

MEASURE PLACED ON THE CAL-  
ENDAR—TREATY DOCUMENT 103-  
21

The PRESIDING OFFICER. Under the previous order, the Foreign Relations Committee is discharged from further consideration of Treaty Document No. 103-21, the Chemical Weapons Convention, which shall be placed on the Executive Calendar.

EXECUTIVE SESSION

CHEMICAL WEAPONS CONVENTION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Treaty Document No. 103-21, which the clerk will report.

The legislative clerk read as follows:

Treaty Document No. 103-21, the convention on the prohibition of development, production, stockpiling and use of chemical weapons and on their destruction.

The PRESIDING OFFICER. Under the previous order, the convention shall be advanced through its various parliamentary stages, up to and including the presentation of the resolution of ratification.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished Senator from Arizona has a unanimous-consent request, but I want him to withhold it until Senator BIDEN can be here and have an opportunity to object, if he desires.

The PRESIDING OFFICER. Mr. Chairman, I have a couple of other previous orders I can read.

Mr. HELMS. Very well.

The PRESIDING OFFICER. Under the previous order, the Committee on Foreign Relations shall be discharged of consideration of Senate Resolution 75, and this resolution be substituted for the resolution of ratification.

Under the previous order, there will be 10 hours for debate, equally divided between the chairman and ranking member or their designees, and 1 hour under the control of the Senator from Vermont, Mr. LEAHY.

Mr. HELMS. I yield to the distinguished Senator from Arizona.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent Jeanine Esperne, John Rood, and David Stephens be granted the privilege of the floor for the duration of the day.

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

The Senator from North Carolina.

Mr. HELMS. Mr. President, as the Senate begins final consideration of the Chemical Weapons Convention, the immortal words of Yogi Berra come to mind. Everybody remembers them. "It's déjà vu, all over again."

If anyone is wondering why JESSE HELMS, Senator from North Carolina,

is quoting a New York Yankee, it is because I always liked Yogi. And we have been here before, meaning the Senate. The point being that the Senate scheduled a time certain last September to take up this very same treaty. But, on the day of the scheduled vote, the White House asked to withdraw the treaty. Why? Well, because there were not 67 votes necessary to pass it.

The White House stonewalled and refused to address the key concerns raised by Senators about the treaty, concerns relating to its universality, its verifiability, and crushing effect on business because they had opposed even the most reasonable modifications proposed by this Senator and many others. That is why the treaty was withdrawn last year. So, here we go again, with most of those critical concerns remaining in the treaty: The Chemical Weapons Convention certainly is not global, it is not verifiable, and it will not work. Even its proponents admit it cannot effectively prevent the spread of chemical weaponry.

Time and time again, the administration has portrayed this agreement as one that will provide for a global ban on chemical weapons. I recently read a poll showing that 84 percent of the American people believed that this body should ratify a treaty which would "ban the production, possession, transfer and use of poison gas worldwide." That was the question asked in the poll. I quoted it verbatim. If this treaty accomplished such a ban, I would be the first Senator on this floor, along with Senator KYL, urging its approval. Had the pollster called me at home, I—if I knew nothing about the treaty, as most Americans do not—I probably would have been among the 84 percent.

In any event, more than 8 years ago, at the confirmation hearing of Jim Baker to be Secretary of State, I noted President Bush's statement that he wanted to be able to tell his grandchildren that he, "was able to ban chemical and biological weapons from the face of the Earth." Quote, unquote, George Bush. I remarked at that hearing that I, too, would like to be able to tell my grandchildren that I helped the President and the Secretary of State attain such a goal. And that statement that I made then is just as true today as it was on the day that I made it. But I cannot and will not sign off on a multilateral treaty that accomplishes none—n-o-n-e—none of the goals it purports to address.

I have, on 5 January first days of the Senate, stood right over there by the dais, raised my right hand, and pledged to support and defend our country and its Constitution. I have presided over many hearings dedicated to the careful examination of this treaty. Earlier this month, the Senate Foreign Relations Committee heard testimony by and from four former U.S. Defense Secretaries—Dick Cheney, Cap Weinberger, Jim Schlesinger, Don Rumsfeld, all four urging the Senate not—not to

ratify this dangerously defective treaty.

These distinguished Americans are by no means alone. More than 50 generals and admirals and senior officials from previous administrations have joined them in opposing this chemical weapons treaty—convention—call it what you will. And why have all these great Americans urged that the Senate reject this treaty? I will tell you why. Their case can be summarized this simply: It is not global, it is not verifiable, and it will not work. No supporter of this treaty can tell us with a straight face how this treaty will actually accomplish the goals that they have advertised so profusely for it.

The best argument they have mustered to date is, as I understand it, "Oh, yes, it is defective, but it is better than nothing," they say. Or they tell us that "It creates an international norm against the production of these weapons." But, in fact, this treaty is worse than nothing.

But, in fact, Mr. President, this treaty is worse than nothing, for this treaty gives the American people a false sense of security that something is being done in Washington, DC, to reduce the dangers of chemical weaponry when, in fact, nothing is being done with or by this treaty. If anything, this treaty puts the American people at greater risk.

That is why the administration wants to avoid at all costs a real debate on the merits of this treaty. They know that they cannot defend it. They say it is better than nothing. No, it is not. So they have resorted to a number of assertions that simply do not hold up under scrutiny. They have put forward, for example, the "America as a rogue state" argument. They have said it over and over again. "Rogue state, rogue state."

They say if we don't ratify the CWC, we will be left "in the company of pariah nations, like Iraq and North Korea," who have refused to join. And then they have hit us with, "Well, everybody's doing it. It is going to go into effect anyhow," they say, and have said over and over again, "with or without the United States, so we might as well go with the flow and sign up."

Sorry, Mr. President—and I mean the distinguished Senator who is presiding, Mr. President, and I mean the President down on Pennsylvania Avenue as well—sorry, Mr. President, the oath that I have taken five times standing right over there forbids my taking part in such sophistry.

Anyhow, since when did America start letting Belgium and Luxembourg and France and Bangladesh dictate our national security policy? The Senate should decide whether or not to approve this treaty on the basis of whether it is in the national interest of the United States and the American people, not to respond to diplomatic momentum of the moment. Frankly, I take offense at the argument that this administration is making widely and

frequently, that rejecting this dangerous and flawed treaty would make America the moral—get this—the moral equivalent of terrorist states—that means governments, countries—terrorist governments like Syria and Iraq and Libya and North Korea. These pariahs are, at this very moment, manufacturing chemical weapons to use against us. Don't make any mistake about that. That is what they are doing right now as we meet.

We are unilaterally destroying our chemical stockpiles with or without the Chemical Weapons Convention, and I think that such rhetorical blackmail may offend the American people. We will see. The polls are already turning around, by the way.

Mr. President, I made a commitment to the American people that I would bring this chemical weapons treaty to the Senate floor only if it contained all the key protections necessary to ensure that this treaty does no harm, even if it can do no good, and that is exactly what is happening. That is exactly why this treaty is the pending business in the U.S. Senate at this moment.

The resolution of ratification that is now pending before the Senate addresses all the inherent weaknesses of this treaty. With this resolution of ratification, I can vote for this treaty in good conscience, and I would dissuade no Senator from doing the same, obviously. But if those key protections are removed, taken out—and the administration says it is going to happen, they are going to be taken out, they boast—then we should refuse to ratify this treaty for the reasons that we will discuss in greater detail in the hours ahead.

I doubt that there is a Senator in this body who has not heard a great deal about the 28 conditions in this resolution of ratification that have been agreed upon by the distinguished Senator BIDEN, who is the ranking member of the Foreign Relations Committee, the administration, and me. I commend my friend, JOE BIDEN, for his willingness to work with me in good faith to address those issues. I have told him so privately, and I now tell him so publicly. As JOE BIDEN has pointed out, he spent many hours in my office in direct negotiations with me and my staff in an effort to reach some common ground.

Many of the 28 conditions contain commonsense provisions that never should have been contested by the administration in the first place. For example, these conditions, among other things, require the creation of an inspector general. They limit the burden on the American taxpayer. They preserve the Australia Group. They assert the right to use tear gas in combat situations.

Let me tell you something, if they had not yielded on that question about our using tear gas to help our downed pilots escape from the enemy, this treaty would never have come to the

floor. Unfortunately, the Clinton administration has made clear—made clear—that it intends to remove five vital protections that Senator LOTT and I and others have included to address the defects of the treaty, or some of them. By stripping those key conditions from this resolution, the administration is asking the Senate to ratify a treaty which, first, will affect almost none of the terrorist regimes whose possession of chemical weapons actually threatens the United States, such as Libya, Iraq, Syria, and North Korea; second, which the administration admits that they can't verify, and they can't verify this treaty. Do you remember what Ronald Reagan used to say? Trust but verify. Ronald Reagan is sort of halfway implicitly credited with this treaty. I think I knew Ronald Reagan as well as anybody. I was the first sitting Senator to support Ronald Reagan's candidacy, and I knew how he felt about treaties because he felt then as I feel now about treaties.

Third, the administration knows that Russia is already violating the chemical weapons treaty, even before it goes into effect, by pursuing an entirely new generation of chemical agents specifically designed to circumvent the CWC, as we call it around this place, violating Russia's existing bilateral chemical weapons agreement with the United States signed some years ago and—I have to use this word—lying about their chemical stockpiles. And we are supposed to trot in and ratify this treaty? Not this Senator. Not this Senator.

Fourth, the administration is supporting a treaty which allows inspectors from China and rogue states, such as Iran, to descend upon American businesses, rifle through the business confidential documents in each of these places, to interrogate the employees of the business, and to remove secret business information and chemical samples whenever they want to.

A law enforcement officer in the United States cannot do that. You have to get a search warrant issued by a court.

Fifth, the administration feels that under articles X and XI, which involve the transfer of dangerous chemicals, chemical manufacturing technology and advanced chemical defense gear to any nation who signs on, including terrorist states like Iran and Cuba and known proliferators, such as Russia and China, the administration said, "No, no, we can't have that. We can't have that." That's what they say. We are going to find out tomorrow, or perhaps earlier, how the U.S. Senate feels about that, because there is going to be a vote on that specific question.

We have protections in the current resolution of ratification which address all of these issues, as I have said before, and while all of these matters are vitally important, the final concluding issue, I believe, is the key to this entire debate. What is it?

The proponents of this treaty have been telling the American people over

and over and over again that this treaty will "ban chemical weapons from the face of the Earth." How many times have I heard that by some very good friends of mine in the administration? Let me tell them something, and let me tell you something, Mr. President. With articles X and XI intact, this treaty will, in fact, do the exact opposite. It will, in fact, facilitate the spread of poison gas to the very rogue countries most likely to use it against American citizens.

So I guess the question is, who would give the terrorist crowd in Iran chemical agents and chemical technology that they can use to build chemical weapons? Who would do that? Who would vote to give Iran the secrets to our most advanced chemical defensive equipment, the technology we have designed to protect our troops from poison-gas attack? Not this U.S. Senator. I will never, never vote to do that, because I stood over there five times and said I would not. But that is exactly what the Clinton administration is asking us to do by insisting that we ratify this treaty with articles X and XI intact.

Do not take my word about all of this. Heed the warnings of some people that I believe most Americans admire and respect. Let's take Secretary of Defense Dick Cheney, who served in a previous administration, the Bush administration. Dick Cheney provided written testimony to the Foreign Relations Committee earlier this month. Let me quote him. This is Dick Cheney talking:

Articles X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the world.

I have heard Dick Cheney make many a speech, but I never before heard him as emphatic in his declaration about anything previous to this.

Mr. President, anybody who wants a road map for how this will work need only examine how Russia has taken advantage of similar provisions in the Nuclear Non-Proliferation Treaty. Today, Russia is using the NNPT to justify, what? To justify Russia's sale of nuclear reactors under a provision known as atoms for peace. Under the chemical weapons treaty, articles X and XI, or poisons for peace provisions, as we call them, Russia and/or China could decide, for example, to build a chemical manufacturing facility in Iran and argue not only that are they allowed to give Iran this technology, but that they are obligated to do it under a treaty, mind you, that a lot of people are advocating that the United States Senate ratify tomorrow before dark.

Worse still, the Chemical Weapons Convention also requires that we share our latest advanced chemical defensive gear with all of these countries. What that means is that, through reverse engineering, Iran could figure out how to penetrate our chemical defense, increasing not only the risk of American

troops being exposed to poison gas but the chances of a chemical attack actually taking place by undermining the defensive deterrent value.

The administration has agreed that it will not give such American technology to Iran. I think they mean it as far as it goes, but this agreement with the President will not stop other countries from doing it. Articles X and XI still facilitate trade in these technologies with more than 100 countries, many, if not most, of which do not share our policy of isolating Iran, don't you see. If they get access to United States defensive technology under the chemical weapons treaty, they will share it with other signatories, like Iran. And they could do so lawfully without violating the treaty. Further, they will share their own defense technology against dangerous dual-use chemicals regardless of what the United States says or does.

What will happen once we put a plethora of chemical and defensive secrets out on the world market? I think you know, Mr. President. It will be only a matter of time, and a short time, before these rogue states which do not sign the treaty will get access to these defensive secrets. Iran will certainly share them with Syria and Libya. And who knows who they will, in turn, share them with.

Ronald Reagan, as I said earlier, said that our policy in arms control—arms control of all types—must be "trust but verify." With the Chemical Weapons Convention we can do neither. So why would we agree to a treaty which would share advanced chemicals and know-how and defensive gear with unworthy regimes? That is precisely the question before the U.S. Senate today.

We can ratify the CWC with these key protections in place. But if the administration insists on stripping them out, taking them out, then they will have invited the Senate to refuse to ratify the chemical weapons treaty. It is up to them. Unless we include protections on these issues, any agreement we have reached on other matters amounts to little more than adding sweetener to hemlock. They may make the treaty easier to swallow, but it remains, Mr. President, just as deadly as ever before and just as injurious to the national security interest of the United States of America.

Mr. President, we know Senators plan to address important aspects of this convention; therefore, at this time I shall defer to my colleagues who may wish to discuss this convention in greater detail, beginning with my distinguished friend, Senator BIDEN.

For the reasons I have discussed and for the reasons that Senators will hear in the hours ahead, obviously, I am strongly urging the Senate to oppose any amendments to strike key protections from the resolution of ratification.

Mr. President, I thank the Chair and I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Delaware.

Mr. BIDEN. I yield myself as much time as may be necessary.

Mr. President, as my distinguished friend, the chairman of the committee, leaves the floor, let me note that he and I came to the Senate the same year, 1972. I, like he, on five occasions—four here and one in a hospital—raised my right hand and swore to uphold the Constitution. We have both done that, to the best of my knowledge, for the past 24 years.

Let me just say that just as beauty is in the eye of the beholder, security and upholding the oath of office, how to protect and defend the United States of America, is in the eye of the Senator. I do not doubt for one single second that my friend from North Carolina believes what he says, that he does not believe this treaty is in the interest of the United States of America and, by inference, he would not be upholding or defending the Constitution of the United States were he to vote for it, other than with the killer amendments attached to it that would effectively end the treaty.

I think it is important for the listeners to put in perspective a little focus here as to how much verification is necessary to defend our interest and how much is enough and what tradeoffs constitute our interests.

Let me just say that my friend and I have worked together for years and years. As I said, we came here together, 1972. We got elected in the same year. To the best of my knowledge, my friend has not voted on the floor for an arms control agreement, ever.

Although the Senate overwhelmingly passed the START Treaty negotiated by Ronald Reagan—"trust but verify" Reagan—my friend from North Carolina voted against it because he did not think it was verifiable. Ronald Reagan thought it was verifiable. Ronald Reagan, who said "trust but verify," he negotiated the treaty. He sent it to the U.S. Senate. We voted for it. Senator HELMS did not.

I do not say this as a criticism but an observation. Because if you listen to Senator HELMS, it makes it sound as though he is just like Ronald Reagan. Well, he is not like Ronald Reagan. Bush finally concluded the START I agreement, but it was Reagan who had negotiated it. Reagan supported the START I agreement. President Reagan, I understand, supported the START II agreement. Senator HELMS voted against both of them because he did not believe they were—and I believe he meant it—he did not believe they were in the security interests of the United States of America.

So again the reason I mention it is that you will hear a lot of appeals to authority today. You will hear a number of ad hominem arguments and a number of infallible arguments invoked on the floor of the Senate today by all of us. It is a debating technique.

But I think one of my objectives today is going to try to be sort of the truth squad here, to make sure we are comparing apples and apples and oranges and oranges and we remember who did what.

So before the day is over, someone probably will invoke the name of George McGovern, somehow. I do not know how George McGovern will get into this, but I promise you that will happen as evidence that these arms control treaties are bad things that just soft-headed liberals do. Ronald Reagan is no soft-headed liberal.

My friend from North Carolina is a staunch conservative, but he parted company with other staunch conservatives who thought START I, START II and the INF agreements were all bad treaties. We negotiated the INF agreement when Senator HELMS and I were here. Ronald Reagan proposed that. I do not know how he voted on that. But I would not be surprised if he voted against that. And "trust but verify" Reagan not only negotiated it, but submitted it.

Mr. President, the debate we are commencing today is not only about a global treaty—it is important, it is global, and it addresses the chemical weapons threat. Quite frankly—and my distinguished friend from Indiana, Senator LUGAR, will speak to this at length because he is so articulate when he does—it is about nothing less than America's leadership in the post-cold-war era. I mean, it really is that simple.

It is above and beyond the issue of merely the chemical weapons treaty, which I will speak to in detail, and why this treaty is such a good treaty. But it is well beyond that. It is well beyond that.

Over the course of two decades and three administrations, the United States of America has led—has led—the world in developing a comprehensive treaty designed to outlaw chemical weapons. Now, less than a week before this treaty goes into effect, with or without the United States of America, the world watches to see what the world's greatest deliberative body is going to do. I mean, it sounds a bit melodramatic, but it is literally that serious. It is that fundamental.

This treaty is going into effect no matter what happens, because the way the treaty is, if over 65 nations signed on to it, it automatically goes into effect 6 months later. So whether we vote for it or not, a total of 74 nations of the world have now said, "This is a good treaty. We sign on to it. We commit to it." So it is going into effect.

What is it going to look like, as the world watches us—and, believe it or not, they watch us; the American public may not watch us a lot here in the Senate but the rest of the world is watching—when the possessor of the one of the two largest stockpiles of chemical weapons in the world, who unilaterally agreed to destroy those weapons—us—when we do not ratify a

treaty that 74 nations have already ratified?

But there are the anti-arms controllers who believe there has never been an arms control agreement that is worth having. I respectfully suggest that the Senator from North Carolina is among them.

He stood up on the floor when we were debating this before it came on the floor, and he said, quoting someone, that America "has never lost a war, nor has it ever won a treaty."

Remember, that is what this is about. This dividing line is between people who believe that there is no way in the world you can multilaterally sign on to anything because you cannot trust anybody; the only thing we can trust is ourselves. Therefore, whatever we do, do it unilaterally. Senator HELMS has never voted for an arms control treaty on the floor of the U.S. Senate, including the ones negotiated by Nixon, Ford, Carter, Reagan, and Bush. We have all been here for all those Presidents.

I am not being critical. I just want to make you understand the dividing line here. This is not about the little pieces. This is about whether or not you think we can have any kind of multilateral agreements relative to controlling any kind of arms.

Our friend from Arizona, the distinguished Senator, Senator KYL, introduced a unilateral effort to stem chemical weapons. It was great, but it does not affect any other nations. No one else signed on to it. That is sort of the mantra you get from our friends who oppose arms control—we can do it ourselves. But how can we control the rest of the world unless they are part of an agreement that we are part of?

The real issue is, will we remain in the forefront of the battle to contain weapons of mass destruction, the pre-eminent security threat of this era, or will we retreat from the challenge and be lulled into believing we can combat this scourge of chemical weapons on our own? I know what the answer to that is. The answer is: We cannot do it on our own. I hope the Senate will answer in the affirmative that we have to do this globally.

But before we face that moment of decision sometime tomorrow evening, we are going to spend 2 days in debate here, and we are going to vote when I move to strike five specific conditions on the Helms proposal that is before us.

As we commence this debate, I think it is instructive to briefly trace the history of the problem of poison gas and the efforts of the world community to address the threat.

Today is April 23. And 82 years ago, almost, today, 82 years ago yesterday, April 22, at 5 o'clock in the evening, a green cloud boiled up out of the east near the town of Ypres in Flanders.

The modern use of chemical weapons had begun. On that day, the use of chlorine gas achieved a significant tactical advantage for the German

attackers in World War I. But within 8 days, gas masks were made available to the allies and, thereafter, in World War I, the use of poison gas as a method of warfare was not especially effective as compared to the primary weapons of artillery and machine guns. But "terrible beauty had been born," to paraphrase Yeats—poison gas had been used.

As a weapon of terror, poison gas continued to be exceedingly effective in World War I and had an appalling effect on its victims along the front lines. Soldiers in trenches knew all too well the terror and horror of gas. Wilfred Owen, who was killed in action in 1918 described the terror in his poem, "Dulce et Decorum Est." I would like to read from that poem.

Gas! Gas! Quick, boys!—An ecstasy of fumbling,

Fitting the clumsy helmets just in time,  
But someone still was yelling out and stumbling,

And floundering like a man in fire or lime.  
Dim through the misty panes and thick green light,

As under a green sea, I saw him drowning.  
In all my dreams, before my helpless sight,  
He plunges at me, guttering, choking, drowning.

If in some smothering dreams, you too could pace

Behind the wagon that we flung him in,  
And watch the white eyes writing in his face,  
His hanging face, like a devil's sick of sin;  
If you could hear, at every jolt the blood  
Come gargling from the froth-corrupted lungs,

Obscene as cancer, bitter as the cud  
Of vile, incurable sores on innocent tongues,  
My friend, you would not tell with such high zest,

To children ardent for some desperate glory,  
The old Lie: Dulce et decorum est,  
Pro patria mori.

Translated, it means: It is sweet and fitting to die for the fatherland.

The international revulsion against the use of poison gas in World War I led the United States, once again, to press for an international agreement banning the practice. The result, in 1925, was the Geneva Protocol, which prohibits the use in war of poison gas and bacteriological weapons. For much of this century, with a few exceptions, this norm was honored. During the Second World War, where restraints were hardly the rule, no party saw fit to violate the norm. Even Adolf Hitler obeyed it, although presumably not out of any sense of honor, but out of fear of allied retaliation. Hitler's restraint on the battlefield, unfortunately, did not carry forward to the concentration camps where he used gas to slaughter defenseless innocents, millions of them.

The norm contained in the Geneva Protocol eroded considerably in the 1980's, when both parties in the Iran-Iraq War employed gas during a war of attrition that ended in stalemate. The use of chemical weapons in that war provided no significant breakthroughs on the battlefield, but it did give Saddam Hussein an idea, and that idea was to use poison gas against defenseless

civilians in Iraqi Kurdistan following a cease-fire in the war with Iran.

In August 1988, Saddam launched his final offensive against dozens of villages, killing hundreds and causing tens of thousands to flee to neighboring countries. A staff report prepared for the Senate Foreign Relations Committee by our present Ambassador to Croatia, Peter Galbraith, was based on interviews with survivors. He described the atrocities in vivid detail in that report: "The bombs"—meaning the chemical bombs—"did not produce a large explosion, only a weak sound that could be heard, and then a yellowish cloud spread from the center of the explosion. Those who were very close to the bombs died almost instantly. Those who did not die instantly found it difficult to breathe and began to vomit. The gas stung the eyes, skin, and lungs of the villagers exposed to it. Many suffered temporary blindness. After the bombs exploded, many villagers ran and submerged themselves in nearby streams to escape the spreading gas. Many of those that made it to the streams survived. Those who could not run from the growing smell—mostly the very old and the very young—died. The survivors, who saw the dead reported that blood could be seen trickling out of the mouths of some of the bodies, a yellowish fluid could also be seen oozing out of the noses and mouths of some of the dead. Some said the bodies appeared frozen. Many of the dead bodies turned blackish blue."

Saddam's outrageous act, unfortunately, prompted only muted response from the world community. One of the few sounds of protest came from this body, where Senator Claiborne Pell, now retired, and the chairman of the committee, Senator HELMS, promptly introduced legislation to impose sanctions against Iraq. The bill sailed through the Senate on a voice vote the day after it was introduced. Unfortunately, the Reagan administration, at that time still operating under the delusion that it could deal with Saddam, denounced the chairman's bill as premature and later succeeded in blocking its enactment in the final days of the 100th Congress—a fact we tend to forget.

Saddam's atrocities, although not a violation of the Geneva Protocol—you know, it wasn't a violation of the Geneva Protocol. That Geneva Protocol only banned the use of chemical weapons in war. This was not a war. So the irony of all ironies is that the first guy to use poison gas since the Italians in Ethiopia in the 1930's, didn't even violate the Geneva Protocol. It was used in the Iran-Iraq War, which was a violation because that was international war.

The Geneva Protocol bans the use of chemical weapons in warfare, and the extensive use of gas in the Iran-Iraq War was banned but still occurred. Ironically, it had a positive effect, Mr. President. They catalyzed the negotiations in the Conference on Disarmament on strengthening the Geneva

Protocol, which were already underway. President Reagan gave the effort a very important push—that is, the effort to deal with containing chemical weapons—during his annual address to the U.N. General Assembly that fall, where he urged the parties to the protocol, as well as other concerned states, to convene a conference to review the deterioration of respect of the norm against the use of chemical weapons.

France obliged President Reagan by hosting a special conference in January 1989. Eighteen months later, Saddam Hussein struck again by invading Kuwait this time. But this time the international community, led by President Bush, reacted forcefully to Saddam's latest outrage. Thankfully, chemical weapons were not used in the gulf war, although Saddam suggested he might do so. And an Iraqi weapons depot containing such weapons was destroyed by coalition forces after the war. Ironically, the only reported exposure to poison gas for allied troops resulted from an Iraqi stockpile that was perfectly legal under international law. The only thing illegal is to use it in international conflict—not to manufacture it, not to stockpile it, and not to use it internally.

The specter that chemical weapons might have been used in the gulf war, however, gave a new urgency to the negotiations on the Chemical Weapons Convention. In May 1991, President Bush who, as Vice President, had first proposed the draft treaty in 1984 on behalf of President Reagan—so Reagan proposed the first draft—President Bush announced several steps that spurred the negotiations to a successful conclusion. Specifically, he declared that the United States would forswear the use of chemical weapons against any state, effective when the Chemical Weapons Convention enters into force. Additionally, the United States committed to destroy all its chemical weapons stockpile.

So I want to get something straight here. Whether or not we are members of this treaty and have the benefits, we are going to destroy our chemical weapons anyway. We have already decided to do that. We have already pledged to do that. President Bush pledged that once the convention went into force, we would also forswear the use, period. The Bush proposal, made at the time, had the desired effect. Within months, the negotiations on the Chemical Weapons Convention were completed. The treaty was signed by Secretary of State Eagleburger on January 13, 1993, 1 week before President Bush left office.

Now, Mr. President, this review of the history of the Chemical Weapons Convention is necessary not only to set the stage for this debate, in my view, but also to rebut the myth which has arisen in some quarters that this is President Clinton's treaty. This is President Bush's treaty and President Reagan's treaty. The treaty was initi-

ated by Reagan, concluded by Bush. This week, we can continue that Republican legacy by giving the Senate's consent to ratification of the Chemical Weapons Convention. So this is not a product of anything other than the intensive efforts on the part of this administration to pass a treaty signed by a Republican President, of which this President did not change a single word, did not have one bit of input on. The only input the present President had is on seeking the Senate's approval. Had President Bush been reelected, it would be real clear that this is a total Republican product, which is a good thing, not a bad thing. The reason I am bothering to say this is, if you listen here, you hear a lot of confusing talk, because some of my Republican friends understandably aren't real crazy about President Clinton, you will hear this talked about, saying the President did this and that, and the President promised this or that. This President had nothing to do with this treaty, zero, nothing. In getting it ratified, he has been tremendous in helping that process. So I do not want anybody getting confused here. If you do not like this treaty, dislike it for a good reason. Don't dislike it because you do not like the foreign policy of Clinton or you do not like the domestic policy of Clinton or you do not like President Clinton. This is a Republican treaty, born and bred.

By the way, I think it is one of their proudest achievements. I think it is a fine thing, and they deserve the credit. But let's not get into these—you will hear these ad hominem arguments this day about this liberal President did this liberal thing; we got sucked in by these all-knowing and smarter nations to get us to do these things with the treaty. Malarkey. Bush and Reagan said we are not going to use any chemical weapons; we are going to destroy our stockpiles; whether there is a treaty, or not, we will put that in the legislation; we are going to destroy our stockpile. They negotiated a treaty and sent it up here. Unfortunately for President Bush, he was not reelected. So it is left on the watch of this President to get it ratified. There are the facts.

The question still remains, though, regardless of who negotiated this treaty, why do we need it? The answer still, in essence in my view, is very simple. Notwithstanding the Herculean efforts of my friend from Arizona, Senator KYL, who is on the floor, we cannot contain the threat of chemical weapons on our own. Let me repeat that. We cannot contain the threat of chemical weapons on our own. I would love it if we could. It should be obvious that our objective of combating the global threat of chemical weapons cannot be met without working in concert with other nations. We may be the world's lone superpower, Mr. President, but that does not empower us to solve the chemical weapons problem on our own.

Mr. President, the convention is quite detailed, as it necessarily must

be. This is the treaty. It is quite detailed in its several provisions upon which there will be specific debate over the course of the next 2 days. But, for the moment, let me highlight the reasons why this treaty will advance our national interests.

First, the convention addresses two key flaws in the Geneva Protocol—that is the thing that outlaws the use of chemical weapons in international war—which focused on a single wrong. The Geneva Protocol focused on one thing. It banned the use of chemical weapons in international armed conflict, period. A good thing, but not nearly enough.

The reason we need this treaty: The first reason is the Geneva Protocol doesn't ban the internal use of chemical weapons, and it says nothing about stockpiling the development of or the production of chemical weapons. Today, roughly 20 countries are believed to either possess chemical weapons or have a program aimed at acquiring such weapons. Included on this list are such pariah states as Iraq, Iran, Libya, or North Korea. Under current international law there is nothing illegal about these programs—nothing, zero, nothing illegal about these programs. The Chemical Weapons Convention will make them illegal and thus serve to isolate those who ignore this international norm.

My friends will later point out today and tomorrow that unless these countries all ratify and become signatories, we should not. Let me explain to you why it is equally important that we determine who is inside the norm and who is outside the norm. The convention will provide a moral, if not legal, basis for taking military action against a chemical weapons program that poses a threat to peace whether or not that nation is a signatory to the convention. Let me explain what I mean by that.

Let's assume that North Korea or Libya never entered this convention. Let's assume we enter it and the other nations who have signed it enter it. Let's assume that number, which I think is realistic to assume, gets closer to 100. Let's assume Libya, that we find out, or are able to demonstrate to the world through this international group of inspectors or through our own national technical means, that Libya is producing and stockpiling chemical weapons. Even though they have not signed onto the treaty, let's assume that we conclude that we should take military action to take out that capability—"take out" meaning bomb it, destroy it, get rid of it—I believe, and I predict that you will see the world community sanctioning that action, at a minimum by their silence and probably with an overwhelming degree of support.

But let me ask it another way. Let's say we don't sign onto this treaty. Libya develops a significant stockpile of chemical weapons. We identify it, show the world, and decide we are

going to take it out. What do you think will happen then? Do you think there is any reasonable prospect the world will coalesce around our effort to protect us and the rest of the world? I respectfully suggest to you that there is not a chance. So this is a significant inhibitor even to those nations that do not sign onto the treaty because it establishes an international norm.

The second reason why this treaty is important is that the Chemical Weapons Convention provides this strict regime for controlling trade in precursor chemicals used in making chemical weapons because chemicals commonly used in industry are also able to be used to produce chemical weapons. The only way to effectively control chemical weapons on a global basis is to provide a strict control and monitoring regarding the commercial trade in these kinds of chemicals that can ultimately produce chemical weapons. Accordingly, the convention provides several mechanisms, including annual reporting by companies and export controls, to track the chemicals. Parties which do not join the treaty will be left on the outside of the system subject to cutting off trade in those certain chemicals, along with other restrictions that the convention will impose.

Failure to ratify the convention will in time impose onerous costs on any chemical industry in any state that does not sign, including our own. In our case, it will be the loss of—at minimum—hundreds of millions of dollars in lost export earnings annually. This financial loss would be a cruel irony because the United States pushed to put these controls in the treaty.

Do you all remember when we were trying to track down who sold the technology and the material to the Iraqis to build their nuclear and/or chemical capability? Remember all of that? We tried to track down, and we tracked down some German companies which had provided the engineering and other companies from France, and other countries had provided some of the material, et cetera.

Guess what? It is important to know who is selling what. Any outfit that signs onto this treaty could not sell without reporting in detail what they sold to each of these countries who are signatories to the treaty. Guess what? If you don't ratify the treaty and you sell certain chemicals abroad, you will be unable to sell them to the countries that have ratified, including our largest trading partners. Chemicals are our single largest export. OK? I know people who think I am a little prejudiced on this because I come from Delaware, occasionally referred to by some facetiously as "The State of DuPont." Chemicals and the chemical industry make up 51 percent of the industrial products of my State. If we do not sign onto this treaty, we are in real trouble because then we can't trade our chemicals. We can't trade certain chemicals, which is our State's biggest export and which produces the most jobs, other

than agriculture. We can't trade. We will have tariffs put up against us in other countries.

Why do we do that? We, the United States, President Bush did that because we were so sure that we would sign on and see the wisdom of this. We wanted to make sure that countries who didn't sign on suffered a penalty for not signing on.

So now, if we vote this voice vote which we are going to have after our caucuses, as Senator HELMS proposes, guess what? We kill the treaty and our chemical industry, and the jobs associated with it will be in real trouble.

But remember why that was put in there. It was put in there because we want to track chemical trade. You know everybody is watching the Timothy McVeigh trial. You don't have to be a rocket scientist or an expert in chemicals to know that one of the things the prosecution is trying to do is they are trying to find out whether he purchased any material that could be used to make the bomb. So they are trying to find a chain. They are trying to work their way back. That is the way you stop the building of chemical weapons. If you are going to go make chemical weapons, you need certain chemicals. Countries like Iraq and countries like Libya don't have them. They need to buy them from someplace that manufactures them and then go make their chemical weapons.

So another inducement to prevent the construction of chemical weapons is that we track the material that could be used, components, to make the chemical weapons. If company officials know they are going to be violating the law if they don't record that they sold 10 barrels of such and such, that is one side of the sanction. But they also know that, if they sell it to countries that use it to produce poison gas, and report it, then they are going to be responsible in the world's eyes.

What do you think would happen if we knew today each of the chemical companies around the world that sold to Iraq the components of the chemical weapons that they used against the Kurds? What do you think would happen if we are able to identify company A, B, C, and D? I bet you that there would be a serious change in attitudes on the part of those companies.

There is no reason to believe this, but let's assume that we identified American corporations which had sold the material to the Iraqis to build their chemical weapons stockpiles. I will lay you 8 to 5 that the Senators on the floor of this Senate and Congressmen in the House of Representatives would immediately be introducing legislation to sanction those companies, and those companies would know that was about to happen to them.

So you see the logic here. If you can trace the chemicals being sold to produce the weapons, you inhibit the likelihood that any company will sell that precursor because they don't want to be listed as the company or the na-

tion that helped North Korea build chemical weapons.

Technically, not all trade in the chemicals on what they call schedule 2 of this treaty would be banned immediately if we do not sign on, and trade in schedule 3 chemicals, would also not be banned immediately. But trade between countries that ratify and countries that don't in all of those chemicals that appear in schedule 2 will be banned in 3 years, and in schedule 3, possibly in 5 years. That means that, if we are not signed onto that at the front end or along the way, all those chemicals that have legitimate uses could not be sold for legitimate purposes without the chemical company being at a distinct disadvantage with the competitors in Europe and elsewhere.

The third reason we need the Chemical Weapons Convention is that the United States has already decided by law—voted on in this body—to destroy most of our chemical weapons stocks anyway, a decision jointly made by the Congress and, guess who, "trust but verify" Reagan. In the 1980's, President Reagan, after consulting with his military advisers, said, look, these chemical stockpiles, the hundreds and hundreds of tons of chemicals weapons that we have stockpiled in the United States, have little or no efficacy. Our military tells us we don't need them to defend against other nations that use chemical weapons, and we don't need them for offensive purposes and they are unstable, so we are going to independently destroy them. And we passed a law saying you are right, Mr. President Reagan, destroy them.

So think of the irony. We are going to destroy our chemical weapons no matter what, and we may not join a treaty that requires other nations to destroy their chemical weapons.

After the gulf war, President Bush announced that we would destroy the rest of our chemical weapons other than the ones that President Reagan said we are going to destroy anyway. Then President Bush, after the Gulf war, said we are going to destroy anything that is left once we ratify the chemical weapons treaty.

There is a connection here. I used to practice law with a guy who was a very good trial lawyer, Sidney Balick, still a great trial lawyer. He would stand before a jury, teaching me how to do jury trials, and he would look at the jury and say now look, it is very important you keep your eye on the ball here. The issue is whether or not my client robbed the store, not whether my client is a nice guy, not whether or not you would want my client to go out with your daughter, not whether my client is well dressed, not whether my client is nice looking. It is about whether or not he robbed the store. So keep your eye on the ball and connect the dots.

Well, one of the things we have to do is keep our eye on the ball here and connect the dots. One of the reasons

why President Bush said we will destroy the rest of our chemical weapons was to help get ratified this treaty that we were the major architects of—a Republican President. And so because we have already decided to dismantle our chemical stockpiles, this convention we are talking about, this treaty will ensure that other nations do so as well.

As Secretary of State Albright said: "This treaty is about other people's weapons, not our own."

Let me repeat that. "This treaty is about other people's weapons, not our own." We are going to destroy our own anyway. This is about other people's weapons. You are going to hear our colleagues stand up and say, you know, we should not ratify this treaty, although it has been signed by Russia, until it is ratified by their Duma, their Congress.

Now, we are going to destroy our weapons anyway. We then do not ratify this treaty. Failure to ratify this treaty then gives Russia the excuse not to ratify the treaty. We will have destroyed all of our chemical weapons and Russia will still have millions of tons of stockpiled chemical weapons. Now, isn't that smart. Isn't that smart. What are we talking about here? This is about other people's weapons, not ours, not ours.

The conclusion that we do not need chemical weapons to protect our military superiority, by the way, is based not on some reckless idealism but on hardheaded pragmatism on the part of the Joint Chiefs. Military leaders like Gen. Norman Schwarzkopf, Gen. Colin Powell, former Secretaries of Defense Harold Brown and William Perry tell us that we do not need chemical weapons to defeat any potential adversary whether or not that adversary is armed with chemical weapons. We can engage in massive retaliation.

This treaty, by the way, is also endorsed by several highly respected veterans organizations. The list includes the Reserve Officers Association, the Vietnam Veterans Association, the Veterans of Foreign Wars, and the Jewish War Veterans of the United States.

Of course, Mr. President, we have to maintain a capacity and capability to defend against chemical weapons, against parties that may choose not to join the treaty or those which do not abide by its norms. But the danger that our forces will face chemical attack will in time be greatly reduced once this treaty is passed. So too will the threat that innocent civilians will be subject to such attacks by rogue states.

The fourth reason we need this convention is because it will greatly enhance our ability to detect and deter chemical weapons programs. Through a detailed accounting procedure and an elaborate regime of on-site inspection, the most intrusive inspection regime of any arms control agreement ever negotiated, the Chemical Weapons Convention will strengthen our ability to ensure compliance.

You are going to hear another argument which I kind of find fascinating.

As the Senator from Indiana and I tried to answer each of the arguments of the opponents of this treaty, we realized that by answering one we make their other argument. They argue at cross-purposes. For example, you will hear some stand up one moment and say this treaty is not adequately verifiable. And we say OK, we have an inspection regime that allows you to go into plants in other countries, challenge inspections without notice, et cetera. They say, well, it is not enough. It is not enough. And we say OK, want to do more? They say, no, no, no, no, we can't do more. We don't want to do more. We don't want to verify.

Why don't we want to verify? Because to verify intrudes upon your sovereignty.

So you hear a second argument. Senator HELMS made it. He says, you know, this treaty will allow people to go into the plants of chemical industries in the United States and pharmaceutical industries—and soap manufacturers, which is not true—and steal their trade secrets. So someone is going to challenge the DuPont Co., the international community, saying we think you are making chemical weapons. So this team of inspectors will go into the DuPont Co., they will have us believe, and they will root around the DuPont Co.'s books and look at all their patents and look at everything and steal their trade secrets, take them back to Iraq and now make nylon or make Corfam, which no one uses anymore. And we say, well, to the degree we protect against that, we lessen the ability to verify. And to the degree we increase the verification, we can protect less against that.

The truth is neither are real. There is an entire regime built into this convention that will prevent anybody from being able to steal any trade secrets. But the point is you will hear these arguments. Ask yourself as this debate is going on, if they are really concerned about verification, why do they not want a greater ability to verify. And if they are really concerned about the loss of proprietary business interests and secrets, why do they not understand that they really do not want to verify.

With or without the treaty, Mr. President—this is a key point—whether we sign this treaty or not, the United States intelligence community, the defense intelligence establishment, the CIA, our entire intelligence apparatus, is still going to have the duty to monitor chemical weapons programs in other States. The President will demand no less, nor would we as a Nation. So no matter what we do, we are still going to be attempting to monitor through any means we can what is going on in Iran with regard to chemical weapons or Iraq with regard to chemical weapons, whether or not we verify. But what happens if we do not verify? Well, if we do not verify, then we do not get the ability to go into Iran, a signatory to this convention—

and look at their companies, look at their facilities, challenge whether or not they are in fact lying to us. We do not get to be part of that. We have to do it from a distance.

Now, how does that help us? No matter how weak you think the inspection regime is, how are we better off in our ultimate objective—and that is finding and getting rid of chemical weapons programs around the world—how are we better off by not having access to the inspections that we could be part of conducting if we are part of the treaty?

In my view, every single criticism you will hear of this treaty is worse without the treaty. Every single problem you will hear raised is worse for the United States if we are not in the treaty. I will not take the time now to go into all of them but this is just one. Since we have to have our intelligence guys and women find out what other countries are doing, how are we better off when we do not give them the tools that this treaty provides to find out what other nations are doing.

This view is confirmed by George Tenet, the acting director of Central Intelligence, who testified:

In the absence of the tools that the Convention gives . . . us, it will be much harder for us to apprise . . . the military and policymakers (about) developments.

Developments meaning chemical weapons. Of course, there are going to be cheaters. But the extensive verification regime will surely raise the stakes considerably for cheaters and act as a deterrent.

Ron Lehman, the Director of the Arms Control and Disarmament Agency under President Bush and the Deputy National Security Adviser under President Reagan, stated:

We do not have the highest confidence that we will detect cheating, but the cheater must still worry that we might. Should we deny ourselves the strategic warning that comes from the detection of indications of chemical weapons activity, even if there is not complete proof? With the inherent difficulties in monitoring chemical weapons activities, we need all the help we can get.

Mr. President, it comes down to a simple question. Given that the treaty will enter into force next week without regard to our action, will we be better off inside the treaty or outside the treaty grouped with the pariah nations? I believe the answer is absolutely clear. We should be on the inside helping to implement the treaty that can be a powerful instrument in containing the threat posed by chemical weapons. It is not perfect, but we should not let the perfect be the enemy of the good. This is a good treaty and the Senate should consent to its ratification forthwith.

Before we go to the final vote on the treaty itself, however, we will have a full day of debate and then tomorrow consider the various conditions contained in the proposed resolution of ratification. As provided for in the unanimous consent agreement reached last week, we will consider two sets of conditions. The first is a group of 28

conditions upon which all the parties have negotiated.

Senator HELMS laid out how long and hard he and I negotiated. I asked him and all opponents, I said list the entire universe of objections you have to this treaty, every single, solitary, conceivable reason to be against the treaty. And after months they listed them all. It came to 33 there was no agreement on. I sat down with Senator HELMS and we worked out agreement on 28 of the 33. Hear what I said, 28 of the 33. I asked every argument of the treaty; list it; let me try to answer it for you—every single one. So the entire universe of objections comes down to 33. We agreed after laborious negotiations on 28 of the 33, leaving five in disagreement.

We are going to, at some point, move to adopt all 28 of those by voice vote. But that leaves the five, the five that are killer conditions.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. BIDEN. Sure.

Mr. MCCAIN. Was the Senator aware that Senator Dole, former majority leader, has just announced his support of the treaty with the changes that have been made, which the Senator from Delaware was able to achieve in this agreement? I think this is a very important expression of support and one that I feel will be very much respected by our colleagues on both sides of the aisle.

Also, I was curious, for purposes of the time, how much longer the Senator from Delaware statement will be?

Mr. BIDEN. I will just take a few more minutes and reserve the remainder of my time. But let me answer the question. As the Senator from Arizona stood up to tell me that, my staff just handed me the news release. I was not aware until he just told me, but it does not surprise me and it pleases me a great deal. You and I worked with Senator Dole for a long time, I for 24 years, and have great respect for him. I was absolutely convinced that the conditions that we agreed on would take care of every conceivable problem he had with the treaty. I think it does for everyone, frankly.

I know my friend from Arizona was very concerned about several provisions of this treaty. He has been deeply involved in the negotiations relating to this, and I think we have taken care of every condition that can possibly be dealt with, without killing the treaty.

The remaining five conditions are conditions that cannot be met and will kill the treaty. So the reason we could not agree to the last five is they are what we call, in the parlance of the Senate, "killer amendments," or "killer conditions."

But I am very pleased, as I say, not surprised. Because in all the years I have worked with Senator Dole I have had the greatest respect for him and I have no doubt that he has thought about this long and hard. I am glad to see he has spoken out, now, which is very important.

As I said, as provided for in the unanimous-consent agreement reached last week, we will consider two sets of conditions. The first is a group of 28 conditions, upon which all parties to the negotiations agree. The second is a set of five conditions that remain in disagreement among the parties; these five will be the subject of a separate debate and vote tomorrow.

The 28 agreed conditions are the product of hours of negotiation that occurred in two complimentary phases. The first involved discussions between the administration and a task force of Republican Senators established by the majority leader. The second involved extensive negotiations between the chairman of the Foreign Relations Committee and me.

At this point, I would like to express my personal appreciation to the chairman of the Foreign Relations Committee, and his able staff, for engaging in hours of discussions with me and my staff. Throughout the past few months, we held over 40 hours of meetings. Although we did not always agree—obviously, we would have been here on the floor a lot sooner if we had—the discussions were carried out in good faith, and the Senator from North Carolina was always a gentleman.

I would also like to pause here to express my appreciation to the majority and minority leaders, who spent many hours on this over the past few months, and to the President, the National Security Adviser and his dedicated team, and the Secretary of State, for all their efforts in trying to forge common ground and narrow the issues.

And we have narrowed the issues considerably. The negotiations succeeded in addressing many key issues of concern. Let me elaborate briefly on these conditions.

Among the 28 agreed conditions are the following:

A condition [No. 28] ensuring that fourth amendment rights will be protected by requiring search warrants in cases where consent to search a facility is not granted.

A condition [No. 26] providing for the continued use of riot control agents by U.S. troops to save lives when rescuing pilots or when attacked by both combatants and civilians.

Several conditions which augment existing protections for industry, including: No. 9, which requires an annual certification that the CWC is not significantly harming legitimate commercial activities; condition No. 16, which adds teeth to the convention's provision on protecting confidential business information by withholding U.S. contributions to the Organization for the Prohibition of Chemical Weapons—the body that will implement the treaty—if an employee discloses information that results in financial loss to a U.S. firm; the money will be withheld until the immunity of that employee is waived; and condition No. 18, which prohibits samples collected from U.S. firms from being taken to foreign laboratories,

thus reducing the risk of the loss of proprietary information to foreign espionage.

Conditions No. 2, 3, and 4, which hold down U.S. costs under the convention and require establishment of an inspector general for the body that will implement it.

A condition [No. 5] which establishes strict standards for the sharing of U.S. intelligence information.

And a condition [No. 14] which rejects any attempt by Russia to link its own ratification of the CWC to the receipt of U.S. assistance for chemical weapons destruction.

Some treaty opponents have attempted to characterize these achievements as relatively minor. That is hardly the case.

For example, throughout the debate on the convention, opponents have contended that it would violate the fourth amendment prohibition against unreasonable searches and seizures. Though this was never the case, condition No. 28 makes it explicitly clear that search warrants will be required whenever consent is withheld for an inspection.

Similarly, CWC opponents have frequently criticized the Clinton administration's decision to interpret the convention as requiring modifications to U.S. policy, codified in Executive Order 11850 of April 8, 1975, on the use of riot control agents by U.S. forces in certain situations.

Condition No. 26 states, unequivocally, that Executive Order 11850 shall not be altered or eliminated.

In short, many arguments about the treaty's perceived flaws are simply no longer valid in light of the agreed conditions contained in Senate Executive Resolution 75.

Unfortunately, our success in addressing so many concerns has not been enough for some treaty opponents. They insist on voting on five extreme conditions, which, if adopted, will prevent the United States from ratifying the convention or will significantly undermine the convention.

An opportunity to vote on these extreme conditions was coupled with a refusal to give the supporters of the treaty an opportunity to offer any substitutes.

So we will be left with one course—to vote against the conditions offered by the opponents of this treaty. I regret that outcome—but that is the hand we have been dealt.

During the next 2 days, we will debate these five conditions, and at an appropriate time, I will discuss them in detail. Let me now address a few of them briefly.

First, the opponents of the convention will argue that we shouldn't join the convention until Russia, as well as several countries with offensive chemical weapons programs, do so, too. We will have 2 hours of debate on these issues tomorrow, but for now let me just say this: this approach holds American policy hostage to the decisions of other nations, which is not only bad policy,

but it also undermines our claim to international leadership.

Opponents will also say that even if the rogue states join, the treaty won't be worth much because they will cheat. To this charge, there is an easy answer, provided by our Secretary of State: to say that we shouldn't try to make chemical weapons illegal because there will be cheaters, is like saying that we shouldn't have laws because people will break them.

Next, you will hear the argument that we must amend article XI of the treaty, or else it will lead to the end of export controls on dangerous chemicals. This argument is based not only on a flawed reading of the treaty text, but on a willful ignorance of commitments already made.

The CWC is completely consistent with continued enforcement of existing controls enforced by the Australia Group, an informal alliance of supplier countries.

Moreover, the 30 nations that comprise the Australia Group have specifically stated their intention—individually and collectively—to maintain export controls that are equal to, or exceed, those in place today.

Finally, we have added a condition—condition No. 7—which makes clear our interpretation that we may maintain export controls, and which requires the President to certify annually that the Australia Group continues to control the trade in vital chemicals.

Even after all of this debate—and all of the voting—I suspect that the opponents of this treaty will still not be satisfied, even if they succeed in attaching killer conditions. That is because, at bottom, they have a theological opposition to arms control. That is defensible position. I respect it. But I strongly disagree with it.

In essence, opponents of arms control fear that a treaty like this will lull us into a false sense of security. This proposition, I concede, has considerable force. But I am not persuaded.

There is, of course, always a risk that a nation will lower its guard in the face of a reduced threat. But today's debate is not the end of our efforts on the chemical weapons problem. To borrow a phrase from Winston Churchill, it is not even the beginning of the end; it is the end of the beginning.

From this day forward, if we approve this convention, as I sincerely hope we will, both the Senate and the executive must remain ever vigilant against the threat of chemical weapons—and ensure that we have an effective convention.

We have added several conditions to the resolution of ratification to advance this objective. We have made a commitment, in condition No. 11; that requires the Secretary of Defense to ensure that U.S. forces are capable of carrying out military missions regardless of any foreign threat or use of chemical weapons. We have required, in condition No. 10, an annual report on

compliance issues. We have established, in condition No. 13, a mechanism for ensuring that the President promptly pursues potential violations that threaten our national security interests.

Aside from these concrete conditions, however, our experience with other arms control agreements demonstrates that the political commitment remains, and that the dangers of complacency are greatly exaggerated.

Nearly 30 years ago, we signed the Nuclear Non-Proliferation Treaty amid predictions that dozens of states would have nuclear weapons within a decade. Today, we are more concerned than ever about the threat of nuclear proliferation, the Non-Proliferation Treaty has been extended permanently, and just a handful of states have the bomb.

During the 1980's, we had constant debates about whether the Soviet Union was complying with its obligations under the Anti-Ballistic Missile Treaty. Not once did we let down our guard against the Soviet threat.

The thesis that we will be lulled into a false sense of security applies not to the convention, but to the alternative: to doing nothing other than strengthening our domestic laws against chemical weapons—which was all the Senate achieved last week in passing S. 495.

Revision of our domestic laws to criminalize possession and stockpiling of chemical weapons is necessary—with or without the treaty. But it is a delusion to believe that merely enacting domestic legislation will suffice to combat an international problem of this magnitude and gravity. Rather, it will take close cooperation by the civilized nations of the world to enforce the new international norm set forth in the Chemical Weapons Convention.

Mr. President, as I stated at the outset, the world—and this is no exaggeration—is watching the U.S. Senate today and tomorrow. They are waiting for the answer to the question, will we, the United States, remain in the forefront of the battle to combat proliferation of weapons of mass destruction? We must answer that in the affirmative. Put it another way, does anybody believe that 74 nations would have signed onto this treaty if they believed the United States of America was not going to support them? We have led people down the primrose path, if in fact we do not sign onto this treaty.

I see that my friend from Indiana, who probably knows more about the chemical weapons treaty than anyone in the U.S. Senate, or maybe anyone in the country, has risen. I will be happy, if he is seeking recognition, to yield as much time to him as he believes he needs.

Mr. LUGAR addressed the chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank my colleague from Delaware for a remarkable speech in favor of the Chemical Weapons Convention, and for his leadership. I thank the distinguished

Senator from Arizona, Senator MCCAIN, for a very important announcement. I have in front of me the statement given by Senator Dole at the White House. I point out the context of this statement was a meeting with Senator Dole and President Clinton, in which these two statesmen came together this morning for a very important purpose, namely to say to America, in a unanimous way, the Chemical Weapons Convention is important for our security.

Senator Dole stated:

Last September, the Senate Majority Leader, Trent Lott, asked me to express my opinion on the Chemical Weapons Convention. In my response, I raised concerns about the Chemical Weapons Convention and expressed hope that the President and the Senate work together to ensure that the treaty is effectively verifiable and genuinely global. They have, and as a result, 28 conditions to the Senate's Resolution of Ratification have been agreed to. These 28 agreed conditions address major concerns.

I commend Senator Lott, Senator Helms, Senator Lugar, and many other former colleagues, as well as President Clinton and administration officials for their constructive efforts, is it perfect—no—but I believe there are now adequate safeguards to protect American interests. We should keep in mind that the United States is already destroying its chemical weapons in accordance with legislation passed more than 10 years ago. The CWC would require all other parties to destroy their stockpiles by April 2007.

In addition, the Administration has agreed to a number of provisions dealing with rogue states that remain outside the treaty.

The Senator attaches a letter from President Clinton to Senator Dole dated April 22, 1997, outlining those provisions. And then Senator Dole continues:

I also understand there is a possibility of an additional agreement with respect to sharing of information. If so, it would further strengthen the treaty. I understand that even with all the added safeguards, not every Senator, for their own good reasons, will support ratification.

As a member of the Senate, I supported the START I, START II, INF, and CFE treaties because they met the crucial tests of effective verification, real reductions, and stability. If I were presently in the Senate, I would vote for ratification of the CWC because of the many improvements agreed to.

Those who may still have concerns can look to Article XVI, which allows withdrawal from the treaty on 90 days notice if it fails to serve America's vital interests. There is little doubt in my mind that if this convention increases proliferation of chemical weapons, it would lead to public outrage which would compel any President to act. The bottom line is that when it comes to America's security, we must maintain a strong national defense that is second to none.

As the Senator has pointed out, we will have in front of the body this afternoon, first of all, all 33 conditions, including 5 that are killer amendments. We must vote those down. We will have, then, before us, 28 agreed amendments that Senator Dole has referenced. We should vote in favor of those, and then proceed in this debate to strike the other 5.

We are here today to discuss the ratification of the Chemical Weapons Convention.

I say to my colleagues that, in performing its constitutional responsibilities with respect to treaties and international agreements, the Senate has to reach a judgment as to whether, on balance, U.S. acceptance of the obligations contained in the treaty serves the national interests of the United States. That phrase, on balance, is important, because in arriving at our judgment, we have to weigh the strengths and weaknesses of a treaty's provisions and decide whether the advantages or benefits outweigh any real or potential costs.

If one believes that the benefits outweigh the costs, one will write and support one kind of resolution of ratification that consents to the treaty while utilizing conditional language to clarify or minimize perceived weaknesses. However, if one believes that the costs of U.S. participation outweigh the benefits, one will write and support a very different kind of resolution of ratification.

It is my belief that the Chemical Weapons Convention, on balance, is in the national security interests of the United States, and thus I believe the Senate should ratify a resolution of ratification which allows the United States to deposit its instrument of ratification and become a state-party to the CWC.

As Senator BIDEN pointed out, this international treaty was negotiated by Presidents Reagan and Bush and was signed by Secretary of State Eagleburger in January 1993—just before George Bush left office.

Senator BIDEN was generous in pointing out that these were two Republican Presidents. Secretary Eagleburger was a Republican Secretary of State. It is appropriate that Senator Dole, as Republican candidate for President, join with President Clinton today, once again affirming that the CWC is in the best national interests of our country.

#### THE NEED FOR THE CWC

Mr. President, we need as many tools as possible to combat the proliferation of weapons of mass destruction, given the fact that many countries of concern have the capability to manufacture these weapons. We need this treaty as a global norm whereby nations foreswear the use of their domestic capabilities to produce chemical weapons. In this regard, the CWC is the most comprehensive nonproliferation and arms control treaty in history and is a critical supplement to the Geneva Convention of 1925.

The CWC fills the gap that the Geneva Convention does not address. While, the Geneva Convention bans the use of chemical weapons as an instrument of warfare, the CWC forbids even the mere possession of chemical weapons.

It prohibits member-states assistance to any chemical weapons program, thereby helping to cut off supplies to rogue nations such as North Korea and Libya who are not likely to subscribe to the CWC. Some have criticized the treaty because they say participation

will not be truly global. I certainly recognize that a number of problem countries are not likely to join the CWC. So be it. The CWC will serve to isolate them in the international community and compel participating countries to restrict chemical trade with them. Participating countries who may now support the chemical weapons proliferation projects of outlaw states in a variety of ways will be obliged to terminate any such help as soon as the treaty enters into force. In this context, it is important to note that the CWC prohibits any assistance to another country's chemical weapons program—not just chemical transfers.

As Gen. Norman Schwarzkopf has said, "We don't need chemical weapons to fight our future warfares. And frankly, by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I'd just as soon not be associated with those thugs in that particular matter."

Some of my colleagues have argued that we shouldn't ratify the CWC until the Russians do so. I disagree. United States ratification of the CWC will put pressure on Russia to follow suit since they don't want to be outside of the broad consensus of the international community. However, even if the Russians fail to ratify, the treaty still serves United States national interests because we have already made a unilateral decision never to deploy CW, even if such weapons are used against us. This treaty commits other nations to do what we have already done. It will make less likely that U.S. forces will face chemical weapons in future confrontations.

On April 4, 16 retired generals and admirals wrote to President Clinton supporting the Senate's consent to ratification of the CWC. Gen. Colin Powell, Gen. Norman Schwarzkopf, Gen. John Vessey, Adm. William Owens, Adm. Stansfield Turner, Adm. Zumwalt and others joined Gen. Brent Scowcroft and the current Joint Chiefs of Staff in supporting the treaty. They wrote:

Each of us can point to decades of military experience in command positions. We have all trained and commanded troops to prepare for the wartime use of chemical weapons and for defenses against them. We all recognize the limited military utility of these weapons, and supported President Bush's decision to renounce the use of an offensive chemical weapons capability and to unilaterally destroy U.S. stockpiles. The CWC simply mandates that other countries follow our lead. This is the primary contribution of the CWC: to destroy militarily-significant stockpiles of chemical weapons around the globe.

Our military leaders concluded:

On its own, the CWC cannot guarantee complete security against chemical weapons. We must continue to support robust defense capabilities, and remain willing to respond—through the CWC or by unilateral action—to violators of the Convention. Our focus is not on the treaty's limitations, but instead on its many strengths. The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities; and it creates new international sanctions to punish those states who remain

outside of the treaty. For these reasons, we strongly support the CWC.

The CWC will compel other countries to pass domestic laws criminalizing all chemical weapons related activities on their soil and thereby give them an effective tool to deal with terrorists. In this regard, it is interesting to note how quickly Japan ratified the CWC after the poison gas attack in the Tokyo subway.

Mr. President, I understand well that some have argued that the treaty is not completely verifiable and therefore not worthy of U.S. ratification. No—the treaty is not 100 percent verifiable and we who support the CWC do not argue that it is a perfect and infallible instrument. We all recognize that a dedicated proliferator may be able to conduct a clandestine chemical weapons program and not be discovered. But that's not a fair test for an up or down vote on ratification. The CWC will complicate life for proliferators by making access to technical assistance and supplies more difficult and expensive to acquire. The treaty's verification provisions cover every aspect of a chemical weapons program from development through production, stockpiling, transfer, and use.

The CWC provides the necessary incentives for states who are considering entering the chemical weapons business to refrain from so doing. It provides an incremental yet substantial step forward in the fight against the proliferation of weapons of mass destruction.

The allegation that the treaty is unverifiable is ironic, given fearmongering from the same quarters about the treaty's allegedly draconian inspection and reporting requirements. How can it be both too tough and not tough enough? How can critics who supported, during the negotiations of the CWC, an inspection regime based on the principle of "any time, anywhere" now argue that the present inspection regime is too intrusive.

#### WHY MUST WE RATIFY NOW

Mr. President, we should not let the CWC enter into force without United States participation. In fact, I regret that we have waited as long as we have to debate this treaty. On April 29, 1997, this multilateral convention will enter into force whether the Senate has acted or not.

What are the consequences for the United States if it is not a party to the CWC when it enters into force.

First, instruments lost: First of all, without the CWC, there is no basis on which the United States can "bound" the chemical weapons problem. The CWC will help diminish the challenge in a way that allows the full panoply of policy tools—export controls, economic sanctions, diplomacy, chemical defense, and military options—to be brought to bear against the real miscreants such as Syria, Libya, and North Korea.

The existing 1925 Geneva Protocol only bans use; there are currently no