nation’s security than the proliferation of weapons of mass destruction. Among these is the scourge of chemical weapons which have been unleashed in this century with such horrifying effect in the trenches of the First World War, in the villages of Iraq a decade ago, and more recently in the Tokyo subway.

In 1985 the United States took a bold unilateral decision to destroy our chemical weapons stockpiles because they serve no military purpose. And in 1990 the United States negotiated a bilateral chemical weapons destruction agreement with the Soviet Union in an effort to begin the process of reducing that country’s stockpiles, the largest in the world. The leadership of the United States through the years has been crucial in forging the broad international consensus and the Chemical Weapons Convention. The whole world is watching us closely today to see whether or not the United States is going to continue its leadership role on this critical issue.

The United States must not retreat from more than a decade of leadership on controlling chemical weapons. We must ratify the Chemical Weapons Convention before it comes into force on April 29—not just to maintain our leadership on this issue, but because it is in our best interests to do so.

The issue is not whether the Convention will completely eliminate the threat of chemical weapons. There is no magic wand to do that. However, the Chemical Weapons Convention will do is nevertheless substantial. It will establish—for the first time—an international standard against the production and use of chemical weapons. It will provide us with significant additional tools to detect chemical weapons activities. And it will impose trade restrictions that will make it more difficult for rogue states and terrorist organizations to start or continue chemical weapons programs.

Opponents of the Convention argue that it is not adequately verifiable, although many of those same critics argue at the same time that the treaty is too intrusive. The fact is that the Convention includes the most extensive monitoring and inspection regime of any arms control treaty to date. The U.S. chemical industry—which will be the target of most of the monitoring and inspection under the Convention—believes that the legislation I have introduced to protect U.S. intelligence which is shared with international organizations.

The Chemical Weapons Convention bans the development, production, stockpiling, and use of chemicals as weapons. Each and every nation that signs this treaty becomes an ally in the fight against chemical weapons used by terrorists or by outlaw states. If we don't ratify this treaty, America will join countries like Libya and Iraq who refuse to join the worldwide effort to end the use of chemical weapons. I can't speak for my colleagues, but I know that this Senate does not want the United States to be aligned with those terrorist states.
which have both commercial and military applications.

Therefore, if we do not ratify, we hurt our own chemical industry which will be excluded from commerce in Schedule I chemicals with some of our principal trading partners, including the United Kingdom, France, Germany, Japan, and Canada. The economic loss to the United States is estimated to be $500 million annually.

Opponents of the Convention also argue that it is contrary to our national security interests because countries like Iraq and North Korea will continue their chemical weapons programs while we destroy our own stockpiles. But the Convention will make it harder for these countries to obtain critical chemical ingredients for their weapons programs. And, by outlawing the production of chemical weapons for the first time, the Convention will allow the international community to take collective action to isolate “rogue” states intent on developing these weapons.

The Pentagon’s top military leaders have all testified that chemical weapons are not needed to deter other countries from using these weapons against the U.S. or our armed forces. In fact, chemical weapons serve no useful military purpose as a method of warfare. America’s ability to inflict overwhelming destruction, without resorting to chemical warfare, serves as a sufficient deterrent to the use of chemical weapons against our armed forces. I agree strongly with Condition #1, which has already been offered, that our government must work with the United States to maintain a robust program of chemical and biological defenses to ensure that our forces are provided with maximum protection in the event such weapons are ever used against U.S. forces. Such a policy is only matter of prudence and common sense.

The resolution of ratification before the Senate today sets out further conditions widely-shared concerns about the Chemical Weapons Convention. For instance, conditions will ensure the primacy of the U.S. Constitution, limit U.S. financial obligations under the Convention, ensure appropriate cost-sharing arrangements, and require consultation with this body in cases of noncompliance with the treaty. By clarifying and reinforcing the Senate’s views on these and other important issues, the conditions constitute an important complement to the Chemical Weapons Convention.

Mr. President, it is important to note that this Convention has a history of bipartisan support. Negotiations began under the Reagan Administration, were continued under the Bush Administration. Former President George Bush has said, and I quote, “This Convention clearly serves the best interests of the United States in a world in which the proliferation and use of chemical weapons is on the rise.” I believe the United States leadership is required once again to bring this historic agreement into force.

A total of 162 countries have now signed the Chemical Weapons Convention and 74 countries have ratified it. Russia, China and Iran—all with known chemical weapons programs—have signed the Convention, but it is unlikely that these countries will ratify it if the U.S. does not.

Mr. President, American leadership is needed once again. The U.S. must be among the original ratifying states in order to play a central role in setting the rules for the Chemical Weapons Convention. Prohibition of Chemical Weapons and to participate fully in the Convention’s monitoring, inspection, and trade control activities. I urge my colleagues to support the resolution of ratification for the Chemical Weapons Convention.

Mrs. MURRAY. Mr. President, I am pleased that the United States Senate has finally turned its attention to the Chemical Weapons Convention. Before this body today sits the work of President Reagan, President Bush and now President Clinton. President Bush and the Senate should support the Chemical Weapons Convention to create a global ban on the manufacture, stockpiling and use of chemical weapons by its signatories. Along with protocols for inspections and sanctions against countries that do not abide by the Convention, the Senate is supporting time-table for the destruction of existing chemical weapons and production facilities.

The United States provided valuable leadership for the effort to outlaw chemical weapons and their use. Our government was the driving force behind the negotiations that produced the Chemical Weapons Convention. The CWC will go into effect next week with or without U.S. participation. Failure to ratify the CWC would be a monumental error for the United States; a symbolic retreat from our traditional role in the world that will likely impede our efforts to further eliminate and combat proliferation of chemical weapons.

I do strongly support the immediate ratification of the Chemical Weapons Convention. I want to add my personal thanks to my many colleagues who have worked so hard to bring the articles of ratification to the Senate floor. Senator BIDEN and Senator LUGAR have both been champions in this effort. I have great admiration and respect for both of these Senators and I know many thousands of my constituents who also appreciate their leadership on the CWC.

As a Member of the Senate Committee on Veterans Affairs, I have been particularly impressed by the support given to the CWC by numerous veterans service organizations. My own state has more than 700,000 veterans and thousands of additional active duty personnel stationed in every corner of my state. The following veterans organizations have all called upon the Senate to ratify the CWC: the Vietnam Veterans of America, the Reserve Officers Association of the United States, the American Ex-Prisoners of War and the Jewish War Veterans of the USA. The National Gulf War Resource Center, a coalition of two dozen Gulf War veterans organizations has also publicly endorsed the CWC.

Such distinguished senior US military commanders as General Norman Schwarzkopf, former Chairman of the Joint Chiefs of Staff Generals John M. Shalikashvili and Colin Powell, former Chief of Naval Operations Admiral Elmo Zumwalt, and former National Security Adviser General Brent Scowcroft have all publicly called for the ratification of the CWC. Colin Powell appeared before the Veterans Affairs Committee last week; he gave the committee his unequivocal support for the CWC. General Powell stated that the treaty will lessen the likelihood that U.S. troops will be safer from chemical attack in the future. Given the problems many of our Gulf War veterans are suffering that many attribute to exposure to chemical weapons, I believe like Senator Breaux General Powell’s comments in support of the CWC special consideration.

Also of great importance to me in considering the merits of the CWC is the strong support of the chemical industry. And, including both small and large businesses. It is noteworthy that our business community provided advice to the Reagan and Bush administrations on the treaty provisions affecting this industry.

If the United States does not ratify the Chemical Weapons Convention it will not have access to the Treaty’s tools to help detect rogue states and terrorists who seek to acquire chemical weapons. The United States will not be allowed to participate in the Organization for the Prohibition of Chemical Weapons (OPCW), the governing body deciding the terms for the implementation of the Treaty. Therefore, Americans will not be able to serve on inspection teams or influence amendments, and Americans now serving as head of administration, head of industrial inspections, and of security will be replaced by nationals from countries that have ratified the CWC. Chemical proliferation and terrorism are undoubtedly problems the United States can fight more effectively within the framework of global cooperation.

The Chemical Manufacturing Association has stated that the CWC “does not trump US export control laws.” Instead, the Treaty will expand and improve the effectiveness of non-proliferation by instituting a strong system of multilateral export controls. No information will be disclosed regarding imports, exports or domestic shipments. The CWC will affect approximately 2,000 companies, not 8,000 as the Treaty’s opponents hold. About 1,800 of those 2,000 companies will do nothing more than check a box regarding the Convention. Discouraging Foreign Chemicals they produce without specifying the nature of these chemicals. Of the some 140 companies most likely to be subject to routine inspections, a large
proportion are CMA members, who assisted in writing the provisions of the Treaty. Regardless, it is anticipated that any challenge inspections will more than likely involve military, rather than commercial facilities. Thus, I will vote against ratification, with a potential negative impact of the CWC on the industry, because clearly this is not the case. On the contrary, if the US Senate chooses not to ratify the Chemical Weapons Convention, American chemical companies risk losing as much as $500 million a year in sales and many well-paying jobs when the mandatory trade sanctions against non-parties are enforced.

Critics insist that the CWC will be ineffective because rogue states suspected of possessing or attempting to acquire chemical weapons, such as Syria, Iraq, North Korea and Libya, have not joined the convention. Accordingly, they argue that the United States should not ratify or ratify on all of the states join. The reality is that only about 20 states are believed to have or to be seeking a chemical weapons program, more than two-thirds of which have already signed the CWC.

For years, the US has led nonproliferation regimes that have established accepted norms of international behavior. Failing to ratify the convention will not persuade the rogue states to join the CWC. Rather, it will legitimize their actions and hurt US interests in the international community. The Treaty ensures that non-party states are isolated and makes it extremely difficult for them to pursue their nefarious objectives.

I urge my Senate colleagues to reflect on the measure of American leadership and the indispenability of our nation on nonproliferation issues and to vote for the Chemical Weapons Convention. This Treaty makes sense on political, legal, and moral grounds. As officials of both Republican and Democratic administrations assert, the Chemical Weapons Convention will ensure that Americans live in a safer America and a safer world.

Mr. BOND. Mr. President, I will vote against ratification of the Chemical Warfare Convention. I came to this decision, not because I am against doing away with chemical weapons, we all are. I will vote against ratification because of which I believe were critical to ensuring our safety and security were stricken rendering the convention more dangerous to our well being than one which would include those conditions, even if it means having to renegotiate the convention. Of the outstanding amendments which were debated through out the day today, I believe those covering Russian ratification and their compliance with previous treaties, the rejection of inspections with inspections by states with a history of violating non-proliferation treaties or which have been designated by our State Department as sporting terrorism, striking article 10 of the treaty and amending article 11, and having our intelligence agencies certify that the treaty would be credibly verifiable were critical to making the treaty worthwhile.

The fact that the President suggested we could ratify before the convention is not the case. On the contrary, if there were a compelling reason to do so, I was a placebo which carried little viable meaning. I believe that it would not only be more difficult to withdraw from the convention once we ratify it, it would be much more dangerous to ratify then to withdraw after obligating ourselves to a flawed treaty. And so, I must, in good conscience, vote not to ratify.

Mr. HATCH. Mr. President, the first thing I wish to express is my gratitude to the Chairman of the Foreign Relations Committee and the Majority Leader for the work they have done in the final weeks to improve this resolution of ratification.

The Chemical Weapons Convention before us is significantly better than what we faced last year. In addition, I wish to compliment both the Chairman and the Ranking Member of the Foreign Relations Committee for holding numerous hearings during the past month and a half, they have led the debate over the past two days. The duty of this body to advise and consent has never been more honorably met.

This treaty, with the resolution of ratification, is not the panacea for chemical weapons that some of the more adamant proponents have implied or suggested. It will not, in and of itself, spare our grandchildren from the horrors of chemical warfare. It will not, in and of itself, protect our citizens from terrorists intent on using chemical weapons.

This Convention will not significantly reduce the threat of terrorism, Mr. President. Now that this debate is almost concluded, it would be of great benefit to the future of this agreement that everyone be realistic about this. The Administration and other proponents of this agreement recognized this when they stated in the resolution of ratification, condition 19 that: "The Senate finds that 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 the use of riot control agents in war-time circumstances, preserving for us that option along the lines originally intended by our negotiators under President Reagan. They require the President to report regularly on the threat of chemical weapons.

Finally—and this is extremely important, Mr. President—the resolution of ratification requires criminal search warrants for challenges inspections against non-complying parties.

I stress again, Mr. President, my gratitude to those, on both sides of the aisle as well as in the Clinton Administration, who negotiated this resolution.

The letter the Majority Leader has obtained from President Clinton also helps close the gap between rhetoric and reality. The President recognizes, and in this letter, that the United States may not guarantee the cessation of proliferation of these monstrous weapons and their precursors. He recognizes that, despite the goals of this document, our defenses against their possible use on our troops should not wane. He recognizes that we have a regime—the Australia Group—in place that has addressed the problem of illicit trade in chemicals and that that regime should not go by the wayside.

In this letter, President Clinton recognizes that if this Treaty is seen to be failing, we can and will exercise Article XVI, which defines how a State Party may withdraw from the CWC.

Despite these improvements and assurances, Mr. President, I know that a number of thoughtful colleagues continue to have reservations about the effectiveness of this Treaty. And I wish to say that I respect their decisions, and indeed the position of the Administration and many well-paying jobs when the mandatory trade sanctions against non-parties are enforced.

The Chemical Weapons Convention will curb that threat to domestic terrorism. I don't believe this to be the case
at all. This Treaty has many practical limitations, and I believe that we should not impugn the motives of individuals who, at the end of the day, have great reservations over its benefits.

I have supported many arms control agreements myself, Mr. President, but always after careful consideration of the strategic value as well as practical consequences of making so grave a commitment. And I must say that it has never been more difficult for me to determine the net worth of an arms control agreement as it has been for me regarding the Chemical Weapons Convention before us today.

I have concluded that this treaty can advance our security, but only if Administration matches the rhetoric of arms control with the muscle of political will. Because, Mr. President, international norms without political will do not become norms.

The benefits of treaties are measured on achievements, not intentions. If intentions were all that mattered, all treaties would be beneficial prima facie. By this standard, the Kellogg-Briand Treaty, which outlawed war, or the 1925 Geneva Convention Against the Use of Asphyxiating, Poisonous, Bacteriological, and Chemical Weapons, would have been rousing successes. History has proven that they were not. But, the success of treaties is measured in reality, not rhetoric. And the benefits of this Treaty are measured on a narrow margin.

It is after a careful parsing of this margin, and much reflection, that I have determined that I will vote for the Chemical Weapons Convention. But I do so with the expectation that this Chief Executive, and subsequent ones, must be wholly dedicated to implementing this agreement in a way that advances U.S. security interests and protects U.S. domestic interests.

Mr. President, this Treaty will give us selective inspections and other data collections—that will enhance our knowledge of the threat of chemical weapons. The information will not be comprehensive; it will not apply universally. But, if in collecting this information we reduce the possibility that our troops will face a chemical threat, then this is a tangible, defensible goal, for which anyone could support this Treaty.

The United States has been a principal negotiator of this agreement, through Republican and Democratic administrations. To abandon it now would be to abdicate U.S. leadership. We are now burdened to support it and implement it. The goals are admirable. The bridge to achieving those goals, to bridging the gap between the idealistic rhetoric and the vexing reality, will be difficult. On that bridge, Mr. President, will ride the credibility of the United States, and, I believe, the credibility of future arms control. Past administrations have labored in the establishment of this international norm. Future administrations will need to verify its legitimacy.

President Clinton must carry through on his pledge for strict international compliance and for vigilance regarding threats by terrorists or renegade groups.

Over 70 nations have ratified this Convention. Of course, we decided to build a bilateral more than a decade ago, and we are proceeding as expeditiously as possible, restrained only by prudence regarding safety and the environment. We've known all along that our unilateral decision to proceed is the outcome of this debate. We determined these weapons were not militarily useful to us; our defense establishment can preserve and promote our national security without them. But as of the moment that our instrument of ratification is deposited, we will be the first of the countries with a large stockpile to ratify. The United States is leading. Will other nations follow?

Mr. President, I wish to say a few words about Russia. With the consent of the Senate today, the Administration will be able to deposit the instrument of ratification before the April 29 deadline, allowing U.S. participation in the formation of the Organization for the Prohibition of Chemical Weapons. The U.S. and Russia are the only powers that voluntarily declare they have chemical weapons. On two occasions the Russians have joined us—in the 1990 Bilateral Destruction Agreement and under the 1989 Wyoming Memorandum—bilateral agreements to expose and destroy our stockpiles. As those who have studied this question know, the record of Russian compliance is not good. As those who read the papers and get the briefings know, the Russian chemical arms capability is not stagnant.

President Yeltsin has indicated that he wishes the Russian Duma to approve ratification before the April 29 deadline. I hope they do. The Russians need to join us in the initial destruction of this regime. And we need to begin to inspect and expose all of our stockpiles. If the Russians are not part of this Treaty, Mr. President, this regime may be stillborn, because the largest stockpile of chemical weapons in the world exists in the Russian Federation. I hope we can work with the Russians as partners beginning next week.

If the Senate gives its consent today, Mr. President, next week the hard work will begin. The success or failure of this regime will not be a function of depositing the instrument of ratification. It will be a function of implementing the agreement. I am supporting this Convention today because I think it bilaterally; I support it with U.S. participation—and leadership. It can fail for many reasons, including non-compliance or nonparticipation by nations around the world. But it won't succeed without U.S. leadership.

Leadership will require more than idealistic promises. We must abandon the rhetoric of unattainable promises and commit to the reality of national interest. I fear the Administration will have a lot of work building the bridge between the rhetoric and reality. On that bridge lies the future of this Convention and the future of arms control.

Mr. HELMS. Mr. President, let me state the order of distinguished speakers on this side of the aisle. I am going to start with the most distinguished of all. The President pro tempore of the Senate, Senator THURMOND, will have 5 minutes; followed by Senator Hutchison of Texas, for 5 minutes; Senator HUTCHINSON of Arkansas to follow with 2 minutes; Senator BROWNBACK, for 1 minute; Senator Kyl, for 1 minute; Senator ASHCROFT, for 2 minutes. They will be recognized in that order.

The PRESIDING OFFICER. The Senator from South Carolina is recognized. Mr. THURMOND. Mr. President, I want to recognize the work done on this treaty by floor managers—both in opposition and in support of this very important international treaty. Both sides have made laudable arguments in supporting their different positions. This subject is one of great importance. I want to commend our able majority leader for the long hours he spent working with both floor managers and the administration.

Mr. President, during the Senate Armed Services Committee's review of the national security implications of the Chemical Weapons Convention, I raised concerns about the ability of the U.S. to comply with the treaty obligations to destroy our chemical stockpile within the timeframe stipulated, the universality of the treaty, the verifiability of the treaty, and the administration's interpretation of the provision on the defensive use of riot control agents by U.S. forces.

During the committee's hearings on the treaty in August 1994, I took no position on this treaty. I made it clear that the administration would have to convince me that it was in the national security interests of the United States. I have concerns about statements made over the past few weeks, by the President and several administration representatives, that if the United States does not ratify the Chemical Weapons Convention, that we would be aligning ourselves on the side of rogue nations, like Iraq and Libya, and against our allies.

Mr. President, in 1985 the Congress legislated clear requirements for the United States to destroy its chemical stockpile, and has reaffirmed that decision every year since that time. The Senate agreed to take actions against Iraq for attacking its neighbor, and against Libya for terrorist actions which resulted in the death of American citizens. How can the President, the Secretary of State and other administration representatives liken a decision by the Senate, in its performance of its constitutional duties to proclaim, in the Senate, the desire for our nation to ratify international treaties, to be aligning the United States with rogue nations? Regardless of the outcome of the CWC,
the United States will continue to destroy its chemical stockpiles.

Last Sunday, the Secretary of Defense talked about his recent visit to South Korea and the discussions he had about the threat posed to U.S. forces by the chemical weapons in North Korea. He also mentioned General Tillelli’s support for ratification of the CWC because it would reduce the chemical weapons threat faced by his troops in South Korea.

Mr. President, North Korea has not signed the CWC. As I read the treaty, none of the provisions will apply to nations that have not signed and ratified it. Only trade sanctions will apply to countries that have not signed it. United States ratification of the CWC will not minimize the North Korean chemical weapons threat which face our United States forces.

Mr. President, I cannot support the Chemical Weapons Convention. I appreciate the efforts made by the White House and the administration in connection to the resolution of ratification that respond to concerns raised about the treaty made by Members of the Senate. However, I do not believe they go far enough. I remain concerned about the ability of the United States to acquire the capability to verify compliance with the treaty.

Rogue nations which pose a military and terrorist threat to the United States have not signed the treaty, and most likely will not sign it. I am also concerned that the potential compromise of U.S. defensive capability through potential transfers of chemical defensive protective equipment, material or information under article X and article XI.

It is for these reasons that I cannot vote for this treaty.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas for 5 minutes.

Mrs. HUTCHISON. Mr. President, I represent the state who is going to vote today for the position that they are taking because I know that it is sincere. I respect the people who have come out against this convention treaty—the former Presidents—and I respect the people who have come out against the treaty, the former Secretaries of Defense.

It comes down, for me, to a basic question, and that is: Do we believe that international conventions and conferences are safe at night? Do we believe a strong national defense is what keeps us safe at night and what has served us so well for this century? Mr. President, I think it is a commitment to a strong national defense, and I have decided, reluctantly, to vote against this convention treaty because I believe this does more to harm our strength and our national defense than it does to help it.

Mr. President, we have seen our allies make chemical weapons that can be made into weapons to mass destruction. So now we have a treaty that will allow people to come into our chemical plants—not chemical plants that make weapons, because we are not going to make weapons, but into our chemical plants that might be doing research on how to defend against chemical weapons. That technology can then be transferred to the nations who would use the chemical weapons.

It seems to me that we are unilaterally disarming ourselves. Mr. President, with a treaty that would say we must allow international groups to come into plants that use chemicals, whether it is to make fertilizers or disinfectants, or to chemical weapons, any of those things. An international group will be able to come in and, I think, violate our constitutional rights against search and seizure. I am concerned that we are hurting our ability to defend our country.

So, Mr. President, I think we have a choice here between America being the leader and undercutting our defenses, or standing on principle and protecting our security. Mr. President, I just don’t think I can stay on principle. So that if our young men and women in the field are attacked by chemical weapons by those who will not sign this treaty, we will surely have the defenses to protect them; and the United States will have the ability as a country to have the strength to fight the chemical weapons that will be produced, that we know are being produced right now, by nations who will not abide by this treaty.

So I do not buy the argument that we are better off with this treaty than without it. In fact, I think we are hurting our ability to combat the rogue nations, the terrorist nations with whom we are dealing all over the world, and we could not vote in good conscience to do that. Thank you.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I want to especially applaud this evening the Senator from South Carolina and the Senator from Arizona for their courageous opposition to this treaty. I also want to recognize the good and patriotic Americans and Senators who have differed on this treaty and have come down to different places on how they are going to vote.

But this treaty is not about who is committed to and who believes in the elimination of chemical warfare in this world. I believe all of us are equally committed to that goal.

I rise in opposition to the CWC because I simply believe that it is a flawed treaty in which we claim to verify the unverifiable, we are ratifying the unenforceable, and we are trusting the untrustworthy. We are binding ourselves and our friends, while those that we should be most concerned about go unrestrained and unregulated. When addressing the ratification of a treaty, we in this body are executing one of our most solemn duties when addressing our Nation’s sovereignty, our watch words should be “prudence” and “caution.”

I believe that prudence and caution call out for a “no” vote. By ratifying this treaty, we spurn the sage advice of former Secretaries of Defense. And I close with the words of one of those Secretaries, Secretary Cheney, who said, “This accord is worse than no treaty at all.”

So, while I recognize and applaud the sincerity and the passion with which the advocates of this treaty have spoken and how they articulated their position, I believe firmly that it is not in the interest of the sovereignty and the security of the United States. And I urge a “no” vote on the treaty ratification.
Mr. ASHCROFT. Mr. President, I thank you for this opportunity to make some comments in regard to this serious matter.

None of us has any affection for chemical weapons. Each of us hates chemical weapons. We would all like to see chemical weapons abolished. None of us would like to see chemical weapons used. We would all like to believe the statements of prominent experts that have been made about this treaty.

We would all like to embrace the assurances of the President that, if something goes wrong, the treaty could be something easily walked away from.

But, in spite of all our aspirations, in spite of all our desires, and in spite of all our hopes, there is one reality which will insist; and that reality is the language of the treaty itself. Long after the assurances have stopped echoing through this Chamber, long after the President has left office, who is trying to assuage the fears of those who have misgivings about this treaty, the black and white letters of the treaty itself will be the controlling components of what happens. And the thing that gives me great pause is that the treaty will remain.

There are the requirements, particularly in articles X and XI of the treaty, which require us to share technology, to share information, and to share, in particular, the defensive technology of chemical weaponry. There is an anomaly in chemical weaponry which is challenging. It is that when you provide the defensive technology for chemical weapons, you are providing one of the essential components of delivering chemical weapons. No one can deliver chemical weapons, unless it is launched by a missile, without having to have all the technologies of how to defend against the chemistry of the weapons.

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

Mr. ASHCROFT. Mr. President, I ask for 30 additional seconds.

If a rogue state wants to deliver chemical weapons, one of the things they need to do is to acquire the defensive technology to defend against them and to protect their own soldiers in delivering. This means, in other words, many of the substantial problems contained in articles X and XI. The risks far exceed the benefits.

As a result, I think it is ill-advised for us to accept assurances which would mislead us. We need to read the treaty, and the treaty is not one which merits our approval.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona for 1 minute.

Mr. KYL. Mr. President, let me begin by thanking Senator HELMS and Senator BIDEN, the floor managers of this treaty, for the work they did in bringing it before us.

Mr. President, I share the hope of the supporters of this treaty that it will help end the proliferation of chemical weapons. I believe, however, that history will record this treaty as one of the most well-intentioned yet least effective in our history. My hope is that we will not relax our efforts in other ways to reduce this threat, that we will not be lulled into a sense of security when it is ratified.

With the protections in the original resolution of ratification, I voted for the treaty. But the protections having been stricken, I must vote "no."

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, Senators, will be glad to hear this.

I ask for the yeas and nays on the final vote in the Senate. The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 8½ minutes.

Mr. LEAHY. Mr. President, I will not use all of that time, only to say this. To use this time, the Senate would have to give the consent so the President can ratify this treaty. I truly believe we will. It will show the moral leadership that the Senate should show and that the United States should show. We will act as the conscience of this Nation, and we will advise and consent to this treaty. We will show the moral leadership because we began this by saying we would act unilaterally, if need be, renouncing our own use of chemical weapons with or without a treaty. That is true leadership.

Not all countries are going to join with us. But most did join with us on this, and we should be proud of that leadership that brought them together. We will never have all of the countries with us, but we know that it is in the best interests of the United States to do this.

I suggest, after we do this, Mr. President, that we should again look at the question of antipersonnel landmines and show the same moral leadership to all of us—not all countries will—to ban antipersonnel landmines which kill and injure far more people than chemical weapons.

Mr. President, I will vote for advice and consent of this treaty so the President can ratify it.

I yield the remainder of my time. The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I, on behalf of the leader's time and any other time that may be assigned to me, yield the remainder of time.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 74, nays 26, as follows:

Mr. President, I will vote for advice and consent of this treaty so the President can ratify it.

The resolution of ratification, as amended, was agreed to, as follows: Resolved, (two-thirds of the Senators present concurring herein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Chemical Weapons Convention (as defined in section 3 of this resolution), subject to the conditions in section 2.

SECTION 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 any payment or assistance (including the transfer of in-kind items) under paragraph 16 of Article IV, paragraph 23 of Article IX, paragraph 55 of Part II of the Verification Annex, or any other provision of the Convention, except for statutory authorization and appropriation.

(3) Establishment of an internal oversight office.—

(A) Authorization.—Not later than 240 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that there is an internal audit office of the Preparatory Commission established into an independent internal oversight office whose functions will be confined to the prosecution of the Convention, without prejudice to the establishment of the Organization. The independent internal oversight office shall be obligated to protect confidential information pursuant to the obligations of the Convention and to the United States for any payment or assistance, except for statutory authorization and appropriation.

(B) Cost-sharing arrangement required.—The United States shall not underwrite any research or development expenditures, or any equipment and monitoring and on-site analysis, on or for the protection of information or technical equipment or for the protection of information or technical equipment under the Convention, unless the President shall submit a report to Congress identifying the costs shared by the United States and all other nations, for each instance such information is provided. The term "internal oversight office" means 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, the President shall submit to Congress a report identifying all cost-sharing arrangements with the Organization.

(B) Cost-sharing arrangement required.—The United States shall not underwrite any research or development expenditures, or any equipment and monitoring and on-site analysis, on or for the protection of information or technical equipment under the Convention, unless the President shall submit a report to Congress identifying all cost-sharing arrangements with the Organization.

(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, except when 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 or other such organization, as the case may be, to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information. These procedures shall include—

(i) the offer and provision if accepted of advice and assistance to the Organization or the affiliated organization in establishing and maintaining 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 Convention, the Technical Secretariat, and in establishing and maintaining a stringent regime governing the handling of confidential information on the part of the United States; and

(ii) periodic, but not less frequently than annually, 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

(B) Waiver authority.—

(i) Clause (i) if the Director of Central Intelligence may not delegate any duty of the Director under this paragraph.

(II) Determination that any unauthorized disclosure of United States intelligence sources and methods connected to such information 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 may not 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, the President shall submit to the appropriate committees of Congress a detailed report identifying the procedures established for protecting intelligence sources and methods when intelligence information is provided pursuant to this section.

(iii)Waiver of information.—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 identifying the procedures established for protecting intelligence sources and methods when intelligence information is provided pursuant to 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 104(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:

(Congressional Record — Senate)
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 and any affiliated or subsidiary organizations.

(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, and are intended to perform analytical or other functions and any official or employee thereof.

(A) Amendments to the Convention.—

The President shall certify to Congress on an annual basis, at the highest diplomatic level with each noncompliant party with the objective of securing its compliance, and 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 communicated at meetings of the Organization, within 30 days of such meeting;

(iii) any determination by the President that the 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 in which the Intelligence Community's Arms Control 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) any certifications not made pursuant to clause (i), and an identification and assessment of all compliance issues arising during the previous year that resulted in the United States being measured by performance and not by efforts, intentions, or commitments to comply; and

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

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

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

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

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

(N) Protection of Advanced Biotechnology.—

Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress on an annual basis—

(i) any determination by the President that the 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 in which the Intelligence Community's Arms Control 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) any certifications not made pursuant to clause (i), and an identification and assessment of all compliance issues arising during the previous year that resulted in the United States being measured by performance and not by efforts, intentions, or commitments to comply; and

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

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

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

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

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

(N) Protection of Advanced Biotechnology.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress on an annual basis—

(i) a certification of those countries in which the Intelligence Community's Arms Control 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;
shall be in unclassified form.

Aiding and abetting the development, production, or use of chemical and biological weapons would always have been a serious concern, but wartime developments and the spread of these weapons, together with their potential use in areas outside of conventional armed conflicts, have raised new issues.

The United States Government, as a member of the Organization for the Prohibition of Chemical Weapons (OPCW), is committed to preventing the proliferation of chemical weapons. The OPCW's mission is to secure the global prohibition of chemical weapons through international cooperation and to promote a peaceful resolution of conflicts.

The United States is also a member of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical and Biological Weapons and their Means of Delivery, and on Their Destruction (the Chemical and Biological Weapons Convention). The United States has fully implemented its obligations under this convention, including through the transfer of chemical and biological weapons-related technologies and equipment to the OPCW.

The United States Government is also committed to promoting international cooperation on issues related to chemical and biological weapons. The United States participates in various international fora and working groups, including the G7 and the G20, to discuss and coordinate efforts to combat the proliferation of chemical and biological weapons.

The United States Government remains committed to its international commitments and to working with other countries to prevent the proliferation of chemical and biological weapons. The United States will continue to take appropriate action to address the threat posed by these weapons and to promote international cooperation to combat this threat.

April 24, 1997

CONGRESSIONAL RECORD –SENATE
(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 projection forces, including progress in developing a nonaqueous chemical decontamination capability;

(vii) a description of progress made in procuring lightweight personal protective gear and steps being taken to ensure that programmed procurement quantities are sufficient to support existing and expanded terrorist threats 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 multichemical 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 beyond-cruise intercepts;

(x) an assessment of—

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

(II) actions taken to sustain training and readiness of training and reduction activities 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 and 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 detailed account of progress made in resolving issues relating to the protection of United States population centers from chemical and biological attack, including plans for inoculation, decontamination, 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) PROTECTION OF CONFIDENTIAL INFORMATION.—Whenever the President determines that persuasive information is available indicating that—

(i) an officer or employee of the Organization willfully discloses, discloses, 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.

(14) FINANCING RUSSIAN IMPLEMENTATION.—

(A) IN GENERAL.—If the President determines that the United States instrument of ratification, the Convention shall be provided to the State Party; and

(B) 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 willfully discloses, discloses, 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(b) 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 Confidence 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.

(ii) CONGRESSIONAL REPORT.—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 662(b)(4) of title 5, United States Code.

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

(iii) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.—The term "United States confidential business information" means any item of financial information that is privileged and confidential business information.

(iii) Definition.—The term "United States confidential business information" means any item of financial information that is privileged and confidential business information, except as otherwise provided in section 1920 of title 5, United States Code.

17 CONSTITUTIONAL PREROGATIVES.—

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

(i) Article VII of the United States Constitution vests in Congress the exclusive authority to "pay the Debts" of the United States.

(ii) United States negotiators to a treaty have the authority to "pay the Debts" of the United States.

(iii) Financial contributions to the Organization may be approved 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 United States Constitution, beyond the control of the executive branch of the United States Government;

(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 United States shall pay as a total annual 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 a total annual assessment of $25,000,000.

(B) LIMITATION ON SCALE OF ASSESSMENT.—

(i) LIMITATION ON ANNUAL ASSESSMENT.—Notwithstanding any provision of the Convention, the Senate may adopt a resolution to change the United States financial contribution to the United States financial contribution to the Organization.

(ii) LIMITATION ON SCALE OF ASSESSMENT.—On January 21, 1990, 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 United States contributions which would otherwise be prohibited under subparagraph (A) if—

(ii) the President determines and certifies to 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

(iii) Congress enacts an appropriations bill providing funds for such additional contributions.

(D) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to increase the United States financial contribution to the Organization under Article VI(1) and to maintain the United States financial contribution to the Organization for at least the immediate preceding 3-year period.
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 restricting 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 circumstances:

(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 inspections pursuant to Chapter VI of the United Nations Charter.

(iii) CHAPTER VII PEACEKEEPING. — Peacekeeping 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 that would alter or eliminate Executive Order 11500 of April 8, 1975.

(C) DEFINITION. — In this paragraph, the term "riot control agent" has the meaning given to the term in Article I(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 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, 1993 is superseded by 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) USES 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 from 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 of Implementation and Verification to the Convention, if, as a result of the program of alternative technologies for the destruction of chemical weapons carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in Public Law 104-208), the President determines that alternative technologies for the destruction 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. — The President shall effectuate United States citizens against unreasonable searches and seizures, prior to the deposit of the United States instrument of ratification, that none of the following shall be permitted:

(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 the territory of the United States, where consent has been withheld, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

(29) SECTION 3. DEFINITIONS. — As used in this resolution:

I. CHEMICAL WEAPONS CONVENTION OR CONVENTION. — The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Opened for Signature by the United States at Paris on January 13, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "Chemical Weapons Convention or the "Convention" (contained in Treaty Document 103-2):

(A) The Annex on Chemicals.

(B) The Annex on Implementation and Verification.

(C) The Annex on the Protection of Convenational Information.

(D) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(E) The Terms of Establishment of a Preparatory Commission.

II. GOVERNANCE. — The term "Organization" means the Organization for the Prohibition of Chemical Weapons established under the Convention.

III. STATE PARTY. — The term "State Party" means any nation that is a party to the Convention.

IV. UNITED STATES INSTRUMENT OR RATIFICATION. — The term "United States instrument of ratification" means the instrument of ratification of the United States of the Convention.

Mr. HELMS. Mr. President, of course I am disappointed by today's vote on the CWC. But I find some solace in the fact that, thanks to our efforts, this treaty is much less harmful than it would have been. I am enormously proud of Senators Kyl, Inhofe, and other Senators who stood with us despite enormous pressure against this treaty. I believe history will vindicate our efforts.

Make no mistake, this is a dangerous treaty. But it is a little less dangerous thanks to the efforts we made to amend it, and to deliver the truth to the American people. Last September, treaty proponents were pressing the Senate to vote on a treaty that had none of the key protections that some of us succeeded in inserting in this treaty. Had we not been a phalanx of common sense standing in their way, the same result would have been before the Senate for ratification today, and that would have been a disaster.

The treaty approved by the Senate tonight was toned down with 28 conditions, most of which the administration was until recently calling "killer amendments." Those include, among many others, conditions that limit the cost of the treaty to the American taxpayer, place safeguards on intelligence sharing, enhance our chemical defenses, and protect confidential business information.

Further, concessions on what I consider some of the most important issues—such as protecting the right of American commanders to use tear gas, and requiring criminal search warrants for foreign inspectors—came only the final days before I agreed to allow the treaty to go to the Senate floor for a vote. If we had not sat down in good faith, the criticism and derision lobbed in our direction—none of those protections would be in the treaty today.

I hope I may be forgiven for taking some satisfaction in the knowledge that what our critics called our stubbornness, our soldiers in the field will be a little safer, and the constitutional rights of American citizens will be a little better protected. Final judgment of our efforts will be left to future generations.

I do know this: those great Senators with whom I was honored to stand fought the good fight, we won some battles, and lost others. But we fought with honor, and integrity, and for the cause of right.

Mr. BIDEN addressed the Chair. The VICE PRESIDENT. The Senator from Delaware.

Mr. BIDEN. I would like to thank the Vice President for being at the ready the whole day, and I would like to thank my colleagues for not making it necessary. I am glad they deprived the Vice President of the United States the opportunity to vote on the five conditions and on final passage. But I want to point out my colleagues who are being very nice and solicitous about my efforts in this regard, the Vice President of the United States, who is in the Chair, played a critical role in pushing this, making sure that we kept it before the Nation, generating the interesting debate so this could not be left untouched, and I want to publicly thank him.

There is that old expression in politics that politics makes strange bedfellows. There may be the distinction and the honor of having been the ranking member and/or chairman with the distinguished Senator from South Carolina, Senator Thurmond, and when I
got that assignment I think most of my colleagues looked at me and said, this is going to be an interesting time, BIDEN and THURMOND. We turned out to be very good friends. This is the first occasion after 25 years that I have had to work as closely as I have with my new chairman of the Foreign Relations Committee, on which I rank, and that is Senator HELMS. I want to publicly thank him. He kept his word at every stage of this long, arduous, and for me ultimately rewarding negotiation. I want to acknowledge how much I appreciate it.

I conclude by saying, because I do not want to turn this into some litany of people to thank, what a pleasure it has been to work with and receive the guidance and encouragement from the Senator from Indiana [Mr. LUGAR]. He has served this Nation well on this occasion, as well as Senator McCAIN. I hope I am not hurting their credibility in the Republican party by acknowledging how closely I worked with both of them. However, I think it should be noted that without the two of them weighing in on this treaty I not only doubt, I know we would not have passed this.

I conclude by saying I truly think this is a very important moment in the Senate, and I do think the vote we just cast will be within the next hour heard around the world. Had we voted the other way, it would have been a louder, more resounding sound than the one now. It will be heard around the world, and it will reaffirm American leadership.

I thank the Vice President for being here again and I also thankful we did not have to have his vote, but I knew where it was if we had needed it.

I yield the floor.

The VICE PRESIDENT. Under the previous order, the President will be immediately notified.

LEGISLATIVE SESSION

The VICE PRESIDENT. The Senate now returns to legislative session.

MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER (Mr. Enzi). Without objection, it is so ordered.

COMMENDING KENTUCKY AIR NATIONAL GUARD

Mr. FORD. Mr. President, I just want to take a moment to extend my personal thanks to the Kentucky Air National Guard for a job well done. When the U.S. Air Force chose the Kentucky Derby Festival’s annual Thunder Over Louisville celebration as one of the high points in a year-long celebration of the Air Force’s 50th anniversary, the Kentucky Air National Guard proved to be the perfect hosts. They not only brought in all the aircraft, but coordinated all the different services.

Thunder Over Louisville has already gained a reputation as a one-of-a-kind air show around the world. But I think everyone agreed that this year will be hard to top. The performances were truly spectacular, but much of the success is also due to the tremendous job the city, the Air Force, the Derby Festival, and the Kentucky Air National Guard did to assure the event ran smoothly and safely.

Called “Wild Blue Thunder” in tribute to the Air Force’s 50th Anniversary, it was the world’s largest show of its kind in America, both for the fireworks display and for the air performances.

The fireworks were reported to be larger than the opening and closing of the Atlanta Olympics combined and of the Inaugural fireworks. The impressive show culminated in an 11,000 waterfall of fireworks off the Clark Memorial Bridge.

The television and radio commercials for Thunder Over Louisville use the tag line “you haven’t seen anything until you’ve seen everything." The Air Force and other armed services certainly pulled out all the stops with air performances showcasing the Thunderbirds USAF Aerobic Team,” the F-117 A Stealth Fighter, the B-2 Stealth Bomber, the SR-71A Strategic Reconnaissance Plane, the B-1B Long Range Strategic Bomber, F-14 “Tomcat” jet fighter, the A-10 Warthog Tank Killer jet fighter, the F-15 “Eagle” jet fighter, the T-33 “Thunderbird,” and Apache and Blackhawk helicopters.

The performances were not only a great source of entertainment, but also a tremendous learning experience for spectators of all ages, especially about Kentucky’s homegrown talent.

Kentucky’s 123rd already has an impressive list of accomplishments under their belt. And I’ve come to the Senate floor time and again to commend them on their exceptional work in places like Bosnia, Somalia, and Rwanda.

But as part of the Derby Festival’s spectacular display, the 123rd got to show off for the hometown crowd. 650,000 Kentuckians saw firsthand the 123rd’s skill as it experienced the C-130s, getting a better idea of how important this unit is to the overall operations of this nation’s active duty Air Force. And that will make my job much easier this year if Pentagon officials start making moves to pull any of the 123rd’s C-130s.

Mr. President, let me close by thanking the 123rd for their hard work and their hospitality. I know the true test of their abilities happens when they are far from home. But it’s nice to remind everyone at home just how lucky we are to have such a talented, committed group of service people right here in Kentucky.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 23, 1997, the federal debt stood at $5,345,088,835,181.58. (Five trillion, three hundred forty-five billion, eighty-eight million, eight hundred thirty-five thousand, one hundred eighty-one dollars and fifty-eight cents)

One year ago, April 23, 1996, the federal debt stood at $5,106,372,000,000. (Five trillion, one hundred six billion, three hundred seventy-two million) which reflects a debt increase of more than $4 trillion—$4,286,266,835,181.58 (Four trillion, two hundred eighty-six billion, eight hundred thirty-five thousand, one hundred eighty-one dollars and fifty-eight cents) during the past 15 years.

PATRICK H. WINDHAM

Mr. LIEBERMAN. Mr. President, I would like to take a few moments to pay tribute to Patrick H. Windham, the long-serving Senior Democratic Professional Staff Member for the Subcommittee on Science, Technology and Space. Pat is leaving Washington for California with his wife Arati Prabhakar and newborn baby Katie after nearly 20 years of service to the Senate, primarily on science and technology policy issues. For the many people here who knew or worked with Pat, including my staff and me, he will be sorely missed as a great source of institutional knowledge but most of all as a friend, a genuine and nice guy in a town not always known for its friendliness.

Originally from California, Pat completed his undergraduate work at Stanford, received a Masters in public policy from the University of California at Berkeley and first came to the Hill in 1976 as a Congressional Fellow to the 104th Committee on Commerce, Science and Transportation. In 1982 Pat began his long association with Senator HOLINGS, joining his personal staff as a legislative assistant. He has held his present position, Senior Democratic Professional Staff member for the Subcommittee on Commerce, Science and Transportation since 1984.

I met Pat through his many hours of work on the important issue of technology partnerships, especially those run through the Commerce Department such as the Advanced Technology Program. Pat, along with my able colleague Senator HOLINGS, has been a