

for continued U.S. assistance for dismantling these weapons of mass destruction. This applies only to CW/BW destruction and not to any other Russian assistance, such as the Nunn-Lugar programs.

I hope all my colleagues support S. 495. It toughens our domestic laws on those who use these weapons. For all the talk about chemical weapons, little has been done domestically to punish users of these horrible weapons. This bill will do just that. Support this bill and let's make it known that we will not tolerate the use of these weapons against American citizens or any other people.

Mr. BOND. Mr. President, I rise today in support of S. 495, the Chemical and Biological Weapons Threat Reduction Act of 1997. In the wake of World War I, nations from all around the world came together to sign the 1925 Geneva Protocol. Having witnessed the horrible effects of poison gas in battle, this agreement banned its use in interstate conflict. However, at the time no provisions were made in U.S. law to establish criminal or civil penalties pertaining to such weapons.

Today, for the first time, legislation has come to the Senate floor that provides criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical or biological weapon and gives domestic law enforcement authorities the needed legal basis to enforce prohibitions on chemical weapons activities within the United States. Most importantly, in light of recent domestic terrorist attacks and the actual release of Sarin gas in a Tokyo subway, S. 495 allows the death penalty for the use of chemical or biological weapons that leads to the loss of life.

From the international perspective, this legislation conditions continued United States aid to Russia for chemical and biological weapons dismantlement and destruction upon Russia demonstrating that it is abiding by existing agreements in this area. It urges enhancement of multilateral regimes to control trade in chemical and biological weapons-related materials, while requiring that the United States continue strengthening chemical and biological defenses, particularly in terms of equipment and training. Finally, S. 495 establishes, for the world, U.S. policy on the use of riot control agents and permits the use of tear gas for such things as the rescuing of downed pilots.

The Chemical and Biological Weapons Threat Reduction Act of 1997 augments existing international norms and agreements by establishing a framework for U.S. sanctions against nations which use chemical or biological weapons and by directing the Secretary of State to convene an international negotiating forum for the purpose of reaching an agreement on the enforcement of the 1925 Geneva Protocol which bans the use of chemical weapons in war.

I wish to point out that supporting S. 495 is not in conflict with the ratifica-

tion of the Chemical Weapons Convention. Instead it complements the CWC by reducing the threat of acts of terrorism and armed aggression against the United States involving chemical and biological weapons. Therefore, I urge my colleagues to support this legislation and take a step toward making our country safer with a comprehensive plan that provides realistic and practical measures to combat the dangers of these repugnant weapons.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for not to exceed 1 minute as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Vermont may proceed.

#### SENATE TRADITIONS

Mr. LEAHY. Mr. President, I just had reason to go and check the RECORD on something and realized a change had been made in the Office of the Official Reporters of Debates. In the 22 years I have been here, it has been right off the floor, which is the logical place for that office to be.

I guess I am sort of a traditionalist. I believe that traditions that work should take precedence over perks that some may want. Frankly, I have no idea who made this decision to do all these changes. I do not think it is a good one. As a Senator who prefers tradition over perks, I wish things would go back to the way they were. Sometimes we should realize as Senators, we are only here temporarily. The Senate outlasts us.

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

The assistant 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 (Mr. GORTON). Without objection, it is so ordered.

#### CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT OF 1977

The Senate continued with the consideration of the bill.

Mr. THURMOND. Mr. President, I rise in support of S. 495, the Chemical and Biological Threat Reduction Act of 1997, offered by the Senator from Arizona, Senator KYL, and others.

There has been criticism of this legislation by Members of the Senate as

well as by the administration. The criticism largely centers around charges that it falls short as an alternative to the Chemical Weapons Convention [CWC].

I do not know what the outcome will be of the Senate vote on advice and consent to ratification of the Chemical Weapons Convention. This legislation could possibly be an alternative in the event two-thirds of the Members present do not vote for the treaty. On the other hand, it may also complement the treaty, if it passes.

I want the RECORD to be clear, whatever the outcome of the vote on the CWC, I support efforts by the Senate to provide comprehensive criminal, civil, and other penalties for the acquisition, possession, transfer, or use of chemical or biological weapons. I also want the RECORD to reflect my continued support for the destruction of the U.S. unitary stockpile.

I urge my colleagues to vote for S. 495.

Mr. HUTCHINSON. Mr. President, I proudly stand here today as a cosponsor of S. 495, Senator JON KYL's Chemical and Biological Weapons Threat Reduction Act of 1997. First and foremost, I want to thank the good Senator from Arizona for his commitment and hard work regarding chemical and biological weapon threats. This legislation certainly provides a comprehensive domestic and international plan to reduce the threat of chemical and biological weapon use.

It sets forth practical, realistic, and achievable nonproliferation measures to combat the very real dangers posed by these weapons.

Today the U.S. Senate will vote on the Chemical and Biological Weapons Threat Reduction Act. Mr. President, for the first time in U.S. history, we will have legislation that provides the needed criminal and civil penalties against those who produce, stockpile, and transfer chemical weapons in the United States.

Mr. President, as this body begins debate on the chemical weapons issue, I wholeheartedly believe that S. 495 will not only reinforce our strong commitment to eliminating chemical and biological weapons, but more importantly this legislation will provide our domestic law enforcement authorities the needed legal basis to enforce prohibitions on chemical weapons activities within the United States.

I have heard the arguments against S. 495, including that it amounts to the "U.S. go at it alone," approach. However, Mr. President, this bill sets forth a strong moral example for other nations to follow and in doing so underscores our commitment to global nonproliferation efforts.

Furthermore, through the Australia Group, the United States and its principal international partners have worked together to prevent the transfer of dual-use chemicals and chemical

weapon-related equipment. The Australia Group must remain a cornerstone of our international nonproliferation effort and Mr. President, the passage of this legislation accomplishes this goal.

Mr. President, let me emphasize the strong points of this bill:

It requires U.S. sanctions against any country that uses chemical and/or biological weapons against another country. In effect a range of sanctions can be imposed: arms sales, trade restrictions, foreign assistance, etc.;

It outlaws the entire range of chemical and biological weapons activities within the United States. This bill mandates a \$100,000 penalty for civil violations and provides the death penalty where chemical and/or biological weapons use leads to the loss of life;

It establishes criteria for continued United States aid to Russia for chemical and biological weapons dismantlement and destruction;

Most importantly, the assistance for dismantling Russia's chemical weapons stockpiles is contingent upon Russia's commitment to abide by already existing bilateral and multilateral agreements on chemical and biological weapons; and

This legislation requires calling an international conference to strengthen the 1925 Geneva Protocol, which prohibits the use of biological and chemical weapons. The Geneva Protocol has been violated on numerous occasions with little or no response from the states observing its prohibitions. Section 205 of this legislation would call for the creation of an international body whose purpose would be to ensure that the participating states will penalize any state violating the Geneva Protocol.

Mr. President, we must, to the best of our ability, avoid the horrible events of the 1980's, when the international community witnessed the horrors of Iraq's use of chemical weapons against its own people. However, we took no action despite the clear and compelling evidence that this atrocity had taken place.

To answer this threat, Senator KYL's legislation directs the Secretary of State to convene an international negotiating forum for the purpose of concluding an international agreement on the enforcement of the 1925 Geneva Protocol banning the use of poison gas in war.

Mr. President, one of the most important provisions of S. 495 is that it strengthens U.S. biological and chemical defense programs. The bill recommends three steps to improve the readiness of U.S. military forces in the area of biological and chemical defense. First, it would require the Secretary of Defense to ensure that U.S. military forces are prepared to conduct operations in a contaminated environment, particularly in the areas of operating ports and air fields. Second, it would seek improved allied support for biological and chemical defense to sus-

tain operations in a contaminated environment. Third, it would require that the U.S. Army Chemical School remain under the oversight of a general officer.

Mr. President, as we begin the debate on the Chemical Weapons Convention and whether to ratify or not, I believe that this legislation, S. 495, is significant because it establishes substantive and workable national policies for confronting the chemical weapons threat.

The American people, with justification, will ask their leaders how and where they stand on the issue of chemical weapons.

Mr. President, the passage of S. 495 will send a clear and unmistakable message to the American people that this Congress will do everything in its power to rid our world of all chemical and biological weapons. I urge my colleagues to adopt this measure.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan. The Senator has 11 minutes remaining.

Mr. LEVIN. Mr. President, how much time is remaining on the bill itself?

The PRESIDING OFFICER. The Senator from Michigan and the Senator from Delaware have 11 minutes each, the Senator from Arizona has 13, and the Senator from Vermont has 4½.

Mr. LEVIN. Mr. President, the bill before the Senate is an unusual piece of legislation. It comes to the Senate in an expedited fashion rarely witnessed in this body. The so-called Chemical and Biological Weapons Threat Reduction Act has been presented as something of an alternative to or substitute for the Chemical Weapons Convention.

In contrast, though, to the Chemical Weapons Convention, which has taken 3½ years and counting to reach the Senate floor, S. 495 comes to us a mere 3½ weeks following its introduction. The substitute amendment to S. 495 that the Senate is now considering—all 64 pages of bill language—was made available to Senators just a few hours ago. So it is so new, the substitute, that copies of the amendment are just practically warm to the touch.

The CWC has undergone a thorough and rigorous evaluation in the Senate since its submission in November 1993, the subject of 17 hearings, dozens of witnesses, 1,500 pages of testimony, questions and answers, letters, reports, and other documentation.

By contrast, the bill before us, S. 495, arrives fresh and green, never having been reported out of committee, never having been the subject of a single congressional hearing.

This is not the way the Senate should consider important legislation, particularly given the gravity of the subject matter contained in this bill. S. 495 changes existing American law with respect to domestic law enforcement, criminal penalties, international sanctions, and export controls. From what I can determine in these few hours, many of the changes contained in S. 495 would weaken existing law.

Also, S. 495 conditions United States assistance to Russia for the safeguarding and destruction of its vast chemical and biological weapon stockpile of 40,000 tons. These changes and others contained in S. 495 significantly alter American domestic and foreign policy, and as such should be carefully studied by the Judiciary Committee, the Armed Services Committee, and the Foreign Relations Committee at a minimum before the Senate acts on it. But that has not happened.

The timing of this bill as a prelude to considering the Chemical Weapons Convention leaves the unmistakable impression that proponents of S. 495, or some of them, see it as an alternative or substitute to the treaty. It is nothing of the kind.

The Chemical Weapons Convention has been signed by 161 nations and ratified by 72. It is a global treaty that bans an entire class of weapons of mass destruction. It prohibits the production, acquisition, stockpiling, transfer, and use of chemical weapons. The treaty, negotiated and signed under Republican administrations and strongly supported by our military leaders and battlefield commanders, is the product of American leadership in combating the international proliferation of weapons of mass destruction. The CWC joins the Nuclear Nonproliferation Treaty and the Comprehensive Test Ban Treaty as the triumvirate of multinational nonproliferation treaties that strengthen U.S. national security while at the same time enhancing global stability.

The bill, S. 495, falls well short of what U.S. participation in the Chemical Weapons Convention can deliver. It does not have the depth, the scope and the boldness of the CWC. More importantly, if this bill is passed as an alternative to the CWC, it would undermine our efforts to deprive aggressor nations and terrorist organizations of the use of chemical weapons.

The CWC makes illegal the development, production, or possession of chemical weapons by signatory states. S. 495 applies only to the United States. Furthermore, S. 495 would require sanctions against countries only if they use chemical weapons, punishment already existing in U.S. law. Nations that produce, possess, or transfer chemical weapons would not be affected by S. 495.

The CWC requires that signatory states begin destruction of their chemical weapons within 1 year of the treaty's entry into force and complete that destruction in 10 years, a commitment the United States has already made independently of the CWC. By contrast, S. 495 does not require the destruction of a single chemical bomb or warhead.

The CWC, our Chemical Weapons Convention that will come before us next week, creates a verification regime to provide for on-site inspection of signatory nations to ensure compliance with the prohibitions created in the treaty. S. 495 concerns itself with punishing individuals and/or nations

after chemical weapons are used and lives are lost, not with the abolition of the insidious weapons prior to their use.

Countries that are not signatories to the CWC are isolated from the world community and prohibited from buying certain dual-use chemicals from member states that could be fashioned into weapons of mass destruction, in the process hampering the economic potential of their domestic industries, chemical and otherwise. S. 495 does nothing to leverage nonsignatory nations to forswear the production and possession of chemical weapons, thereby leaving open the door for the spread of these destabilizing weapons.

Those are some of the major shortcomings of S. 495 as an alternative to Senate ratification of the Chemical Weapons Convention and its implementation legislation.

S. 495 is not simply an ineffective tool in ridding the world of chemical weapons; it also contains a number of legal ambiguities and policy flaws that weaken existing U.S. law and add weight to why the Senate should reject the bill. Even a quick reading of S. 495 reveals significant problems with the bill from both a legal and national security perspective. I think a more careful analysis by the committees of jurisdiction would undoubtedly reveal more problems.

There are two sections in S. 495, and I ask unanimous consent that the analysis of these two sections of S. 495 be printed in the RECORD.

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

S. 495 is divided into two sections: Title I sets forth penalties for unlawful activities within the United States or by United States nationals abroad. Title II makes changes to the Arms Export Control Act and other portions of existing law regarding the imposition of economic and diplomatic sanctions against any foreign government determined to have used chemical or biological weapons illegally. Other significant changes are contained in Title II, including placing limits on U.S. assistance to Russia for the transportation, safeguarding and destruction of such weapons of mass destruction.

Mr. LEVIN. There are a number of policy flaws in S. 495 which I want to highlight in the few minutes remaining, Mr. President. Specifically, this bill would substantially weaken current criminal provisions in at least five significant areas. This bill weakens existing criminal law in at least five areas, from even a cursory view.

First, new provisions in title I of the bill would expressly authorize ownership, production, sale or use of chemical and biological weapons for a broad array of purposes described as exempted conduct. The FBI has expressed concern about this new exemption in law, stating if this approach is taken, "the legitimate purpose allowed must be specifically defined and narrowly tailored" to avoid rendering the prohibitions toothless.

But, unfortunately, section 229(b) defines the term "exempted conduct" to include:

(A) any peaceful purpose related to an industrial, agricultural, research, medical, pharmaceutical activity,

(B) any protective purpose directly related to protection against the chemical or biological weapon.

The FBI has found significant ambiguities in this definition that can become major loopholes in the statute. For instance, any research purpose could mean a terrorist group or cult conducting research into chemical or biological weapons. Obviously they would assert it was for a peaceful purpose, but under this new provision of law would it fall within the realm of research intended to be prohibited? The Aum Shinrikyo was conducting research and testing. If they were discovered before they released deadly chemical agents into the subway in Tokyo in 1995, they would not have necessarily violated this act, especially since they were recognized at the time as a legitimate religious group and were not viewed at that time as a terrorist organization.

The phrase in this bill "any protective purpose" which is used in exemption (B) is too broad, as well. Although hopefully not intended, this exemption could be asserted in self-defense claims. A case involving an individual in possession of Ricin, a potent toxin, who used it as a form of a booby-trap is illustrative of a potential protective purpose. This could be asserted by survivalist-type groups that may store these types of weapons, as was the case, according to the FBI, in 1985 when a white supremacist organization had a drum of chemical agents at their wooded compound.

Second, section 229(c)(2) of the new provision contains an exclusion permitting any ownership and possession of chemical and biological weapons by any member of the U.S. Armed Forces. This provision is poorly written. It does not appear to require official authorization for the ownership or possession of the weapon. Just if you are in uniform, then you are exempted, whether or not you have authority or not to be in possession of the weapon.

The same paragraph contains broad language authorizing ownership and possession of chemical and biological weapons by any person who is "attempting to seize the weapon." That language could conceivably include a terrorist who is attempting to seize chemical or biological weapons. By contrast, the existing law that it would replace covers any use that is without lawful authority. That is a big difference. Again, this bill weakens current law. Current law says if you have it without lawful authority, you violate the law. This provision substitutes a weaker law, a weaker provision, for what is in current law and exempts people who are attempting to seize a weapon, whether or not they have lawful authority or not. That is a significant weakening of current law.

Third, current law authorizes a life sentence for any person who "know-

ingly assists a foreign state or any organization" to acquire biological warfare agents—or delivery systems for use with such weapons—or who attempts, threatens, or conspires to do so. This aspect of the law would be repealed by title I of S. 495 with no substitute.

Fourth, section 229C(a) of the new provision would authorize a maximum sentence of 10 years for any person who knowingly uses riot control agents as an act of terrorism, or knowingly assists any person to do so. By contrast, the existing law it would replace subjects any person who uses chemical weapons, including riot control agents, without lawful authority to a life sentence.

Fifth, section 229C of the new provision would prohibit the unauthorized use of riot control agents only if use is an act of terrorism. Before any penalty could be imposed, law enforcement officials would be required to prove that the chemicals were used to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by assassination or kidnaping. The existing law it would replace contains no similar requirement; requires no proof. Possession is enough.

Turning attention to title II of S. 495, one of the most troublesome and counterproductive provisions of this bill is section 203 entitled "Criteria for United States Assistance to Russia." This section is a conglomeration of several of the conditions that have been proposed to the CWC resolution of ratification, but which the administration cannot accept. Section 203 would require four Presidential certifications concerning Russian compliance with existing chemical/biological agreements before United States assistance under the cooperative Threat Reduction Program—also known as the Nunn-Lugar program—can be provided. As Chairman of the Joint Chiefs General Shalikashvili articulated to the Senate Armed Services Committee earlier this year, the CWC's greatest attraction from a military standpoint is the requirement for all parties to destroy their chemical weapons stockpiles, including the eventual destruction of approximately 40,000 tons of declared Russian chemical agents, the largest stockpile in the world. Limiting cooperative threat reduction funding for this purpose might endanger prospects for Russian ratification of the CWC as well as remove the most effective United States tool for inducing Russia to dismantle its massive chemical weapons stockpile.

Another section of the bill that should concern Senators is section 208, entitled "Negative Security Assurances." This provision calls for classified and unclassified reports to Congress on "the appropriate range of nuclear and conventional responses to the use of chemical or biological weapons against the United States Armed

Forces, United States citizens, allies and third parties." The text of this provision is different from the agreed-to condition contained in the CWC Resolution of Ratification and requires the submission of the report to the Senate Committees on Armed Services and Foreign Relations and the Speaker of the House, a peculiar designation to say the least. Furthermore, the Office of the Secretary of Defense has indicated that an unclassified report on this issue is not possible and, more importantly, is concerned that the language in section 208 is designed to lead to a major change in U.S. Government policy in this area.

Mr. President, 1997 marks 80 years since the advent of chemical warfare on the western front during World War I. It was in 1917 that stymied field commanders lifted the lid of Pandora's Box and unleashed on the world a new kind of warfare, horrifying in its effects and insidious in its indiscriminate application on the battlefield. It was 80 years ago that dense, yellowish-green vapors, pushed along by light winds, crept across the desolation of no-mans land and filled the bloodied trenches of a doomed generation of soldiers. Thousands of unprotected men suffocated to death in an excruciatingly painful and protracted fashion, the inner lining of their lungs eaten away by the pervasive gas. The world's abhorrence over the use of gas warfare in the latter years of World War I led to the Geneva protocol of 1925 prohibiting the use of these weapons of mass destruction.

Now, decades later, we are on the verge of the united world community dedicated to the complete abolition of these battlefield poisons. The only question is whether the United States will follow through with the leadership it has shown in the past 15 years by joining the community of civilized nations and ratifying the CWC. The CWC has languished in the Senate for 3½ years and time is short for us to act. We should not be distracted by S. 495, a bill so rushed, so flawed, and so counterproductive to our law enforcement, counterterrorism and national security interests.

Its approval would constitute a step backward from the commitments we made as a nation when President Bush signed the CWC in January, 1993. In its descriptive title, S. 495 claims to be the Chemical and Biological Weapons Threat Reduction Act. But, in fact, it is nothing of the sort. Nothing in this bill will remove chemical or biological weapons from foreign military weapons arsenals. Nothing in this bill will deprive terrorists of the chemical or biological ingredients necessary to threaten and kill innocent men, women and children in a subway or at a shopping mall. S. 495 concerns itself with reacting to the use of these weapons, not preventing their use.

History has shown that the threat of criminal penalties and economic sanctions will do little to deter those with no regard for international law and the

sanctity of human life. The best way to prevent a chemical weapons attack is by preventing the attacker from obtaining such a weapon in the first place. This is the philosophical underpinning of the CWC. It seeks to prevent the use of chemical weapons through abolition, while S. 495 relies on the deterrent effect of criminal penalties and economic sanctions, already contained in U.S. and international law, to inhibit their use.

Mr. President, I urge my colleagues to vote against S. 495. Even after a cursory review, the shortcomings of S. 495 are sufficiently numerous and serious enough to warrant its defeat. The real test of this body's resolve to strengthen our national security interests and promote global stability will come when the Senate turns its attention to the consideration of the Chemical Weapons Convention. To endorse S. 495 prior to our vote on ratification would send mixed signals to our allies and the rest of the international community about America's willingness to lead in the fight against chemical weapons. At a time when the world community looks to us for leadership in the effort to counter the proliferation of weapons of mass destruction, we cannot afford to renege on such an important obligation.

Mr. KYL. In the interest of time, since we would like to get on with the vote, I respond by saying that is a misreading of the bill. The exemptions are the same as the implementing legislation submitted by the administration. The same for protective purposes. And he misreads the exemption he spoke to about seizing the weapon. That is related only to the pending destruction of the weapon authorized by law.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have 15 minutes.

The PRESIDING OFFICER. The Senator from Delaware has 11 minutes.

Mr. BIDEN. I have colleagues who have planes to catch, so I will try to be brief.

Let me be very, very blunt, as the Chair knows I usually am, much to my detriment on occasion. This is not about anything, this vote. This vote is really designed to try to come up with a substitute for the chemical weapons treaty—to give people who want to say they voted against chemical weapons an ability, then, to vote against the Chemical Weapons Convention.

I know we are supposed to be more diplomatic than that, and I know all that, and I am not suggesting that things in the bill are not worthwhile. They are. But this is what happens after we pass the treaty, that is, the implementing legislation. The way treaties work is, if we pass a treaty like the Chemical Weapons Convention, then we will come back here and pass implementing legislation. Just today, Senator LUGAR and I have introduced legislation called the implement-

ing legislation. That is, how do we domestically implement what we have just signed on to internationally.

Now, this bill does some of those things. Some of the things in here, in this bill—and I have great respect for my friend from Arizona, I really do. I always kid him and say my problem with him is he is too bright. I always prefer people who I am usually in disagreement with philosophically that are not very bright. He is very bright. That is a problem. So he is more effective. But I hope he will not be offended. I think he would be willing to tell you not only does he believe in what is in here, he also hopes it has the political benefit of gathering enough votes to allow people the option to vote against the Chemical Weapons Convention.

So, when I give this short shrift, I am not giving short shrift to the ideas, please understand. But the RECORD should note that this is not the norm; nobody that I am aware of, at least as long as I have been here, is usually willing to allow, without any hearings, a major bill to be brought up that is 64 pages long that most of us have not had a chance to read.

I just want the RECORD to reflect why I am going to truncate this a great deal because this debate is not really about the substance here but about the treaty. I will tell you why we need a treaty and why this legislation, even if I knew all that was in it, and even if I agreed with all that was in it, would not get the job done.

First, the treaty addresses two flaws in the Geneva Protocol which focused on a single wrong. It said we would ban the use of chemical weapons. The Chemical Weapons Treaty says you cannot produce chemical weapons, you cannot own chemical weapons, you cannot stockpile them. This legislation does nothing to affect any other country. Nothing we do in here in any way puts or imposes a prohibition on other countries other than as it relates to how we will deal with them on a bilateral basis.

Second, we need a Chemical Weapons Convention because it will strengthen the ability of nations of the world to cooperate in placing strict global controls on trade and chemicals. We want to be able to trace the precursor chemicals that go from one country to another country, from one country or company to an individual, because that is the thing that will allow us to trace down and see whether the bad guys, whether they be terrorists and or countries at large, are doing bad things. That is, possessing, building, or designing chemical capability. This does nothing on that score.

Third, we need a Chemical Weapons Convention because we have decided to get rid of most of our chemical stockpile, and that decision was jointly made by the Congress and the President in the 1980's. After the Gulf War, George Bush announced we would destroy the rest.

The fourth reason is we need a treaty because it greatly enhances our ability

to detect and deter a chemical weapons program. This will do nothing to affect anybody else's chemical weapons programs.

In sum, the CWC will be a powerful instrument. This, at best, you could say, would be something along the line of implementing legislation, if we had that treaty passed, which I hope we will.

I might add, I agreed to allow this bill to come up before the treaty, which is a very unusual way to do this because, quite frankly, I had no other way of getting the treaty up. Had I not agreed to this, my colleagues could have filibustered or prevented it from coming out of committee. Even though I have the votes in the committee for the treaty I could have prevented it from coming to the floor. This must be confusing to people listening to this debate today, because why would we vote on this before the international treaty? The answer is that we have no choice. The answer is they've got me by the procedural ears here. If we don't get a chance to vote on the CWC by the 28th, we are not in the deal and we, as a nation, are very much out of sync.

I will conclude by suggesting that Senator KYL's bill calls for a couple of things that already are in the treaty. The bill does nothing to eliminate other nations' chemical weapons. It requires us to go back and renegotiate the Chemical Weapons Convention, which, as General Brent Scowcroft, not a man known for hyperbole, said the concept of starting over was pure fantasy.

Next, this bill does nothing to strengthen trade controls internationally. It has language about the Australia Group—an organization that is already in place and will stay in place. There is nothing extraordinary about that. The Australia Group exists and will continue to enforce trade controls.

Third, the Kyl bill provides sanctions against nations that use chemical weapons. That's already in law. The bill does strengthen this in minor respects, but it weakens it in others. It doesn't make it illegal to produce or stockpile these weapons.

Fourth, the Kyl bill does nothing to address trade sanctions that will apply against U.S. companies if the Chemical Weapons Convention enters into force with us.

In sum, the Kyl bill is not a substitute for the Chemical Weapons Treaty, although there are things in the Kyl bill that I would vote for.

As I told my friend—and I really do think he is my friend, and we have been completely straight with one another—I am going to vote against this and urge my colleagues to do the same, because I don't know enough to know what is in here. I will never forget that when I first got here, Senator Pastore of Rhode Island, an old fellow, was a very powerful Senator; I asked him about something and he said, "Boy, let me tell you something. If you don't know what's in it, it's always safer to

vote no." So I am voting no. Although there might be some merit to this, I can't find it. It is clearly not a substitute for the CWC.

I yield the floor.

Mr. KYL. Mr. President, I am prepared to yield my time back. I hope Senator LEAHY will yield his time. In passing, at another time I will respond to my friend from Delaware. I make the point that there is nothing in this legislation that requires any renegotiation of the treaty. I assure my colleague of that.

Mr. BIDEN. Mr. President, we yield back all of our time.

Mr. KYL. Mr. President, I urge my colleagues to support the legislation.

I yield back all my time.

The PRESIDING OFFICER. All time has been yielded back.

The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Missouri [Mr. BOND] are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri [Mr. BOND] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—53

Abraham	Gramm	McConnell
Allard	Grams	Murkowski
Ashcroft	Grassley	Nickles
Bennett	Gregg	Roberts
Brownback	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hutchinson	Shelby
Coats	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lieberman	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Frist	Mack	Warner
Gorton	McCain	

NAYS—44

Akaka	Conrad	Harkin
Baucus	Daschle	Hollings
Biden	Dodd	Inouye
Bingaman	Dorgan	Johnson
Boxer	Durbin	Kennedy
Breaux	Feingold	Kerrey
Bryan	Feinstein	Kerry
Bumpers	Ford	Kohl
Byrd	Glenn	Landrieu
Cleland	Graham	Lautenberg

Leahy	Murray	Sarbanes
Levin	Reed	Torricelli
Mikulski	Reid	Wellstone
Moseley-Braun	Robb	Wyden
Moynihan	Rockefeller	

NOT VOTING—3

Bond	Cochran	Faircloth
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The bill (S. 495) was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the bill, as modified, was passed.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I might proceed as if in morning business for the next 15 minutes.

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

MORNING BUSINESS

Mr. CHAFEE. Mr. President, in addition to the request which I made, which was granted, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each. Mr. President, that 5 minutes each follows my remarks, for which I have been granted permission for 15 minutes.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE and Mr. REED pertaining to the submission of Senate Concurrent Resolution 22 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

OPEN COMPETITION ACT OF 1997

Mr. KENNEDY. Mr. President, I rise in opposition to S. 606, the so-called Open Competition Act of 1997, introduced this afternoon by Senator HUTCHINSON from Arkansas. As I understand the proposal, it would forbid the Federal Government from entering into so-called project labor agreements on any Federal construction project. What prompted the bill is a proposed Executive order under consideration by the administration.

That Executive order would permit Federal agencies to consider requiring contractors on certain large Federal construction projects to comply with labor contracts for the duration of the project. The Executive order would not mandate this procedure for any contract. It would simply direct the agencies to consider such agreements in appropriate circumstances.

These so-called project labor agreements have been used with great success on numerous large-scale construction projects in the past. They were used on large flood control and hydroelectric projects in the 1930's. They