

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.

Mr. LOTT. Mr. President, I further ask unanimous consent that Senator LEAHY be recognized then for up to 1 hour on Wednesday, April 23. I ask that additional request be placed at this point in the unanimous-consent request.

I ask unanimous consent that the first 28 conditions, declarations, statements, and understandings shall be identified as being agreed to between the chairman and ranking minority member, that these 28 conditions, declarations, statements, or understandings not be subject to further amendments or motions, and it be in order for the Senate to vote on the agreed-upon items, and if agreed to, the motion to reconsider be laid upon the table.

I further ask unanimous consent that the final 5 of the 33 conditions, declarations, statements, or understandings shall be identified as not being agreed to between the chairman and ranking minority member, that it be in order for the Democratic leader or his designee to offer one motion to strike each of the conditions, declarations, statements, or understandings, as listed below, and the motion be limited to 1 hour to be equally divided.

The conditions, declarations, statements, or understandings subject to motions to strike are as follows:

First, Russian elimination of chemical weapons;

Second, chemical weapons in countries other than Russia;

Third, designation of inspectors and inspection assistants;

Fourth, stemming the proliferation of chemical weapons; and

Fifth, essential verifiability.

The full text by title is appended hereto. I send it to the desk and ask unanimous consent that it be printed in the RECORD.

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

(29) RUSSIAN ELIMINATION OF CHEMICAL WEAPONS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that—

(A) Russia is making reasonable progress in the implementation of the Agreement between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990 (in this resolution referred to as the "1990 Bilateral Destruction Agreement");

(B) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Memorandum of Understanding Between the Government of the United States of America and the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989, also known as the "1989 Wyoming Memorandum of Understanding", and the 1990 Bilateral Destruction Agreement;

(C) Russia has deposited the Russian instrument of ratification for the Convention and is in compliance with its obligations under the Convention; and

(D) Russia is committed to forgoing any chemical weapons capability, chemical weapons modernization program, production mobilization capability, or any other activity contrary to the object and purpose of the Convention.

(30) CHEMICAL WEAPONS IN OTHER STATES.—

(A) CERTIFICATION REQUIREMENT.—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, China, and all other countries determined to be state sponsors of international terrorism, have ratified or otherwise acceded to the Convention.

(31) EXERCISE OF RIGHT TO BAR CERTAIN INSPECTORS.—

(i) IN GENERAL.—The President shall exercise United States rights under paragraphs 2 and 4 of Part II of the Verification Annex to indicate United States non-acceptance of all inspectors and inspection assistants who are nationals of countries designated by the Secretary of State as supporters of international terrorism under section 40(d) of the Arms Export Control Act, or nationals of countries that have been determined by the President, in the last five years, to have violated United States nonproliferation law, including—

(I) chapters 7, 8, and 10 of the Arms Export Control Act;

(II) sections 821 and 824 of the Nuclear Proliferation Prevention Act of 1994;

(III) sections 11b and 11c of the Export Administration Act of 1979;

(IV) the Export-Import Bank Act of 1945; and

(V) sections 1604 and 1605 of the Iran-Iraq Nonproliferation Act of 1992.

(ii) OTHER GROUNDS OF EXCLUSION.—The President shall also bar such nationals from entering United States territory for the purpose of conducting any activity associated with the Convention, notwithstanding paragraph 7 of Part II of the Verification Annex.

(32) STEMMING THE PROLIFERATION OF CHEMICAL WEAPONS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(A) the State Parties have concluded an agreement amending the Convention—

(i) by striking Article X; and

(ii) by amending Article XI to strike any provision that states or implies disapproval of trade restrictions in the field of chemical activities, including paragraphs 2(b), 2(c), 2(d), and 2(e); and

(B) no provision has been added to the Convention or to any of its annexes, and no statement, written or oral, has been issued by the Organization, stating or implying the right or obligation of States Parties to share or facilitate the exchange among themselves of chemical weapons defense technology, chemicals, equipment, or scientific and technical information.

(33) EFFECTIVE VERIFICATION.—

(A) CERTIFICATION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that compliance with the Convention is effectively verifiable.

(B) DEFINITIONS.—In this paragraph:

(i) EFFECTIVELY VERIFIABLE.—The term "effectively verifiable" means that the Director of Central Intelligence has certified to the President that the United States intelligence community (as defined in section 3(4) of the National Security Act of 1947) has a high degree of confidence in its ability to detect militarily significant violations of the Convention, including the production, possession, or storage of militarily significant

quantities of lethal chemicals, in a timely fashion, and to detect patterns of marginal violation over time.

(ii) MILITARILY SIGNIFICANT.—The term "militarily significant" means one metric ton or more of chemical weapons agent.

(iii) TIMELY FASHION.—The term "timely fashion" means detection within one year of the violation having occurred.

Mr. LOTT. Mr. President, I further ask unanimous consent no substitute or second-degree amendments be in order and no other reservations, conditions, declarations, statements, or understandings be in order to the resolution of ratification.

I further ask unanimous consent that it be in order for the majority leader, after notification of the Democratic leader, to call for a closed session of the Senate, to be held in the Old Senate Chamber, to hear confidential debate regarding the Chemical Weapons Convention, not to exceed 2 hours, to be equally divided, again, between the two leaders or their designees, and 48 hours before moving to the closed session all classified material to be used during the debate by any Senator be given to both leaders.

Further, I ask unanimous consent that following the disposition of the above-listed amendments, closed session, and the use or yielding back of time, the Senate proceed to vote on adoption of the resolution of ratification, as amended, all without further action or debate, and following the vote the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action or, if the resolution is defeated, the resolution to return to the President be deemed agreed to and the Senate resume legislative session.

Further, I ask unanimous consent, Mr. President, that prior to the Memorial Day recess the majority leader, after notification of the Democratic leader, shall turn to the consideration of the implementing legislation, and it be considered under a time agreement of 2 hours to be equally divided, again, between the chairman and the ranking minority member, and there be only one amendment in order to be offered by the majority leader or his designee, and one amendment only to be offered by the Democratic leader or his designee, and limited to 1 hour each, to be equally divided in the usual form, and each amendment must be relevant to the implementing legislation.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Reserving the right to object, I just want to clarify that the amendments we will offer to strike will be in order Thursday regardless of whether the 10 hours of debate has been completed and that the vote on the agreed-on reservations will occur prior to consideration of the reservations in this agreement.

Mr. LOTT. Mr. President, let me ask you to state that again—that the motions to strike would be in order on Thursday, the 24th, whether or not the 10 hours has been completed?

Reserving the right to object, Mr. President, if I could address this question to the Democratic leader.

I do not see any reason why we should not have completed at that time, but you are just saying if the time is not agreed to, you want to delay the actions on the motions to strike.

Mr. President, that would be my intent. I think that is what the agreement indicates. That is what we will do. I believe we will be able to get our time in on Wednesday or we will have an agreement to take part of the time Thursday morning and move immediately to a motion to strike, because we want to make sure that that time and those motions to strike are in order. And the time is required. There is about 6 hours or so. We will make sure that time is there.

Mr. DASCHLE. Reserving the right to object, I just only clarify this because that is the understanding. I appreciate very much the distinguished majority leader's assurances in that regard.

Mr. President, as I said a moment ago, this is the product of several days' worth of work. I thank the majority leader for his leadership and the cooperation he has shown in bringing us to this point.

I also thank Senators BIDEN, LEAHY, LEVIN, KERRY, BINGAMAN, and many others who had so much to do on our side with this effort. I think it's a very good agreement and appreciate the cooperation from all of our colleagues.

I have no objection.

Mr. KYL. Mr. President, reserving the right to object, may I inquire? This agreement would provide for a separate vote on the so-called 28 items in agreement; is that correct? If that is correct, I will have to object because that was never my understanding of the agreement.

Mr. LOTT. Mr. President, let me put in a quorum call at this point so we can make sure we understand the question to make sure we go over the history of why that language would be in there.

I must say this is the longest and the most complicated unanimous-consent agreement that I have worked on since I have been majority leader. I know that the Senator from West Virginia has probably entered in some much longer, more complicated than this. But as I was reading through it, I even hesitated, to go back and reread at least one section there, to make sure it was accurate. I understood exactly what it meant. But we do need to clarify this particular point.

I would like to suggest the absence of a quorum so I can get a proper explanation.

Mr. BYRD addressed the Chair.

Mr. LOTT. Mr. President, I will be glad to withhold that and yield to the Senator.

Mr. BYRD. Will the distinguished majority leader yield for a question or perhaps a brief statement before he asks for a quorum?

Mr. LOTT. Yes.

Mr. BYRD. Mr. President, I have been informed that our offices were notified 20 minutes ago, roughly, about this agreement. I assume that it was thought that if there were no objections registered within 15, 20 minutes, whatever it was, there were none and therefore we would go ahead with the agreement.

It seems to me that at times certainly that is not in the best interest of the Senate. I am not complaining. Here is a very lengthy unanimous-consent agreement. I have not seen it. I am not one of the principal players in this situation. I probably am going to vote for the treaty.

But the approval of resolutions of ratification of treaties is one of the unique reasons for the Senate's *raison d'être*. Consequently, to just, at first blush, come up here to the floor and hear this long agreement read and then go along without objecting, at least for a little while until I can read it, it seems to me I am not doing my duty to the Senate, my duty under the Constitution, my duty to my people.

Twenty minutes. If a hotline goes to the office on a lengthy agreement like this and I am out doing other things—and we do have other important duties that are part of the people's business—nobody in the office is in a position to approve or to object.

Mr. DASCHLE. Mr. President, would the distinguished—I do not know who has the floor.

Mr. LOTT. I would be happy to yield.

Mr. DASCHLE. I would like to respond, if I could, to the distinguished Senator from West Virginia.

There were four notifications, I would explain to my dear colleague, the senior Senator from West Virginia.

First, we had sent out the substance of this agreement about 48 hours ago. So staffs have had this now for the better part of 2 days.

Second, we discussed it in the caucus on Tuesday.

Third, we had the opportunity to talk to all relevant committee staff and then, of course, to those who had a particular interest in it over the last 24 hours.

Then, finally, of course, we have explained it again in a policy committee just about 2½ hours ago.

So I really think that in this case there ought not be any surprises for any of our colleagues if they had an interest.

We have really made the effort as this has evolved to bring people along with the understanding of where we are. This is simply a confirmation of what I have been explaining to our caucus now for the better part of a week.

Mr. LOTT. If I could say to the distinguished Senator from West Virginia, we have been working on both sides of the aisle to make sure that this was a very carefully and fairly drawn unanimous-consent agreement. There has been give-and-take on both sides. I am sure the way it is set up would not be

the first choice for some of our colleagues that are proponents of the treaty. Let me assure you there are some things in here that the distinguished chairman of the Foreign Relations Committee, Senator HELMS, had to swallow hard to agree to. But we have been talking to Senator BIDEN, Senator HELMS, Senator KYL, Senator MCCAIN, and I am sure that Senator LUGAR and Senator LEAHY have been following closely. In fact, let me assure everyone they have been following closely, because Senator LEAHY got another bite of the apple at the end.

I believe we have set it up in a way that is fair. We set it up in a way, sir, where Senators like yourself will actually take the time to read the statements and conditionalities, will have time today and over the weekend and Monday and Tuesday, and even during the debate. We set it up carefully so there is adequate time for full debate. With a motion to strike, and hours of debate, we will have, I believe, and I certainly hope, the time to fully discharge our responsibilities.

This is a very, very difficult issue for me. I have people I respect dearly, ultimately, on both sides of this treaty. It is a very important treaty dealing with a very important issue. I certainly have wanted to be careful about how we set it up, to have the time, have the hearings that are necessary so we hear from some of the opponents that we have not heard from, and give the proponents opportunities.

I think the leadership always at the end tries to pull it together before one more cork pops loose, and we try to push it at the conclusion, at the end. If we missed a Senator or two, it certainly has just not been our intention, and we will work with you in every way we can to make sure you have the time to consider it, sir.

Mr. BYRD. The only thing I am accusing my leaders of is that they always act with the very best of intentions and they are very sincere.

I was at the caucus on Tuesday. I never heard this agreement discussed. Am I wrong?

Mr. DASCHLE. I do not know if you were there. If the distinguished Senator will yield again, I do not know that he was there when this segment of it was discussed, but we brought it up at the end of the caucus. I think the Senator may have already left the caucus.

Mr. BYRD. I am talking about the details of this agreement.

Mr. DASCHLE. That is right. We talked about the timeframe—which is what this agreement addresses—within which all of the legislation affecting the agreement will be considered. I spoke at some length in describing what the scenario would be, and again repeated it, as I said, at the policy committee this afternoon.

Mr. BYRD. I was not at the policy committee this afternoon. That is not the leader's fault. I have had some other things that demand my attention, one of them being the election

challenge to MARY LANDRIEU, which took some time, at least before noon.

Mr. DASCHLE. Again, I reiterate, we also had the text of this agreement. The substantive portions of this agreement have all been transmitted to every Democratic office now for some time. It should be in the office of every Senator. Every Democratic Senator and staff should have been well aware of it. We then faxed the specific agreement about an hour ago.

Mr. BYRD. I have not seen that. That is not the leader's fault. That may have been my office. It has not been called to my attention. I will discuss that with my staff. The leader knows we are very short in our staffs—short-handed. I will go back and take a look at that.

There is one thing I thought I had clearly understood, and that was when we have an agreement and we go to third reading and part of the agreement is to the effect that we go immediately after third reading without further action or debate to final passage, I objected to that last year, but I see that the agreements that are being proposed now go back to that same kind of phraseology. I am a little troubled by that.

Mr. DASCHLE. If I could say, the distinguished Senator from West Virginia has made himself very clear on this point. I agree with him.

I think that we ought to use the language that will allow for consideration of final passage after reaching the third reading, which is what the Senator has suggested.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, I renew my previous unanimous-consent request, which I read into the RECORD in its entirety, with two changes. On the second page, I would make this change:

That the first 28 conditions, declarations, statements, and understandings shall be identified as being agreed to between the chairman and the ranking minority member, that these 28 conditions, declarations, statements, or understandings not be subject to further amendments or motions, and a vote occur on adoption of Executive Resolution 75 to be followed by a vote on the agreed-upon 28 items, and, if agreed to, the motion or motions to reconsider be laid upon the table.

Basically what that is saying is that there would be a voice vote on the underlying resolution and on the 28 conditions and declarations.

Also, at the end of the unanimous-consent request, I would make this request:

I further ask that Senator LEAHY be recognized for up to 1 hour on Wednes-

day, April 23, and that prior to the adoption of the resolution or ratification there be an additional 10 minutes equally divided between the two leaders at that time.

Mr. DASCHLE. Mr. President, reserving the right to object, let me just say that I think this has again addressed all of the concerns raised. And I appreciate very much everyone's cooperation here. The clock is ticking. We are losing time. We need to get on with consideration of the Kyl bill. And I hope now that we can enter into this unanimous-consent agreement.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. Is there objection?

No objection is heard.

Mr. KYL. Mr. President, reserving the right to object, I want to clarify that this will be a voice vote on both of the two matters indicated in the unanimous-consent request.

Mr. LOTT. Mr. President, I absolutely confirm that that is the case.

Mr. LEAHY. Reserving the right to object, I shall not object, the voice vote on the which?

Mr. LOTT. On the underlying resolution of the committee and on the 28 conditions that have been agreed to.

The PRESIDING OFFICER. No objection is heard.

Without objection, it is so ordered.

CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT OF 1997

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of S. 495, under the previous order.

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

The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 495) to provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, first of all, I understand that the amendment which was referred to in the unanimous-consent agreement as the modified bill is at the desk.

The PRESIDING OFFICER. The modification is at the desk.

The modification follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Chemical and Biological Weapons Threat Reduction Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Policy.

Sec. 4. Definitions.

TITLE I—PENALTIES FOR UNLAWFUL ACTIVITIES SUBJECT TO THE JURISDICTION OF THE UNITED STATES

Subtitle A—Criminal and Civil Penalties

Sec. 101. Criminal and civil provisions.

Subtitle B—Revocations of Export Privileges

Sec. 111. Revocations of export privileges.

TITLE II—FOREIGN RELATIONS AND DEFENSE-RELATED PROVISIONS

Sec. 201. Sanctions for use of chemical or biological weapons.

Sec. 202. Continuation and enhancement of multilateral control regimes.

Sec. 203. Criteria for United States assistance to Russia relating to the elimination of chemical and biological weapons.

Sec. 204. Report on the state of chemical and biological weapons proliferation.

Sec. 205. International conference to strengthen the 1925 Geneva Protocol.

Sec. 206. Restriction on use of funds for the Organization for the Prohibition of Chemical Weapons.

Sec. 207. Enhancements to robust chemical and biological defenses.

Sec. 208. Negative security assurances.

Sec. 209. Riot control agents.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the United States eliminated its stockpile of biological weapons pursuant to the 1972 Biological Weapons Convention and has pledged to destroy its entire inventory of chemical weapons by 2004, independent of the Chemical Weapons Convention entering into force;

(2) the use of chemical or biological weapons in contravention of international law is abhorrent and should trigger immediate and effective sanctions;

(3) United Nations Security Council Resolution 620, adopted on August 26, 1988, states the intention of the Security Council to consider immediately "appropriate and effective" sanctions against any nation using chemical and biological weapons in violation of international law;

(4) the General Agreement on Tariffs and Trade recognizes that national security concerns may serve as legitimate grounds for limiting trade; title XXI of the General Agreement on Tariffs and Trade states that "nothing in this Agreement shall be construed . . . to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests. . . .";

(5) on September 30, 1993, the President declared by Executive Order No. 12868 a national emergency to deal with "the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States" posed by the proliferation of nuclear, biological and chemical weapons, and of the means for delivering such weapons;

(6) Russia has not implemented the 1990 United States-Russian Bilateral Agreement on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, known as the "BDA", nor has the United States and Russia resolved, to the satisfaction of the United States, the outstanding compliance issues under the Memorandum of Understanding Between the United States of America and