

including Ronald Reagan, George Bush, James Baker, Brent Scowcroft, Colin Powell and Richard Lugar, who supported writing a treaty to outlaw poison gas. Last week, on the eve of a Senate vote on ratification, Mr. Dole indicated that he had changed his mind and joined the opposition to the treaty of his former Senate colleagues Trent Lott, Jesse Helms, Jon Kyl and others.

It is hard to believe the political campaign had nothing to do with the candidate's flip-flop, although Mr. Dole does cite reasons. He suggests he had reservations about the treaty's coverage—the rogue states that are its prime target will surely reject it—and about its enforceability, which under the best of circumstances will not be foolproof. Others who are not running for office have also cited these views, but we think there are strong arguments against them. The treaty does not immediately reach the rogues, but it does create a legal and political framework in which they can be better isolated and pursued. The implicit opposition alternative of a treaty with full coverage simply does not exist. Again, enforcement will not be total under this treaty, but here is a case where the best is the enemy of the good. Enforcement will be better than it is without a treaty, and practice can make it better still.

Mr. Dole cites the situation of American chemical companies which, he believes, would suffer under unacceptably intrusive inspection obligations. But the companies themselves have greeted the treaty as a welcome and bearable liberation of their exports from the onus of contributing to rogue chemical stocks. The former majority leader seems unaware that the "unilateral chemical disarmament" that he now opposes was begun by President Reagan. The American military does not want a weapon that is irrelevant to deterrence and more dangerous to handle than any conceivable battlefield benefit warrants.

The treaty has been pulled, not killed. In other political circumstances, it can be sent back up to the Senate. But meanwhile, the ratifications of other states will bring it into effect. As a result, the American government will be frozen out of the treaty's initial application—this can only warm the poison gas crowd—and the American chemical industry will risk a cutoff of tens of billions of dollars in exports. We don't believe that's in the United States' national interest or Mr. Dole's, for that matter.

[From the New York Times, Sept. 15, 1996]

#### MR. DOLE BUMPS A GOOD TREATY

It is not uncommon for election-year politics to contaminate Congressional lawmaking, but a vitally important international treaty should not be cynically sacrificed for political advantage. That is what happened last week when Bob Dole reached back into the Senate to block the expected approval of an agreement banning the development, production, stockpiling, sale and use of chemical weapons.

In so doing, Mr. Dole derailed a treaty negotiated by the Administrations of his Republican brethren Ronald Reagan and George Bush, and supported by Republicans and Democrats. Though Mr. Dole offered many policy objections, the real point was to pick a fight with President Clinton and deny him the afterglow of a diplomatic achievement.

As the Senate vote approached last week, Mr. Dole, who had not previously opposed the agreement, chimed in with a letter to the majority leader, Trent Lott, urging that approval be withheld until the accord had been accepted by virtually every other country in the world and there was assurance that even the smallest violations could be detected. Fearing they could no longer count

on the 67 votes needed for approval, treaty sponsors pulled the measure, dooming it in this Congress. It can be brought back for a vote next year.

No treaty can absolutely prevent terrorists and other outlaws from smuggling small quantities of chemical weapons. But the Chemical Weapons Convention, already signed by 160 nations and ratified by 63, could make it much harder for countries like Iraq, or criminals like the group that unleashed lethal sarin gas in the Tokyo subway last year, to obtain toxic chemicals or their ingredients.

American military leaders, responsible politicians of both parties and the American chemical industry all favor the treaty.

The convention, including its verification system and severe restrictions on chemical purchases from countries that have not ratified, is now likely to go into effect without the United States, potentially costing the American chemical industry billions of dollars in lost exports.

Mr. Dole complained that the convention imposed intrusive paperwork on American industry and risked the trade secrets of American chemical manufacturers. But the agreement's inspection and paperwork provisions were negotiated in close cooperation with the chemical industry.

The United States is already destroying most of its own chemical weapons arsenal, and current Pentagon doctrine excludes the use of these weapons even in response to a chemical attack.

Mr. Dole's new scorched-earth strategy in Congress was not limited to the chemical weapons treaty. To insure that the President cannot claim credit for enactment of an immigration bill this year, Mr. Dole is now pressing to give states the right to deny a public education to the children of illegal immigrants. He knows that provision would lead either to defeat the bill in the Senate or to a Clinton veto.

At least this particular maneuver would do little harm since the immigration bill is filled with other unacceptable provisions. But imperiling the Chemical Weapons Convention is trifling with the national interest. It is a measure of his desperation that Mr. Dole would seek to stir his becalmed campaign by blocking such an important and beneficial treaty.

[From the Baltimore Sun, Sept. 14, 1996]

#### DOLE'S RE-ENTRY INTO SENATE AFFAIRS

So great is the Republican impulse to deny President Clinton bill-signing ceremonies before the November election that his opponent, Bob Dole, has slipped into a negative posture that strikes us as dumb politics. Acting somewhat as Senate majority leader in absentia, Citizen Dole has used his influence with some former colleagues to ditch two key pieces of legislation—a wide-ranging reform of immigration laws and ratification of a Chemical Weapons Convention crafted during the Bush administration.

Both measures are believed to have fairly wide public support. Both are now in coma due to poison pill amendments prescribed by Mr. Dole. One can only hope that after election passions wane, wiser counsels will prevail.

The roadblock on immigration reform is due to a Dole-backed amendment that would allow states to deny public schooling to children of illegal immigrants. "I can't believe they are doing this," lamented Sen. Alan Simpson, R-Wyo., an ally of the GOP nominee for president.

The treaty dealing with poison gas was put on the back burner after the Clinton administration spurned killer amendments that would have prevented its implementation

until Iraq, Libya and North Korea ratify it, thus giving these rogue states veto power. Another Republican, Sen. Richard Lugar of Indiana, said the whole process has been "politicized" in ways harmful to U.S. foreign policy.

The Chemical Manufacturers Association, fearful of setbacks in international trade, complained that treaty opponents have "disfigured and distorted [it] beyond recognition." But hard-line unilateralists, such as Sens. Jesse Helms and Jon Kyl, contend that international controls under the convention would add to the costs of small chemical companies.

It is a shame that a treaty aimed at reducing stockpiles of mustard gas, nerve agents and other deadly chemicals has fallen victim to U.S. domestic politics. This country was its foremost advocate, not least because an estimated 30,000 tons of Russian chemical weapons are vulnerable to theft and misuse by terrorists and pariah governments. Now Moscow can continue to abstain. Now the votes of only a handful of foreign nations can put the treaty into effect without U.S. participation.

Just as the U.S. needs to control immigration, so it needs to play a leading role in policing a treaty that would ban manufacture as well as use of chemical weaponry. Once the election is over, both issues require resurrection.●

#### INTERNATIONAL FAMILY PLANNING ASSISTANCE

● Mr. LEAHY. Mr. President, the Senate version of the Foreign Operations bill included my amendment to provide \$410 million for international family planning assistance, an increase of \$54 million above last year's level. That amendment also deleted a House provision which would have penalized private organizations that use their own funds for abortions, even where abortion is legal.

This is the remaining issue to be decided in the conference on this bill, and it is now in the hands of the White House and the House and Senate leadership. I appreciate the White House's support for my position. This is an issue of critical importance to the welfare of hundreds of millions of women around the world, especially in poor countries where family planning services are often lacking or inadequate.

Last year, after going back and forth with the House several times on this same issue, the House sent us a provision that resulted in a drastic cut in funding for family planning. Chairman HATFIELD, who has consistently voted pro-life, opposed that provision, as did I, because it cut family planning services to millions of women with the inevitable result that there would be an increase in unwanted pregnancies and abortions.

But the House recessed immediately after, and in order to avoid another Government shutdown the Senate reluctantly acquiesced in the House provision. I, and I know others feel likewise, do not want to see a repeat of that fiasco.

This year, the House included a provision which not only continues the one-third cut in funding for family

planning, but it also included a version of the Mexico City policy by imposing restrictions on what private organizations can do with their own money in order to receive U.S. Government funds.

Why we would want to do that when there are hundreds of millions of people who want family planning services but cannot get it, and the world is struggling with the enormous pressures of over a billion people living in poverty already, is beyond me.

I understand the herculean efforts that Congressman CALLAHAN and others on the House side have made to try to resolve this matter in a way that does not damage the Agency for International Development's family planning program. I also greatly appreciate the tireless efforts of Senator HATFIELD, who has tried every conceivable approach to reconcile the House and Senate provisions.

However, I urge the administration to stand firmly on the side of women, on unrestricted access to family planning, and on the right of private organizations to use their funds as they see fit—including for abortions, consistent with the laws of the countries where they operate. At a time when the world's population will double in the next 50 years and 90 percent of the new births will occur in countries that cannot even feed and care for their own people today, there is no more pressing issue for American leadership.●

#### GLENORA G. ROLAND

● Mr. LEVIN. Mr. President, I rise today to honor Glenora G. Roland of Flint, MI, who is celebrating 50 years of community service. Ms. Roland moved to Flint with her family in 1936.

Ms. Roland has always been a leader in the revitalization of the Flint community. In 1977, Glenora joined several other committed members of the community to found the Flint neighborhood improvement and preservation project, and the Flint neighborhood coalition. These two organizations have contributed greatly to the rebuilding and strengthening of the community. Ms. Roland served as the Flint NIPP's first secretary, as well as naming the organization. She has also served as the executive director of the Flint neighborhood coalition. The coalition's mission is "to reverse neighborhood decay by teaching residents to be self-sufficient."

I know my Senate colleagues join me in honoring Glenora G. Roland on her 50 years of service to the Flint community and Michigan.●

#### NOTE

Page S11571 of the RECORD of September 27, 1996, shows an incorrect headline and bill title for H.R. 1014, a bill to authorize extension of time limitation for a FERC-issued hydroelectric license. The permanent RECORD has been corrected accordingly.

#### ECONOMIC ESPIONAGE ACT OF 1996

Mr. NICKLES. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on (H.R. 3723) the bill to amend title 18, United States Code, to protect proprietary economic information, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 3723) entitled "An Act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes", with the following House amendment to senate amendment:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Espionage Act of 1996".

#### TITLE I—PROTECTION OF TRADE SECRETS

##### SEC. 101. PROTECTION OF TRADE SECRETS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 89 the following:

#### "CHAPTER 90—PROTECTION OF TRADE SECRETS

"Sec.

"1831. Economic espionage.

"1832. Theft of trade secrets.

"1833. Exceptions to prohibitions.

"1834. Criminal forfeiture.

"1835. Orders to preserve confidentiality.

"1836. Civil proceedings to enjoin violations.

"1837. Conduct outside the United States.

"1838. Construction with other laws.

"1839. Definitions.

#### "§ 1831. Economic espionage

"(a) IN GENERAL.—Whoever, intending or knowing that the offense will benefit any foreign government, foreign instrumentality, or foreign agent, knowingly—

"(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains a trade secret;

"(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys a trade secret;

"(3) receives, buys, or possesses a trade secret, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

"(4) attempts to commit any offense described in any of paragraphs (1) through (3); or

"(5) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (4), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than \$500,000 or imprisoned not more than 15 years, or both.

"(b) ORGANIZATIONS.—Any organization that commits any offense described in subsection (a) shall be fined not more than \$10,000,000.

#### "§ 1832. Theft of trade secrets

"(a) Whoever, with intent to convert a trade secret, that is related to or included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending or knowing that the offense will, injure any owner of that trade secret, knowingly—

"(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by

fraud, artifice, or deception obtains such information;

"(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information;

"(3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

"(4) attempts to commit any offense described in paragraphs (1) through (3); or

"(5) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy, shall, except as provided in subsection (b), be fined under this title or imprisoned not more than 10 years, or both.

"(b) Any organization that commits any offense described in subsection (a) shall be fined not more than \$5,000,000.

#### "§ 1833. Exceptions to prohibitions

"This chapter does not prohibit—

"(1) any otherwise lawful activity conducted by a governmental entity of the United States, a State, or a political subdivision of a State; or

"(2) the reporting of a suspected violation of law to any governmental entity of the United States, a State, or a political subdivision of a State, if such entity has lawful authority with respect to that violation.

#### "§ 1834. Criminal forfeiture

"(a) The court, in imposing sentence on a person for a violation of this chapter, shall order, in addition to any other sentence imposed, that the person forfeit to the United States—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(2) any of the person's property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense.

"(b) Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsections (d) and (j) of such section, which shall not apply to forfeitures under this section.

#### "§ 1835. Orders to preserve confidentiality

"In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets, consistent with the requirements of the Federal Rules of Criminal and Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of any trade secret.

#### "§ 1836. Civil proceedings to enjoin violations

"(a) The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of this section.

"(b) The district courts of the United States shall have exclusive original jurisdiction of civil actions under this subsection.

#### "§ 1837. Applicability to conduct outside the United States

"This chapter also applies to conduct occurring outside the United States if—

"(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or a State or political subdivision thereof; or