

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

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

#### ORDER OF PROCEDURE

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

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

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

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

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

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

I yield the floor.

Mr. LOTT. I thank the Senator.

#### EXTENSION OF MORNING BUSINESS

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

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

#### CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT

Mr. LOTT. Mr. President, I am pleased to speak in support of this legislation that has been drafted by Senator KYL and joined in with cosponsorship from Senators HELMS, NICKLES, MACK, COVERDELL, SHELBY, HUTCHISON, and myself, as well as others. We introduced this legislation on March 21. This is important legislation. I know there are a lot of people who are trying to assess will this legislation favorably

or unfavorably affect the final vote on the Chemical Weapons Convention. I do not think you can really judge that. Senators that will vote on both sides of the issue on this bill and that bill will view it in different ways depending on their own personal perspective. The most important thing is this is a bill we should have passed. We should already have passed it irrespective of what might happen on the Chemical Weapons Convention.

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

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

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

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

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

countries that in fact have already been using chemical weapons, have that capability and have indicated they either will be in the convention or may not.

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

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

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

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

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

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

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

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

It mandates enhancements to our chemical and biological defenses.

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

which are aiming for and aiding the chemical weapons programs of rogue states.

I believe these provisions make good common sense. I believe the American people would want us to upgrade our chemical defenses and to impose sanctions on countries that use weapons of mass destruction.

Much has been said about another provision of the legislation requiring certain minimum criteria be met before United States taxpayers send dollars to Russia. Our legislation calls on Russia to implement and comply with the bilateral destruction agreement it signed 5 years ago to present accurate information about its chemical weapons program and to comply with the Biological Weapons Convention signed more than 20 years ago.

I cannot understand why anyone would oppose this provision. U.S. aid is not an entitlement to be given no matter how recipients behave. If Russia complies with its agreements, Russia should get assistance as it moves toward more free enterprise and more toward democracy. If they do not comply, why in the world should they get aid? But there have been concerns about the impact this legislation might have on the so-called Nunn-Lugar legislation.

Senator KYL from Arizona has heard those concerns, and, as I understand it, he has a modification that has addressed that problem.

We have heard much over the past few weeks about what the Senate should do to prevent the spread of chemical weapons and related technologies and equipment. Many people say the Chemical Weapons Convention will do that. I have my doubts. I am not sure that the day after that vote—if, in fact, it should pass—that we will have fewer chemical weapons in the world. I fear that without further action, we could have more. That is a basic, fundamental part of the concerns that I have and that I have enumerated over the past few days and weeks to the proponents of the legislation.

Today, though, the Senate can vote for the Kyl bill and take serious steps for enforcement of effective and achievable chemical weapons arms control.

Once we enter into this unanimous consent request and, hopefully, its agreement, we will begin the actual debate under a time arrangement that we have worked out, I believe, and go to completion of this bill, hopefully, by a relatively early hour this afternoon. Hopefully, we can get it done between 4 and 5 o'clock. We will be prepared to make that request shortly.

Mr. President, we have another 5 minutes, I believe, remaining in morning business.

The PRESIDING OFFICER. That is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, we are still in the process of trying to work out the details of a unanimous-consent agreement. Part of the question is whether we can get to a vote on this matter by 3:45, or thereabouts, this afternoon. We are trying to leap to that conclusion, and in order to allow people to continue to talk about that and perhaps reach that point, I am going to begin discussing this bill now as if it were before us, so I will not have to speak later and, therefore, we will not have to use more time, hoping to be helpful in that regard.

What we are talking about doing here this afternoon is having a couple hours of debate on a bill called the Chemical and Biological Weapons Threat Reduction Act. The bill is S. 495. This legislation is before us because in the process of leading up to the debate on the Chemical Weapons Convention itself—which, if there is a unanimous-consent agreement, will be taken up next week—we discovered there were several things actually we could do right now, very practical, realistic steps we could take to help ameliorate the threat. Senator HUTCHISON from Texas has already spoken to it. Let me detail what those things are.

It, basically, involves closing some loopholes in existing law and ensuring that the administration and the Congress work together in those ways that we can, right here at home, irrespective of whether the Chemical Weapons Convention passes or does not pass, to actually reduce this threat. One example of the kind of thing we are talking about is the fact that existing U.S. law does not make it a crime to manufacture or possess chemical weapons in the United States. If we are going to have this big debate about the chemical weapons treaty, the first thing you want to do is make sure that kind of activity is outlawed here at home. It is a provision of the law we add as a result of S. 495.

There are several things like that in this bill, and I will go through them briefly. I want to assure my colleagues, whether you are for the Chemical Weapons Convention or opposed to the Chemical Weapons Convention, this legislation is legislation you can support. If you are against the convention, you can see this as an alternative. If you are for it, you can see it as a supplement. I am not trying to sell it as either one. I am saying these are good, practical steps we can take right now, and we should do it.

Let me quickly go through the specifics of the provisions of the legislation. I think my colleagues will see it is exactly as we have said that it is.

For the first time in history, we would be criminalizing the entire range

of chemical weapons activities. The current law only prohibits the use or attempt or conspiracy to use chemical weapons. It does outlaw, with respect to biological weapons, the possession or manufacture. We combine the two and say that it is against the law to manufacture, to possess, to use or to conspire to use either chemical or biological weapons. So, for the first time, we contain all of those things in our criminal code, and that is against the law in the United States. That is the first thing this bill would do.

The second thing it would do is to revoke certain export privileges of companies that violate the law. That is a commonsense proposition, and it has the additional benefit, by the way, of helping us to prevent American companies from assisting countries who we believe should not have chemicals, the precursors to making their biological or chemical weapons.

The third section deals with sanctions against the use of chemical or biological weapons. Mr. President, today under existing law, the President of the United States is obligated to impose sanctions against countries that use chemical or biological weapons, and he is given a list of 10 sanctions that he is to impose. They are in two different tiers—five in one tier and five in another tier. He also has a waiver authority.

What we do in this legislation is to grant him more flexibility, to keep the same sanctions, but not to have the one tier and two tier. So he can actually decide, based upon the circumstances at the time, exactly how he wants to proceed. The price for that flexibility is that we reduce somewhat his flexibility on the waiver, but he still has the ability, under the supreme-national-interest-waiver clause to waive the imposition of those sanctions should he deem it appropriate.

Obviously, that waiver would not likely be used by a President if a country actually used chemical or biological weapons. He would, under the law today, under the law as we have it written today, want to impose sanctions. As I said, we provide more flexibility in those sanctions.

In addition, in this section, we call on the President to block transactions of any property that is owned by a country found to have used chemical or biological weapons. In other words, just to use a hypothetical, country A uses biological or chemical weapons, and they have assets in banks in the United States. The President could block any transaction of that property, basically freeze those assets as a way of preparing to indemnify victims of the use of that chemical weapon. This is a way we can provide real, meaningful relief. This is new in law. This does not exist today. We would have a way, therefore, at least of providing a fund should we be able to indemnify victims of such a horrible, horrible crime.

Another thing we do is have a section on continuation and enhancement of

multilateral control regimes, which is really a fancy way of saying that we are expressing the sense of the Senate and establishing United States policy that the President continue to maintain our role in the Australia group, that group of countries that has agreed among itself not to trade chemicals to countries we believe might want to use them to create a biological or chemical weapon with them.

We establish the policy that the President will attempt to block any attempt to substantially weaken the controls established by the Australia group. I believe that as a general proposition—this is the administration's policy anyway—I do not think that this is particularly new, but it puts into statute our policy expressing this strong position. It should, therefore, assist the President in the advocacy of that position in the Australia group meetings.

There is another section dealing with assistance to Russia. A year ago, in the 1996 Defense Authorization Act, the Congress actually fenced, meaning it set aside the expenditure of funds under the so-called Nunn-Lugar provision for chemical- and biological-related activities. We did this because we felt there was some question about whether Russia was actually proceeding in good faith to dismantle their chemical and biological capability. As a result of the compromise that was struck by Senators Nunn and LUGAR, there was actually a provision for four conditions in that legislation that had to be certified by the President prior to the release of part of these funds.

What we have done in this legislation is to reinstate—essentially the same language that was in that 1996 defense authorization bill—and to reestablish those four conditions for certification by the President. Those conditions, as I said, are essentially the same conditions that existed before and would be certified by the President or, as was done in that defense authorization bill, the President could also release the funds if he formally certifies that he is unable to make the certification.

So the President has total flexibility here, but at least it focuses attention on the degree of cooperation by the Russians with respect to the dismantlement of their CW and BW programs.

The next section calls for reports on the state of chemical and biological weapons proliferation. It asks the administration to provide us an annual classified report that will enable us to better understand the threat that is out there.

The next section would strengthen the 1925 Geneva Protocol. It is a sense of the Senate, but what it does do is urge and direct the Secretary of State to work to convene an international negotiating forum for the purpose of putting some teeth into this 1925 Geneva Protocol, which is the agreement that actually prevents or prohibits the use of chemical weapons, not just the

manufacture or possession of them. We provide \$5 million for the State Department to begin this process.

We think this would be useful because countries of greatest concern to us, like Iran and Iraq, North Korea, Russia, China, Syria, and Libya, are all signatories to the 1925 Geneva Protocol. If we could make an international agreement that puts some teeth into that, it would be clearly useful. As I say, it is a sense of the Senate, but we believe it is useful nonetheless.

Next it says, until the United States has developed its resolution of ratification of the Chemical Weapons Convention—if it does—we would not be providing funding for that organization.

The next section is that it is the sense of the Senate that we actually do some things to beef up our military defenses against the use of chemical or biological weapons.

The General Accounting Office, in 1996, issued a report that was very distressing in that it reported that U.S. forces are inadequately equipped, organized, trained and exercised for operations in battlefields in which chemical and biological weapons are being used.

So this bill recommends three specific corrective steps to deal with that and, as a result, we think, will help to actually improve and enhance our defensive capability should our forces ever be confronted with the use of these weapons.

The last two sections, Mr. President.

The first is relating to negative security assurances. It is a sense of the Senate that calls on the President to reevaluate the current policy of the United States on negative assurances and its impact on deterrent strategy.

In effect, what this is all about is the following. In return for a nation's decision to join the nuclear nonproliferation treaty as a nonnuclear weapons state, the United States pledges never to threaten or use nuclear weapons against that state unless it was allied with a nuclear weapons state in aggression against the United States.

So today, when chemical and biological threats seem like the larger concern, this negative security assurance could undermine our effective deterrence against such an attack. Would Saddam Hussein, for example, feel free to use chemical weapons if he did not think we would possibly retaliate with nuclear weapons? As a result, that is in here.

Finally, we have the riot control agent provision which has been much spoken of. We think it is important for the rescue of downed pilots or in a situation where civilians are present that riot control agents be used. And our act provides for that.

These are all, I would say, very helpful, very specific, very realistic provisions that constructively deal with the proliferation of this threat. As a result, we think this legislation is important. Again, as I say, whether you are pro or con on the treaty, this legislation en-

hances the security of the United States. I certainly request my colleagues to consider it and to support the vote, assuming we have the vote here before long.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, again, I want to thank the Senator from Arizona, Senator KYL, for his work on this legislation.

We do have a unanimous-consent request ready to offer now.

#### UNANIMOUS-CONSENT AGREEMENT—S. 495 AND THE CHEMICAL WEAPONS CONVENTION

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 495, entitled the Chemical and Biological Weapons Threat Reduction Act of 1997 on Thursday, April 17, and the Senate proceed to its immediate consideration on Thursday, April 17, at a time to be determined by the majority leader after notification of the Democratic leader under the following agreement: 30 minutes under the control of Senator KYL, 30 minutes under the control of Senator LEAHY, and 15 minutes each for Senators LEVIN and BIDEN, or their designees, on the bill and no amendments or motions be in order, other than a modification of the bill to be offered by Senator KYL and submitted for the RECORD at the time of this agreement.

I further ask unanimous consent that following the use or yielding back of the time, the Senate proceed to third reading and final passage of the bill, all without further action or debate.

I further ask unanimous consent as if in executive session that on Wednesday, April 23, the Foreign Relations Committee be immediately discharged from further consideration of treaty document No. 103-21 and the document be placed on the Executive Calendar.

I further ask unanimous consent that the Senate proceed to executive session to consider treaty document No. 103-21 at 10 a.m. on Wednesday, April 23, and the treaty be advanced through its various parliamentary stages, up to and including the presentation of the resolution of ratification, and the Senate Foreign Relations Committee be discharged of Executive Resolution 75—that is the text of the Helms negotiations—and that it be immediately substituted for the resolution of ratification.

I further ask unanimous consent the resolution be considered under the following time restraints: 10 hours of debate on the resolution of ratification, to be equally divided between the chairman and ranking minority member or their designees.

Mr. DASCHLE. Would the majority leader yield at that point?

Mr. LOTT. Yes.

Mr. DASCHLE. At that point I would add 1 hour under the control of Senator LEAHY.