

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

pass the domestic implementing legislation that is a necessary companion of this treaty.

The Chemical Weapons Convention offers the United States one more tool in our arsenal to help prevent, deter, or to manage the threat posed by chemical weapons. It is up to the Senate, after weighing the benefits and costs of the Convention, to determine whether the CWC tool, on balance, provides major value-added to the United States in achieving that objective. I believe it does.

The PRESIDING OFFICER. We have a previous order to recess.

Mr. HELMS. Mr. President, before you rule, I would like to be heard.

The PRESIDING OFFICER. Will the Senator from Indiana yield?

Mr. LUGAR. Is the order that the Senate should recess at 12:30? Has that been adopted earlier?

The PRESIDING OFFICER. Yes. Under a previous order, we would recess from 12:30 to 2:15 for the policy luncheons.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask to be recognized for at least 10 minutes so that the distinguished occupant of the chair can be recognized to make a statement. While we get a replacement for him in the chair, let me say this before the matter gets too cold. The distinguished Senator from Indiana, in good faith, I know, raised a number of concerns about the Chemical Weapons Convention in terms of this. Senator Dole, in a letter dated September 11, 1996, contrary to what the distinguished Senator from Indiana said, said the following:

To achieve this goal, a treaty must be effectively verifiable and genuinely global—encompassing all countries that possess, or could possess, chemical weapons. If the Chemical Weapons Convention now before you achieves this goal, I will support it.

Now, of course, Senator Dole wrote that letter in good faith, and I suppose that the administration has assured him, incorrectly, that all of his concerns have been taken care of.

In any case, I ask unanimous consent that the letter written by Bob Dole on September 11, 1996, be printed in the RECORD at this point.

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

SEPTEMBER 11, 1996.

Hon. TRENT LOTT,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR TRENT: Thank you for seeking my views on the Chemical Weapons Convention which will soon be considered by the United States Senate. You do indeed have an important national security decision before you and I am pleased to offer you my views.

I am sure that I share with all my former colleagues—on both sides of the aisle—a strong aversion to chemical weapons. They are horrible, and there should be no doubt that I am unequivocally opposed to their use, production or stockpiling. Their widespread use during World War I provoked an outcry which resulted in the Geneva Proto-

col of 1925 which bans the use of chemical weapons in war. Unfortunately, the Geneva Protocol has not prevented all use of chemical weapons, and we have been reminded just in the last week of the dangers presented by tyrants such as Saddam Hussein.

In fact, Saddam used chemical weapons in the Iran-Iraq War and against his own Kurdish population in the North. And, lest anyone think this is no concern of ours, there is a distinct possibility that American troops were exposed to Saddam's chemical weapons during the Gulf War. The United States needs and wants a treaty which effectively bans chemical weapons from every point on earth. To achieve this goal, a treaty must be effectively verifiable and genuinely global—encompassing all countries that possess, or could possess, chemical weapons. If the Chemical Weapons Convention now before you achieves this goal, I will support it. If it does not, I believe we should pass up illusory arms control measures. As President, I would work to achieve a treaty which really does the job instead of making promises of enhanced security which will not be achieved.

I supported the START I, START II, INF and CFE Treaties because these agreements met three simple criteria established by President Reagan: effective verification, real reductions and stability. In evaluating the Chemical Weapons Convention, I suggest you apply these same criteria, adapted to these particular weapons and to the post-Cold War multi-polar world. Thus, I have three concerns. First, effective verification: do we have high confidence that our intelligence will detect violations? Second, real reductions, in this case down to zero: will the treaty really eliminate chemical weapons? Third, stability; will the treaty be truly global or will countries like Iraq, Iran, Syria, Libya and North Korea still be able to destabilize others with the threat of chemical weapons?

Furthermore, I believe it is important that the Senate insure that the implementation of this treaty recognize and safeguard American Constitutional protections against unwarranted searches.

It is my understanding that the Senate will have the opportunity to address these matters in debate and, perhaps, in amending the Resolution of Ratification. It is my hope that President Clinton will assist you in resolving them. If we work together, we can achieve a treaty which truly enhances American security.

Best regards,

BOB DOLE.

Mr. HELMS. Mr. President, in connection with that, statements were made about the chemical industry losing \$600 and \$800 million. It is a moving target. They say several things at one time.

I ask unanimous consent that this statement correctly altering the misstatements already made, and probably will be reiterated, be printed in the RECORD at this time.

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

THE UNITED STATES CHEMICAL INDUSTRY WILL NOT LOSE \$600 MILLION IN ANNUAL EXPORTS FROM U.S. NONRATIFICATION

The argument that U.S. chemical companies will be subject to trade sanctions and will have their exports dramatically harmed if the U.S. does not ratify the CWC is patently untrue.

The Chemical Manufacturers Association (CMA), which has been making this argu-

ment, has contradicted itself time and again, calling into serious doubt the credibility of its claims.

Throughout the fall of 1996, the Senate was bombarded with claims from the Administration and CMA that \$600 million in export sales would be "placed at risk" if the U.S. did not ratify the treaty.

Unable to substantiate such claims, the CMA cut its estimate by more than half in February, 1997, to \$280 million in potential lost sales.

On March 10, 1997, under further scrutiny, CMA dropped its estimate to \$227 million in potential lost exports.

However, \$142 million of CMA's estimate comes from the sale of Amiton, a pesticide which Western countries do not use (for environmental reasons) but which is sold to many African countries (many of which have not ratified the CWC).

The truth of the matter is that less than one-quarter of one percent of CMA's annual exports could be subject to trade restrictions if the U.S. does not ratify the CWC.

CMA is now claiming that European countries will impose broader "non-tariff" barriers on U.S. chemicals, despite the fact that 30 percent of all CMA members are owned by Europeans or other countries (such as Akzo Nobel Chemicals, which is Dutch).

CMA companies must not be all that concerned since CMA admitted in March that no CMA member company had filed a report with the Securities and Exchange Commission to notify stockholder regarding the impact of U.S. nonratification.

JUST WHAT TYPES OF CHEMICALS ARE SUBJECT TO TRADE RESTRICTIONS?

The CWC has three schedules of chemicals. Schedule 1 compounds are those which constitute chemical weapons or only have chemical weapons applications. They are not traded by U.S. companies anyway.

Schedule 2 chemicals are also usable in or as weapons, and they are "not produced in large commercial quantities for purposes not prohibited under [the CWC]." (Annex A, paragraph 2 of the CWC) Thus, these chemicals also are not traded, or are traded in insignificant quantities, by U.S. companies.

Schedule 1 and 2 chemicals are controlled under U.S. export regulations and would not be traded freely by U.S. companies regardless of membership of the U.S. in the CWC.

Schedule 3 chemicals are common commercial chemicals which may be used in chemical weapons, but which have many other uses. These chemicals, together with chemicals not on any of the three schedules, comprise the vast majority—virtually all—of U.S. chemical trade.

There are no restrictions on trade of Schedule 3 chemicals implied or stated in the CWC. U.S. nonmembership in the treaty will not affect trade in chemicals on Schedule 3 or which do not appear on any schedule.

The CWC states that "Schedule 2 chemicals shall only be transferred to or received from States Parties." Therefore, if the U.S. is not a party, it cannot export to or receive from CWC member states any Schedule 2 chemicals. This does not matter to U.S. trade, however, because the U.S. manufactures all of the Schedule 2 chemicals it needs and does not export them in significant quantities.

There is no basis in the claim that nonmembership in the CWC will harm U.S. imports or exports, or harm U.S. industry in any significant manner. In fact, the opportunity for smaller chemical companies to break into the domestic market and compete in the production of the limited amount of Schedule 2 chemicals that cannot be imported would prove a net plus for the economy.

Mr. HELMS. Now, I am taking this advantage as the chairman of the committee. I spoke for 26 minutes this morning. The distinguished ranking member spoke for an hour. Just for the record, how long did the distinguished Senator from Indiana speak? I ask that of the Chair.

The PRESIDING OFFICER (Mr. LUGAR). The Senator from Indiana spoke for 41 minutes.

Mr. HELMS. I see. So the Senator from North Carolina feels that maybe they have had ample opportunity thus far into the debate.

Now, I ask that the distinguished Senator from Minnesota be recognized for 7 minutes, after which time we will stand in recess for the policy luncheon.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I rise to express my support for the Chemical Weapons Convention [CWC] with the full complement of 33 conditions on U.S. participation, which are now being considered by the Senate.

As a member of the Foreign Relations Committee, I have been reviewing and studying this treaty for over a year now and have had some serious reservations about the CWC throughout that process.

Therefore, I believe the conditions in Senate Executive Resolution 75 are essential to ensuring that the CWC has real benefits for American national security and will be truly verifiable and effective. Before we commit the American taxpayers to paying more than \$100 million annually for U.S. participation in the treaty, we owe them nothing less.

Let me outline the conditions I believe are the most important.

First, I am pleased the Clinton administration has finally reversed its long-standing position that the CWC would prevent U.S. soldiers from using tear gas to rescue downed pilots or to avoid deadly force when enemy troops are using civilians as human shields.

Second, we must be sure that Russia will both comply with the existing chemical weapons destruction agreements it has already signed, and that it will ratify the CWC. Russia has the largest chemical weapons stockpile in the world and its compliance with earlier agreements will help the United States be more confident of its ability to monitor Russian compliance with the CWC.

This is especially important given reports that Russia has already developed new chemical weapons programs specifically designed to evade the treaty. More than 15 months after the United States ratified the START II Treaty, Russia has refused to follow suit. What makes us think that if we join the CWC before Russia does, it will then follow our example?

Third, the CWC will not protect American soldiers from chemical attack unless it has a serious and immediate impact on those countries that

have hostile intentions toward the United States. This means that countries which are suspected of having chemical weapons programs and are sponsors of terrorism—such as Libya, Syria, Iraq, and North Korea—must participate in the CWC. Just this morning, a newspaper article reported that a prominent North Korean defector has warned that his former country is fully prepared to launch a chemical weapons attack on its neighbors. North Korea has not yet signed the CWC.

Fourth, we need to provide as much protection as possible for U.S. Government facilities and businesses when faced with international inspections. While the CWC does allow the United States to refuse specific inspectors, it should be a matter of policy that we will not accept inspectors from terrorist states like Iran. We are certainly justified in suspecting that these inspectors would be intent on gaining access to classified or confidential business information.

Fifth, I understand the administration has offered assurances that the United States will not seek to transfer chemical technology or information about chemical defenses to countries that might put it to harmful use. But because of the vagueness of the treaty language, we need to go further to prevent the proliferation of chemical weapons. We need to close off the possibility that other countries could use language in the treaty as cover for their desires to transfer chemical technology to countries like Iran. As we have seen in Iraq and North Korea, nuclear technology acquired supposedly for peaceful purposes can advance weapon capabilities.

Sixth and finally, we need to be sure that the CWC is effectively verifiable, meaning that the United States has a high degree of confidence in its ability to detect significant violations. I strongly supported the START II Treaty because it met this traditional standard. If we don't think we can detect cheating under the CWC, it seriously calls into question the value of the treaty.

Recently, there have been reports that China is selling chemical weapons components to Iran. Both countries have signed the CWC and, therefore, are supposedly committed to banning such activity.

In conclusion, Mr. President, there are conditions in the current resolution of ratification for the CWC that address every single one of the concerns I have mentioned.

I sincerely intend to support and vote for the Chemical Weapons Convention as long as the resolution of ratification is fortified with such strong conditions. They will help ensure that this treaty will have a real impact on the proliferation of chemical weapons and provide proven protection for U.S. forces.

However, I understand that some of my colleagues may try to strip out these important conditions on the CWC. This would be very unfortunate

and would cause me to reconsider my current support for the treaty.

I urge my colleagues to vote against any killer amendments that would strike these conditions and, therefore, deprive the United States of assurances that the Chemical Weapons Convention is effective, enforceable and verifiable. The American taxpayers, who will be funding U.S. participation in the CWC, deserve a treaty that unquestionably and unambiguously advances our national security.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

#### EXECUTIVE SESSION

##### CHEMICAL WEAPONS CONVENTION

The Senate continued with the consideration of the convention.

The PRESIDING OFFICER. The Senate will now proceed, under a previous order, to a voice vote on Senate Resolution 75.

The resolution (S. Res. 75) was rejected.

The PRESIDING OFFICER. Under a previous order, the motion to reconsider is agreed to.

The resolution of ratification (S. Res. 75) is back before the Senate.

Under the previous order, the question now occurs on the first 28 conditions en bloc.

The first 28 conditions en bloc were agreed to, as follows:

##### SEC. 2. CONDITIONS.

The Senate's advice and consent to the ratification of the Chemical Weapons Convention is subject to the following conditions, which shall be binding upon the President:

(1) EFFECT OF ARTICLE XXII.—Upon the deposit of the United States instrument of ratification, the President shall certify to the Congress that the United States has informed all other States Parties to the Convention that the Senate reserves the right, pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

(2) FINANCIAL CONTRIBUTIONS.—Notwithstanding any provision of the Convention, no funds may be drawn from the Treasury of the United States for payments or assistance (including the transfer of in-kind items) under paragraph 16 of Article IV, paragraph 19 of Article V, paragraph 7 of Article VIII, paragraph 23 of Article IX, Article X, or any other provision of the Convention, without statutory authorization and appropriation.

(3) ESTABLISHMENT OF AN INTERNAL OVERSIGHT OFFICE.—

(A) CERTIFICATION.—Not later than 240 days after the deposit of the United States instrument of ratification, the President shall certify to the Congress that the current internal audit office of the Preparatory Commission has been expanded into an independent