

wants them to do: join the CWC and eliminate their chemical weapons program.

The President has committed in resolution of ratification condition No. 15 that the United States will only give medical help to certain countries or concern, under this article. The United States will not be giving them our best gas masks or any other chemical weapons defense technology.

With regard to other states, the United States will use every instrument of U.S. diplomacy and leverage to make sure transfers do not occur that could undermine U.S. national security interests. As Secretary Cohen said Sunday, we will be better able to do this if we are inside the treaty rather than out.

U.S. absence from the treaty will do nothing to keep another state from giving Iran and Cuba gas masks.

Article XI addresses the exchange of scientific and technical information. Opponents of the CWC contend that this article also requires the sharing of technology, and will result in the erosion of export controls not only in U.S. law, but also among nations of the Australia Group, an informal alliance of potential supplier countries. This is simply not so. The administration, and the other Australia Group nations, have clearly stated their commitment to retain the current level of export controls. And condition 7 binds the administration to this promise. It requires the President to certify that "nothing in the convention obligates the United States to accept any modification of its national export controls," and, among other things, to certify annually that the Australia Group is maintaining controls that are equal to, or exceed, the controls in place today.

Regarding article XI, the critics further claim that a treaty expressly devoted to eliminating chemical weapons somehow would force its parties to facilitate the spread of chemical weapons. This interpretation is totally at odds with the plain language of the treaty.

To repeat, in order to reinforce the treaty's constraints, the President has committed in an agreed condition on the resolution of ratification to obtain assurances from our Australia Group partners that article XI is fully consistent with maintaining strict export controls on dangerous chemicals. This condition also requires an annual certification that Australia Group members continue to maintain equally effective or more comprehensive controls over chemical weapons related materials and that the Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons related material and technology.

The critics concern about dangerous exchanges under article XI misses the main point, which is that any such exchanges can take place now without the CWC. With the CWC, the countries

undertaking exchanges are legally bound by the fundamental obligation of the treaty to renounce chemical weapons.

The Chemical Weapons Convention will mean not only that all relevant trade is subject to closer scrutiny, especially with countries whose compliance may be in doubt, but it will also provide the legal basis as well as the verification and compliance measures to redress those concerns.

As Ron Lehman recently stated in testimony before the Senate Foreign Relations Committee, "we made it very clear throughout the negotiations that all of this was subject to article I, which is the fundamental obligations not to assist, but the most important, telling factoid in support of the U.S. interpretation is the fact that after the convention was done so many of the usual list of suspects were so unhappy that they did not get what they wanted in these provisions."

Renegotiation is not a realistic approach, as Brent Scowcroft recently testified. "Starting over is pure fantasy. If we reject this treaty, we will incur the bitterness of all of our friends and allies who followed us for 10 years in putting this together. The idea that we can lead out again down a different path I think is just not in the cards. We have got to deal with the situation we face now, not an ideal one out in the future."

CONDITION 33 ON VERIFICATION

The last condition on which the Senate will be asked to vote is condition 33—strictly a killer condition—that would bar the United States from ratifying the CWC until the President can certify high confidence in U.S. capabilities to detect, within 1 year of a violation, the illicit production or storage of a single metric ton of chemical agent.

The United States will never be able to certify this level of monitoring confidence, so condition 33 would bar U.S. participation in the CWC forever. It, too, must be struck.

This condition sets an unrealistic and unachievable standard for monitoring the treaty and would therefore ensure that we would not become a party to the agreement.

Nobody denies that compliance with some aspects of the CWC will be difficult to verify. Other aspects of the CWC—like the storage and destruction of declared chemical weapons stocks—will be verifiable with fairly high confidence. But a determined country could probably hide a small-scale program of producing or stockpiling illegal chemical agent. We all know that. The important point is that without CWC, such activities won't violate anything. Only if we join the convention, can we effectively combat chemical weapons production and stockpiling.

Our Intelligence Community has testified that it would be very difficult to detect production of small quantities of chemical weapons. We do have high confidence, however, that we can de-

tect cheating where it matters most: that is, if an adversary tries to translate illegal production into a militarily significant capability on the battlefield.

This condition defines production of 1 ton as "militarily significant". But Richard Perle, a CWC critic, has testified that "the possession of lethal chemicals is not by, itself, sufficient to constitute a military capability."

And as Gen. Brent Scowcroft noted in testimony to the Foreign Relations Committee, CWC declarations on chemical exports will be a useful new tool: "Right now, it is possible for a country to buy a few pounds of a precursor here or a few pounds there, a few pounds somewhere else, and to amass an abnormal supply without anybody ever noticing it. That won't be possible anymore. Therefore, we will have a better idea of what's going on and who the bad guys seem to be."

There is no need to adopt a 1-ton threshold for effective verification of the CWC. General Shalikashvili has testified that a single ton might have a real political impact, especially if used in a terrorist attack against unprotected persons. But Iran and Iraq used tens of tons per month against each other without altering the course of their war; studies for the Department of Defense found that it would take several hundred to a thousand tons to seriously disrupt U.S. logistics in a war; and the U.S. stockpile of chemical weapons—which we are committed to destroy whether we join the CWC or not—is about 30,000 tons.

General Shalikashvili went on to say that tonnage is not the only factor to consider. If a country's illicit chemical agent stockpile is to be translated into something militarily usable, there must also be weapons in which to put the agent. There must be an infrastructure for the handling of chemical weapons. And troops must be trained in the use and effective employment of the weapons. Each aspect of developing a real chemical weapons capability is potentially open to monitoring, and each aspect constitutes both a CWC violation and sufficient justification for the United States to request a challenge inspection.

To quote General Shalikashvili fully, "a militarily significant quantity of chemical weapons is situationally dependent. Variables involved in determining this quantity are the military objective, weather, terrain, number of troops, type of chemical agents used, the chemical agent weapons system and method of deployment, and the chemical weapons defensive capability of the targeted force . . . the quantity is totally scenario dependent, and it would be difficult to cite a specific amount as militarily significant."

U.S. intelligence officials have testified that the CWC will add to their monitoring tools to cover a significant target—one that they will have to monitor whether we join the CWC or not. Data declarations will give the

United States an important baseline from which to work. Routine inspections will make it more difficult and expensive for declared facilities to be used in illicit chemical weapons activities. And challenge inspections pose further risks to would-be violators, while giving the United States and other countries the opportunity to have the Organization for the Prohibition of Chemical Weapons seek further indications or hard evidence of violations.

U.S. information can go a long way toward helping the organization to mount effective inspections. That is what the United States did with the International Atomic Energy Agency in North Korea, and it worked. An important agreed condition—condition No. 5—has been worked out with Senator SHELBY, chairman of the Senate Select Committee on Intelligence, to require that intelligence sharing will be conducted only after U.S. information is sanitized to minimize any risk to sensitive sources or methods. That is what the United States does currently, and what it should continue to do.

With the United States an original member of the organization, we will be able to work for effective inspection procedures and to provide the organization the information it needs to maximize its effectiveness. The organization's effectiveness will aid our own agencies, in turn, to monitor activities that are of major concern to U.S. military leaders and policymakers. That is why the CWC has been endorsed by every Chairman from the Joint Chiefs of Staff over the last 20 years.

As David Kay former chief U.N. inspector in Iraq, Ronald Lehman, former Assistant Secretary of Defense and Director of ACDA, and James Woolsey, former Director of Central Intelligence, wrote recently in *The Washington Post*, "It is hard to understand why critics of the CWC believe it is to the advantage of U.S. forces—who one day may have to face an adversary armed with chemical weapons—to let such development proceed unhindered by vigorous inspection. Such inspections can slow a chemical weapons program, make it more expensive and less effective and can develop the usable evidence needed to convince doubting allies."

There is no such thing as perfect verifiability in a treaty, but the CWC provides useful tools. As Woolsey, Lehman and Kay put it "the CWC offers at the outset verification tools that go beyond those of other arms-control treaties."

We should all support giving the U.S. Intelligence Community the necessary resources to monitor worldwide chemical weapons activities—and, in the process, to monitor CWC compliance—as well as possible. The CWC will aid in that monitoring, as well as in focusing international sanctions on any violators. All of these gains for our Intelligence Communities' ability to mon-

itor global chemical weapons proliferation will be lost unless this condition is struck from the resolution of ratification. The national security requires a vote to strike this condition.

CONCLUSION

In conclusion Mr. President, the Defense Department's position on the CWC is simple. As offensive weapons, chemical munitions are overrated. Therefore, keeping them in our arsenal offers scant military advantage. DOD does not believe that chemical weapons are needed for deterrence. They believe there are plenty of other options.

We have heard a good deal of discussion about the verification problems associated with the CWC, and past and current intelligence officials will be quoted in and out of context on Intelligence Community's confidence levels. But let us remember that the Intelligence Community has to monitor the chemical-weapons capabilities of foreign powers in any event. In open and closed briefings and hearings over the past 3 years, the community has been consistent in saying that its ability to monitor various provisions of the convention is severely limited. But the community has also been consistent in arguing that the convention will provide it with additional tools to go along with national technical means in monitoring developments in chemical-weapons states, something that the intelligence community must do whether there is a CWC or not. The intelligence community believes that, the convention is a net plus to its efforts to monitor the activities of chemical-weapons states around the globe.

The CWC is not without blemishes. The United States had to make concessions in a negotiating process that involved nearly 40 states representing all possible world views. These are not easy to accept in a U.S. political process that has a hard time accepting tradeoffs in bilateral negotiations and, increasingly, even in domestic political bargaining. The Senate should not be surprised that the treaty is not perfect. But that is not the point. The proper question is whether, on balance, does the CWC serve the national interest.

For some, no arms control treaty is good enough. Indeed, the very high stakes of the cold war and the fact that arms control cheating by the Soviet Union represented a potential threat to the survival of the United States led to a legitimate focus on treaties with high standards, especially for verification and the ability to detect even minor violations.

The cold war, is over, and treaty requirements must suit U.S. national interests as they exist today. Despite the CWC's tradeoffs, it is widely supported by U.S. industry, the U.S. military, and nonproliferation experts. They know it not to be a panacea or perfect—but nonetheless clearly in the service of U.S. military, economic and political interests. They also know it to be better than the alternative defined by CWC opponents as reliance on chemical

weapons retaliation in kind and unilateral enforcement of export controls or other punitive actions. This alternative is a recipe for broader proliferation extending well beyond chemical weapons. The United States is much better served by a choice to help lead a cooperative international effort to manage the problem than by one that manifestly has not worked as these weapons have proliferated in recent decades. Senators must look beyond the shouting match between the two camps of treaty supporters and treaty opponents and look at arguments based on the national interests as they exist today.

Failure to ratify the CWC this year would harm that national interest and accentuate the image among both friends and foes of a rudderless America unable to chart a course on uncertain new seas. A belief that the United States is unreliable and uncooperative—or simply confused—will harm not just the chemical arms control effort but nonproliferation goals more broadly. If the United States drops the CWC ball, the consequences for stable alliance relationships, for U.S. security in an era of rapid technology diffusion, and for a free and open trading regime will prove far reaching.

The Congress completed legislation last fall on how best to respond to terrorism and to the threats posed by the proliferation of weapons of mass destruction, including nuclear, biological, and chemical weapons and materials. The so-called Nunn-Lugar-Domenici legislative response to these threats passed the Senate unanimously and was agreed to in the House-Senate conference on the DOD authorization bill. If the Senate were to vote against ratification of the CWC, we would in effect be taking a large step backward in our positive efforts to work toward denying our enemies the tools of destruction they desire and protecting U.S. citizens from acts of terror and war.

Mr. President, the time has come for us to join the growing worldwide consensus to ratify the treaty we invented. I believe that we are far better off with the CWC than without it. We have always been the world's leader in fighting the proliferation of weapons of mass destruction and we must not recoil from that challenge at this critical juncture. Further, we must not betray the American chemical industry who worked with us for so many years to develop this treaty and who would be badly disadvantaged in world markets if we fail to act responsibly. We asked them for their help; they gave it willingly and now face the possibility of an international Mark of Cain if we fail to ratify. The time is now. The choice is clear.

I urge my colleagues first, to support the motions to strike the five conditions in disagreement in the resolution of ratification, second, to then vote yes to approve the resolution of ratification and consent to treaty ratification, and third, to then proceed quickly to