

\$230,000 and don't worry about automobile costs up from a monthly payment of \$51 to a monthly payment of \$248. Maybe they could say: Don't worry about the price of tires and don't worry about pork. But when the cost of love is exploding, the time has come to stop deficit spending. That is what this debate is about. I wanted to remind my colleagues before we all left for our work period at home. This organization is permanently charged with ensuring compliance with the convention's requirements and with monitoring the chemical industry and the chemical production throughout the world. The convention's preparatory commission, which is located in The Hague, is currently determining precisely how the permanent organization is going to be structured and how the convention is going to be implemented.

Every State that ratifies that convention has to complete the destruction of chemical weapons agents, munitions and production facilities within 10 years of the convention's entry into force, or its date of ratification, whichever comes earlier.

I would like to describe what the treaty accomplishes in terms of control of chemicals and their precursors and monitoring and tracking of those chemicals and precursors.

The convention establishes three lists, or schedules as they are called, of chemical warfare agents and their precursor chemicals. These are arranged in the order of their importance to chemical weapons production and the extent of their legitimate peaceful or commercial uses.

The OPCW Technical Secretariat will update those schedules as needed and as circumstances change. And the production, the use, or the transfer of any chemicals on these schedules above set minimal amounts must be projected prospectively by the manufacturers and subsequently reported annually to the OPCW.

Any facility that makes use of or is capable of producing scheduled chemicals has to register with the OPCW, as do facilities that produce over 30 metric tons annually of a discrete chemical containing phosphorous, sulphur, or fluorine.

So, Mr. President, what we gain here is a mechanism for knowing globally who produces what chemicals, how much they produce, and where these chemicals are going.

The inspections of chemical facilities provided by the convention will vary according to the nature of the chemicals. Those declared as producing, storing, or destroying chemical weapons are subject to systematic on-site inspection and continuous instrument monitoring. Those chemical facilities declared as nonchemical weapons facilities are subject to routine or random inspections, depending on the schedule or schedules on which the chemicals they produce or handle are listed. All other facilities that produce or handle or are suspected of producing

or handling chemicals are subject to on-site challenge inspections upon the request of a signatory nation.

So, I reiterate, under the terms of the convention we will achieve for the first time the ability to know who is producing what chemicals, how much they produce, and where these chemicals are moving, and we obtain the ability to inspect any of those chemical production or handling entities.

#### THE CHEMICAL WEAPONS CONVENTION

Mr. KERRY. Mr. President, I want to talk about an issue of enormous importance to our national security and express my hope that during the course of the next week, while the U.S. Senate is out of session, Senators will focus on and think hard about our responsibilities with respect to the Chemical Weapons Convention. More than 100 years of international efforts to ban chemical weapons, 100 years of effort, culminated January 13, 1993, in the final days of the Bush administration when the United States of America signed the Chemical Weapons Convention as one of the original signatories.

I hope my colleagues on the other side of the aisle will focus closely on the efforts of former President Bush, former National Security Adviser General Scowcroft, former Chairman of the Joint Chiefs of Staff General Powell, and so many other people whose bona fides with respect to issues of national security I do not believe have ever been at issue. They all worked hard and fought hard to bring this Convention to a successful conclusion.

Since the time the United States signed it as one of the original signatories, 160 other nations have joined in signing it. That is 161, I might say, out of a total of 190 independent states that compose the world community of nations.

Immediately after the signing, the process of ratification by the signatories began. The convention was submitted to the U.S. Senate for its advice and consent in November 1993, and multiple hearings have been held by the Senate Foreign Relations Committee, the Armed Services Committee, the Intelligence Committee, and the Judiciary Committee during both the 103d and the 104th Congresses. As of January 27, 1997, 68 nations have already ratified the Convention, but not the United States of America that helped lead the effort of its creation.

This Convention provides that it will take force and its provisions will become applicable to party nations 180 days following its ratification by the 65th nation. The 65th ratification occurred late last year, so the clock is now ticking toward the date on which it enters into force. The Convention will enter into force on April 29 of this year, just a little more than 2 months after we return from the recess period that begins later today.

It is important to understand the provisions of the Convention, espe-

cially when measured against that date. The Convention bans the development, production, stockpiling, and use of chemical weapons by its signatories. It also requires the destruction of virtually all chemical weapons and production facilities.

This treaty also provides the most extensive, most intrusive verification regime of any arms control treaty yet negotiated, extending its coverage not only to governmental and military but also to civilian facilities.

The fact is that this verification package provides, in the end, increased security to the United States. That verification package includes instrument monitoring, both routine and random inspections, and challenge inspections for sites that are suspected of chemical weapons storage or production. The Convention also requires export controls and reporting requirements on chemicals that can be used as warfare agents and their precursors.

In order to implement its provisions and to administer them on an ongoing basis, the Convention establishes the Organization for Prohibition of Chemical Weapons, or the OPCW. This organization is permanently charged with ensuring compliance with the Convention's requirements and with monitoring the chemical industry and the chemical production throughout the world. The Convention's preparatory commission, which is located in The Hague, is currently determining precisely how the permanent organization is going to be structured and how the Convention is going to be implemented.

Every State that ratifies that Convention has to complete the destruction of chemical weapons agents, munitions and production facilities within 10 years of the Convention's entry into force, or its date of ratification, whichever comes earlier.

I would like to describe what the treaty accomplishes in terms of control of chemicals and their precursors and monitoring and tracking of those chemicals and precursors.

The Convention establishes three lists, or schedules as they are called, of chemical warfare agents and their precursor chemicals. These are arranged in the order of their importance to chemical weapons production and the extent of their legitimate peaceful or commercial uses.

The OPCW Technical Secretariat will update those schedules as needed and as circumstances change. And the production, the use, or the transfer of any chemicals on these schedules above set minimal amounts must be projected prospectively by the manufacturers and subsequently reported annually to the OPCW.

Any facility that makes use of or is capable of producing scheduled chemicals has to register with the OPCW, as do facilities that produce over 30 metric tons annually of a discrete chemical containing phosphorous, sulphur or fluorine.

So, Mr. President, what we gain here is a mechanism for knowing globally who produces what chemicals, how much they produce, and where these chemicals are going.

The inspections of chemical facilities provided by the Convention will vary according to the nature of the chemicals. Those declared as producing, storing, or destroying chemical weapons are subject to systematic on-site inspection and continuous instrument monitoring. Those chemical facilities declared as nonchemical weapons facilities are subject to routine or random inspections, depending on the schedule or schedules on which the chemicals they produce or handle are listed. All other facilities that produce or handle or are suspected of producing or handling chemicals are subject to on-site challenge inspections upon the request of a signatory nation.

So, I reiterate, under the terms of the Convention we will achieve for the first time the ability to know who is producing what chemicals, how much they produce, and where these chemicals are moving, and we obtain the ability to inspect any of those chemical production or handling entities.

Signatory nations agree not to export the most troublesome chemicals, those listed in schedule 1, to any non-signatory nation. Schedule 2 chemicals may be traded with nonsignatory nations for only 3 years after the Convention enters into force, and schedule 3 chemicals, which are the least troublesome and most widely used commercially, can be freely traded for 5 years after the Convention comes into force so long as end-use certification is provided. Five years after the Convention comes into force, additional controls will be considered and may be required.

Now, Mr. President, one might reasonably expect that all those in this institution would by their study of history be aware of the occasions when chemical weapons have been used in conflicts and the horrifying effects that they can have and have had on both combatants and noncombatants, and one would think those with such an awareness would warmly embrace and applaud the successful negotiation and apparent widespread acceptance of this Convention among the nations of the world. The images, both visual and verbal, of the effects of chemical weapons have seared themselves into our minds.

We know the effects of mustard gas in the trenches of Europe in World War I. We know of the terrible effect of chemicals employed in the Iran-Iraq War. Americans have witnessed the anguish of those who served in the gulf war who are suffering from maladies that may have resulted from some exposure to chemical weapons amassed by Saddam Hussein in Iraq. Civilized people everywhere have been repelled by the effects of these horrible weapons. Indeed, that is what propelled us under a Republican administration to negotiate and then to sign this Convention.

One might reasonably anticipate, therefore, that the United States, which led the way for so many years in seeking allies among the community of nations in the effort to outlaw these weapons and their use, and which was the driving force behind the negotiations that produced the Chemical Weapons Convention, would see virtually universal support for the ratification of this critical treaty. But that is not the case, as my colleagues know.

Most unfortunately, a small group of Senators, primarily within one segment of the Republican Party, and nourished by a group of committed cold warriors whose reflexive behavior is to see catastrophe for the United States in any arms control agreement, has dedicated itself to preventing the Senate from approving ratification of this Convention. They have found shadows behind the trees, and express great fear that United States participation could somehow weaken our Nation militarily and leave us vulnerable to a reemergent Russia or to some rogue nation that refuses to abide by the Convention's requirements.

I want to emphasize that while I believe those conclusions are entirely unwarranted, I take no issue with anybody who wants to proceed cautiously here. I take no issue with anybody who asserts that conceivably there is some downside to the Convention, and it is appropriate for us to have legitimate debate about that. But legitimate debate and legitimate expressions of caution are different from standing in the way of the U.S. Senate being able to resolve this issue in a vote on the floor of the Senate and allowing the Senate to perform its critical constitutional responsibilities of advise and consent.

I agree it would be a mistake for this Nation to blindly assume that simply as a result of the disappearance of the Soviet Union we will never again face a serious threat from Russia or from some other nation whose interests conflict with our own. That, of course, is why we spend \$250-plus billion on defense every year.

But the vehemence with which these Senators oppose the Convention, and their rationales for so doing, persuade me that the principal problem is not the Convention itself or its terms, but the fact that it is simply not a perfect treaty, that it is not 100 percent leak-proof or 100 percent verifiable.

We cannot establish such a standard, Mr. President, for by so doing, we effectively would say that no arms control treaty could ever be in our national interest.

Mr. President, I reject the notion that there is no such thing as a good arms control treaty, a treaty that advances the interests of the United States effectively. I specifically reject the notion that the Chemical Weapons Convention does anything to diminish the national security of our Nation, or that it is not in our national interest. To the contrary, I believe that our Nation and our people will be safer and

more secure and, in fact, will be the entire world community of nations, if the United States joins the other nations which have ratified it.

More importantly, Mr. President, that is not just my belief. It is the belief of former Presidents of the United States. It is the belief of the Chairman and Members of the Joint Chiefs of Staff, the belief of the current and immediate past Directors of Central Intelligence, the current and immediate past Secretaries of Defense, Gen. Norman Schwarzkopf and a host of others whose credentials as national security experts are sterling.

So let us address the specific concerns that are raised by those who would rather see the United States not participate in this convention, and who would deprive the Senate of the opportunity to debate the convention on the floor and vote on the resolution of ratification as the American people should be able to expect.

The opponents claim that the Chemical Weapons Convention will not be effective because it fails to ban or control possession of all chemicals that could be used for lethal purposes, specifically including two agents used with deadly effect in World War I, phosgene and hydrogen cyanide. The reality is that the CWC does cover all toxic chemicals and their precursors "except where intended for purposes not prohibited under this Convention \* \* \*". Phosgene and hydrogen cyanide are explicitly listed in schedule 3 of the convention.

The convention also contains a provision to expand the list of chemicals subject to declaration and verification as new CW agents are developed and identified.

The opponents claim that the CWC is not global, since many dangerous nations—for example, Iran, Syria, North Korea, and Libya—have not agreed to join the treaty regime. The reality, however, is that of the approximately 20 nations believed to have or to be seeking a chemical weapons program, more than two-thirds have already signed the convention. The failure of the United States to ratify the treaty is unlikely to spur these countries to become signatories and relinquish any determination they may have to develop chemical weapons. And, indeed, our failure to ratify will actually give to those recalcitrant countries political cover for their failure to join.

If the United States does not join, why should they care about it? If the United States, which initially sought it and long worked for it, now finds something wrong with the convention, then they have justification to also assert something is wrong with it. Further, several of the Convention's key provisions are targeted directly at nonparticipating nations. Some of the most threatening chemicals cannot be sold to nonparticipating nations by signatories and chemical trade with the nonsignatories will be impeded in other ways. In this important respect the treaty is, indeed, global in its reach.

In effect, those who claim to be defending the interests of the United States are, I believe, unwittingly—and I know not purposefully—aiding those countries that would continue to be rebellious nonparticipants in the work of removing chemical weapons from the earth.

If the opponents mean to point out that all convention provisions do not apply to all nations, OK, they are correct. Not all provisions apply to those 30 or fewer nations that have not yet signed the convention and may choose never to sign or ratify. But there is no way that one sovereign nation can force another to enter into a treaty. But you can, through a treaty, isolate those nations that choose not to sign, and, indeed, make it extraordinarily difficult for them to pursue their nefarious objectives.

This treaty will, very definitely, according to the Joint Chiefs of Staff, the intelligence community, and many others in our defense establishment whose judgment and expertise I respect in their specialties, have significant constraining effects even on nonsignatories. It will be far more difficult for a nonsignatory to proceed to develop a chemical weapons program and to produce chemical weapons, and it will be much more likely—not 100 percent certain but much more likely—that we will know if they do so.

The opponents claim that the CWC is not verifiable, Mr. President. Well, the reality is that the intelligence community and the Department of Defense have testified that the convention, while not being perfectly verifiable to be sure, will facilitate the ability of our intelligence agencies to detect significant violations in a timely manner, because it provides additional tools to do the job of tracking the spread of chemical weapons—a job that we would have to do anyway, with or without the Chemical Weapons Convention and its tools.

In fact, it is the acknowledged difficulty of detecting chemical weapons and their production, frankly, that makes the CWC all the more important. Our intelligence community needs all the additional tools and advantages it can get to make it more likely that such weapons and production will be identified, and identified as early as possible. The CWC provides critical tools and advantages, and the intelligence community and Defense Department have urged the Senate to approve its ratification.

The opponents claim that the convention will be toothless in application and that violations, once identified, will go unsanctioned. This, of course, is totally conjectural, and nothing in the verbiage of any treaty can absolutely guarantee that every provision will be enforced or every violation effectively sanctioned. But recent experience with the North Korean nuclear program demonstrates that governments can and will respond to evidence of non-compliance and will act to uphold the

integrity of an arms control agreement—in this case, the Non-Proliferation Treaty.

I am of the opinion, personally, that violations of the Chemical Weapons Convention will result in a strong reaction by the community of nations that is participating in it—but that is my opinion. The only demonstrable fact, in response to the fear expressed by opponents, is that with the Chemical Weapons Convention, there is a multilateral mechanism to define objectionable actions and the basis on which to organize an international response. Those are both advantages that do not exist today.

The opponents claim that the Chemical Weapons Convention will create a massive new United Nations-type international inspection bureaucracy, which will result in costs to our taxpayers of as much as \$200 million per year. The reality is that the non-partisan Congressional Budget Office has estimated the U.S. costs to comply with declaration, inspection, and verification procedures of the CWC will average \$33 million per year, an amount which includes our annual assessment to the OPCW of \$25 million. That is considerably less than \$200 million.

The active involvement of our negotiators in developing the treaty requirements applying to the OPCW ensures that it will undertake only essential tasks, and will do so efficiently. After the trillions of dollars our taxpayers spent defending our Nation during the cold war, and in the face of the terrible threats of chemical weapons, I believe—and this is shared by the President, the intelligence community, and the defense community—that an expenditure of \$33 million a year for U.S. costs of participating in the CWC, and for guaranteeing for the first time intrusive tracking of chemical agents and precursors, is a very, very good buy for the taxpayers.

The opponents claim that the Convention will jeopardize our citizens' constitutional rights by requiring the U.S. Government to permit searches without either warrants or probable cause. Mr. President, that is not true. The reality is that most firms that will be subjected to CWC inspections will voluntarily grant access for that purpose. And it is important to note here that the vast majority of the chemical industry of the United States is supportive of this treaty. The strong support of that industry and its active involvement during the CWC negotiations strengthen the belief that, in fact, most of the firms subject to inspection will not object to the inspections. But if a firm does exercise its constitutional right to object, then, Mr. President, the U.S. Government is committed to fully complying with our constitutional requirements. In such a case the Government will obtain a search warrant prior to an inspection to ensure that the constitutional rights of any citizen are fully protected.

The opponents claim that the Convention will subject as many as 8,000 companies across the Nation to new reporting requirements, entailing uncompensated annual compliance costs that could reach hundreds of thousands of dollars for each. The reality is that it will not affect 8,000, it will affect only about 2,000 companies. Approximately 1,800 of those 2,000 companies will not have to do anything more onerous than check a box on a form regarding production range. They will not even be required to specify which chemicals they produce. Most of the firms for which compliance activities will be more extensive are supporters of the treaty, and directly, or through their industry association, were consulted as the CWC provisions affecting commercial facilities were negotiated. The Convention's opponents generally fail to mention the fact that the biggest cost to the U.S. chemical industry is likely to come as a result of the United States failing to ratify the Convention. According to the Chemical Manufacturers Association, the trade restrictions on export of chemicals that will apply to nonparticipating nations will place at risk \$600 million in annual export sales for U.S. companies.

It is a very material fact that the Chemical Weapons Convention is primarily about increasing the safety of the United States, of our troops, and our citizens from the chemical weapons of other nations.

During the Bush administration, the decision was made for the United States to leave the chemical weapons business and to destroy the vast majority of our stockpile of chemical weapons—all those that the CWC would require to be destroyed. It is very important that we understand this. The Bush administration has already embarked this Nation on a course that will result in the destruction of our stockpile of chemical weapons. That process already is underway, and it will continue whether or not we ratify the Convention.

Does it not make sense, then, if we are stripping ourselves of these weapons anyway, for us to take steps to increase the likelihood that other nations will do the same, and that we will know if some nations choose to manufacture and stockpile such weapons?

There certainly is no reason for the United States to refuse to ratify the CWC because it in some way would impede the maintenance or production of weapons deemed important to our national security. The decision to destroy our chemical weapons was made years ago, during the Bush administration. It is not a decision that any of our defense leadership suggests should be reversed.

Last fall, after the Senate Foreign Relations Committee had favorably reported the resolution of ratification for the convention on a strong bipartisan vote, the convention was caught up, most unfortunately, in Presidential politics. Mr. President, as the ranking

member of a subcommittee with jurisdiction over other matters that Foreign Relations Committee Chairman HELMS had linked to action on the Convention, I had worked hard with Senator HELMS and others to get an agreement to bring the ratification resolution to the floor. While he was majority leader, Senator Dole agreed that we should have a vote on that resolution, and we secured a unanimous consent agreement that ensured the Senate would consider and vote on the resolution of ratification before the end of the 105th Congress. But then, in the heat of Presidential politics, although President Clinton strongly supported ratification of the convention, Senator Dole, as the Republican nominee for President, suddenly announced opposition to the CWC. That called into question whether the necessary two-thirds majority vote for ratification could be secured. So we delayed action on the resolution.

Mr. President, the time for action on this convention has arrived. It is now. We are beyond the complications of a Presidential election. We have held the hearings, many hearings, in four separate Senate committees. We know the facts. The support of the defense and intelligence communities and leaders is strong and clear.

And now there is one more very important reason for expeditious action to approve the resolution of ratification. If the United States has not ratified this convention by the time it takes effect on April 29, by its terms U.S. citizens will be ineligible for appointment to the OPCW administrative staff and corps of international inspectors, and, therefore, we will forfeit the opportunity to influence its decisions, its budget, and inspection practices that our negotiators led the way to secure. To be sure, if the United States later ratifies, Mr. President, American citizens will become eligible for such posts but only as they become vacant at some point in the future. Our Nation will have irrevocably lost out in the vitally important initial formative policy making and procedure development.

As scores of newspaper editorials around the country have said, those who believe the threat of chemical weapons is real, and who realize that our intelligence and defense organizations need all the help they can get to identify where chemical weapons are being manufactured and stockpiled, must not let a small group of Senators prevent the U.S. Senate from acting on this important treaty.

I urge the majority leader to act in the interest of our country and our people and, in the interest of our institution and its constitutional right and duty to advise and consent to treaties, to permit the Senate to act on this treaty, which I believe a significant majority of this body supports.

We cannot permit the perfect to become the enemy of the good. We must not permit those who make that mis-

take to prevent us from acting in the best interests of our Nation and its people. And we cannot allow some cloudy objections to obviate the facts and prevent this institution from discharging its responsibilities.

I believe it would be a grave mistake to deprive our Nation, our Armed Forces, and our citizens of the additional protections from the threat of chemical weapons that the Chemical Weapons Convention offers. And I think it would be foolish for the United States to relinquish the influence it will gain in implementing this critical treaty if it fails to ratify the Convention by April 29.

Mr. President, I thank the distinguished Senator from New Mexico for his forbearance.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for up to 30 minutes.

Mr. DOMENICI. Mr. President, first let me ask. Is my 30 minutes the last business before the Senate today?

The PRESIDING OFFICER. There are 15 minutes reserved for the Senator from Nebraska, Senator KERREY.

Mr. DOMENICI. Might I say, as much as I would like to use my 30 minutes, I do not want to delay the Senate indefinitely tonight. If Senator KERREY intends to use time, let me suggest I could probably finish in 15 minutes.

#### BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. DOMENICI. Mr. President, might I first say that it is a pleasure to address this issue with the senior Senator from the State of Washington in the chair. I don't know what the Senator from New Mexico is going to speak to today is needed to edify the occupant of the chair, but I think it is imperative that, after an awful lot of talk about a constitutional balanced budget and its potential effect on the Social Security trust fund, that some of us state what we think this whole scare about the Social Security trust fund is all about.

So let me first say to the senior citizens that I gather now that you know the emotional ramping up by frightening senior citizens is beginning to take place out there in our States and communities. Let me, to the extent that I can, say to the seniors who are listening to those who would like to make you believe that they are really here arguing to save Social Security, suggest to you that what they are really arguing about is that they don't want a constitutional amendment to balance the budget and they have now hit on what I perceive to be a risky gimmick in an effort to frighten seniors and by that approach defeat a constitutional balanced budget amendment.

I might say to the seniors of this country, it is now the almost universal

consensus of those who look at the next 25 years that the most important thing for senior citizens and the best effect on the trust fund is that this economy grow and grow and grow and that we have low inflation and sustained economic growth. Those who have worked for decades, looking at what is going to happen to Social Security and putting into that all of the mix that goes into it to see what they can project, without exception they testify here and everywhere, do not forget that you must have a sustained and growing economy for these numbers to be believable about the validity of this trust fund in the future.

Having said that, it would appear that balancing the American budget and keeping it balanced is probably in and of itself the single most important factor—not the only factor, but the single most important factor—to productivity, growth, and prosperity when you already have a \$5 trillion accumulated series of deficits which now equal the debt.

So let nobody be fooled, for those who want to inject Social Security and are trying to take it off the budget of the United States, the risk is we will never get a balanced budget. It is my honest opinion that it was not an overstatement of the case when 29 budgets were piled up here. In fact, I didn't have time to ask somebody, but how many times in those 29 budgets can Presidents say, "I am giving you a balanced budget?" How many times after they were presented did Congresses of the United States say, "Oh, we are going to do better, we are giving you a balanced budget?" It never happened. And it will not happen. In fact, we are all dedicated to getting it balanced by 2002. But I am suggesting, as one who is as dedicated to that mission as anyone here, that you are far more apt to get it and keep it with the organic law of this land saying that is the way it is going to be, it is the law of the land.

Having said that, let me see if I can convince senior citizens and those in this body who are worried about the issue of should you have Social Security on budget or off budget.

First, just from the standpoint of a budget, you know Social Security is now the largest program in America. The tax for it is the largest single tax on America and Americans of all the entourage and litany of taxes we have. Literally 55 to 60 percent of the public pay more in Social Security and Medicare taxes, I say to my friend occupying the chair, pay more in that tax than they pay in income taxes.

Just from the standpoint of a budget, doesn't it seem kind of strange that you would say Americans should have a budget and it should be balanced, but, oh, let us take all of that big program that I have just described and all of those taxes and let us just take them off the budget?

So it is rather ironic that we speak of budgets and leave all of that which is so important to our future, so important to our young people who have