

force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter.

(iii) CHAPTER VII PEACEKEEPING.—Peace-keeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

(B) IMPLEMENTATION.—The President shall take no measure, and prescribe no rule or regulation, which would alter or eliminate Executive Order 11850 of April 8, 1975.

(C) DEFINITION.—In this paragraph, the term "riot control agent" has the meaning given the term in Article II(7) of the Convention.

(27) CHEMICAL WEAPONS DESTRUCTION.—Prior to the deposit of the United States instrument of ratification of the Convention, the President shall certify to the Congress that all of the following conditions are satisfied:

(A) EXPLORATION OF ALTERNATIVE TECHNOLOGIES.—The President has agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the Convention for the destruction of chemical weapons.

(B) CONVENTION EXTENDS DESTRUCTION DEADLINE.—The requirement in section 1412 of Public Law 99-145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007.

(C) AUTHORITY TO EMPLOY A DIFFERENT DESTRUCTION TECHNOLOGY.—The requirement in Article III(1)(a)(v) of the Convention for a declaration by each State Party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article.

(D) PROCEDURES FOR EXTENSION OF DEADLINE.—The President will consult with Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under part IV(A) of the Annex on Implementation and Verification of the Convention, if, as a result of the program of alternative technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in Public Law 104-208), the President determines that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

(28) CONSTITUTIONAL PROTECTION AGAINST UNREASONABLE SEARCH AND SEIZURE.—

(A) IN GENERAL.—In order to protect United States citizens against unreasonable searches and seizures, prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing

with particularity the place to be searched and the persons or things to be seized; and

(ii) for any routine inspection of a declared facility under the Convention that is conducted on an involuntary basis on the territory of the United States, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

(B) DEFINITION.—For purposes of this resolution, the term "National Authority" means the agency or office of the United States Government designated by the United States pursuant to Article VII(4) of the Convention.

The PRESIDING OFFICER. The Chair advises that under the previous order the five remaining conditions are now part of the resolution and are open to motions to strike.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask that the RECORD reflect my "aye" vote on the two resolutions just voted, and that the RECORD also reflect that Senator SMITH of New Hampshire voted "aye."

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I yield 10 seconds.

Mr. WARNER. Mr. President, I wish the RECORD to reflect that the Senator from Virginia was on the floor present and voting "aye" on the resolution.

Mr. KYL. Mr. President, may I further ask that the RECORD reflect that the Senator from Florida, Senator MACK, was present and voting "aye"; and that Senator KEMPTHORNE, Senator ABRAHAM, Senator ROBERTS, and Senator HUTCHINSON also voted "aye."

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. BIDEN. Mr. President, will the Senator yield 10 seconds for a unanimous-consent request regarding a staff member?

Mr. President, I ask unanimous consent that Greg Suchan, a fellow on the staff of Senator MCCAIN, be granted the privilege of the floor during the discussion of the Chemical Weapons Convention.

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

Mr. BIDEN. I thank the Chair.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, we are now going to commence additional debate on the Chemical Weapons Convention. I would like to begin with some general observations about treaties in general and about this treaty in particular.

Mr. President, I want to begin by making what should be an obvious point. But in view of some of the rhetoric, I think it is important to reiterate it; that is, that the opponents of the Chemical Weapons Convention

abhor chemical weapons just as much as proponents do. If this treaty performs as it is advertised to perform, I think everyone in this body would be supportive of it. Certainly those who oppose the convention support eliminating our chemical weapons, which will happen with or without the Chemical Weapons Convention.

As has been noted by previous speakers, the United States is committed to eliminating all of our chemical weapons, and I suspect that everyone in this Chamber supports that position. So opposition is not based on the notion that we would retain our chemical weapons.

Mr. President, I also ask that the RECORD reflect that the Senator from Iowa, Senator GRASSLEY, was present and voted "aye" on the last two votes.

Mr. President, let me move forward to this proposition. Last week the Senate approved Senate Resolution 495, which demonstrates our commitment to do more. Whether one supports the Chemical Weapons Convention or not, this was an important bill to demonstrate our commitment, both here at home and abroad, to do more to try to stop the spread of chemical weapons, and not doing it alone, as my friend from Delaware has said, because Senate Resolution 495 contains several provisions that call for additional multilateral action on the part of the United States. It requires the President, for example, to use his best efforts to keep the Australia Group intact and to work against any weakening of the Australia Group restrictions on trade in chemicals; to work with Russia to ensure that it conforms to its obligations under the bilateral destruction agreement; for the President to impose sanctions on countries that violate international law with respect to chemical weapons.

So Senate Resolution 495 was not a go-it-alone resolution. Quite to the contrary. Though it did close some loopholes in American law, it also reached out in various specific ways to enable us to deal with the problem of the spread of chemical weapons in more practical and specific ways than the Chemical Weapons Convention itself does.

We have just had a vote on the resolution of ratification as presented by Senator HELMS, the resolution that is currently before us. Many of us voted for that resolution, to make the point that we favor the Chemical Weapons Convention so long as it has certain protections built into it. I think it should also be clear that the opposition to the Chemical Weapons convention is not based on politics.

As one of my colleagues said, there will be criticism of President Clinton. I don't think you will hear criticism of President Clinton. The opposition to this treaty is not based on politics. Indeed, it is not an easy treaty to oppose. I think those who oppose it must be recognized as doing so because of a firm principle and commitment rather than anything political.

Another general point I would like to make is this. The Senate has a constitutional obligation to independently scrutinize treaties. It has been said that treaties are forever. Most of the treaties that have been ratified by the U.S. Senate are still in force—treaties that are many, many, many years old, some undoubtedly far beyond this time. It is like amending the Constitution. It requires a two-thirds vote. It requires a great deal of thought, therefore, on the part of the Senate.

Mr. President, we are not a rubber stamp. No one should feel that they have to support this treaty just because it has been proposed. Treaties are no substitute for sensible action. They are in many respects inherently limited in their value, especially when the nations with whom they are entered into are not committed to the principles of the treaty. There are examples in past history that demonstrate this.

The Kellogg-Briand Pact of 1928, which outlawed war, was obviously something that everyone felt good about supporting. But the actions didn't follow the words, and we know what happened.

Also, this morning one of my colleagues quoted Will Rogers, who said, "We have never lost a war or won a treaty." While that has a certain ring of truth to it, I don't think anyone would suggest that, therefore, all treaties are bad. As a matter of fact, we have supported very specific treaties that we think have done some good—arms control treaties like the INF Treaty, the START I Treaty, and the START II Treaty. As a matter of fact, I was asked to support the START II Treaty on the grounds that Russia would not ratify the START II Treaty until the United States did. So we did. We support the START II Treaty. It was ratified here. And 2 years later, the Russians still have not ratified the START II Treaty. So I agree with my colleagues who say that some treaties can be useful. I also make the point that one should not rely strictly on treaties.

I also am troubled by the proposition that we somehow feel that we could do internationally that which we could never do domestically. I don't think any of us would contend, for example, that we think we can solve the problem of crime by going to the criminals in our neighborhoods and making a treaty with them to stop committing crime. Instead, we have police forces, we have laws, we have specific punishments, we have a court system, and we put people in prison when they violate those laws. In other words, we take specific action to deal with the problem. We don't rely upon the written word of someone who may be unreliable. Yet, in the international forum that seems to be very much in vogue.

I don't think there is any reason that we can believe that a treaty with Iran, for example, is going to change its behavior, or Iraq, or Libya, or North

Korea, or many of the other rogue states throughout the world. I think it is countries like Iran that want the benefits of the CWC and the lifting of the trade restrictions that we currently have with Iran, secure in the knowledge that it can avoid detection and/or any punishment that might follow that. Treaties generally do not modify the behavior of states. The law-abiding will abide, and those that intend to cheat will either cheat or not join at all.

That is why these multilateral treaties, unlike some of the bilateral treaties that we entered into earlier, are more difficult to make work. Frequently what they do is complicate diplomacy and encourage dishonesty. We know that there are numerous examples of violations of existing treaties and previous treaties. But it was uncomfortable for us to bring those violations to light because, frankly, we thought that we had bigger fish to fry. We had more important matters with those states than the violation of a particular treaty. As a result, paradoxically it was more difficult to enforce these conditions once the treaty went into effect than it was before, because once the treaty went into effect, in order to upset the applecart, we have to find violations. We take it to the body that is going to find a violation and sanction, and we decide that would be diplomatically difficult because we want to accomplish some greater purpose with the state that is in violation. So we just forget the whole thing. What that does is literally put into law the violations that are occurring currently. So they can complicate diplomacy and encourage dishonesty.

The bottom line about this general discussion is this: Sometimes treaties can be very useful and sometimes not. We have an obligation to make that distinction—not just to take the word that, if a treaty has been proposed, we have an obligation to support it. That is not the job of the U.S. Senate. Treaties are not an excuse to do that which is difficult. It is like making a New Year's resolution rather than beginning to diet. Sometimes we have to have the courage to begin the diet rather than just relying on a New Year's resolution.

Mr. President, a second set of general comments:

Reasonable people can differ over the Chemical Weapons Convention. We have a series of former governmental officials on both sides of this issue. We have former Secretaries of Defense, ambassadors, generals, columnists—all of whom have come out very publicly against the treaty. There is undoubtedly an equal number who have come out for the chemical weapons treaty. I hope we can begin this debate with the proposition that reasonable people can differ on this very important matter. Frankly, when former Secretaries of State—like Dick Cheney, Casper Weinberger, Don Rumsfeld, James Schlesinger; former Defense officials, such as

Jeanne Kirkpatrick and Richard Perle, Gen. P.X. Kelley, and Freddie Clay—when people like this say that they are opposed to the treaty, it ought to be clear that there are reasonable arguments on both sides and that neither side should claim that all right and truth and justice are on their side.

Important columnists have also weighed in to this and find themselves on both sides of the issue.

That is why I am troubled by the slogan of some people in the administration—and, in particular, I will cite the Secretary of State, who has said on national television that one of the reasons to vote for this treaty is that it has "Made in America" written all over it. Mr. President, that is not a substitute for reasoned argument. It is a slogan. It misrepresents the Reagan administration's position on the chemical weapons treaty, which, by the way, was very much different than the treaty that is before the Senate today.

I can point out the fact that there have been other treaties proposed to the U.S. Senate that also had "Made in America" written all over them—like the League of Nations, which this Senate in its judgment decided not to rubberstamp but to reject.

There were cries at the time similar to the cries you hear today that it would isolate America; that it would hurt our business; that we would be the laughingstock of the world; that, after all, President Wilson was the one who created this treaty and how could we vote against it. Moreover, we would be the pariah in the world if we voted against the League of Nations. But in 1919, this body exercised its judgment, its constitutional prerogative and it declined to allow the United States to participate. And I do not think today there are very many people who believe this country made a mistake by waiting and creating instead the United Nations.

We, I think, should be able to go forward. I think it takes more courage sometimes to go forward with a position that acknowledges a mistake than it does to simply blindly go forward and perhaps have in the back of your mind the idea that you have made a mistake but it would not look good if you backed out at this time.

That is another one of the arguments being made by the opponents; we would be embarrassed internationally if we backed out of the treaty at this point or caused part of it to be renegotiated. I submit that knowing we have made a mistake at least with regard to articles X and XI in this treaty, we should have the courage to fix articles X and XI before our resolution of ratification is deposited at The Hague.

Now another general comment, Mr. President. No one has a monopoly on morality. Ours is a disagreement about means, not about ends. I want to make this point very clear because some people, perhaps a little overzealous to push this treaty, have inferred that those who vote against it somehow

support the use of chemical weapons. I watched my grandfather die, Mr. President, from emphysema acquired as a result of his being gassed in World War I in Europe. Therefore, I take a back seat to no one in expressing my abhorrence for these despicable weapons and why I fully support the United States eliminating our chemical weapons and leading the world in that regard. We are the only country in the world with chemical weapons that has declared we will eliminate all of our stocks of those weapons.

So I hope no one tries to lecture me about the evils of poison gas and how the only way to deal with that is through this Chemical Weapons Convention. We have been the moral leader of the world by imposing trade restrictions on countries like Iran, for example, restrictions that will probably have to be lifted as a result of this treaty because of articles X and XI. So I believe that insisting on renegotiation of articles X and XI would confirm our moral position. Our negotiators tried but failed to win key concessions on those provisions. In the future, they will be strengthened by the knowledge that the Senate will not go along with such halfway measures with a defective treaty.

So, Mr. President, my point here is this. It matters how we make a moral statement, and simply ballyhooing a treaty that everyone knows is flawed does not enhance our moral stature.

Now to some specific comments. Those of us who have reservations about the treaty have said that it fails in its key objectives, that if it met these objectives we would support it, that our opposition is based on two simple points. It fails to meet the objectives and it does more harm than good.

In what way does it fail to meet its objectives. It was proposed as a global and verifiable and enforceable treaty. Unfortunately, it is none of those. First, it is not global. It does not cover the key countries and the key chemicals that are currently suspected of being the problems. Nine of the 14 countries suspected of possessing chemical weapons have not even signed this treaty. These countries include Libya, Iraq, Syria, North Korea, Egypt, Sudan, Serbia, South Korea, and Taiwan. So many of the countries in the world that possess the chemicals are not signatories. They are not going to bind themselves to it. And there is nothing we can do in terms of verification or inspection or anything else that is going to deal with it. The best way to deal with those countries is to do what we are currently doing, which is to maintain and enforce the restrictions of the Australia Group.

Now, I spoke of that before. What is it? It is a group of 29 countries, including the United States, that have agreed among themselves not to trade these chemicals to countries that they think might want to develop chemical weapons with them. And we have these re-

strictions in place now. That is the best way to prevent the spread of these chemicals. Unfortunately, as an incentive to get countries to join the chemical weapons treaty, articles X and XI call into question the existence of those conditions and in fact in our view require that the states remove those restrictions and trade with the countries that are parties to the treaty.

Second, the treaty is not verifiable. Now, proponents have said, well, nothing is 100-percent verifiable. That is a false standard, Mr. President. Nobody is claiming that it should be 100-percent verifiable. The question is whether it is effectively verifiable. And on that there is virtually unanimous agreement that, no, it is not effectively verifiable. I read to you a recently unclassified national intelligence estimate conclusion published originally in August of 1993 which stated:

The capability of the intelligence community to monitor compliance with the CWC is severely limited and likely to remain so for the rest of the decade. The key provision of the monitoring regime, challenge inspections at undeclared sites, can be thwarted by a nation determined to preserve a small secret program using the delays and managed access rules allowed by the convention.

And there are a variety of other statements I could read, including statements of the former Director of the CIA, all of which confirm the fact that this is not a verifiable treaty.

Nor is the treaty enforceable. Even if you were to find a violation and you brought it to the bodies that are supposed to run this treaty, you would have to have a three-quarter vote, and there is no sanction in place. Once they found a violation, they would go to the country and say, would you please stop violating. If the country continued to ignore them, although the likelihood is the country would say, well, sure, we would be happy to, and eventually hide the material in such a way that you could not find a violation in the future, but assuming the violation continued and you continue to prove that, what is the sanction? There is none. Where do you go? The United Nations, the General Assembly.

Mr. President, that is not a place where at least the United States has been treated very kindly in the past. And if you have to go all the way to the Security Council, Russia, China, other states have a veto. So it is unlikely that significant punishment would be meted out. As a matter of fact, the evidence of that probably most clearly is the case of Iraq which admittedly—I should not say admittedly. They denied it, but after inspection it was confirmed that chemical weapons were used against both Iran and against the Kurdish population of Iraq itself and yet the United Nations, the peace-loving nations of the world were incapable of mustering the courage to even name Iraq in a meaningless resolution about the use of these weapons. So it does not seem likely to me that the United Nations would muster the courage to impose any kind of particular sanction.

Now, another one of the selling points of this treaty, according to its proponents, is, well, it is better than nothing. In other words, granted, it does not cover a lot of the countries we wished it covered and it is not very verifiable and there are not any particular sanctions in the treaty, but at least it is better than nothing.

Our response to that is essentially twofold. First of all, it is very costly both in terms of money and potential constitutional restrictions and, second, there are some other very significant reasons why it is not better than nothing.

In terms of cost, we know that the cost to the Government is going to be \$150 million to \$200 million annually. Businesses are going to have to pay between \$200,000 and \$500,000 for inspections. Just to fill out the forms, and there are thousands of businesses in this country that will have to fill out the forms, it is going to be a \$50,000 to \$70,000 proposition, and, of course, untold amounts lost in confidential business information which can result as a result of the industrial espionage that most people believe will result from the inspections under this treaty.

Second, we mentioned the constitutional issues. There has been an attempt to fix about half of the constitutional issues. One deals with the fourth amendment, and there has been an amendment to say a search warrant would be required. The problem with that is that it would probably be found to be in violation of the treaty if a constitutional requirement were imposed to prevent the treaty from operating as it was written.

So if we actually go ahead with a protection from fourth amendment searches and seizures, we may very well be found in violation of the treaty. On the other hand, those responsible for making such a decision may decide that we can have such a constitutional protection in which case I think we can count on all of the other nations that want to avoid detection doing the same thing and, of course, as a nation that lives under the rule of law we will abide by it in a proper way. And I think we can count on countries like Iran or China or Cuba, for example, to use that as an excuse not to allow the kind of inspections that would result in detection.

The other part of the Constitution, the fifth amendment, presents a special problem that nobody has figured out how to fix. The fifth amendment provides that if there is a taking by the Government of property one is entitled to be paid. The problem is that when the U.S. Government imposes this regime on American businesses and individuals, it has not yet made the commitment to pay them. My own guess is that I would have a right to sue and the U.S. Government would have to pay but there is no provision for that. You cannot sue under the Federal Tort Claim Act, and so we would have to somehow construct an ability to sue

the U.S. Government and provide for the unlimited liability that would result from such an undertaking. So that has not been dealt with either.

The bottom line is the constitutional issues remain very much up in the air.

Now, those are some of the costs. I think, however, the biggest costs are the following two. The mere fact that this treaty has been proposed has caused many to decide that we do not have to worry as much about defending our troops. I know the President has made a big matter out of saying that this treaty would help to protect our troops. Well, I think he is very wrong and his own administration officials verify this because for the last 2 years his representatives have come to the Congress and based on the fact that the United States signed this treaty and they presumed we would ratify it, this administration has called for reductions in spending on defensive measures for our troops.

How can a President who tries to sell the treaty on the basis that it will be good for our troops, that it will protect them, come before the Congress not once but twice and call for a reduction in funding to provide defenses for our troops? Two years ago, \$850 million. Fortunately, we restored it. What was the reason? The reason expressly was because this treaty is going to enter into force and we will be a part of it, as if the treaty were going to make the threat go away.

And this year General Shalikashvili let us cut another \$1.5 billion over 5 years out of this part of the defense budget, this despite the fact that the General Accounting Office in a very critical report following the Persian Gulf war, updated just last year, has found that our defenses are in a very serious state of disrepair; that we are not adequately prepared; that we have not provided our soldiers, our marines, our fighting people who are going to be confronting chemical or biological warfare the kind of training, the kind of equipment, the kind of antidotes, the kind of protection they deserve. So you have GAO in a very current finding that we are not doing enough for our troops, the administration trying to cut the funding to do more, and the President saying that the chemical weapons treaty will solve the problem.

That is what I had reference to when I said that treaties can make you feel good, like you have solved a problem, but when it comes to the lives of American soldiers, we will not have done enough to protect them. And that is why we should not be lulled into a sense of false security by signing a piece of paper that I do not think people would loan money on if they wanted to get it back, frankly. So, this treaty does damage. It is worse than nothing.

What is another example? You have heard me talk about articles X and XI. You are going to hear a lot about that, because articles X and XI turn out not to be such a good idea. I am going to

discuss that in more detail later. They were put into the treaty at a time when it seemed like a good idea. Now it does not seem like such a good idea. The administration and everybody else acknowledges we have a problem here. The problem is, everybody is embarrassed to go back and change it. The administration says, "Well, we negotiated the best deal we could." We say, "Because it is flawed, let us go back and take those two sections out." But the administration does not want to do that. Not taking them out is going to result in a proliferation of chemical weapons and technology, not a restriction of it. Again, I will get into that in more detail later.

The point I want to make here is that as long as this treaty has articles X and XI in it, it is going to be worse than nothing because it is going to result in the proliferation of chemicals rather than a restriction. I will just quote one sentence that a letter that former Defense Secretary, Dick Cheney wrote in this regard. He said, "In my judgment, the treaty's article X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe." So, in this second significant respect, the treaty makes the situation worse than it was before.

Finally, as I made a point to mention before, it is going to significantly reduce our diplomatic options. Claiming violations will take back seat to more pressing diplomatic considerations. We have seen this in a variety of situations. When the Russians were in violation of the ABM Treaty and had a radar at a place called Krasnoyarsk, we were in delicate negotiations with them in a variety of other things and therefore it was "see no evil," basically. "We are really not all that sure they violated the treaty," when in fact our intelligence community knew full well they had. And after the Soviet Union broke up, its leaders said, "Sure we were in violation." The question is, why didn't we do anything about it? Well, because we did not want to upset the diplomatic applecart.

Think about China with MFN. Are we going to upset the diplomatic applecart? You see, today we do not have to because there is no treaty. Once a treaty is in place we have an obligation. If we know there are violations—perhaps, for example, with China—we would have an obligation to send inspectors over there and ask them to see what they could find. One of two things will happen. Either they are going to confirm there are violations—unlikely, in which case we are then going to have to do something about it. More likely, they will come back and say, "Well, we couldn't prove it."

As a result, China or whoever is doing the violating will have the Good Housekeeping stamp of approval. We set up this regime. You try to find people guilty. But the burden is so difficult you are not going to find people guilty. They are going to, in effect, be

acquitted. And when they are acquitted we have then diminished our opportunity to negotiate with them, to tell them to stop selling chemicals, for example, to Iran or other countries we do not want to have them. In that respect, again, the treaty reduces our diplomatic options. It puts us into a box. It makes it more difficult to deal with these kinds of violations and in that respect again it is not better than nothing, it is worse than doing nothing.

What are some of the administration's claims? First of all, they have made the astonishing claim that failure to ratify the treaty would mean that we are aligned with the pariah states of Iraq and Libya because Iraq and Libya are not going to sign or ratify this treaty. I hope the Secretary of State and the President of the United States could discriminate a little better than that. I could make the same argument to them. If we sign the treaty, we are going to be in with a bunch of other pariah states. Do they think it is any better to be with Iran or Cuba? These are states that have signed the treaty and presumably will ratify it. Obviously, that is not an argument that gets you anywhere. But it is the kind of simplistic, superficial argument that this administration is using to sell the treaty. It is an affront to the intelligence of the Senate. As I said, I hope the President and Secretary of State can make better distinctions than that.

I also note it is a bit meaningless at this point to join the treaty, though 67 other nations have joined it, because they do not have chemical weapons. The countries that have chemical weapons have not joined it, and many of them are not going to. About 99 percent of the world's chemical weapons, according to open source material, are held by three countries, none of whom have joined the treaty: The United States, Russia, and China. We have a bilateral destruction agreement with Russia, in which we are trying to get them to destroy their chemical weapons—and they decided they are not going to follow through with that, apparently. So, what makes us think that we are going to do any good by joining the treaty, when about 80 percent-plus of the chemicals in China and Russia would be outside the purview of the treaty?

The next comment made is, "No treaty is 100 percent verifiable." I think I dealt with that before. Nobody is claiming it needs to be 100-percent verifiable, but when we say this treaty is not adequately verifiable or effectively verifiable, their comeback is, "Well, no treaty is 100 percent." That is not the issue. The issue is whether it is effectively verifiable, and unfortunately no one claims that this treaty is effectively verifiable.

No one, for example, has said that they have high confidence that this treaty will timely detect significant violations. As a matter of fact, one of

the strong supporters of the treaty, a friend and someone who has served this country well, and we have a difference of opinion about the treaty, Ron Adelman, said in an op-ed piece he wrote on February 20, "Granted, the treaty is virtually unverifiable and granted it doesn't seem right for the Senate to ratify an unverifiable treaty. . ." he went on to say: "however, I think we are still better off by going ahead."

My point is that even treaty proponents acknowledge it is not verifiable, so let us not get into a debate as to whether it has to be 100-percent verifiable or not. It is not effectively verifiable. That is the point.

I discussed a bit ago the argument that the CWC will protect American troops and prevent a terrorist attack. No one who has spoken to this from an intelligence point of view can credibly make the claim that this treaty will, in any way, shape or form, reduce the threat of terrorism. Let me repeat that. Our intelligence community is unwilling to say that this treaty would stop terrorist attacks. And even one of the much vaunted agreements that was entered into between our friends on the other side of the aisle and Senator HELMS recognizes the fact that the CWC is not effective to deal with the problem of terrorism. Let me quote one of the recently unclassified assessments of our intelligence agency, the Central Intelligence Agency:

In the case of Aum Shinrikyo [this is the cult in Japan that gassed Japanese citizens] the Chemical Weapons Convention would not have hindered the cult from procuring the needed chemical compounds needed in the production of sarin. Further, the Aum would have escaped the requirement for an end-use certification because it purchased the chemicals within Japan.

The point is, here, that chemicals are so easily secreted, chemical weapons are so easily made in small, confined spaces, that it is essentially impossible to find all of them. And a terrorist group, in a room the size of a large closet, in Japan, was able to make the sarin gas that they used. This Chemical Weapons Convention has no capability to deal with that. I will say it this way: It is a fraud on the American people to suggest that we have to adopt this treaty in order to do away with terrorist use of chemical weapons. It will not be effective for that purpose. It may have some other beneficial effects, but no one should contend that it is going to help with regard to terrorism.

The same thing, as I said, is true with regard to the defense of our troops. If this administration were actually pursuing a strong defensive capability for our troops, that would be one thing, but it is not. As a result, I think it is not an appropriate argument for this administration to base the ratification of the treaty on.

Another argument of the administration is that this is important to protect the jobs in the chemical industry and that there would be some losses to our chemical companies if the treaty

were not adopted by the United States. First, I would say that this is no reason for the United States to enter into a treaty, simply to enhance the financial balance sheets of American companies. We are all for doing that, we are all for helping American businesses do well, but one does not enter into a treaty for that purpose. I think there should be a question about whether our chemical companies ought to be selling these kinds of chemicals to countries like Iran and Cuba and China in any event, because that is the new market that will open up. These are countries that have signed the treaty, not yet ratified. Presumably they will ratify it at some point so there will be an added market for us to sell our chemicals.

The other added market is that if the Australia Group restrictions come off, then our companies would not be restricted by the Australia Group limitations. In both cases they would be able to sell more chemicals. I would argue that that is not necessarily a good thing, even though it might enhance their balance sheets.

And to the argument that somehow there will be a downside to them, that they will actually lose money, it is an argument that does not persuade me. Because folks should know that the only limitation that can be imposed on companies in countries that do not sign the treaty is with respect to so-called schedule 1 and schedule 2 chemicals. These are the chemicals of chemical warfare, of chemical weapons and their precursors, by definition, made in noncommercial quantities. So the only limitation that could ever be imposed upon American companies, if it ever were, would be on such a small amount of chemicals that, even by their own definition it would constitute only a fraction of 1 percent of the chemicals that are traded. We should pass the treaty for that? I do not think so.

Another argument is that at least we will get more intelligence if we are a party to the treaty. This is the argument that says granted it may not solve all the problems but it is better to be inside than outside. I think this particular argument deserves a little bit of attention.

I serve on the Senate Intelligence Committee. I know how this works. I think I should explain a little bit about it. The claim is not true. Our intelligence agencies, of course, always are looking for new opportunities to get information, but it is not correct to say that the chemical weapons treaty provides us that mechanism. The chemical weapons treaty says that if you want to inspect another country for a suspected violation, you bring the matter to the council in charge of the treaty, and if it decides to go forward, it will appoint three inspectors—but it cannot be somebody from your country. So, it would be somebody from three other countries that go do the inspection. They come back and they deposit their findings with this body, this executive council. And by the treaty terms they

cannot share that information with anybody else. It is secret. So the United States, not being a party to the inspection, does not have the information, and cannot have it, under the terms of the treaty. So there is only one way that we would gain more information under the terms of the treaty and that is by cheating, by violating the treaty, by somehow trying to steal the information, by somehow trying to turn one of those inspectors to be an agent for us in violation of the treaty terms. That is how we would get more information—not legally, under the treaty.

What would we do if we found somebody cheating? Let us assume that we find that Russia or China has chemical weapons, is not destroying them—in other words, does possess in violation of this treaty. Would we insist on sanctions? How about today? Take the case of China. Would we insist on sanctions? We shake in our boots when the President of Taiwan comes over, attends his 25th class reunion at Cornell, and the Chinese Government threatens to lob missiles into Los Angeles and steams in the Straits of Taiwan and sends missiles over Taiwan. Are we going to impose sanctions on China because of a finding that they have maintained a chemical weapons stock? Are we going to have to prove to this international body, this executive council, that they are in violation? And at what cost to our relations?

The problem is, with the treaty you can no longer ignore violations. You either object or it ends up in a whitewash. Either way it creates significant problems.

There is a final argument that has been made recently and it mystifies me because it doesn't go anywhere but they have been making it, so I will try to respond. Proponents say we are getting rid of our weapons, and therefore the chemical weapon convention will force others to do so, too. It is absolutely true the United States is getting rid of our weapons. We are committed to doing that. We do not need the Chemical Weapons Convention to prove to the world that we are the moral leader of the world. We have said we are getting rid of ours. Nobody else has, but we have.

So you don't need the Chemical Weapons Convention. I challenge my friends who propose the treaty, in what way will the chemical weapons treaty make the other countries get rid of theirs? That is the purpose, that is the goal, but there is no effective mechanism to make it happen, and there is no intelligence estimate or assessment to that effect, Mr. President.

We are going to have an opportunity tomorrow to go into classified session and hear just what our intelligence community has to say about the chemical weapons programs of other nations and about what we think they are going to be doing in the future, and I urge my colleagues to attend that session.

(Ms. COLLINS assumed the chair.)

Mr. KYL. Finally, Madam President, there has been much made of the fact that in the negotiations over this treaty, numerous improvements were made and, therefore, we should remove our objections and go along with the treaty.

First of all, I want to set the stage. Last fall when the treaty came before the Senate, the statement was that we couldn't touch it, that we couldn't negotiate anything, we had to use the resolution that came out of the committee and there were no changes that were possible; "You can't change the treaty; we're not interested in negotiating any terms."

It turned out there was not sufficient support for the treaty and, therefore, the administration had it pulled. Interestingly enough, last night I saw a news program, the Jim Lehrer News Hour, in which it was misstated that Senator Dole, the previous majority leader, asked the treaty to be withdrawn. He did not ask the treaty to be withdrawn. He was not even in the Senate at the time. He wrote a letter in opposition to the treaty, but he did not ask it be withdrawn. He just said he wouldn't vote for it if it were still in the Senate. It was withdrawn by the administration, by the Clinton administration, not by anyone here in the Senate.

Notwithstanding the fact that the administration took the position that nothing could change, once the treaty was found not to have adequate support, the administration began to change its tune, and little by little, they began to sit down and talk to those who had objections. Over many months, various concessions were made which marginally improved the situation. Now, they are not concessions with respect to the treaty itself because it can't be changed, but there are some things which at least help to clarify how the United States is going to proceed, and had it not been for the considerable efforts of the chairman of the Foreign Relations Committee, these changes would not have been made. So while they were critical of the chairman for his opposition to the treaty, it turns out that now they are bragging about the changes that he sought to have made, and I think that is a very important point, Madam President. Let me just repeat it. While initially deriding the concerns of the chairman of the committee, they are now bragging about the changes that he forced them to make, claiming that this makes it a better treaty, now we should all support it. It does make it a better treaty, but at the margins, not at the core.

What has been negotiated? First of all, there are nine specific conditions that merely restate existing constitutional protections. Those could not have been taken away in any event, but it was helpful to get the administration to acknowledge that they existed. They were even reluctant to ac-

knowledge some of these constitutional protections. We could do without them, because they are in the Constitution anyway, but at least it was handy to get the administration to acknowledge that they existed.

Second, there are two conditions that merely allow the Congress to enact appropriations or approve reprogramming. As every Senator knows, we have that right. We are the body, along with the House, that enacts appropriations or approves reprogramming. So that was essentially meaningless, though handy to have the administration acknowledge.

There are four conditions that call for reports. Whenever you see a call for a report, Madam President, you know that that means we tried to reach agreement on something, we couldn't, so we said, "By golly, we'll have a study on it, we'll have a report." And that is what this calls for. There are seven conditions that call for Presidential certifications, all of which he can make today. These were not concessions by the administration. They were able to agree to these because these are certifications they can currently make. So one should not brag about those.

Four additional conditions are a restatement of current U.S. policy. Again, we thought these were good to have on paper in connection with the treaty so there would be no mistake about what U.S. policy was. It isn't new, it isn't new policy, it isn't a compromise, it isn't a negotiated settlement; this is just a restatement in the resolution of ratification about existing U.S. policy. One of the conditions doesn't take effect until 1998.

I conclude, then, with the two that have some meaning. One deals with search and seizures under the fourth amendment, and I discussed that briefly a moment ago. The other deals with the subject of riot control agents. We do not know what the courts will do with either of these two.

I spoke to the issue of the fourth amendment. The resolution includes a statement that we will require search warrants, either administrative warrants or criminal warrants in the appropriate case. That may or may not be effective under the treaty. It may be declared in violation of the treaty. If not, other countries are going to be able to do the same thing. While the United States will assiduously adhere to the law and to the Constitution, my guess is if other States are able to do the same thing, we will suddenly find interesting provisions in the Iranian Constitution or Chinese Constitution that are going to constitute loopholes big enough to drive a truck through.

The other matter is important, but in the overall scheme of things, I think perhaps more has been made of it than was generally warranted, and it is still not certain that it is resolved, but at least the allegation is that it is. This has to do with riot control agents, tear gas to most people. This was one of the

areas in which the Bush and Reagan administrations had been very clear, and the Clinton administration changed policy, another example of a situation where this is not the same treaty that the Bush and Reagan administrations had in mind. They always thought you could use tear gas in certain situations; for example, to rescue a downed pilot, to deal with a situation where you had civilians surrounding an American hostage, for example. Rather than having to shoot those people, we say it makes sense to use tear gas to disperse the crowd and rescue the American. This administration said, no, we don't interpret the treaty as allowing that. Even people who support the treaty, like Gen. Brent Scowcroft, said, that's crazy, that has to be changed. It took a long time to get the administration to finally agree in concept to a change. I am still not persuaded the language does it, but let's assume in good faith they have really agreed to a change in this policy. What that will mean is that, at least in that limited kind of situation, we will be able to use tear gas. That is a positive development, but in light of the final points that I want to make here, it is not reason to change from supporting a treaty that is not global, not verifiable, not effective, does more harm than good. That change is helpful but not dispositive.

What are the five unresolved issues? The way this treaty comes before the Senate, it is the Helms resolution of ratification. In other words, it is a resolution wrapped around the treaty. It has 28 agreed-upon items, and then, in addition, there are 5 that are not agreed upon. Those are the items that constitute the Helms resolution of ratification. To approve the treaty, we will vote on the resolution of ratification. The proponents of the treaty have the right under the rule here to seriatim move to strike each of these five remaining conditions. If they are all stricken, then we will end up voting for the Helms resolution of ratification sans these five protections. If four of them are stricken, we will have one, and so forth.

What are these five unresolved issues? These are the core of the dispute. This is really what it is all about. And this is what I will spend the rest of my time on.

The first issue says the country that has the most chemical weapons in the world, Russia, is not a party to the treaty. It has not complied with various agreements that we have concerning destruction of its chemical weapons stocks and its biological weapons, incidentally, and it has not agreed to abide by a memorandum of understanding with this country under which it would list its stocks of chemicals. These were key agreements that were part of the basis for the Reagan and Bush administrations' sponsorship of this treaty. Russia had agreed to these things. One is called the bilateral destruction agreement. The other is called the Wyoming memorandum of understanding.

The Reagan and Bush administrations believed that if the Russians complied with these provisions, that the chemical weapons treaty might be a good thing. But they are not complying with them. Again, we will hear some details in the session tomorrow. But the fact of the matter is, we ought to require that Russia at least demonstrates some good faith to proceed down the path toward declaring what they have and getting rid of those things. If there is no indication by the Russians that they intend to do this, then it seems a little odd to be entering into a treaty where 60 percent of the world's chemical weapons are not even being dealt with and we are basically conceding to the Russians that they don't have to agree with these other agreements with us. What we are saying is, to try to apply a little leverage to our friends in Russia, look, we know it is expensive to dismantle this, but that cannot be the only problem you have when you will not even declare all of the chemical weapons you have, when you won't even begin the process of dismantling them, when you have signaled that you are no longer going to be complying with the bilateral destruction agreement, you consider it now inoperative, no longer useful. We want some signs from you that you are serious about dealing with chemical weapons before we enter into the Chemical Weapons Convention.

And there is a final reason for this, Madam President. One of the leaders of Russia has written to one of the top leaders of the United States and made it clear that if Russia is to join the Chemical Weapons Convention, it wants to do so at the same time the United States does. As a result, it would be highly unfortunate if the United States went ahead and ratified this treaty before the Russian Duma did. The Russian Duma is clearly not ready to do so. This first condition, therefore, in the Helms resolution of ratification says, "Hold on, we will ratify the Chemical Weapons Convention, but we will not deposit our instrument of ratification at The Hague until Russia has done the same, thus enabling us to come in at the same time." That is all that condition says.

It would require certification by the President that Russia is making progress, that it intends to comply, it is making progress toward complying. They don't have to demonstrate that they have complied. We think that is a reasonable condition. I guess I will state it the other way around as to this first condition, should we be supporting a treaty that we know is being breached by the country that has the largest number of chemical weapons in the world and is going to continue to be breached by that country, or should we insist on a condition that they are making progress toward complying before we buy into it?

The second condition has to do with other states, the so-called rogue states. I will spend only a moment on this be-

cause I know my colleague from Oklahoma, Senator INHOFE, wants to speak at greater length about this. We know that there are a variety of rogue states that have no intention of signing on to this treaty and others that may want to sign on but know they can violate it with impunity. These chemical weapons in these countries' hands constitute a real threat to American troops. We think that if one is going to make the claim that this Chemical Weapons Convention is going to reduce the chemical weapons stocks of these rogue nations that pose a threat to the United States, the least that ought to happen is that they submit themselves to the treaty. Can't do any good if they are not members. We need to certify that some of these nations are going to be states parties before we subject ourselves to it.

The third condition is one that I can't imagine anybody is going to object to, and that is that certain inspectors would be barred from inspecting American sites. We have the right to do this under the treaty. The President has the right to say, I don't want any inspectors from China, I don't want any inspectors from Iran coming in here because we think they are going to—and I use these as hypotheticals—the President says, we think they may be bent on industrial espionage and therefore we are going to ask that they not be inspectors. The argument against that is, well, tit for tat. They will say, fine, we don't want any Americans on the inspection team that comes into our country. We are willing to say, fine. We think for certain countries, like China and Iran, we should put right up front they are not going to be inspectors of United States facilities. And that would be a third condition to ratification.

A fourth condition to—actually No. 5 on the list has to do with the standard for verification. This has to do with the question of whether or not we have an adequate sense that we can actually find cheating under the treaty. And we are not asking for an impossible standard. We are not asking for 100-percent verification.

We are simply asking that the President certify to the Congress before we submit the articles of ratification that the CIA has certified to the President to a level of verification that will work. And what we have basically done is take the definition of previous administrations, the so-called Baker-Nitze definition, along with a specific aspect that General Shalikashvili identified as a way of identifying our standard here for verification under the treaty.

It would be effectively verifiable. We could find violations with a high degree of confidence in a timely fashion, within a year of their occurrence. And they would be militarily significant.

Now, militarily significant was defined in a hearing before the U.S. Congress by General Shalikashvili as 1 ton of chemical weapons. And, therefore,

that is what we have built into this definition.

So what we have said, Madam President, is that we would join the treaty at such time as we had the certification from the President that the CIA certified that we could achieve this level of verification. I do not think that is asking too much.

Finally, the final condition has to do with articles X and XI. This is what I had spoken to before.

I would ask my distinguished chairman if I could go on for just a few minutes here.

Mr. HELMS. Go right ahead.

Mr. KYL. I will conclude on articles X and XI because we are going to hear a lot more about them. I think it is important to read into the RECORD the provisions we are talking about and discuss in a little bit of detail specifically what our concerns are.

Here is what article X says. I might preface this comment, Madam President, with the statement that these were inducements put into the treaty originally to induce countries to join the treaty. They were put there based upon inducements that were included in a previous treaty, the nuclear non-proliferation treaty, under the so-called atoms for peace plan.

Many people know or will remember that the atoms for peace plan was the idea that if countries would eschew the development of nuclear weapons, we would provide them peaceful nuclear technology. And countries like Iraq, and other countries that could be mentioned, took advantage of that program, and said, "Fine. We won't develop nuclear weapons. Now send us the peaceful nuclear technology." We eventually learned that what they did with that peaceful technology was to use it in their nuclear weapons program.

So after it was put in the treaty, and we got these people signed up, we learned that several countries were using this provision of the treaty to actually enhance their nuclear weapons capability. It worked to the detriment of the proliferation of nuclear weapons.

Well, before that was ever learned this chemical weapons treaty was negotiated. So at the time it seemed like a good idea to put the same kind of provision in the chemical weapons treaty. At the time it seemed like it would be a smart thing to provide an inducement for countries to join the treaty, saying:

If you'll join up, then we will not have any restrictions on trade in chemicals with you. You can buy all the chemicals you want. And, in addition to that, you can ask us for, and we will provide to you, all of the defensive gear, chemicals, antidotes, equipment, and so on, that will enable you to defend against chemical weapons.

That is a pretty good incentive for a country to join up. Look at it from the standpoint of a country that has in mind conducting chemical warfare capability. The first thing they want to do is be able to protect their own

troops from the use of the weapons. So they want our latest technology in defensive gear, in defensive equipment, in antidotes and the like. So it is a pretty good incentive to sign up for the treaty because they have a right to ask us, and the treaty says we will undertake to provide to them that material. Moreover they want to buy chemicals.

Right now the Australia group I talked about before has limitations on what chemicals can be sold. As a matter of fact, there are 54 specific chemicals under the Australia group that cannot be sold to the countries we believe want to develop the chemical weapons capability. These countries then have an incentive for joining the convention because under the convention you cannot limit the trade in chemicals.

What does the treaty say? Article X:

Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

It could not be more clear, Madam President. Article X says that the parties to the treaty have the right to participate in and each party undertakes to facilitate. In other words, we have an obligation to facilitate their acquisition of this defensive equipment.

Article XI carries this further and adds another element. And I read in part:

The . . . States Parties . . . shall . . . undertake to facilitate, and have the right to participate in, the fullest . . . exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention . . . for peaceful purposes . . .

In other words. The "atoms for peace" equivalent in the Chemical Weapons Convention.

So here is a big incentive for countries who want to develop a defense against chemical weapons to join the Chemical Weapons Convention.

The second part of article XI, section (c) says that:

[The] States Parties. . . shall. . . [n]ot maintain among themselves any restrictions, including those in any international agreements . . .

shall. . . [n]ot maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of [again] scientific and technological knowledge in the field of chemistry for industrial, agriculture, research, medical, pharmaceutical or other peaceful purposes.

shall . . . [n]ot maintain among themselves any restrictions, [either unilateral or international restrictions.]

So what this says is that States Parties will have the right to say, once they become parties, "You can't have an embargo on selling chemicals to us. You have to lift your restrictions."

For a country like Iran, for example, which has signed the treaty, this would be a pretty good deal because currently

none of the Australia Group countries will sell it these chemicals.

What is going to happen? Well, today, China may be selling chemicals to Iran or maybe another country is selling chemicals to Iran not covered by the treaty. Once the treaty goes into effect, those countries could continue to sell chemicals to Iran. But what is going to happen is that the other countries, countries that sign onto the convention are going to say, "Wait a minute. China, for example, is selling chemicals to Iran. Our chemical companies want in on the action. It says right here in the treaty we're not supposed to maintain any restrictions. So we are out of here. We are going to allow our countries to sell chemicals to a country like Iran." We will have a very poor argument against that.

What has been the administration's response to this? Belatedly the administration seems to find there is a little problem here. But originally it did not think so. As a matter of fact—and I think this is a critical point of this debate, Madam President,—right after the chemical weapons treaty was signed into force, the Australia Group members were all asked to begin the process of lifting their restrictions pursuant to the Chemical Weapons Convention, the plain wording of articles X and XI.

Let me read to you, according to the administration—this is in testimony before the Congress:

Australia Group members in August 1992 committed to review their export control measures with a view of removing them for CWC States Parties in full compliance with their own obligations under the convention.

In other words, after the CWC was signed, the Australia Group countries began to review their export control measures which currently prohibit them from selling chemicals to certain countries, so that they could bring themselves into compliance with their obligations under articles X and XI of the convention.

And the Australia Group itself issued a formal statement—and I am quoting now—

Undertaking to review, in light of the implementation of the Convention, the measures that they take to prevent the spread of chemical substances and equipment for purposes contrary to the objectives of the convention with the aim of removing such measures for the benefit of States Parties to the Convention acting in full compliance with the obligations under the Convention.

In other words, again, if you have limitations on the sale of chemicals to countries, you are going to have to lift them or you will be in violation of articles X and XI of the convention.

What has the administration's response to this been?

At first it was denial. Then, one comment made to me was, "Well, we tried our best to negotiate our way out of this, but the best we could do is get language like 'undertake to facilitate' rather than 'obligated to.' We just couldn't negotiate anything better."

So this was a bone to those countries, an incentive for them to come in. And

to our argument, this makes the situation worse, not better, and will actually proliferate these weapons, the same as Secretary Cheney just said in the quotation I just read, that articles X and XI will result in the proliferation of chemical weapons because there cannot be any restrictions.

The administration then began to take a different tack. First they said, well, we will decide not to lift our restrictions, so the United States will still not sell to countries that we think might develop chemical weapons. And we will get you a letter to that effect. I have not seen anything in writing, but that is the administration's latest statement.

We said, that does not do any good because it only takes one country to break an embargo. Any one of the countries could do it. And the horse would be out of the barn. So they said, well, we will try to get the other Australia Group states to agree to the same thing.

Bear in mind what they are saying. First, they were all going to lift these restrictions to be in compliance with the treaty. Now we are going to try to convince them they should keep them in place in clear violation to the treaty. This is the way to make a moral statement, Madam President, by violating the treaty right up front and announcing to the world we are violating the treaty, by keeping in place restrictions that are required to be lifted under articles X and XI?

It is not a very propitious way to make a moral statement or to begin the operation of an international treaty to announce in effect not only are you going to violate it but you are going to try to get all your friends in the Australia Group to violate it because not to do so would be to lift the restrictions we currently believe are helpful in preventing the spread of chemical weapons.

Even if all these countries do decide to ignore articles X and XI, countries that are not States Parties can continue to sell these chemicals. I said, it will not be long until everyone else will want in the action. The same argument that has been made by some of our chemical companies, in the event if somebody is selling we should have the right to sell too otherwise we are just losing good business.

So I will conclude, Madam President, by trying to make this rather simple, but I think important point. To those who say, granted, it is not going to be a very effective treaty, but at least it does no harm, I say, you are wrong. It is going to do a lot of harm—to business, to the taxpayers, to our ability to conduct diplomacy and, importantly, to our ability to constrain the spread of chemical weapons.

As Secretary Cheney said, unless articles X and XI are removed from this treaty, it is going to make matters worse, not better.

So the fourth condition that is a part of the Helms resolution of ratification

says that we will ratify the treaty, but before we deposit the articles of ratification there has to be a certification by the President that those two sections have been removed from the treaty. Yes, of course, that will require a renegotiation. The States Parties will have to agree to take those provisions out. That should not be a problem if the administration's most current assurances are to be believed.

I suspect, however, there are specific States Parties who do not agree with those assurances who fully intend to continue these sales. As a matter of fact, if you will read the language of the Chinese ratification, it explicitly preserves their understanding of articles X and XI which is the obvious understanding of anyone reading them, that it would be improper to have trade restrictions or to deny the defensive equipment in the case of other States Parties.

So, Madam President, we are stuck with articles X and XI. And it is the belief of many of us that perhaps we could support this treaty if those articles were removed. But until they are removed, it makes matters worse and therefore we cannot in good conscience support the treaty in that form.

I thank the distinguished chairman of the committee for yielding me this time.

Mr. HELMS addressed the Chair.

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

Mr. HELMS. Madam President, allow me to thank the able Senator from Arizona. He is a walking encyclopedia on the details of this treaty, and he has been enormously helpful to me and to many other Senators in understanding the implications of a great many provisions of the treaty. I thank him now publicly for all he has done to be helpful. I am deeply grateful.

Mr. KYL. Madam President, I return that thanks. I see the distinguished ranking member of the committee. I compliment both of them for their work to achieve what I have described as "limited success" in the provisions agreed to, but nonetheless important. I appreciate the negotiations that they conducted and the spirit in which this debate has been conducted as well.

Mr. HELMS. Madam President, I ask unanimous consent that the RECORD reflect that had there been a recorded vote on the previous two voice votes, that Senators ASHCROFT and GRAMS would have voted "aye" on both votes.

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

Mr. HELMS. Madam President, I hope the distinguished ranking member will agree that the other Senator from Arizona should follow. I will leave it for him to limit his time or not. Let me do one or two other things and I will let the Senator take care of that. I noticed that two or three times in the past week—and I am used to the media criticism; as a matter of fact, I enjoy it. I have a lot of cartoons on my office wall to prove that I do enjoy it. But I

noticed that two or three people said, "Helms doesn't do anything in the Foreign Relations Committee except hold up treaties."

Well, let's look at the record. In the past 2 years—that is to say the 104th Congress—the Foreign Relations Committee has considered 39 treaties, and the Senate approved 38 of them—the one exception being this chemical weapons treaty, which the administration pulled down just before it was to become the pending business in the Senate.

I will read the list that I am going to put into the RECORD: Consideration of the CWC, in the context of the work of the committee in carrying out its responsibility to us and consent to ratification as set forth in article II, section 2, of the Constitution. Treaties considered during the 104th Congress included bilateral tax and investment treaties, important to protecting and furthering U.S. business interests abroad; 14 treaties strengthening U.S. law enforcement through extradition of criminals and access to criminal evidence in other countries. One notable example of the impact of these treaties was the ratification of the United States extradition treaty with Jordan, which enabled the United States to take into custody a suspect in the World Trade Center bombing. Extensive hearings were held by the committee to consider the START II Treaty and the Convention on Chemical Weapons. The Foreign Relations Committee also considered, and the Senate ratified, three multilateral treaties dealing with landmines and the rubber industry and international fisheries laws.

I ask unanimous consent that this list be printed in the RECORD.

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

TREATIES RATIFIED BY THE SENATE DURING
THE 104TH CONGRESS

ARMS CONTROL TREATIES

Convention on Conventional Weapons.
Start II.

[Convention on Chemical Weapons (approved by Committee/no vote by Senate)].

COMMODITIES

1995 International Natural Rubber Agreement.

FISHERIES

U.N. Convention Relating to the Conservation and Management of Highly Migratory Fish Stocks.

BILATERAL EXTRADITION TREATIES

Belgium.
Supplementary with Belgium.
Bolivia.
Hungary.
Jordan.
Malaysia.
The Philippines.
Switzerland.

BILATERAL INVESTMENT TREATIES

Albania.
Belarus.
Estonia.
Georgia.
Jamaica.
Latvia.
Mongolia.

Trinidad Tobago.
Ukraine.

BILATERAL MUTUAL LEGAL ASSISTANCE
TREATIES

Austria.
Hungary.
Korea.
Panama.
The Philippines.
United Kingdom.

BILATERAL TAX TREATIES

Canada.
France.
Indonesia.
Kazakhstan.
Kazakhstan Exchange of Notes.
Mexico.
Netherlands-Antilles.
Portugal.
Sweden.
Ukraine.
Ukraine Exchange of Notes.

Mr. HELMS. In addition to my recommendation to the distinguished ranking member, I hope Senator MCCAIN, although he does not share my view on the treaty, will be recognized, because he is a patriot of the first order, as far as I am concerned. If anybody ever paid his dues to this country, the Senator from Arizona did. Following him, I should like for Senator HUTCHINSON to represent our side in the pecking order. How much time will the Senator need?

Mr. HUTCHINSON. Ten minutes.

Mr. HELMS. The Senator can use a little longer if he wishes. Let me ask about the time consumed thus far, Madam President.

The PRESIDING OFFICER. The Senator from North Carolina has 3 hours 10 minutes remaining. The Senator from Delaware has 3 hours 21 minutes remaining.

Mr. HELMS. Three hours even for me?

The PRESIDING OFFICER. And 10 minutes. And 3 hours 21 minutes for the Senator from Delaware.

Mr. HELMS. We are running pretty near. The distinguished Senator from Delaware made his usual eloquent speech this morning. How long did I speak, by the way?

The PRESIDING OFFICER. The Senator spoke for 4 minutes, plus 26 minutes earlier today.

Mr. HELMS. Four months? No, I understand. With the understanding that the Senator from Arkansas will follow the distinguished Senator from Arizona, I yield the floor to my distinguished friend from Delaware.

Mr. BIDEN. That "four month" comment reminds me of a joke about the two guys who were cheering at the bar, clapping their hands. A guy walks into the bar and says, "What are they so happy about?" Another guy says, "Oh, they just put together a jigsaw puzzle, and they did it in 3 hours." The guy walks up to them and says, "Congratulations, but why is that so special?" They showed him the box, which said "2 to 4 years." At any rate, it will take a while for that to sink in. A little bit of levity in the chemical weapons treaty is worth the effort.

The junior Senator from Arizona complimented me on the limited success that we have achieved here. I thank him for that. Now I am going to yield to a man of unlimited capacity to prove to everyone that there is no limit to the success we are about to achieve in this treaty.

I yield 15 minutes to the distinguished Senator from Arizona, my good friend, JOHN McCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I thank my distinguished colleague from Delaware and the Senator from North Carolina. The distinguished Senator from North Carolina deserves great credit, in my view, because he, as chairman of the Foreign Relations Committee, allowed this treaty to come to the floor. The distinguished chairman could have bottled up this treaty under his authority as chairman of the committee. He deserves great praise.

I also point out that, as various groups have gotten into this debate, there have been a lot of allegations, a lot of impugning of character and patriotism and views about whether people are tough enough or not tough enough or what is too soft. This is a debate amongst honorable people who have honorable differences of opinion, as I do with the junior Senator from Arizona, my dear friend and colleague, Senator KYL. I would like to see, especially in the columns of various periodicals interested in this view, the debate elevated a bit as to the virtues or vices, as the observers of this treaty might view them, as opposed to speculations about the motives of those who either support or oppose this treaty. I think the American people would be far better off.

Madam President, the importance of this issue has been pointed out. We will have political and economic consequences for the United States for many years to come. The most important question is whether this agreement is good for U.S. national security.

In my view, one central fact dominates consideration of this issue. Regardless of whether the United States ratifies this treaty, the United States will, in the next decade or so, complete the destruction of its own aging chemical weapons stockpile. Our reasons for doing so have nothing to do with arms control. The decision was made before the CWC became a near-term possibility. I am not aware of any interest of Congress or the U.S. military in getting the United States back in the chemical weapons business. So when we consider the wisdom of ratifying this treaty, we should bear in mind that this is, first and foremost, a treaty about limiting other countries' chemical weapons, not our own, because we are doing away with ours. In practical terms, the alternative to ratification of the CWC is U.S. unilateral disarmament in the field of chemical weapons.

The critics point out that a number of countries, such as Iraq, Libya, Syria, and North Korea, will not ratify the CWC and will therefore not be bound by its limits. True. But will our efforts to keep weapons of mass destruction out of their hands be enhanced if we don't ratify this treaty? No, they will not. In fact, I am confident that these rogue states are desperately hoping the Senate will reject ratification because, if we do, we will not only spare them the mandatory trade sanctions that the CWC imposes on nonparties, we will also undermine a near global consensus that all chemical weapons, including those of nonparties, should be banned.

Madam President, for 10 years I have had the privilege of working with the former Senate majority leader, Bob Dole. Probably the closest working relationship I had with him was on issues of national security. In fact, I was privileged to serve as one of his advisers in the last campaign in his efforts for the Presidency of the United States. Madam President, I know of no one more credible on these issues, and I know of no one, going back to World War II, who understands service and sacrifice and our national security interests more than Senator Bob Dole, a man whose friendship I cherish and whose companionship I enjoy but, more important than that, a person whose views I hold in the highest esteem and regard. There are many other experts on national security issues in this town, but I know of no one who has had the experience and hands-on involvement with these issues, that is, the tough decisions, than Senator Dole. We all know that Senator Dole issued a letter today that I think is of great importance.

Madam President, I ask unanimous consent that Senator Dole's statement and the letter from President Clinton to Senator Dole be printed in the RECORD.

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

STATEMENT OF BOB DOLE ON THE CHEMICAL WEAPONS CONVENTION

WASHINGTON.—Bob Dole today issued the following statement regarding the Chemical Weapons Convention:

"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 would 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. (See attached letter from President Clinton to me dated April 22, 1997). 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."

THE WHITE HOUSE,
Washington, April 22, 1997.

Hon. BOB DOLE,
Washington, DC.

DEAR BOB: I welcomed the opportunity to discuss the Chemical Weapons Convention (CWC) with you Saturday and appreciated your taking the time Monday to have Bob Bell brief you on the 28 agreed conditions to the Resolution of Ratification.

When you wrote Senator Lott last September, you expressed the hope that I would assist him in amending the Resolution of Ratification in a manner that would address certain concerns you raised and thereby "achieve a treaty which truly enhances American security." I believe the 28 agreed conditions, which are the product of over 60 hours of negotiation between the Administration and the Senate over the last two and a half months, meet both these tests. We have truly gone the extra mile in reaching out, as you recommended, to broaden the base of bipartisan support for this treaty. As I said in my public remarks Friday, "I consider that the things that we've agreed to in good faith are really a tribute to the work that Senator Lott and Senator Helms and Senator Biden and a number of others did to really clarify what this Convention will mean; I think it's a positive thing."

Let me mention briefly how my Administration has addressed the specific concerns you raised last fall:

Constitutionality. You said Constitutional protections should be safeguarded against unwarranted searches. We have agreed to a condition (#29) guaranteeing that there will be no involuntary inspection of a U.S. company or facility without a search warrant. Period. We have also agreed to a condition (#12) underscoring that nothing in the treaty "authorizes legislation, or other action, by the United States prohibited by the Constitution of the United States, as interpreted by the United States."

Real Reductions. You asked whether the CWC will actually eliminate chemical weapons. We have agreed to a condition (#13) specifying severe measures that the United States will insist upon if a country is in non-compliance of this fundamental obligation under the treaty.

Verification. You asked whether we will have high confidence that our intelligence

community (IC) will detect violations. We have agreed to a condition (#10) which would require the Administration to identify on a yearly basis priorities, specific steps and resources being undertaken to strengthen U.S. monitoring and detection capabilities. These annual reports would also include a determination of the IC's level of confidence with respect to each monitoring task. We also made clear during the negotiations on the conditions our willingness to certify that the CWC is "effectively verifiable" and that the IC has high confidence it could detect the kind of violation that matters most in terms of protecting our troops deployed in the field: any effort by an adversary to try to train and equip his army for offensive chemical warfare operations. I regret that the unanimous consent (U/C) agreement governing the floor debate on the CWC will not allow this condition to be offered.

Universality. Finally, you asked whether the treaty will be truly global. We have agreed to a condition (#11) which requires the Secretary of Defense to ensure that U.S. forces are effectively equipped, trained and organized to fight and win against any rogue state that remains outside the treaty and employs CW in battle. To restrict CW options for such states, we agreed to a condition (#7) requiring the President to certify that we will strengthen our national export controls and that all 30 states participating in the Australia Group are committed to maintaining this export control regime on dangerous chemicals. This certification will have to be made annually. Lastly, during the negotiations on the conditions we underscored our willingness to commit to a mechanism by which we would have to consult each year with the Senate on whether to remain in the CWC if rogue states do not over time succumb to pressure to join the treaty regime. As with the proposed verification condition, I regret the Senate will not have an opportunity to vote on this condition either.

In closing, let me again thank you for your interest in and support for achieving a treaty that enhances the security of our Armed Forces and all our citizens.

Sincerely,

BILL CLINTON.

Mr. MCCAIN. Madam President, I will not read Senator Dole's whole statement, but I think it is important what he said. I will read parts of it:

I commend Senator Lott, Senator Helms, Senator Lugar, and many other former colleagues, as well as President Clinton and the administration officials for their constructive efforts. Is it perfect—no—but I believe there are now adequate safeguards to protect American interests.

I repeat.

*** 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.

He goes on to say:

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.

Madam President, it is well known that, last fall, one of the reasons the treaty was withdrawn by the administration was because of the reservations

expressed by Senator Dole at that time—then candidate Dole. It is well known that Senator Dole's reservations were legitimate and sincere. There is also now no doubt—at least in my mind, as well as in Senator Dole's—that those reservations and concerns have been satisfied by the 28 conditions that are included in this treaty, with only 5 remaining, which we will be voting on tomorrow.

Obviously, every U.S. Senator thinks for himself or herself; there is no doubt about that. But, in my mind, this is an important event that Senator Dole should weigh in on this issue—not because there is any benefit to Senator Dole; clearly, there is a downside for his involvement, and he could have kept silent. But, once again, Senator Dole has chosen to speak out for what he believes is important to U.S. vital national security interests. I applaud him and, again, hope that he will continue his involvement in the challenges that we face in the years ahead to our Nation's security, as he has so successfully done in the past.

The CWC critics also contend that the treaty will weaken our nonproliferation policy because article XI of the treaty says the parties will have the right to participate in "the fullest possible exchange" of chemical technology for purposes not prohibited under the convention. As a result, we will have to eliminate our national controls on chemical technologies and disband the Australia Group, the multilateral framework for restraining transfers of sensitive chemical technology.

This interpretation of the treaty is contradicted not only by the text of the treaty—which subordinates article XI to the basic undertakings in article I for parties not to acquire chemical weapons or to assist another state in doing so—but also by our experience with other nonproliferation treaties and the agreed "consensus" conditions included in the resolution of ratification before us.

First of all, article XI is essentially similar to the language of article IV of the Nuclear Non-Proliferation Treaty in that it blesses technology exchanges among treaty parties, but the NPT has not caused us to disband the Nuclear Suppliers Group, which was, in fact, founded after the NPT went into force.

Nor has it obliged us to curtail our national controls on the transfer of nuclear technology, even to other NPT parties; the United States enacted the Nuclear Nonproliferation Act of 1978 10 years after the NPT was signed. There will always be some countries that object to our technology controls, but these are decisions the United States makes for itself. And successive administrations, Republican and Democratic, have maintained and expanded our export controls on nuclear technology, while the NPT has contributed to our ability to obtain support from our allies in this effort by establishing an international consensus that nuclear

proliferation is an evil that must be countered.

Moreover, beyond the text of the CWC itself, we have before us 28 agreed conditions in the resolution of ratification. As a member of the group that the majority leader put together to address issues regarding CWC ratification, I am proud of the work done at the member and staff level to achieve agreement with the administration on a number of difficult issues. I am also grateful for the work done by the chairman of the Foreign Relations Committee and the ranking minority member, who together resolved many additional problems. This work has greatly strengthened the resolution of ratification on which we will soon vote.

Agreed condition 7 of the resolution requires the President to certify not only that the United States believes that the CWC does not require us to weaken our export controls, but also that all members of the Australia Group have communicated, at the highest diplomatic levels, their agreement that multilateral and national export controls on sensitive chemical technology are compatible with the treaty and will be maintained under the CWC.

Conversely, if the United States rejects ratification, I doubt that we will be able to play our traditional leadership role in attempting to persuade other chemical suppliers to exercise restraint. The world will blame the United States for undermining a chemical weapons ban that the vast majority of other countries were willing to sign. If we reject ratification, where will we get the moral and political authority to persuade other Australia Group participants to block exports to countries of concern?

The same case can be made regarding article X of the treaty, which critics claim will require us to share defensive technologies with potential enemy states. Not only does this provision apply only to CWC parties, so countries outside the treaty like Libya cannot benefit, but condition 15 in the resolution of ratification obliges the United States to share only medical antidotes and treatment to countries of concern if they are attacked with chemical weapons. And our respected former colleague, Secretary of Defense Cohen, has committed the United States to use every instrument of U.S. diplomacy and leverage to block transfers of chemical technology that would undermine our security, and he has made the obvious point that we will be better able to do this if we are inside the CWC regime rather than outside.

It is true that the Chemical Weapons Convention will be more difficult to verify than nuclear arms control agreements such as START and INF. But regardless of whether the United States ratifies the CWC, we will have to monitor closely the chemical weapons programs of other states. The intelligence community has repeatedly told the Senate that the CWC's verification

measures will be a useful tool in doing this job. General Shalikashvili has told the Armed Services Committee that "I believe that the system of declarations, of routine inspections, challenge inspections, all put together, give us a leg up to the ability to detect whether (potential violators) are, in fact, embarked upon a program that would be in violation of the CWC. So I think our chances are improved when they are members of the CWC. Our chances decrease dramatically if they are not members of the CWC."

While some want to reject the CWC because of verification concerns, it seems to me that this would have the practical effect of reducing the United States' ability to monitor the chemical weapons programs of other countries. This is an example of the best being the enemy of the good.

Discussions among Senators and between the Senate and the administration have produced other agreed conditions to the resolution that have strengthened the case for ratification.

Madam President, I also want to commend the work of the majority leader, Senator LOTT, who has worked long and hard to address the legitimate concerns many Republican Senators had expressed about the Convention and to accommodate the administration's correct assertion that the Senate has a duty to vote, yea or nay, on the treaty. Senator LOTT and his indefatigable foreign policy advisor, Randy Scheunemann, labored tirelessly to facilitate negotiations between members and between the Senate and the administration. They ensured that these negotiations bore fruit and resulted in a resolution of ratification that resolved most, if not all, of the reservations expressed by some Senators. Both the Senate and the administration are in their debt.

It is also appropriate, Madam President, to commend administration officials for working with the Senate in a genuinely nonpartisan way that was notable for the respect paid to the views of all Members, and the good faith shown in trying to come to terms with so many difficult issues. I have on many past occasions been critical of administration policies and the lack of bipartisanship in promoting those policies. In this instance, administration officials took great pains to secure the Senate's advice and consent in a manner that was, as I said, genuinely respectful of every Senator's views. Thus, I am happy to give praise where praise is due.

Madam President, I respect the concerns of those Senators who cannot vote in favor of ratifying the CWC. But in my opinion, we do not need killer amendments to ensure that this treaty—negotiated under President Reagan and signed by President Bush—is on balance a good deal for the United States. This view is shared by former Presidents Ford and Bush, numerous Nobel Prize winners in chemistry, the chemical industry trade associations,

gulf war victors Colin Powell and Norman Schwarzkopf, retired CNO Adm. Elmo Zumwalt, plus the Veterans of Foreign Wars, the Vietnam Veterans of America, and the Reserve Officers Association. I am comfortable in their company, and that of every U.S. ally in Europe and Asia. That is why I intend to vote to ratify this treaty, and I urge my colleagues to do the same.

Madam President, I yield back my time to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. HUTCHINSON. Madam President, I rise today to voice my serious reservations about the Chemical Weapons Convention treaty. The most important standards for an effective treaty are: Verifiability, protection to the signatories, constitutionality, and the applicability to nations of most concern. I sincerely believe that the CWC falls short in each of these basic requirements.

On April 8, 1997 three former Secretaries of Defense appeared before the Senate Foreign Relations Committee urging Senators to vote against the ratification of the Chemical Weapons Convention. This fact alone should give this body great pause in the consideration of this treaty.

I know that there are good, there are loyal, and there are patriotic Americans on both sides of this issue of ratifying the Chemical Weapons Convention. I have many constituents who have called me, and said, "Senator, how do we know? We hear former Secretaries of Defense saying it is a bad treaty. We hear Colin Powell saying it is a good treaty. Today we hear former Senator Dole saying we need to ratify this. How do we know?"

I believe that it is simply our responsibility as Senators, respecting the differences that exist, to study this, to evaluate it, and to make a reasoned judgment. I believe also when our national security is at risk that we must always opt on the side of caution in consideration of a treaty such as we have before us.

Madam President, the opinions of Secretaries Schlesinger, Rumsfeld, Weinberger, and Cheney regarding this treaty should not be taken lightly. On April 7, in a letter to Senator JESSE HELMS, chairman of the Senate Foreign Relations Committee, former Secretary of Defense Cheney wrote, and I am quoting, Mr. President:

The technology to manufacture chemical weapons is simply too ubiquitous, covert chemical warfare programs too easily concealed, and the international community's record of responding effectively to violations of arms control treaties too unsatisfactory to permit confidence that such a regime would actually reduce the chemical threat. Indeed, some aspects of the present convention, notably its obligation to share with potential adversaries like Iran, chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all.

Those words of Dick Cheney have echoed in my mind—"worse than having no treaty at all".

He said, if I might summarize, that the manufacture of chemical weapons is too widespread, concealing it is too easy, and enforcement is too uncertain for us to ratify this treaty.

Madam President, I ask unanimous consent that this statement from Dick Cheney be printed in the RECORD.

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

The technology to manufacture chemical weapons is simply too ubiquitous, covert chemical warfare programs too easily concealed, and the international community's record of responding effectively to violations of arms control treaties too unsatisfactory to permit confidence that such a regime would actually reduce the chemical threat. Indeed, some aspects of the present convention, notably its obligation to share with potential adversaries like Iran, chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all.—Richard Cheney, Letter to Chairman Helms, April 7, 1997.

Mr. HUTCHINSON. Madam President, Secretary Cheney's statement sends a clear message to the American people that this treaty does not effectively deal with the threat of chemical and biological weapons. As we begin this debate on the CWC, the American people, with justification, will ask their leaders how and where they stand on the issue of chemical weapons.

I stand here today wanting to tell the American people that this Congress will do everything in its power to rid our world of chemical and biological weapons, however, the CWC is not global, is not verifiable, is not constitutional, and quite frankly, it will not work.

While the intent of the CWC is to create a global chemical weapons ban, accomplishing that goal does seem unlikely. Six countries with chemical weapons programs—including all of those with aggressive programs—have not yet signed the CWC.

So how then can we call this a global treaty?

Neither Iraq, Libya, Syria, nor North Korea have signed or ratified the CWC. China, Pakistan, and Iran have signed the CWC, but have not ratified it. Russia has signed the CWC, but has not ratified it.

These rogue nations of Iran, Libya, North Korea, and Syria represent a clear threat to United States security and the security of key United States allies. All of these countries have active, aggressive programs to develop and produce chemical weapons.

Let's be clear about one important thing. The administration has refused to ban inspectors from rogue nations such as Iran and China.

That will be one of the reservations that we will have the opportunity to vote on. And it is one of those reservations that I find it incomprehensible

that the administration has found unacceptable—banning inspectors from rogue nations such as Iran and China.

In addition, there are intelligence reports that have recently indicated that Russia has already begun to cheat, even before the CWC has gone into effect. These facts alone give substance to opposing the treaty.

Madam President, inherent in the CWC is a requirement that we share our advanced chemical defensive gear with countries like Iran and China. It is important to recognize that rogue nations, through reverse engineering, can easily figure out how to infiltrate our technologies. This would not only increase the chances of a chemical attack, but more importantly this would endanger our troops around the world.

Let us be crystal clear on the fact that once there is a free-for-all of U.S. chemical and defensive technologies between the proposed signatories of this treaty, it will quite frankly be impossible to stop the transfer of this information to the rogue nations, that do not sign the CWC.

I believe that the CWC will not increase pressure on rogue regimes. The CWC will not result in an international norm against the use of chemical weapons. The Geneva Convention of 1925 already established that norm. How many times has this prohibition been violated by Iraq, on the Kurds and even in the case of our own troops?

Madam President, it took 5 years before the Pentagon came forward with information pertaining to the exposure of our own troops to certain chemical and biological substances that could affect the health and well-being of our 700,000 U.S. service people in the gulf.

The rogues have demonstrated that they will plan for the use of, threaten the use of, and indeed use chemical weapons despite international norms.

We must, to the best of our ability, avoid the horrible events of the 1980's, when the international community witnessed the horrors of Iraq's use of chemical weapons against its own people. Since that time, sanctions against Iraq have been strong and effective. The CWC will not address any shortcomings in these sanctions.

Madam President, how can the CWC be global if these so-called rogue nations have not signed the CWC? The bottom line seems to be that the CWC is most applicable to the countries of least concern to the United States. It may help us with Great Britain, but provide no protection regarding North Korea or Iraq.

It is my understanding, that under article XII of the treaty, members caught violating treaty provisions are simply threatened with a restriction or suspension of convention privileges. At worst, a report will be sent to the U.N. General Assembly and the U.N. Security Council. Mr. President, how does a report protect the American people?

Madam President, with no predetermined sanctions in place to deter potential violators, the CWC seems ineffective and unenforceable.

I am very sensitive to the needs and wishes of the small business-man. And while large multinational chemical corporations can bear the estimated astronomical costs regarding reporting requirements of a CWC member nation, these costs constitute a significant burden, in some cases an overwhelming burden, to small businesses, not just in Arkansas but all around America. There are roughly 230 small businesses which custom-synthesize made-to-order products and compete with large chemical manufacturers. It is my understanding that they generally have fewer than 100 employees and have annual sales of less than \$40 million each. Few, if any, of them can afford to employ legions of lawyers just to satisfy the new reporting requirements of the CWC. Let us be realistic. Can these burdensome reporting requirements prevent the proliferation of chemical weapons?

In addition to the cost factor on our small businesses, the possibility of U.S. trade secrets being stolen during CWC inspections to me at least seems very high. I have been advised that the U.S. intelligence community has said that the CWC inspections constitute a new tool to add to our intelligence collection tool kit. Putting one and one together, inspections will also constitute a tool in the kit of foreign governments as well. I hope that the American people realize that U.S. expenditures as a member nation of the CWC include a mandatory 25-percent assessment for operating expenses of the Organization for the Prohibition of Chemical Weapons, the OPCW.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. HUTCHINSON. Madam President, I ask unanimous consent for an additional 3 minutes.

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

Mr. HUTCHINSON. As a member nation, we will pick up a 25-percent assessment for the operating expenses of the organization. This is the new international organization created to administer the CWC. It is my understanding that operating costs are likely to be a minimum of \$100 million per year, \$25 million of which will come from U.S. taxpayers.

Finally, it is my understanding that the CWC requires the United States to begin destruction of our chemical stockpile no later than 2 years after the treaty enters into force. I simply believe that is unreasonable and unattainable.

The Department of Defense has publicly stated that the U.S. destruction of its chemical weapons stockpile will continue regardless of whether we are a signatory to such treaty. We have one such arsenal in Pine Bluff, AR. I believe it is unrealistic to expect that the \$12.4 billion cost in destroying those chemical weapons will be achievable particularly given the environmental concerns that exist. And I am being contacted daily by those with environ-

mental concerns about the Pine Bluff arsenal. So I believe that the recent debate on Yucca Mountain further illustrates how problematic the fulfillment of our treaty obligations would be.

Madam President, I certainly want this body to provide a comprehensive domestic and international plan to reduce the threat of chemical and biological weapons. As I have already stated today, however, the CWC has too many loopholes that will perpetuate chemical weapon activity rather than end it. It is a serious obligation that we have. I believe that this body will make the right decision. For me, the words of Dick Cheney keep echoing: "Worse than no treaty at all."

For this Senator, I will be voting "no" on I believe a flawed, unfixable treaty. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I yield the distinguished Senator from New Jersey 7 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. I thank the Chair. I thank the Senator from Delaware for yielding.

Madam President, tomorrow the Senate will exercise its historic constitutional powers of treaty ratification. It is a solemn power that we have exercised for two centuries. That power has often defined the security of the Nation and sometimes been determinant of war and peace itself. The issue before the Senate now is the ban on chemical weapons, probably the most important foreign policy question remaining before the United States in this century.

Perhaps because the consequences are so great the choice is also clear. This treaty demands ratification. The treaty itself is a culmination of a process that began over 12 years ago under the leadership of Ronald Reagan. The United States began a review and then determined that it would eliminate chemical weapons. We did so because of the need to reduce the numbers of those weapons in the world and to restrict the ability of those nations that did not possess them to obtain them.

Since Ronald Reagan's judgment a decade ago, we have made extraordinary progress. In 1985, President Reagan signed into law a judgment that would eliminate American stockpiles by the year 2004, having an important impact on the ratification of this treaty because, whether it is ratified or not, no matter what judgments are made by this institution, the United States is going to eliminate chemical weapons. Second, the United States then followed our own judgment by leading the international effort with 160 other nations to enact a multilateral ban. It is the result of that process that is now before the Senate.

The process, it is important to note, did not culminate with the Reagan administration. In 1992, President George

Bush announced a strong American support for the treaty and the United States became an original signatory. A year later, under President Clinton, the United States once again announced its support. Today, we have come full circle. From Ronald Reagan's first pronouncements, the treaty, now endorsed by a Democratic President, seeks ratification under a majority Republican Congress.

The Secretary of State said only a week ago:

This treaty has "made in America" written all over it. It was Ronald Reagan's idea, George Bush negotiated it and signed it, and Bill Clinton has embraced it.

In truth, however, Madam President, the treaty is neither Democratic nor Republican. It reflects the bipartisan commitments of the United States toward our security, our values, and a century of learning the lessons of collective security because after 80 years of living under the threats of chemical weapons, it is the judgment of this administration and those that preceded it that it is time to eliminate these weapons.

The treaty does several direct and important things. It bans the development, production, and stockpiling of chemical weapons.

Second, it requires the destruction of all chemical weapons and their production facilities.

Third, it provides the most extensive verification process in the history of arms control.

Finally, it grants member nations the effective tools for dealing with those who refuse to comply, tools that will be denied the United States if we fail to ratify the treaty. And yet many of my colleagues have questioned the need for the United States to become a member state. They note two principal objections. First, that the burden of reporting requirements and verifications would be onerous on American industry; and second, the impact on American defense capabilities.

Allow me to deal with each. First, the economic impact. In my State of New Jersey, the chemical industry represents fully one-third of the entire industrial capability of the State; 150,000 citizens of the State of New Jersey are employed in this vital manufacturing industry of chemicals. Let us be clear. The entire industry, from small companies to among the largest industries in the State of New Jersey, not only supports this treaty but has joined in demanding its ratification.

Second, on the question of American defense capabilities, it should be self-evident that if the United States is unilaterally forgoing these weapons and rogue nations continue to embrace them, American military personnel will be more vulnerable and, indeed, endangered if the United States is not a signatory, allowing us to help enforce the provisions of the treaty and deny capability to rogue nations than if we are to remain on the outside.

That is why this treaty has been endorsed by General Powell, 17 other

four-star generals and every former Chairman of the Joint Chiefs of Staff—in the Carter, Clinton, and Ford administrations.

I ask my colleagues who oppose this treaty, would all these members of the general staff, would each of these men who have held the principal responsibility for guiding and leading our Armed Forces have endorsed this treaty if there was any chance, if there was any judgment, that, indeed, our Armed Forces would be less safe?

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. TORRICELLI. Thank you, Madam President. I ask the Senator from Delaware to yield 3 additional minutes.

Mr. BIDEN. Without objection.

The PRESIDING OFFICER. The Senator may proceed.

Mr. TORRICELLI. Madam President, this is a moment of judgment that this Senate has faced before. History instructs us that we cannot afford to be wrong. Over 75 years ago, this body chose the wrong route and the toll was monumental. During consideration of the treaty for the League of Nations, the United States took the lead in forming the principles of collective security. It was our leadership which brought the world to understand that there was no separate peace, there was no individual security, and yet in that instance, as in this moment, the United States, after providing the intellectual and the political leadership, was a reluctant participant. The judgment then, we were told, was that there were reservations because of individual provisions of the treaty. But, indeed, history instructs us, and I believe would guide us now, that those reservations were not because of individual aspects of the treaty but because of a general ideologic opposition to arms control and the general notion of collective security.

It is time for the United States, after all the painful lessons of previous generations, to simply understand there is no unilateral security in a multilateral world. From Pearl Harbor to the Persian Gulf, history demands us to recognize an essential truth: American security, because of a changing world and developing technology, requires and demands that we deal with other nations.

The choice before this Senate is clear. From the doughboys who endured the horrors of mustard gas in the trenches of Europe, the Kurdish refugees who suffered in Iraq, to the refugees of Cambodia who suffered yellow rain, to our own veterans of the Persian Gulf, it is time to put an end to chemical weapons. That power is in the hands of the Senate. If we fail to do so, a host of rogue nations will take advantage of the opportunity.

Before this Senate on July 10, 1919, Woodrow Wilson closed the debate saying, "We are the only hope of mankind. Dare we reject it and break the hearts of the world."

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. HELMS. Madam President, I yield 10 minutes to the distinguished Senator from Idaho, [Mr. CRAIG].

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, thank you and let me thank my chairman, not only for yielding but for his leadership on this most important issue that now is being thoughtfully and responsibly debated here on the floor of the U.S. Senate.

Madam President, the Chemical Weapons Convention has such far-reaching domestic and national security implications that it deserves the most thorough and thoughtful examination the Senate can give it. I have given this matter a careful review and would like to reiterate some of the conclusions I have reached.

If I thought supporting this treaty would make chemical weapons disappear, and give us all greater security from these heinous weapons, I would not hesitate in giving my support. Unfortunately, the facts do not demonstrate this; indeed, implementing this treaty may actually increase danger to U.S. citizens and troops.

The convention has been signed by 160 nations and ratified by only 74—less than 50 percent. Five countries who are thought to have chemical weapons are not even signatories of the convention: Egypt, Iraq, Libya, North Korea, and Syria. Another six nations have signed, but not ratified the convention: China, India, Iran, Pakistan, Israel, and Russia. In short, this convention is not global in scope.

Even if it were true that this treaty had been signed and ratified by 160 nations, serious problems would remain. Compliance with the Chemical Weapons Convention cannot be assured because it is not effectively verifiable.

I think it is timely and appropriate to remember, as others have mentioned, the principles of Ronald Reagan. Even though he started the process that we are debating today, he would have insisted in the end, while we might trust our allies and our friends around the world, that in every circumstance we must verify.

Unlike nuclear weapons which require a large, specialized industrial base, chemical weapons can be manufactured almost anywhere. Furthermore, many lethal chemicals are common and have peaceful uses. Chemicals help us to manufacture products such as pesticides, pharmaceuticals, plastics, and paints. With such a broad spectrum of uses, it would be difficult to discern the legitimate from the illicit.

It is also very disturbing to me that ratification of this treaty would abandon a fundamental arms control principle insisted upon over the last 17 years—that the United States must be able to effectively verify compliance with the terms of the treaty. Verification has meant that U.S. intelligence is

able to detect a breach in an arms control agreement in time to respond appropriately and assure preservation of our national security interests. I believe the Senate has an obligation to uphold this sound standard. Let me take this opportunity to express my support for Senator HELMS' condition in this regard. I applaud his effort to make real verification a condition of CWC implementing legislation, if the treaty is ratified.

Even if verification of compliance were not a concern, this convention would be difficult to enforce. In a sound arms control treaty, the United States must be able to punish other countries caught in violation of the agreement. The Chemical Weapons Convention provides only vague, unspecified sanctions to be imposed on a country found in breach of the Convention. Ultimately, the Chemical Weapons convention leaves the U.N. Security Council to impose penalties severe enough to change behavior of an outlaw nation. Since any one of the five members of the Security Council can veto any enforcement resolution lodged against them or their friends, China and Russia, for example, could simply veto resolutions imposing sanctions if they disagreed with other Security Council members. In sum, it does not appear that this agreement is verifiable or enforceable.

Even if the enforcement mechanism to punish violators of the treaty were perfect, countries that represent the greatest threat to United States security such as Iran, Iraq, Libya, Syria, and North Korea have not ratified the treaty and would be under no obligation to comply with its terms and conditions. Furthermore, our intelligence experts tell us that each one of these countries has active and aggressive programs to develop and produce chemical weapons.

Iran has a stockpile of blister, choking, and blood agents possibly exceeding 2,000 tons. Their program is the largest in the Third World. Syria, which has been increasing production of chemical weapons since the 1980's, is home to several radical terrorist organizations, including Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine. Many worry that Syria could easily supply these organizations with chemical weapons. North Korea has a stockpile of nerve gas, blood agents, and mustard gas. Additionally, North Korea has the ability to unleash large scale chemical attacks through mortars, artillery, multiple rocket launchers, and Scud missiles. Currently, Libya has one chemical weapons production facility in operation, and a larger plant under construction. Iraq has not only a substantial capability, but has demonstrated a willingness to use these weapons against their own people.

It has been observed that under the CWC, members to the convention would face no difficulty looking for

prohibited chemicals in free and open countries which will accurately declare the location of chemical facilities. However, this situation will be much different for rogue states that are a party to the convention. As arms control verification experts correctly point out, "We've never found anything that's been successfully hidden." Let me repeat that: "We've never found anything that's been successfully hidden." Will the unintended consequence of the CWC be that villainous states will be more secure, and peaceful states less?

Furthermore, have all questions raised in regards to the convention's compatibility with our constitution been sufficiently addressed? The Convention creates an international monitoring regime called the Organization for the Prohibition of Chemical Weapons, or OPCW. The OPCW will be granted the most extensive monitoring power of any arms control treaty ever because it extends coverage to governmental and civilian facilities.

The authority of this international monitoring regime also raises concern about foreign nationals having such broad authority to obtain access to property held by private U.S. citizens. The U.S. chemical industry is known to be one of the top industries targeted for espionage by foreign companies and governments. There is legitimate worry that international inspections could jeopardize confidential business information, trade secrets, and other proprietary data. Since the United States will be expected to pay 25 percent, or approximately \$50 million, of the OPCW's operating costs, American tax dollars could be subsidizing increased risk for U.S. business interests.

There is also an implementation cost that will be borne by private industry. The cost for each inspection has been estimated as high as \$500,000 for large chemical companies, and a range of \$10,000 to \$20,000 for small companies. Costs could become even higher if a shutdown is required for an inspection to safeguard proprietary information or company security.

Another issue which has not been thoroughly discussed is how the costs incurred with the inspections are to be paid. Estimates of the number of companies to be inspected in America vary from 140 firms to over 10,000 firms.

And even though we would pay the lion's share of the international monitoring regime's budget, the United States would have no special status over other signatory nations, no veto power, and no assurance of being a member of the executive council.

In conclusion, making the production and possession of chemical weapons illegal according to international law will not make them disappear. Use of such weapons has been prohibited since 1925 yet we have seen the results of their use. We all know about the tens of thousands of deaths from poison gas in World War I, and no one could forget the tragic photographs of the Iranian

children killed during the 1980's by the Iraqi government. Illegal? Yes, but still in use, nonetheless.

I stand today with all Americans expressing a grave concern over the increasing proliferation of chemical and biological weapons. The real question here seems to be whether ratification of the Chemical Weapons Convention will increase our own national security. Unfortunately, the answer is no. There is little value in implementing international laws which do little to decrease illegal research, development, and proliferation of chemical weapons worldwide.

I support the goal of making the world safe from the threat of chemical weapons. I applaud the honorable statement the CWC makes against these heinous weapons. However, I believe the best way to protect ourselves from this threat is by rejecting this treaty. The convention does nothing to better our security, but may even open the door to increasing risks against our vital security interests and infringing on the rights of innocent citizens. For these reasons, I am compelled to vote against the ratification of the Chemical Weapons Convention.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Who yields time?

Mr. BIDEN. Mr. President, I yield myself 3 minutes and then I will yield to the Senator from Ohio.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. BIDEN. No, I yield myself 3 minutes and then I will yield to the Senator from Ohio.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Delaware.

Mr. BIDEN. Mr. President, I found it fascinating, the statement of my friend from Idaho. He made a very compelling case, from his perspective, as why we cannot verify the treaty and therefore why we should be against the treaty—because we cannot verify it. We cannot verify it because, he says, we cannot inspect sufficiently well. And that is why he is against the treaty. Then he says one of the other reasons he is against the treaty is because the verification regime is so intrusive that it will allow the opposition—allow rogue states to get access to information in the chemical industry.

So, if we correct one problem, which is to make it more verifiable, then he would argue he is against the treaty because it is verifiable. If you do not make it more verifiable, he said, he is against the treaty because it is not verifiable.

Mr. CRAIG. Will the Senator yield?

Mr. BIDEN. Not on my time. I will be delighted to yield on the time of the Senator, since I have limited time, on Senator HELMS' time.

Mr. CRAIG. I yield myself 1 minute off the time of Senator HELMS.

Mr. BIDEN. I will be happy to yield when I finish.

He also said the intelligence community says, "They have never found anything that is successfully hidden."

I do not know how many of you are golfers. That is like saying you cannot sink a putt if it is short. Obviously, a putt will not go in if it does not get to the hole. Obviously, you cannot uncover something that is successfully hidden.

The last point I would make is the chemical industry, the outfit that represents the bulk of the chemical industry has strongly endorsed this treaty. I am just responding to the last point that the chemical industry is the target. The chemical industry, coincidentally, is for this treaty.

But I would be happy, now, on Senator HELMS' time, to yield back to my friend from Idaho.

Mr. HELMS. Yes, I yield 3 minutes to the Senator from Idaho.

Mr. CRAIG. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Thank you, Mr. Chairman, for yielding me time. I think it is very important that what I said be what I said. Let me reiterate that it would be impossible to verify with rogue nations. We know in this country we will verify. Our chemical companies will be an open door. We have always played by the rules of the treaties we have signed and we have never intentionally or purposely violated them. That is not the point I was trying to make, and I think the Senator knows that.

But, what we do know is that for countries who choose not to play by international rules—and there are a good many out there—it would be difficult, if not impossible, for the international monitoring team to be able to verify compliance. I think that is the point. I have not even discussed, nor did I bring up the point of concern, that we would be releasing information. I am also concerned about espionage. And I did express that. So, it is important that that part of it be understood. Our chemical companies, by this treaty, would be an open door.

Let me also say I do not believe there is a chemical company in this country that is an expert in international affairs. Nor do I want the executives of these chemical companies negotiating a treaty. Nor do I want them establishing the foreign policy of this country. I believe that is the job of the Senator, and it is mine, and the job of this body, and of the President of the United States.

I'm sorry, no matter what the chemical industry says, frankly, I don't care. What I do care about is the security of this country. What I do care about is our national sovereignty. And what I do care about is the issue of verification. I think this treaty simply does not get us where we need to get for a safer world.

I must say, I am tremendously proud and I have supported this country's disarming itself of chemical and biological weapons. I encourage us to do that. We have done it and we ought to con-

tinue to do it and we ought to make sure that our troops in the field have adequate equipment to be able to protect themselves.

We must lead by example, but let's not walk into or create the illusionary track that I think the CWC simply offers to the world, and most assuredly to this country.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield myself as much time as I might take, and I am only going to take a few minutes.

Mr. President, the reason I mention the Chemical Manufacturers Association is not that they should determine the foreign policy. My friend from Idaho is saying that the target of this kind of espionage, or stealing secrets, whatever, is going to be the chemical industry. All I am pointing out is, just as they should not determine the foreign policy, I respectfully suggest my friend from Idaho does not know anything about their secrets. The chemical industry knows about their secrets, and they believe that this treaty fully protects them in maintaining their secrets. That is the point I was making.

You know that play and movie that is out, "Don't Cry for Me Argentina," well, don't worry about the chemical companies, they think they can take care of themselves in terms of their secrets.

One last point. The Senator raised, as others have raised, the 1 ton of weapons and 2 tons that could be amassed, et cetera. I want to point out what John Shalikashvili, Chairman of the Joint Chiefs of Staff, said, and he is not quoted by the Senator from Idaho, but others. Everyone quotes John Shalikashvili as saying that 1 ton of chemical weapons is militarily significant and that we cannot effectively guarantee we could uncover 1 ton. Let me read what General Shalikashvili said:

A militarily significant quantity of chemical weapons is situationally dependent. Thousands—

Thousands—of tons of chemical agent would be required to significantly impact on a large scale engagement while a mere ton of agent could be effective as a weapon of terror.

He went on to say:

In certain limited circumstances—

I emphasize "in certain limited circumstances"—

even 1 ton of chemical agent may have a military impact, for example, if chemical weapons are used as a weapon of terror against an unprotected population in a regional conflict.

He went on to say further:

The United States should be resolute that the 1-ton limit set by the convention will be our guide.

He did not mean, however, that 1 ton was an appropriate standard for what constitutes effective verifiability. Rather, General Shali meant that the 1-ton limit in the CWC on agent stocks for peaceful purposes—that is the con-

text in which he talked about it—was appropriate and that any country's stock in excess of 1 ton would likely be for offensive military purposes.

So what he is saying—the 1 ton that keeps being used—he is saying if you detect that there is more than a ton of chemical weapons out there, they are probably doing it not for peaceful purposes, they are probably doing it to gain some military advantage. But it would take a lot more than 1 ton to have a major effect on a battle, a major effect on our security. He said it would take thousands of tons.

Other people may think in this body that 1 ton is militarily significant and if you can't effectively verify 1 ton then there is no verification in terms of our strategic interests. They may think that, but that is not what the Joint Chiefs think. The 1-ton reference was for the purpose of determining whether or not a country was trying to do more than use those chemicals for peaceful purposes. He says, if you have more than 1 ton, it is a pretty good sign that these are bad guys and they are trying to do something worse, but they are nowhere near being militarily significant in terms of U.S. security.

I see my friend.

Mr. HELMS. I think it is fair to let Senator CRAIG have another whack at it, and I do wish the former Democratic Secretary of Defense can be quoted on this subject as well. As a matter of fact, the news media ignored him entirely.

I yield the Senator 2 more minutes.

Mr. CRAIG. Mr. President, I thank my chairman for yielding, and I recognize and appreciate the patience of the Senator from Ohio. I will be brief.

It is very important that it not be suggested that all who are in favor makes it so lopsided that there is nobody in opposition. May I quote Donald Rumsfeld or James Schlesinger or, most important, Edward O'Malley, who was the Assistant Director of the Federal Bureau of Investigation, chief of counterintelligence under Ronald Reagan. He speaks of many companies' great concerns about both economic and secret espionage and expresses his opposition to it.

Here are the names of 25 major CEO's of chemical companies who stand clearly in opposition to this treaty. Mr. President, I ask unanimous consent that these ladies and gentlemen and their statements be printed in the RECORD.

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

AMERICA'S TOP FOREIGN POLICY, DEFENSE, AND ECONOMIC EXPERTS RAISE CONCERNS OVER THE CWC'S IMPACT ON U.S. BUSINESS

Steve Forbes, President and CEO of Forbes Inc.: "...As I have strenuously argued on other occasions, maintaining America's competitive edge requires a lessening of the tax and regulatory burdens on the American people and on our Nation's enterprises. Unfortunately, the CWC will have precisely the opposite effect. It will burden up to 8,000 companies across the United States. Remember,

these are in the hands of an international bureaucracy, not what we would like them to be, with major new reporting regulatory and inspection requirements entailing large and uncompensated compliance costs. These added costs constitute an unfunded Federal mandate. Like so many mandates, they are bound to retard our economic growth and make our companies less competitive.

...in addition to the costs arising from heavy duty reporting, the CWC subjects our chemical companies to snap inspections that will allow other nations access to our latest chemical equipment and information. No longer will violators of intellectual property rights in China, Iran, and elsewhere, have to go to the trouble of pirating our secrets... Some might even regard such burdens as a barrier to entry that can enhance their market share at the expense of their smaller competitors."

Donald Rumsfeld, former Secretary of Defense and President and former Chairman and CEO of G.D. Searle and Company: "...Big companies seem to get along fine with big government. They get along with American government, they get along with foreign governments, they get along with international organizations, and they have the ability, with all their Washington representatives, to deal effectively with bureaucracies... Indeed, that capability on the part of the big companies actually serves as a sort of barrier to entry to small and medium-sized companies that lack that capability. So I do not suggest... for one minute that large American companies are not going to be able to cope with the regulations. They will do it a whale of a lot better than small and medium sized companies..."

I don't believe that the thousands—whatever the number is—of companies across this country know about this treaty in any detail, believe that the treaty would apply to them, understand that they could be subjected to inspections, appreciate the unfunded mandates that would be imposed on them in the event this were to pass."

James Schlesinger, former Secretary of Defense and former Director of Central Intelligence: "The convention permits or encourages challenge inspections against any facility deemed capable of producing chemical weapons—indeed, against any facility. This exposes American companies to a degree of industrial espionage never before encountered in this country. This implies the possibility of the capture of proprietary information or national security information from American corporations by present or by prospective commercial rivals.

...we are dealing with the possible industrial espionage in the United States, and that industrial espionage is going to be a godsend—I repeat, a godsend—to foreign intelligence agencies and to the corporations which will feed on those foreign intelligence agencies."

Lieutenant General William Odom, former Director of the National Security Agency: "Looking at the verification regime as a former official of the Intelligence Community, I am disturbed by it, not just because it is impossible to verify, but also because it can complicate U.S. security problems. Take, for example, the U.N.-like organization to be set up to make inspections. All of the appointed members may have no foreign intelligence links initially. As they find that they can tramp around in all kinds of U.S. production facilities, however, foreign intelligence services are likely to offer to supplement their wages for a little "technology collection" activity on the side. And they will provide truly sophisticated covert technical means to facilitate such endeavors."

Lieutenant General James Williams, former Director of the Defense Intelligence

Agency: "... the opportunity for unfettered access to virtually every industrial facility in this country, not merely the pharmaceutical and chemical plants, would make most foreign intelligence organizations very happy, even gleeful. It is likely to cause the counterintelligence sections of the FBI and the Defense Investigative Service major problems for the foreseeable future. The inspection procedures which apply to ALL industries constitute unprecedented access to our manufacturing base, not just to those thought likely to be engaged in proscribed activities! My experience in protecting patents and intellectual property over the past ten years leads me to conclude that there is the potential for the loss of untold billions of dollars in trade secrets which can be used to gain competitive advantage, to shorten R&D cycles, and a steal US market share."

Edward J. O'Malley, former Assistant Director of Federal Bureau of Investigation, Chief of Counterintelligence: "The activities of the former Soviet Union and others are as aggressive as ever, and remain a major threat. What is new, however, is the increased importance given by them to the collection of American corporate proprietary information.

... One of the greatest concerns of companies... is that the CWC will open them up to economic espionage. I think their concerns are well-justified. ... The acquisition of American trade secrets has become a high stakes business involving billions and billions of dollars, and I would be able to pay an agent handsomely to acquire such information"

Deborah Wince-Smith, former Assistant Secretary of Commerce for Technology Policy (in September 9, 1996, letter signed jointly by Secretaries Weinberger, Rumsfeld, and others): "What the CWC will do, however, is quite troubling: It will create a massive new, UN-style international inspection bureaucracy (which will help the total cost of this treaty to U.S. taxpayers amount to as much as \$200 million per year). It will jeopardize U.S. citizens constitutional rights by requiring the government to permit searches without either warrants or probable cause. It will impose a costly and complex regulatory burden on U.S. industry. As many as 8,000 companies across the country may be subjected to new reporting requirements entailing uncompensated annual costs of between thousands to hundreds-of-thousands of dollars per year to comply. Most of these American companies have no idea they will be affected."

Bruce Merrifield, former Assistant Secretary of Commerce for Technology: "I am quite concerned about the Chemical Weapons Convention which, in its current form, would seriously diminish our U.S. competitive advantage in the currently existing hyper-competitive global marketplace... industrial espionage by countries that do not have an equivalent capability to make basic discoveries, now accounts for the theft each year of some \$24 billion to perhaps over \$100 billion of U.S. proprietary technology. The Chemical Weapons Convention would literally open the floodgates of access to U.S. technology by foreign nations. Virtually unannounced inspections by scientific experts, taking samples and inspecting invoices can quickly uncover the proprietary nature of any industrial operation, bypassing millions of dollars of research and many years of development time that a U.S. company has expended to create its competitive advantage."

Kathleen Bailey, Senior Fellow, Lawrence Livermore Laboratories, former Assistant Director for the Arms Control and Disarmament Agency "Experts in my laboratory recently conducted experiments to determine whether or not there would be a re-

mainder inside of the equipment that is used for sample analysis on-site.

They found out that, indeed, there is residue remaining. And if the equipment were taken off-site, off of the Lawrence Livermore Laboratory site, or off of the site of a biotechnology firm, for example, and further analysis were done on those residues, you would be able to get classified and/or proprietary information."

... My bottom line is that the use of treaty inspections for espionage is easy, effective, and all but impossible to detect... Hypothetically, an inspector could either be an intelligence official assigned to be an inspector or could later sell information to a company or country abroad that reveals either classified or CBI, confidential business information, that they might have gleaned through the process of gathering samples and analyzing them."

Ralph S. Cunningham, President and CEO of Citgo Petroleum Corporation: "CITGO believes that the requisite inspections associated with the Treaty will, no doubt, jeopardize confidential business information as well as disrupt normal business operations.

We realize that the petroleum industry is not the specific target of this treaty. Nevertheless, it will be affected because of the extensive list of chemicals covered by the treaty."

William Arbitman, Associate General Counsel for the Dial Corp: "We are not prepared to receive a foreign inspection team to our facilities, and we would be greatly concerned that such a visit might compromise our confidential business information."

Kevin Kearns, President of the U.S. Business and Industrial Council: "On behalf of the 1,000 member companies of the United States Business Industrial Council (USBIC), I strongly urge you to oppose ratification of the Chemical Weapons Convention (CWC).

... the CWC effectively authorizes industrial espionage. The CWC offers no protections for company formulas and other trade secrets; they must be handed over if inspected. Nothing would prevent other unscrupulous countries such as France and China from placing intelligence officers on the inspection team."

Larry Postelwait, President of the Crosby Group, Inc.: "I have several concerns regarding the access of our facilities to a foreign inspection team. The treaty, as written, gives them too much authority considering they could interfere with our operations and affect production. It also makes us vulnerable to our global competitors since they could benefit from interfering with our production and from gaining close insight into our operations."

David M. Craig, Manager of Environmental and Safety Compliance for the Detrex Corporation: "Although reverse engineering of a product (the process of determining the products' composition or molecular structure) may be possible, many companies enjoy a competitive advantage in a market due to the manufacturing process used. Process "trade secrets" may include items as simple as: the type of equipment used, manufacturing parameters, or even who supplies a particular raw material. Allowing inspectors full access to a company's manufacturing site and records could have a large impact on a company's ability to compete in domestic and international trade."

Tracy Hesp, Assistant to the Director of Regulatory Affairs for Farnam Industries: "First, the short-notice challenge inspections that can be initiated by foreign states would be a burden physically and financially. We have confidential information concerning formulations and manufacturing procedures that we need to protect."

Lesla McDonald, Environmental/Safety Manager for the Gemini Company: "...

hosting such an inspection would be a serious hindrance to our business. It would be very difficult to safeguard confidential business information during such an inspection.

We have serious reservations about the ability of more legislation and further regulation of U.S. industry to solve the chemical weapons problem. Further, since the countries of Libya, Iraq, Syria and North Korea refuse to sign this treaty, how will further reporting requirements, and inspection of businesses such as ours prohibit the development of chemical weapons?"

John Hobbs, Safety Coordinator for Crafco, Inc.: "The potential for abuse, specifically the theft of trade secrets both formulations and process oriented is significant. Unannounced inspections are also costly in terms of production disruption. A second concern would be that the apparent goals of this treaty are enforceable in the United States under already existing statutes. Industry sponsored terrorism in the form of chemical weapons manufacture is controllable without external intervention. Finally, without the assent of the states sponsoring terrorism this treaty really amounts to the good guys policing the good guys and picking up whatever they can in the process."

J. Doug Pruitt, President of the Sundt Corporation: "Based upon the depth of inspection, e.g. interviews with corporate personnel, employees, vendors, subcontractors; review of drawings, purchase orders, subcontracts; inspection and review of internal and external correspondence; we feel that it could be difficult to safeguard confidential business information during this inspection. This has to do not only with our internal corporate information but we would be concerned about information that we have signed a confidentiality agreement with our partners and/or customers."

U.S. COMPANIES ARE EXTREMELY WORRIED ABOUT THE CWC—A MASSIVE NEW PAPERWORK BURDEN

S. Reed Morian, CEO of Dixie Chemical Company, Inc. (a CMA-member company): "We would incur a significant increase in data reporting under the CWC. . . . I'm certain we could not comply with the CWC under our current budget. The CWC would probably require an increase in headcount at our plant. . . . It would be of little benefit for the U.S. to rigorously participate in the CWC, if ALL the nations of the world don't also participate."

Thank you again for allowing us this opportunity to comment on a treaty ratification that could impact us so greatly."

Robert Roten, the President and CEO of Sterling Chemicals (a CMA-member company): "We are very concerned about control and cooperation of other countries (Mexico, Colombia, North Korea, Iran, Iraq, Jordan, Libya, Croatia, etc.). Since they probably will not cooperate, how does this treaty assure a "worldwide ban?" . . . We are familiar with the Chemical Weapons Convention and we understand our responsibilities (and liabilities) should this treaty become U.S. law. . . . We cannot comply within our current annual budget and personnel constraints. Our best estimates is that this treaty will cost Sterling a minimum of \$100,000 per year and should an inspection occur at least another \$200,000-\$300,000 will possibly be required."

Raymond Keating, Chief Economist for the Small Business Survival Committee: "Of course, smaller businesses will be hit hardest by these increased regulatory costs. Interestingly, the Chemical Manufacturers Association (CMA) supports ratification of the CWC and told the Senate Foreign Relations Committee that the new regulations would not be a burden. But the CMA is a group of gen-

erally large chemical manufacturers, and reportedly more than 60 percent of the facilities likely affected by the CWC are not CMA members.

Large companies possess far greater resources and have accrued significant experience in dealing with regulators of all kinds. In fact, new regulatory burdens can perversely give large firms a competitive edge over smaller companies due to these resource and experience factors. As economist Thomas Hopkins has shown, the per-employee cost of federal regulation runs almost 50 percent higher for firms with fewer than 500 employees versus companies with more than 500 employees."

Marvin Gallisdorfer, President of Lomac, Inc.: "It is not possible to estimate the amount of time that it will take to fill out the various CWC forms, but I can assure you that the total time will far exceed the 2-10 hour estimate found in Section I.A. [of the Draft Department of Commerce Regulations.]. The instructions alone will require a substantial commitment of time. After the data is gathered, it must be checked thoroughly to assure accuracy, because an honest mistake can (and most assuredly will in some cases) lead to a \$50,000 fine. Even if, however, we estimate a 20-hour commitment per form, where can we find the 20 hours? Our staff is already employed full-time filling out a host of forms and applications for the Michigan Department of Environmental Quality, the U.S. EPA, and other government agencies. I have enclosed, for your information, copies of the reports that we are required to file annually. As you can see, this is quite a bit of paperwork—and we are a relatively small (150-200 employees) company."

"* * * I truly believe that this CWC will cost American jobs without any benefit. The United States can be trusted to refrain from making chemical weapons, but I cannot believe that certain other countries will abide by the treaty. Because of the adverse impact on Michigan's chemical industry (with little or no off-setting benefit) I urge you to vote against ratification of the treaty."

Edward Noble, Senior Corporate Environmental Specialist for ISK Biosciences Corporation: "In general, we believe that banning chemical weapons is a laudable goal. Since those countries most likely to instigate the use of chemical weapons are not among the signatories of the CWC, it would seem that this convention creates a lot of paper and does very little to gain the goal of eliminating chemical weapons."

Paul Eisman, Vice President of Ultraform-Diamond Shamrock: "* * * our costs have increased by an estimated \$1 million per year over the last couple of years just to meet new regulatory paperwork demands. We are incurring these costs, but should assume that our customers are paying for these in the long run * * *. We cannot comply with the requirements of this treaty with our current staff and resources. We estimate additional costs of \$250,000 annually to comply."

Jim Moon, President of Moon Chemical Products, Inc.: "The reporting requirements in this treaty are a burden for any company not involved in weapons * * * We are manufacturers of industrial, institutional, and agricultural products. Several years ago we had to hire an outside consultant to make sure we meet government regulations for our business, our employees, and our customers. Please do not add another burden to our industry."

Nick Carter, President of South Hampton Refining Company: "No, we could not comply with this treaty within our current annual budget and personnel. The reason we are in business as a small refiner is that we change the operation quickly and often to

meet the market. The reporting alone would require additional personnel, much less the cost of potential inspection, interpreting the regulations, etc. We currently have 10% of our work force assigned to nothing but regulatory functions, mostly environmental. At some point these non-profit producing efforts will outweigh the value of keeping the business operating."

"* * * There are months where the cost of compliance with this treaty would completely eliminate the profit for the month. You can explain to our employees how this is more important to the nation than them getting a paycheck, or having health coverage, or having a retirement plan, or having a profit sharing check."

John Hohnholt, Vice-President of Valero Refining Company: "Valero is an independent refinery with limited staff resources which are already overwhelmed with regulatory compliance record keeping and reporting. This additional burden on our staff appears excessive and probably unintended for our industry."

Odus Hennessee, President and COO for Cosmetic Specialty Labs: "The ultimate result is to simply add unnecessary costs to the production of our products making it difficult if not impossible to sell our products in our own market, much less to compete in the international marketplace."

THE THEFT OF TRADE SECRETS

Don Fuqua, President of the Aerospace Industries Association: "We are very concerned, however, that the application of the Convention's reporting and inspection regime to AIA member companies could unnecessarily jeopardize our nation's ability to protect its national security information and proprietary technological data."

Rear Admiral Jim Carey, Chairman of 21st Century Coatings: "This communication is to urge you in the strongest possible terms to oppose the Chemical Weapons Convention on the grounds that it will cost my company an outrageous amount of money and subject us to intrusive international inspections that we can ill afford. We make paint under trade-secret technology that with one coat can stop all rust and corrosion for 50 years. We have spent the last 6 months researching construction of a new plant in Texas. The CWC will bring that effort to a screeching halt and instead we will look offshore. The CWC will not stop the world chemical weapons threat; it will only put people like us out of business."

Eduardo Beruff, President of SICPA Industries of America, Inc.: "For the reasons outlined below, we at SICPA Industries of America, Inc. ("SICPA") respectfully urge you to reject this treaty."

"SICPA Industries of America, Inc. is the foremost manufacturer of security inks used in printing U.S. currency, and is a leader in developing new security ink technologies to protect the nation's valuable documents and proprietary products. . . . The proposed Chemical Weapons Convention would impose new financial burdens on SICPA and similar companies in order to attain and maintain compliance. More importantly, it could jeopardize the security of SICPA's invaluable trade secret information."

S. Reed Morian, CEO of Dixie Chemical Company, Inc. (a CMA-member company): "While the intent of the CWC is of the highest merit, the regulations appear to be very onerous requiring increased reporting and record keeping, foreign inspection of our facilities, and a significant challenge to our ability to maintain Confidential Business Information (CBI) . . . We are not prepared to have a foreign inspection team in our plant. I doubt that CBI could be safeguarded during such an inspection."

Ralph Johnson, Vice President of Environmental Affairs of Dixie Chemical Company: ". . . If we use EPA inspections as an example, these foreign Chemical Weapon Convention inspections could cost up to maybe \$50,000 per site. . . . These inspections would be very costly and burdensome. The biggest problem with these inspections, however, is . . . our highly probable loss of confidential business information. An inspector observing one of our reactors would know, for the product being observed, our operating pressures, temperatures, catalysts, reaction time, ingredients, purification methods, pollution abatement methods. We would no longer have any confidential technology, methodology, or know-how relative to this product. It would be gone forever."

Mr. CRAIG. Mr. President, I also ask unanimous consent that an editorial from the Wall Street Journal that I think speaks very openly to the concerns that many in the chemical industry have as it relates to what they would be required to do, which is open their doors wide and embrace an international inspection team, be printed in the RECORD.

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

[From the Wall Street Journal]
HERE COME THE SPIES

We've already made the case for why the Senate should reject the Chemical Weapons Convention. The last thing the world needs is another unverifiable arms control treaty. The worst danger here is creating the illusion that we are ridding the world of the threat of chemical weapons. But there's another danger: The treaty would be a bonanza to countries that are in the business of spying on American business.

Worst hit would be the defense and aerospace industry—and hence national security—but plenty of other industries would be subject to industrial espionage. There has never been an arms control treaty whose reach would extend so far into ordinary business, both through its reporting requirements and its inspection regime.

The CWC covers not just companies that manufacture certain chemicals and discrete organic chemicals, but also those that use them to make something else—such as automobiles, pharmaceuticals, electronics or even liquor. The Arms Control and Disarmament Agency has drawn up a list of more than 1,000 American companies that would be subject to the treaty's terms. Others say at least 6,000 companies would be affected.

The Chemical Manufacturers Association has been vocal in pooh-poohing the treaty's reporting and inspection requirements, which may in fact not be much for the CMA's already highly regulated membership of fewer than 200 companies. But companies that make such things as soap or tires or paint are going to find the paperwork alone an expensive new irritant.

Far more troublesome, however, is the treaty's proposed inspection regime, to be carried out by a new international bureaucracy in the Hague called the Organization for the Prohibition of Chemical Weapons. A better name might be the Organization for the Promotion of Industrial Espionage.

OPCW will conduct both routine inspections and "challenge" inspections at the request of member governments. Under the terms of the treaty, it would be next to impossible for the U.S. to halt a frivolous or abusive inspection. A challenge inspection would take place with less than a day's notice, and inspectors would have extraor-

inary access to files, data, equipment, etc. A company might as well post its trade secrets on the Internet.

The challenging country would send along an observer, and even though he wouldn't be permitted beyond a specified perimeter, there's a lot he would be able to learn from that distance. In a mock inspection that the U.S. carried out using the CWC's proposed rules, the "observer" was able to steal proprietary information simply by gathering soil and water samples from his spot on the edge of the inspection site.

Worse, there are no guarantees that the inspectors themselves won't moonlight as spies. Senator Helms raised this issue during Madeleine Albright's confirmation hearing in January. He pointed to evidence that Chinese applicants for OPCW inspector jobs had been "directed to volunteer" and that most had ties to the People's Liberation Army's chemical "defense" program. It's not hard to imagine the damage an inspector-spy could do. Reverse engineering is one threat, but even something seemingly as simple as the type of equipment used in a manufacturing process could constitute a trade secret.

All this poses a danger to national security. Kathleen Bailey of Lawrence Livermore National Laboratory testified to that effect before the Senate Foreign Relations Committee last year. She said "classified information can be obtained from sampling and analysis during, and perhaps after, inspections under the Chemical Weapons Convention. Furthermore, clandestine sampling would be virtually impossible to detect or to prevent." In the defense area, stealth technology is particularly at risk; a challenge inspection of a U.S. defense contractor could yield much on that score.

So far, the debate on the Chemical Weapons Convention hasn't moved beyond Washington to the boardroom. Only a few companies—Dial Soap and Citgo Petroleum among them—have spoken out against the treaty. It's perhaps understandable that most CEOs would assume that a treaty on chemical weapons wouldn't affect them. It does and they'd be wise to pay attention.

CWC IS WATCHING

From a May 14, 1996 list compiled by the Arms Control and Disarmament Agency of companies that would be subject to the Chemical Weapons Convention: Archer Daniels Midland Co., Armco Steel Co., Castrol, Citgo Petroleum Corp., Colgate-Palmolive Co., Dial Corp., General Motors Corp., Gillette Co., Goodyear Tire & Rubber Co., Jim Beam Brands Co., Kaiser Aluminum, Lever Brothers Co., Maxwell House Coffee Co., Nutrasweet Co., Pfizer, Quaker Oats Co., Raytheon Co., Safeway Stores; Sherwin Williams Co., Simpson Timber Co., Winn-Dixie Stores, and Xerox Corp.

Source: Senate Foreign Relations Committee.

Mr. CRAIG. Mr. President, my point is simply this. There are reasonable people on both sides of this issue who differ and are very loud about the concerns they have. The chemical industry is not monolithic at all when it comes to support for this. There are a substantial number within it who are extremely concerned that they may expose their companies to tremendous economic risk and to the liability of the loss of their secrets that relate to the formulas for the production of peaceful goods and services to our country. I think it is important that that be said at this time and that the names and quotes of these ladies and gentlemen become a part of the RECORD.

I yield back any time.

Mr. BIDEN. Mr. President, I yield 30 seconds to myself. I ask unanimous consent that a statement of the Chemical Manufacturers Association be printed in the RECORD, as well as the list of those companies supporting this treaty.

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

CHEMICAL MANUFACTURERS ASSOCIATION,

Arlington, VA, April 18, 1997.

Hon. JOSEPH R. BIDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: On April 24, the Senate will vote on whether to ratify the Chemical Weapons Convention (CWC). On behalf of nine organizations representing a broad spectrum of chemical producers, consumers, and professionals, I urge your strong support of this important treaty.

Opponents of the CWC contend that the treaty will have a catastrophic impact on American business, including a burdensome regulatory system, intrusive on-site inspections, and losses of proprietary information. The facts, however, bear out our belief that the CWC is the right thing to do:

Less than 2,000 facilities nationwide will have any responsibilities under the CWC. Of these, ninety percent will have to do no more than fill out a two-page report once a year.

The chemical industry helped develop the procedures by which fewer than 200 facilities will be inspected. We then tested those provisions in a series of full-fledged trial inspections at plant sites. We helped confirm that inspected companies have a role in determining how inspections will be conducted, and the extent to which inspection teams access the facilities.

Industry representatives helped write the treaty provisions that safeguard confidential business information. Chemical companies worked closely with the Administration in drafting the CWC implementing legislation that complements those safeguards.

The chemical industry has continued its efforts to further narrow the potential impact of the Convention on commercial interests. We successfully advocated a complete exemption for polymer and oligomer producers, which means that the plastics and textile industries are not subject to the Convention. We helped push an exemption for petroleum refineries and explosives manufacturers. We have worked to develop reasonable, low concentration limits that are commercially practicable, yet provide the level of verification necessary to assure that the CWC is not being violated.

On April 17, the Senate passed Senator Kyl's legislation, S. 495. Although Senator Kyl's legislation would generally expand the legal basis for domestic action against chemical weapons proliferation, it is important that you know that S. 495 is not a substitute for the Chemical Weapons Convention.

For example, S. 495 provides no mechanism for multilateral agreement to prevent or prohibit the production, storage, development or use of chemical weapons. It provides no means for investigating potential diversions to illegal weapons uses. And it does not remedy the trade impacts that will arise when the CWC's trade ban goes into effect three years from now. CMA estimates that some \$500 to \$600 million in two way trade will be at risk if this ban goes into effect. Moreover, S. 495 does nothing to prevent trade barriers being imposed by CWC Parties, aimed at U.S. trade in chemicals.

The chemical industry is America's largest exporter surpassing agriculture, aerospace,

computers, etc. It is the world leader in technological development, research and innovation. The industry works hard to maintain that leadership. The industry has maintained a trade surplus for 68 consecutive years. You can be assured that the chemical industry would not be silent if the CWC truly jeopardized commercial interests.

For your further information, I have enclosed a copy of an advertisement that appeared in the April 14, 1997 issue of Roll Call. I have also enclosed a copy of a letter signed by members of CMA's Board of Directors, reiterating their support for this important agreement.

In short, Senator, we need your vote in favor of the Chemical Weapons Convention.

If you have any questions concerning the chemical industry's support for the CWC, please call me or Claude Boudrias, Legislative Representative for Tax and Trade at (703) 741-5915.

Sincerely,

FREDERICK L. WEBBER,
President and Chief Executive Officer.

APRIL 15, 1997.

Hon. TRENT LOTT,

Senate Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We, the undersigned members of the Chemical Manufacturers Association's Board of Directors, are writing to ask you to support the Chemical Weapons Convention (CWC).

We believe the Convention is a fair and effective international response to the international threat of chemical weapons proliferation. Ratifying the CWC is in the national interest.

The CWC is a natural extension of existing U.S. policy. In 1985, Congress voted to end production of chemical weapons by the military and to begin destroying existing stockpiles.

For years, the United States has imposed the world's strongest controls on exports of weapons-making ingredients. Our nation is the standard bearer in preventing the spread of chemical weapons.

The CWC requires other nations to do what the United States is already doing. That's why President Reagan proposed the treaty to the United Nations in 1984. It's why President Bush signed the treaty in Paris in 1993. And it's why President Clinton is asking the Senate to ratify it.

The chemical industry has thoroughly examined the CWC. We have tested the treaty's record-keeping and inspection provisions. And we have concluded that the benefits of the CWC far outweigh the costs.

Ratifying the CWC is the right thing to do. We urge you to vote for the Convention.

Sincerely,

Frederick L. Webber, President & CEO, Chemical Manufacturers Association; J. Lawrence Wilson, Chairman & CEO, Rohm and Haas Company, Chairman, Board of Directors, Chemical Manufacturers Association; John E. Akitt, Executive Vice President, Exxon Chemical Company; Phillip D. Ashkettle, President and CEO, Reichhold Chemicals, Inc.; Bernard Azoulay, President and CEO, Elf Atochem North America; William G. Bares, Chairman and CEO, The Lubrizol Corporation; Jerald A. Blumberg, Executive Vice President, DuPont, Chairman, DuPont Europe; Michael R. Boyce, CEO & President, Harris Chemical Group; Vincent A. Calarco, Chairman, President & CEO, Crompton & Knowles Corporation; William R. Cook, Chairman, President and CEO, BetzDearborn Inc.; Albert J. Costello, Chairman, President & CEO, W.R. Grace & Co.; David J. D'Antoni,

President, Ashland Chemical Company; John R. Danzeisen, Chairman, ICI Americas Inc.; Earnest W. Deavenport, Jr., Chairman of the Board and CEO, Eastman Chemical Company.

R. Keith Elliott, Chairman, President & CEO, Hercules Incorporated; Darryl D. Fry, Chairman, President and CEO, Cytec Industries Inc.; Michael C. Harnetty, Division Vice President, 3M; Richard A. Hazleton, Chairman & CEO, Dow Corning Corporation; Alan R. Hirsig, President & CEO, ARCO Chemical Company; Gerald L. Hoerig, President, Syntex Chemicals, Inc.; Jack L. Howe, Jr., President, Phillips Chemical Company; Jon M. Huntsman, Jr., Vice Chairman, Huntsman Corporation; Donald M. James, President & CEO, Vulcan Materials Company; Dale R. Laurance, President and Sr. Operating Officer, Occidental Petroleum Corporation; Raymond W. LeBoeuf, President & CEO, PPG Industries, Inc.; James A. Mack, President & CEO, Cambrex Corporation; Hans C. Noetzli, President & CEO, Lonza, Inc.; Robert G. Potter, Executive Vice President, Monsanto Company; Arthur R. Sigel, President & CEO, Velsicol Chemical Corporation; Enrique J. Sosa, Executive Vice President-Chemicals Sector, Amoco Corporation; William Stavropoulos, President & CEO, The Dow Chemical Corporation; F. Quinn Stepan, Chairman & President, Stepan Company; S. Jay Stewart, Chairman & CEO, Morton International, Inc.; Robert O. Swanson, Executive Vice President, Mobil Corporation; Rudy van der Meer, Member, Board of Management, Akzo Nobel nv; Jeroen van der Veer, President & CEO, Shell Chemical Company; George A. Vincent, Chairman, President & CEO, The C.P. Hall Company; J. Virgil Waggoner, President & CEO, Sterling Chemicals, Inc.; H. A. Wagner, Chairman & CEO, Air Products & Chemicals, Inc.; Helge H. Wehmeier, President & CEO, Bayer Corporation; Ronald H. Yocum, President & CEO, Millennium Petrochemical Company.

Mr. BIDEN. Mr. President, just as my friend from Idaho knows a lot about mining and knows a lot about potatoes and knows a lot about apples, because they are big issues in his State, I assure you, being a Senator from Delaware, if there was any genuine opposition from the chemical industry for this treaty, since most of those companies are incorporated in my State and it makes up 56 percent of my State's economy, I assure you, I would hear about it.

Now, there may be some companies that do not like it, but I want to tell you, to use the expression, there may be reasons why for this in the minds of my colleagues, but none of the big boys, none of the outfits that do this as a big business, none of the outfits with multibillion-dollar operations, none of them, that I am aware of, are opposed to this treaty. They strongly support it.

I yield 7 minutes to my friend from Ohio.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Ohio.

Mr. GLENN. I thank the Chair, and I ask the Chair to please notify me when I have used 6 minutes.

Mr. President, I rise to urge my colleagues to vote in favor of ratification of the Chemical Weapons Convention with its 28 agreed conditions.

So far in this century, we have witnessed the use of chemical weapons in Europe, in China and in the Middle East, and we have seen the absolutely revolting photographs of victims of chemical weapons attacks at the Iraqi village of Halabja and the Tokyo subway. Some of us may have seen the famous photograph of the great violinist, Isaac Stern, performing in Israel while wearing a gas mask during the Iraqi occupation of Kuwait. Let there be no doubt about it, these weapons do present a clear and present danger to our security and the security of our allies around the world. They have not acquired the nickname, "poor man's nukes" for nothing. They are cheap to make, easy to conceal, and can have devastating effects.

Since 1995, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has held six hearings titled "Global Proliferation of Weapons of Mass Destruction," which documented in vivid detail the gravity of the threat our country faces from both chemical and biological weapons. The three committee prints covering these hearings contain over 2,000 pages of relevant documentation. While I was chairman of that committee, I chaired personally four hearings on "Global Spread of Chemical and Biological Weapons." In 1989, that produced another 746 pages of documentation on these threats and the various choices facing our country by way of responses.

Mr. President, today is not the day for additional hand wringing over these nightmares. Today is the day finally to do something truly constructive to alleviate these threats and stop the hand wringing. In this case, constructive means multilateral, since we are dealing here with a truly global threat, not one susceptible to solution by unilateral U.S. legislation. For example, bills like S. 495, which passed a badly divided Senate last week after virtually no serious debate and without a single hearing, would, if enacted, impose yet another death penalty, while opening up several new loopholes for continued U.S. possession of both chemical and biological weapons. Fortunately, we have an alternative approach to consider.

Today, we can vote on a resolution providing our advice and consent to ratify a treaty that does not just address the problem of halting the proliferation of these weapons, but a treaty that will also set the world on a course finally to eliminate such weapons everywhere. Though we will not obviously achieve these goals overnight simply by ratifying the CWC, we will be taking a crucial step toward achieving that ultimate goal.

My argument, simply put, is that we just cannot solve the global problems of the CWC destruction, proliferation,

terrorism and warfare by acting alone. The international framework, machinery, reporting procedures, and enforcement and verification mechanisms of this treaty will complement and reinforce—not compete with, substitute for or compromise—our own national military, intelligence, and diplomatic efforts against the global CW threat.

The time has now come to put into place the international legal foundation necessary to eliminate chemical weapons once and for all. I am proud to be here on this historical occasion to speak on behalf of and to vote in favor of U.S. ratification of this treaty.

Mr. President, let me get into some highlights of the CWC. The CWC bans the development, the production, stockpiling, use, and proliferation of chemical weapons. It requires the destruction of existing weapons, chemical agents, and CW production facilities. It breaks new ground with a system of verification that is the most extensive in the history of weapons of mass destruction.

On November 23, 1993—over 3 years ago—President Clinton sent this treaty to the Senate for its advice and consent to ratification. Though the Senate has proceeded very, very slowly with the consideration of this treaty, the rest of the world seems prepared to go forward with or without us. Over 160 countries have now signed the treaty and 74 have already ratified it. So with or without U.S. ratification, the treaty will enter into force on April 29 of this year. At that point, world commerce in chemicals and chemical equipment will begin to take place within a multilaterally coordinated system that imposes real costs on nonparties to this convention. It is one reason why I support this treaty.

There is a widespread consensus among the military, the intelligence and the defense experts inside our Government that this treaty will serve our national interest. This consensus is bipartisan. Indeed, the convention was negotiated during the Reagan administration, signed by President George Bush and sent to the Congress by President Clinton.

Except with respect to nonparties, this treaty is completely nondiscriminatory: It obligates its parties not to develop or to possess chemical weapons, period. It does not divide the world up into one set of countries that may have these weapons and another set that may not. It works from a different premise, one more closely aligned with its cousin, the Biological Weapons Convention—by outlawing such weapons among the parties to the treaty, it will significantly strengthen international diplomatic efforts to make the prohibitions truly global.

To ensure compliance, the treaty provides a verification system that operates on two dimensions. First, it provides for routine monitoring of potentially sensitive activities at declared chemical weapons sites, storage areas, and relevant civilian chemical indus-

tries. Second, it provides for a system of on-site challenge inspections operating on the principle of managed access to ensure the protection of proprietary information, constitutional rights, and national security interests. These inspections will be conducted by the Organization for the Prohibition of Chemical Weapons [OPCW]. This system of verification has been worked out not just in consultation with industry, but with the strong and continuing support of industry.

NOTHING PERFECT

I believe that this system of verification—coupled with the increased transparency of chemical transfers and activities at chemical facilities around the world—will, when backed by robust national intelligence capabilities, build a level of confidence in the world community sufficient to ensure that the treaty is being observed by its parties.

EVEN IF IMPERFECT—BETTER THAN PRESENT WITH NO RESTRICTIONS

This view is shared today by our military and intelligence officials. On June 23, 1994, Gen. John Shalikashvili, the Chairman of the Joint Chiefs of Staff, summarized this judgment quite clearly when he testified that—“From a military perspective, the Chemical Weapons Convention is clearly in our national interest.” On August 11, 1994, he specifically testified that—“Because of the regime of declarations, which then can be verified through routine inspection and challenge inspection, I believe that the CWC can be effectively verified.” The treaty has also been supported by former generals Colin Powell and Norman Schwarzkopf, among many other top military and intelligence officials. It has the full support of the Joint Chiefs.

the verification system, in short, represents an appropriate balance between the need for intrusiveness and the need to protect commercial secrets and national security information. As a whole, the treaty will serve U.S. national interests in a number of ways. It will reduce the risk that chemical weapons will be used against our country. It will potentially reduce—but of course not eliminate entirely—the risk of terrorism involving chemical weapons. It will enhance the transparency of activities at chemical facilities around the world and thereby build confidence in CW disarmament. It will serve U.S. interests in combating the proliferation of chemical weapons. And it will, after the 10-year process of destroying existing CW stockpiles, remove many serious environmental hazards that faced citizens who live near plants that produced or stored chemical weapon agents.

COMMON CRITICISMS

It is not surprising that any great achievement in the realm of disarmament would encounter criticism. I am not going to claim that each and every one of these criticisms is totally unfounded. I am also not going to question the motives of those who make

such criticisms. I believe it is good to hear the views of such critics, to listen carefully to their interpretations of the flaws of this treaty, to debate points on which there is disagreement, and to come to a decision on what is in the long-term interest of our country. This is what the whole ratification process is all about. Though no treaty is perfect and the CWC is no exception to this rule, by my reckoning the flaws in this treaty are not sufficient grounds for the Senate not to proceed with ratification.

I would now like to discuss briefly some of the main criticisms of the treaty that I have encountered over the many years this treaty has been awaiting a vote in the Senate.

No. 1. Lack of universality. It is true, not every country is a party to this treaty, nor is universal membership even a likelihood anytime soon. It may never be a universal agreement. There are several Arab countries, for example, that will no doubt refuse to enter into binding CW disarmament agreements until an agreement can also be reached concerning Israel's nuclear capability. Is this a sufficient cause to vote against the treaty? Absolutely not.

I know of no multilateral disarmament agreement that is truly universal, if that term is defined to mean that all countries on Earth are parties. True, the more countries that join the better. But opting for isolation hardly seems to me to be a rational way for a country to pursue the goal of universality. I cannot imagine anything that would set back the goal of universality of this treaty more than a decision by the Senate of the United States not to vote for ratification of this treaty, or to approve it with killer amendments. I believe this treaty will stand the test of time and will approach universality of membership as confidence grows in its credibility as a force for international peace and security. It will be a challenge for diplomats and national leaders of the 21st century to induce the hold-out countries into the CWC regime.

As for the treaty hold-outs specifically in the Middle East—including Iraq, Libya, and some other Arab states that critics cite as a reason why the United States should not join this treaty—let us remember that no country has a bigger stake in putting a halt to chemical weapon proliferation in that turbulent region than does Israel. And I think it is instructive that Israel has considered and chosen to ignore this particular criticism—it has signed the treaty.

No. 2. Verification problems. Now nobody questions that verifying a global ban on possessing or manufacturing chemical weapons will be a difficult undertaking, maybe even an impossible one, if the test of success is the ability to detect the secret manufacture of a small number of such weapons. Nobody doubts the widespread availability of the dual-use materials and know-how needed to make and to deliver chemical weapons. Nobody doubts that such

weapons can be manufactured in very small facilities, some even as small as some hearing rooms here in the Senate, as our intelligence officials have openly testified.

In light of these basic facts of life about chemical weapons, the Report of the Senate Select Committee on Intelligence on the "U.S. Capability to Monitor Compliance with the Chemical Weapons Convention" (Rpt. 103-390) identified several potential difficulties in verifying this treaty. The committee's report, however, reads not as an indictment of the treaty, but as a convincing reminder of the need for America to maintain and upgrade its intelligence capabilities to grapple with such problems. I am concerned that some of my colleagues and outside commentators have looked at these challenges and simply concluded that it is impossible to verify this, or indeed any, CW disarmament treaty.

Though the treaty offers no absolute guarantee against cheating at the level of relatively small-scale violations—it will leave us far more secure than we would be without such a treaty. First, the reporting and inspection provisions of the treaty will enhance the transparency of global flows of chemicals and chemical production equipment—it will also give us better information about how such chemicals are used after they leave international commerce. Second, the challenge inspection system will give the United States a new means to check up on suspicious activities inside countries, including activities that may not even involve chemicals or chemical equipment that entered international commerce.

In short, we stand a much better chance of detecting, assessing, and mobilizing collective international action against potential CW-related activities by having a multilateral system of CW disarmament, than we would under the "go-it-alone" approach we would be left with as a non-party to this treaty.

I think Maj. Gen. John Landry—testifying before the Armed Services Committee as the National Intelligence Officer for General Purpose Forces—accurately summarized the view of the U.S. intelligence community when he said on August 11, 1994, that "we are better off with the treaty than without it." Former Defense Secretary Perry similarly observed on March 28, 1996, that despite the inherent difficulties of detecting illicit production of small quantities of chemical weapons, "we also recognize that that [detection capability] would be even more difficult without a CWC."

Let us keep in mind that when it comes to verifying international compliance with arms control, disarmament, and nonproliferation treaties, America does not rely exclusively upon the verification mechanisms in those treaties to judge compliance. Verification is achieved by these mechanisms operating alongside our own national intelligence capabilities. As I stated in my additional views to the SSCI's re-

port on the CWC, the difficulties of monitoring this treaty underscore the importance of maintaining a highly capable U.S. intelligence community. If we work hard toward the goal of universal membership in the CWC and maintain or increase the capabilities of our intelligence community, then the lingering questions about compliance and verification would only fade accordingly. I would not be at all surprised if Russia were to ratify this treaty very soon.

It is useful to recall that the Russian scientist who blew the whistle in 1991 and 1992 on illicit Russian chemical weapons activities is now a firm supporter of the CWC as a means to combat just such activities. On November 1, 1995, Dr. Vil Mirzayanov testified as follows before the Permanent Subcommittee on Investigations about the risk of theft of chemical agents in Russia:

I am sure that the system of international inspections provided for under the Chemical Weapons Convention will help address this problem . . . These are very strong tools and I hope that you will do your part to see that they are applied in Russia by pressing for the Senate's ratification of the Convention.

The fact that this statement came from someone who is one of Russia's toughest critics on chemical weapons issues will, I hope, inspire other treaty critics to reexamine their own views.

No, this is not the time to badger the CWC's verification system because it is unable to guarantee perfect international compliance. I wish we had some domestic criminal laws that would guarantee perfect compliance. Today is a day to rejoice that the CWC's verification system will soon be generating information that will be useful to our national leaders in detecting, characterizing, and defending against chemical weapons threats. When I hear all these criticisms about the treaty's verification system, I can only wonder—if these arguments are true, then why would Israel, which is located in one of the most dangerous neighborhoods on Earth, and which has so much at stake, sign such a treaty?

The answer is that the CWC serves Israel's national security interests for precisely the same reason it serves our own national security interests. It deserves the support of all nations, and the more support it has, the better the verification system will become. Remaining outside the CWC is no way to improve its verification system.

No. 3. *Cost.* Now with respect to cost, nobody can possibly predict exactly what it will cost to implement this treaty. The International Atomic Energy Agency's annual budget of about \$200 million does not serve as a useful indicator of the cost of implementing the CWC given the many different functions of the respective treaty organizations, the IAEA and the OPCW. For fiscal year 1998, the administration has requested \$25 million for meeting our CWC assessment and an additional \$21 million for multilateral verification at

U.S. facilities should that be necessary. This annual financial contribution approximates the cost of a couple of F-16 aircraft.

The Chemical Manufacturers Association [CMA] has estimated that the cost to industry of complying with this treaty is about ". . . one-onehundredth of one percent of the cost of environmental reporting in the United States." CMA estimates that industry's total CWC reporting costs for 1997 would come to less than \$250,000 and will decline in subsequent years. CMA has also estimated, however, that the cost to industry of America not ratifying this treaty would be "hundreds of millions of dollars" and thousands of jobs.

As for the claim by some critics that the treaty will place a heavy regulatory burden on industry, CMA reports that in a recent field test it took less than 2 hours for producers of the broadcast category of materials—discrete organic chemicals—to fill out the appropriate reporting form. Some plant managers have estimated that they could complete this form in as little as 15 minutes. In recent field tests involving materials that are more tightly controlled, it took companies between 2-8 hours to complete the relevant paperwork. This does not seem to me to be an unduly burdensome procedure.

We all know that the costs of destroying CW agent material will of course be considerable, particularly in countries like the United States and Russia which have tens of thousands of tons of this material. But U.S. law already requires us to destroy these materials, whether or not we join the CWC.

The costs of having to defend against the use of such weapons—costs we have to pay regardless of whether America is a party to the CWC—will remain considerable, though this expense will decline as the world's stockpiles of CW materials gradually diminish in accordance with the treaty. The treaty, it should be noted, does not outlaw national defenses against chemical weapons nor does it ban military retaliation for CW users.

When it comes to measuring the true costs of this treaty, there is an absolute way and a relative way to measure these costs. The absolute approach merely adds up the costs of implementing the treaty and considers such costs in a vacuum. The relative approach compares these costs against various alternatives, such as costs we would have to pay in a world in which chemical war remains a clear and present danger, or a world with a CWC without the United States as a party.

I think that any fair assessment would need to compare the costs of implementing the CWC against the costs of chemical war—preparing for one, fighting one, defending against one, deterring one, and recuperating from one. Now there is no way that the absolute costs of implementing this treaty would ever outweigh the devastating

costs of coping in a world armed to the teeth with chemical weapons. I just do not accept the argument that the costs of implementing this treaty are greater than the benefits to our national security from membership.

No. 4. Sovereignty and secrecy. Under the Constitution, the CWC will be a supreme law of the land. Ironically, some of the same critics of the CWC who argue that the treaty is not verifiable because it is not intrusive enough, also argue that the treaty is too intrusive insofar as it allegedly jeopardizes the U.S. constitutional rights. These questions have already been examined closely by the Congress, as well they should, and most Members would agree that these arguments have been overdrawn.

The main problem with this criticism is that it ignores the many safeguards that exist in the treaty to protect sovereign rights. First and most fundamentally, there is the right of withdrawal from the treaty on 90-days' notice. Second, the treaty's inspection system is far from a "no-notice" system—it prescribes a series of timetables which allow a state party time to prepare a site for inspection. The inspection itself is limited in time.

As the Department of State put it in its letter transmitting the treaty to the President, "The inspected State Party has the final say in determining the extent and nature of access within the challenged site." That is from the letter of November 20, 1993. This gets at the whole notion of "managed access," which lies at the heart of the CWC inspections system. Under this approach, the State Department letter continued, "the inspected State Party may give only individual inspectors access to certain parts of the inspection site, may shroud sensitive pieces of equipment, such as computer or electronic systems, and it may restrict sampling and sample analysis." Indeed, it is highly improbable that the U.S. chemical industry would have been such strong and chronic supporters of the CWC if this industry had concluded that the treaty would harm the competitiveness of U.S. industry or jeopardize company secrets.

Aside from industry, I can imagine that the scientific community should be quite well informed about the merits of this treaty, especially its alleged intrusiveness. Mr. President, I ask unanimous consent to have printed at the end of my remarks a list of 151 members of the National Academy of Scientists who are chemists or biochemists and who support this treaty, and another list, compiled by the Federation of American Scientists, of 45 Nobel laureates who also endorse this treaty. No doubt about it, American support for this treaty is both broad and deep.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibits 1 and 2.)

Mr. GLENN. Mr. President, No. 5. Other Criticisms. These are not the

only lines of attack that critics have taken against the treaty in recent years.

First, would the CWC require a new strategic nuclear doctrine that actually encourages the use of tactical nuclear weapons, given the unavailability of a CW alternative? Not very likely, given that our military has unparalleled conventional military options that are available to respond to and to deter any CW attack. In this respect, critics who urge the retention of a CW arsenal underestimate the power of our conventional military capabilities and overestimate both the value and likelihood of the use of tactical nuclear weapons. Typically, such critics also tend to ignore the impact of making such nuclear threats upon our global nuclear nonproliferation policy.

Second, it is true that the parties to the CWC are nation states, not nonstate entities such as terrorist groups that may seek to acquire such weapons. Though the treaty offers no guarantee against CW terrorism, the treaty's transparency provisions will at least operate to make it more difficult for terrorists to acquire equipment or materials for use in making such weapons and that in itself is a positive feature of the treaty. In particular, it will make it much more difficult for terrorists to engage in large-scale production of chemical weapons without detection. Since the CWC has never been intended to serve as a substitute for national efforts against subnational terrorism, I find this whole argument that the treaty is weak on terrorism to be a red herring.

I find it quite interesting that Japan—which was the victim of a recent chemical weapons attack by terrorists—has already ratified the CWC. In fact, Japan's Diet ratified the CWC within a month of the Sarin gas attack in the Tokyo subway. Though the treaty may not have been able to guarantee that this specific attack would not occur, Japan's leaders have obviously concluded that their country would still be better off with this treaty than without it. So would our country.

Third, critics have argued that the treaty lacks teeth. In fact, the CWC does not repeal the fundamental principle of national sovereignty that has dominated world affairs for over 300 years. The treaty does not intend for the OPCW to perform as a police force in a world state. Though the treaty provides procedures for mobilizing international action against treaty violators, sanctions must still be implemented by individual state parties to the treaty.

Nonparties to the treaty, however, will feel the teeth of this treaty. They will have a harder time participating in the world market for chemicals and chemical equipment. The few remaining CW states will in time feel the inevitable political pressures that come with the possession of internationally outlawed weaponry. And as the taboo on possession settles in the world com-

munity, so will the likelihood of strong international action against countries that would actually use such weapons. Sanctions against all forms of proliferation could always be strengthened, and I would certainly hope that this would be a high priority national security goal of this and future administrations. But the lack of mandatory sanctions in this treaty should not be confused with any lack of teeth—it will fall to the national diplomats, the leaders, and ultimately the people of the states that are CWC parties to sharpen this treaty's teeth. Though teething pains can be expected in the years ahead, sharper teeth will come.

Fourth, and most recently, critics have pointed to trade and cooperation provisions in the treaty as evidence of an alleged obligation to provide chemicals and chemical equipment that will help treaty cheaters to make chemical weapons. Frankly, this argument is hogwash. The very first article of this treaty obligates its parties " * * * never under any circumstances * * * to assist, encourage or induce, in any way, anyone" to acquire chemical weapons. Given this obligation—and given the treaty's inspection system and national intelligence capabilities to back it up—the only appropriate response to the accusation that the treaty will encourage peaceful trade and scientific exchanges is, so what?

The administration has been more than reasonable in accommodating the concerns of the critics. The fact that agreement was reached on 28 conditions hardly suggests a posture of stonewalling by anybody. But I cannot support any of the five additional conditions that have been offered concerning Russian chemical weapons activities, requiring terrorist states to join the CWC before we do, asserting a unilateral U.S. right to bar certain inspectors from certain countries, requiring the United States to seek the renegotiation of key provisions of the treaty on certain trade and CW defense issues, and adopting a verification standard based on a concept of military significance that is both inappropriate and unworkable. To the limited extent that these final conditions touch upon legitimate concerns, let us address these concerns inside the tent of the CWC, not by howling in the wilderness outside that tent.

CONCLUSION

Mr. President, I would like to conclude my remarks on a personal note. I have come a long way when it comes to the issue of CW disarmament. On May 21, 1985, I joined with three of my Senate colleague to argue in an Op-Ed in the Washington Post in favor of modernizing America's chemical weapons arsenal. At the time, there was scant prospect of a Chemical Weapons Convention. The Soviet Union was sitting on a huge CW arsenal and was threatening United States interests around the world. And our old so-called unitary chemical weapons were at best a national embarrassment, at worst an

actual danger to American citizens and our own troops. I favored the safer binary weapons—safer for our own troops if they ever had to use them.

But times have changed. The Soviet Union has ceased to exist and there is significant support inside the Russian Government to follow through with Russia's obligations under the CWC, support which America has every reason to encourage in any way it can. Yes, there still are countries in the world today that have chemical weapons. There still is a terrorist threat involving such weapons. There is still a CW proliferation threat. Russia, though it will hardly be alone in this respect, will no doubt still seek to compete with us in many arenas of world affairs. And many of those old unitaries are still sitting around like rusting relics of a by-gone age.

Yet the world today is closer than ever to outlawing one of the most dangerous weapons that mankind has every devised. As a U.S. Senator for over 20 years now, I have at times encountered some of my colleagues who were simply unprepared to reconsider policy positions that they took in considerably different times and circumstances. I am determined not to follow that practice.

Mr. GLENN. In partial answer to Senator KYL's comments on export controls, I ask unanimous consent that this release by the Australia Group, which deals with export controls, be printed at the end of my remarks.

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

(See exhibit 3.)

Mr. GLENN. Mr. President, the only other thing I would add is that I have examined this treaty and listened to arguments both pro and con. I am convinced the time has finally arrived to move the campaign to eliminate chemical weapons into high gear. The CWC certainly offers no panacea to all risks concerning their proliferation or use of chemical weapons. It does, however, represent a substantial step along the way to alleviating these risks and, therefore, deserves the full support of the Senate and the people of the United States. I urge all my colleagues to vote for ratification.

I thank the Chair.

EXHIBIT 1

FEBRUARY 24, 1997.

Hon. TRENT LOTT,
487 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LOTT: We, the undersigned scientists, urge you to work as a matter of national urgency to bring the Chemical Weapons Convention to a vote in the Senate before April 29 of this year. That is the date when the Convention will automatically enter into force, with or without the United States.

Negotiated by the administrations of Presidents Reagan and Bush, and signed by the United States under President Bush in January 1993, the Convention was formally submitted to the Senate for its advice and consent to ratification by President Clinton in November 1993. Since then it has been the subject of thirteen hearings before the Com-

mittee on Foreign Relations, the Committee on Armed Services and the Select Committee on Intelligence. The Secretaries of State and Defense, the Chairman of the Joint Chiefs, the Director of Central Intelligence and the representatives of the Chemical Manufacturers Association have all testified strongly in favor of ratification. More than 65 countries, including all of our major allies, have ratified.

If the Senate fails even to vote on the CWC, after three administrations have been its leading architects and proponents, the United States will have surrendered by default its essential leadership in combating the proliferation of chemical weapons.

Respectfully,

Julius Adler.
Robert A. Alberty.
Sidney Altman.¹
Fred C. Anson.
W. O. Baker.
John D. Baldeschwieler.
Robert L. Baldwin.
Allen J. Bard.
Neil Bartlett.
Helmut Beinert.
Howard C. Berg.
R. Stephen Berry.
Richard Bersohn.
Jerome A. Berson.
Klaus Biemann.
Jacob Bigeleisen.
Virgil Boekelheide.
Jan L. Breslow.
Leo Brewer.
Herbert C. Brown.¹
Giulio L. Cantoni.
John A. Carbon.
Herbert E. Carter.
Charles P. Casey.
Thomas R. Cech.¹
David Chandler.
Carolyn Cohen.
Mildred Cohn.
Robert E. Connick.
John D. Corbett.
Stanley J. Cristol.
James E. Dahlberg.
Samuel Danishefsky.
Earl W. Davie.
David R. Davies.
Peter B. Dervan.
William Doering.
Paul Doty.
Harry G. Drickhamer.
James L. Dye.
Isidore S. Edelman.
Mary P. Edmonds.
David Eisenberg.
Mostafa A. El-Sayed.
Ernest L. Eliel.
David A. Evans.
John D. Ferry.
Edmond H. Fischer.¹
Marshall Fixman.
Marye Anne Fox.
Josef Fried.
Carl Frieden.
Gerhart Friedlander.
Joseph S. Fruton.
Marshall Gates.
E. Peter Geiduschek.
Martin Gellert.
Walter Gilbert.¹
Roy G. Gordon.
Robert H. Grubbs.
Lowell P. Hager.
George S. Hammond.
Dudley Herschbach.¹
George P. Hess.
Robert L. Hill.
Mahlon Hoagland.
Bernard L. Horecker.
Donald F. Hornig.
William P. Jencks.
Harold Johnston.
Isabella L. Karle.

Martin Karplus.
Joseph J. Katz.
Walter Kauzmann.
Sung-Hou Kim.
James L. Kinsey.
William Klemperer.
Judith P. Klinman.
Irving M. Klotz.
Edward D. Korn.
Roger Kornberg.
Daniel E. Koshland, Jr.
Henry Lardy.
Robert Lehman.
Nelson J. Leonard.
Robert L. Letsinger.
Stephen J. Lippard.
William N. Lipscomb.¹
F.W. McLafferty.
Jerrold Meinwald.
Matthew Meselson.
Thomas J. Meyer.
Josef Michl.
William H. Miller.
Kurt Mislow.
Mario J. Molina.¹
C. Bradley Moore.
Manuel F. Morales.
Howard A. Nash.
Daniel Nathans.¹
Elizabeth F. Neufeld.
Marshall Nirenberg.¹
Harry F. Noller.
Leslie E. Orgel.
Mary J. Osborn.
Norman R. Pace.
Charles S. Parmenter.
Robert G. Parr.
George W. Parshall.
Ralph G. Pearson.
Gregory A. Petsko.
Kenneth S. Pitzer.
Charles M. Radding.
Julius Rebek.
Lester J. Reed.
Howard Reiss.
Stuart A. Rice.
Frederic M. Richards.
Irwin A. Rose.
F. Sherwood Rowland.¹
William J. Rutter.
Lewis H. Sarett.
Robert T. Sauer.
Howard K. Schachman.
Peter G. Schultz.
Glenn T. Seaborg.¹
K. Barry Sharpless.
Robert G. Shulman.
Maxine F. Singer.
Robert L. Sinsheimer.
Emil L. Smith.
David B. Sprinson.
George R. Stark.
Donald F. Steiner.
Joan A. Steitz.
Thomas A. Steitz.
Walter H. Stockmayer.
Gilbert Stork.
Jack L. Strominger.
Julian M. Sturtevant.
Dean Stanley Tarbell.
Henry Taube.¹
H.E. Umbarger.
Peter H. von Hippel.
Salih J. Wakil.
Frederick T. Wall.
Cheves Walling.
James C. Wang.
Gregorio Weber.
Samuel I. Weissman.
Frank Westheimer.
Ralph S. Wolfe.

(All signatories are members of the United States National Academy of Sciences in the field of Chemistry or biochemistry)

EXHIBIT 2

NOBEL LAUREATES URGES SENATORS TO
RATIFY THE CHEMICAL WEAPONS CONVENTION

MARCH 11, 1997.

The Federation of American Scientists (FAS) has sent a letter to US Senators urging the Senate to ratify the Chemical Weapons Convention without delay. Support for

¹Nobel Laureate.

the letter's goal of prompt ratification came from 40 Nobel prize winners who specifically confirmed their desire for CWC ratification.

The letter, signed by FAS Chairman, and former Deputy National Security Adviser to the President, Carl Kaysen, reminds Senators of the importance of U.S. ratification. The treaty requires "total elimination of chemical weapons stocks, prohibits chemical weapons-related activities, bans assistance for such activities, and bars trade with non-parties in certain relevant chemicals."

In ratifying the treaty, the U.S. would join 70 countries—including all major NATO allies and all other G-7 members—who have already ratified it.

The Federation of American Scientists is a national organization of scientists and engineers concerned with issues of science and global security.

FEDERATION OF AMERICAN SCIENTISTS,

Washington, DC, March 7, 1997.

Hon. TRENT LOTT,

U.S. Senate,

Washington, DC.

DEAR SENATOR LOTT: The Chemical Weapons Convention (CWC) will enter into force on April 29, 1997, following its ratification by the 65th signatory nation in November, 1996. It has not yet been ratified by the United States.

This treaty bans an entire class of weapons of mass destruction. It is a nonproliferation treaty that requires total elimination of chemical weapons stocks, prohibits chemical weapons-related activities, bans assistance for such activities, and bars trade with non-parties in certain relevant chemicals. This treaty denies us no option we would otherwise wish to exercise, for the United States has already renounced chemical weapons and is in the process of destroying them. The CWC is a critical instrument for universalizing this policy and preventing the further spread of chemical weapons.

With no military interest in chemical weapons, the United States can only gain by ratifying the treaty, regardless of its level of verification. US accession is necessary to give the CWC the force of an international norm against the possession of chemical weapons. That norm alone would be powerful, providing a basis for joint action to enforce compliance.

But, in addition, the CWC provides new tools for deterring and detecting chemical weapons proliferation. The value of its provisions will grow with time, as the treaty's incentives work to increase the number of adherents. The declaration and inspection requirements will improve our knowledge of possible proliferation activities, whether conducted by nations or terrorists. Access to declared and undeclared sites will make clandestine operations more difficult, risky and expensive; participating states will have the right to demand short-notice inspections of sites in other States Parties. The CWC's provisions constitute the most rigorous verification regime ever negotiated. At the same time, the treaty and the proposed US implementing legislation explicitly protect Constitutional rights and confidential and proprietary information.

During negotiation of the treaty, senior officials of the U.S. Chemical Manufacturers Association participated at the side of U.S. Government negotiators, and the chemical industry has consistently and publicly advocated ratification of the CWC. Now, if the treaty comes into force without U.S. ratification, its constraints on the chemical exports of non-parties will penalize the U.S. chemical industry. Should the Senate not ratify the Convention, the U.S. Government would also be excluded from a seat on the CWC's governing body, and from participat-

ing in the establishment of operating procedures. At the same time, as signatories we will be obligated to abide by the treaty's prohibitions.

Since the treaty was opened for signature in 1993, the United States and 166 other countries have signed it. Further, 67 countries, including all the major NATO allies, have deposited their instruments of ratifications, as have all other G-7 members.

In order to draw the attention of the Senate to the importance of this issue, the Federation of American Scientists has secured the specific endorsement of 45 Nobel Prize winners to the ratification of the Chemical Weapons Convention, and records their names below.

Yours sincerely,

CARL KAYSEN,
Chairman, FAS.

I urge the U.S. Senate to ratify the Chemical Weapons Convention without delay.

Signed by: Sidney Altman, Philip W. Anderson, Kenneth J. Arrow, Julius Axelrod, David Baltimore, Helmut Beinert, Konrad Bloch, Baruch S. Blumberg, Herbert C. Brown, Stanley Cohen, Leon N. Cooper, Johann Deisenhofer, Renato Dulbecco, Gertrude B. Elion, and Val L. Fitch.

Walter Gilbert, Dudley R. Herschbach, David Hubel, Jerome Karle, Arthur Kornberg, Edwin G. Krebs, Joshua Lederberg, Leon Lederman, Wassily W. Leontief, Edward B. Lewis, William N. Lipscomb, Mario J. Molina, Joseph E. Murray, Daniel Nathans, Arno A. Penzias, and Norman F. Ramsey.

Burton Richter, Richard J. Roberts, Martin Rodbell, F. Sherwood Rowland, Glenn T. Seaborg, Herbert A. Simon, Phillip A. Sharp, R.E. Smalley, Robert M. Solow, Jack Steinberger, Henry Taube, James Tobin, Charles H. Townes, and Eric Weischaus.

EXHIBIT 3

AUSTRALIA GROUP MEETING

Australia Group participants held informal consultations in Paris between Oct. 14-17, to discuss the continuing problem of chemical and biological weapons (CBW) proliferation. Participants at these talks were Argentina, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, the European Commission, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, Switzerland, United Kingdom and the United States, with the Republic of Korea taking part for the first time.

Participants maintain a strong belief that full adherence to the Chemical Weapons Convention (CWC) and to the Biological and Toxin Weapons Convention (BTWC) will be the best way to eliminate these types of particularly inhumane weapons from the world's arsenals. In this context, the maintenance of effective export controls will remain an essential practical means of fulfilling obligations under the CWC and the BTWC.

All participants at the meeting welcomed the expected entry into force of the CWC, noting that this long-awaited step will be an important, historic moment in international efforts to prohibit chemical weapons. Participants agreed to issue a separate statement on this matter, which is attached.

Participants also welcomed the progress of efforts to strengthen the BTWC in the negotiations taking place in the Ad Hoc Group of BTWC States Parties in Geneva. All Australia Group participating countries are also States Parties to this Treaty, and strongly support efforts to develop internationally-agreed procedures for strengthening international confidence in the treaty regime by

verifying compliance with BTWC obligations.

Experts from participating countries discussed national export licensing systems aimed at preventing inadvertent assistance to the production of CBW. They confirmed that participants administered export controls in a streamlined and effective manner which allows trade and the exchange of technology for peaceful purposes to flourish. They agreed to continue working to focus these national measures efficiently and solely on preventing any contribution to chemical and biological weapons programs. Participants noted that the value of these measures in inhibiting CBW proliferation benefited not only the countries participating in the Australia Group, but the whole international community.

Participants also agreed to continue a wide range of contacts, including a further program of briefings for countries not participating in the Paris consultations to further awareness and understanding of national policies in this area. Participants endorsed in this context the importance of regional seminars as valuable means of widening contacts with other countries on these issues. In particular, Romania's plans to host a seminar on CBW export controls for Central and Eastern European countries and the Commonwealth of Independent States in Bucharest on Oct. 21-22 and Japan's plans to host a fourth Asian Export Control Seminar in Tokyo in early 1997 were warmly welcomed by participants. Argentina will also host a regional seminar on non-proliferation matters, in Buenos Aires, in the first week of December 1996. France will organize a seminar for French-speaking countries on the implementation of the CWC. This will take place shortly before entry into force of the Convention.

The meeting also discussed relevant aspects of terrorist interest in CBW and agreed that this serious issue requires continuing attention.

Participants agreed to hold further consultations in October 1997.

AUSTRALIA GROUP COUNTRIES WELCOME PROSPECTIVE ENTRY INTO FORCE OF THE CHEMICAL WEAPONS CONVENTION

The countries participating in the Australia Group warmly welcomed the expected entry into force of the Chemical Weapons Convention (CWC) during a meeting of the Group in Paris in October 1996. They noted that the long awaited commencement of the CWC regime, including the establishment of the Organization for the Prohibition of Chemical Weapons, will be an historic watershed in global efforts to abolish chemical weapons for all time. They also noted that all states adhering to the CWC are obliged to ensure their national activities support the goal of a world free of chemical weapons.

All of the participating countries reiterated their previous statements underlining their intention to be among the original States Parties to the CWC. They noted that 24 of the 30 countries participating in the Australia Group have already ratified the Convention. Representatives also recalled their previous expressions of support for the CWC, and reaffirmed these commitments. They restated their view that the effective operation and implementation of the CWC offers the best means available to the international community to rid the world of these weapons for all time. They called on all signatories to ratify the CWC as soon as possible, and on the small number of countries which have not signed the Treaty to join the regime and thereby contribute to international efforts to ban these weapons.

Representatives at the Australia Group meeting recalled that all of the participating

countries are taking steps at the national level to ensure that relevant national regulations promote the object and purpose of the CWC and are fully consistent with the Convention's provisions when the CWC enters into force for each of these countries. They noted that the practical experience each country had obtained in operating export licensing systems intended to prevent assistance to chemical weapons programs have been especially valuable in each country's preparations for implementation of key obligations under the CWC. They noted in this context, that these national systems are aimed solely at avoiding assistance for activities which are prohibited under the Convention, while ensuring they do not restrict or impede trade and other exchanges facilitated by the CWC.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I yield myself 1 minute.

Mr. President, I have received a very fine statement by a distinguished former Member of this body, Malcolm Wallop of Wyoming, a gentleman and Senator whom I admire very much. He is now chairman, by the way, of the Frontiers of Freedom. I ask unanimous consent that his statement be printed in the RECORD.

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

BAD TREATIES DO MAKE SECURITY PROBLEMS WORSE

(By Malcolm Wallop)

On Thursday, April 24th, the U.S. Senate will debate and vote on ratification of the Chemical Weapons Convention. As is the case with many pieces of legislation like the Endangered Species Act and The Comprehensive Antiterrorism Act of 1995, the Chemical Weapons Convention sounds great. Who can be against the Convention except those who like chemical weapons? Dig deep, however, and you will find how bankrupt and harmful the Chemical Weapons Convention can be, if ratified. Ken Adelman, noted arms control expert and proponent of this Convention, admits forthrightly, in a Washington Post op-ed that "no accord banning all chemical weapons can be verifiable in any real sense. The convention's verification provisions may help somewhat, but not all that much."

This reality virtually assures that the treaty will be violated by many who sign up, as well as having no effect whatsoever on several dangerous chemical weapon states—such as Iraq, Syria, North Korea and Libya—that have said they will not become parties.

With this devastating admission, virtually the only argument left for the Chemical Weapons Convention is the proposition, as Adelman puts it, that "standards and values violated are better than no standards or values at all." According to this logic, we will be better off being party to a treaty that cannot and will not reduce the chemical weapons threat because of the civilizing effect such "international norms" create.

The implication is that the "international norm" will somehow enhance our security. In fact, quite the contrary is true—as former Secretaries of Defense James Schlesinger, Donald Rumsfeld and Caspar Weinberger observed in a Washington Post op-ed dated March 5th.

That this can happen with even relatively practical "international norms" can be seen in one cited by Adelman, himself in a follow-up to the March 5th op-ed—the Nuclear Non-Proliferation Treaty. Even its strongest ad-

mires recognize that this treaty has a terrible flaw: Its "Atoms for Peace" provision which permits the sharing of nuclear weapons-relevant technology with countries that promise not to apply it to that end. One rogue nation after another has violated this promise, giving rise to a large and growing number of undeclared or incipient nuclear weapon states. Unfortunately, a similar flaw has been built into the Chemical Weapons Convention, virtually assuring that this new "norm" will produce more proliferation of chemical weaponry, not less.

If anything, Mr. Adelman, as a spokesperson for proponents for the treaty; exaggerates the value of unverifiable, unenforced "international norms" which validates a central concern expressed by the three Secretaries: Such "norms" frequently induce a false sense of security in law-abiding societies.

This dangerous placebo effect of defective arms control agreements is especially evident with respect to another "international norm" lauded by Mr. Adelman, namely, the Biological Weapons Convention. Adelman contends that this treaty—which he acknowledges lacks "even a pretense of verifiability"—has, nonetheless, "served us fairly well."

Regrettably, this Convention has not prevented the spread of biological weapons and related technology to virtually every dangerous country on the planet. The "international norm" created by the Biological Weapons Convention has, however, encouraged the United States government to remain woefully unprepared to deal with the threat such weapons pose.

This point is dramatically made in the cover story of the March 14-20, 1997 edition of Washington City Paper. This article is entitled "Margin of Terror—The Government has One Clear Strategy for Responding to a Terrorist Attack on Washington: Pray."

It describes in detail how the United States' systematic failure to ready the resources and emergency personnel—to say nothing of the American people—to contend with the nightmare of weapons of mass destruction in the subways or other public spaces of cities like Washington could easily translate into hundreds, if not many thousands, of casualties.

The U.S. military has proven no more immune to the seductive effects of ineffectual "international norms" created by unverifiable arms control treaties. Operation Desert Storm illuminated serious shortfalls in the armed services' capability to operate and prevail in combat should chemical and/or biological weapons be used. These shortfalls persist today to varying degrees thanks, in part, to illusion that "international norms" will make that sort of combat unlikely.

Overstating the value of international accords has one other deleterious effect: It tends to make the United States and other law-abiding states reluctant to respond to violators of such accords. As with President Clinton's successive decisions to grant MFN to China—despite its repeated violations of undertakings concerning human rights and the curbing the spread of nuclear weapons and missile technology, the argument is always made that larger national interests must be taken into account. When the United States winds up ignoring violations in the interest of preserving an arms control regime, however, the effect is not only to invite further violations but to undermine the value of the "international norm" thus created.

Those who believe that arms control can make a measurable contribution to U.S. security and civilized intercourse between states have a special responsibility to avoid debasing the currency of international law.

Unverifiable, unenforceable accords do not promote valuable "international norms" any more than unverifiable, unenforceable domestic statutes like Prohibition lead to a sober and law-abiding society. The difference is that the former threaten to make arms control a sham—an outcome that can translate into incalculable harm to our Nation and its people.

(Malcolm Wallop represented Wyoming in the United States Senate from 1976-1995 and is currently chairman of the Frontiers of Freedom Institute, a non-partisan, public policy organization located in Arlington, VA.)

Mr. HELMS. Mr. President, I yield 20 minutes to the able Senator from New Hampshire, a great patriot, BOB SMITH.

Mr. SMITH of New Hampshire. Thank you very much, I say to Senator HELMS.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from New Hampshire.

Mr. SMITH of New Hampshire. Thank you, Mr. President.

I thank the distinguished chairman of the Foreign Relations Committee for his tremendous leadership on this matter. He has been steadfast. I have been in a number—several hours and days—of meetings with him as he has tried very hard to get this treaty into a position where it could be acceptable to some of us—to all of us. But in this case, Mr. President, I have to maintain my opposition to this convention.

Contrary to the assertions of its proponents, this treaty will not advance our national interests, and as a Member of the U.S. Senate, I must put the national and sovereignty interests above all others when it comes to votes here on the Senate floor. This is a flawed accord that will undermine our security and create a massive, unfunded regulatory burden on U.S. companies. And the Senate should reject it.

Let me make clear, I do not object to the goal of eliminating chemical weapons, although those of us who have taken a position in opposition to this treaty will be accused of that, and have been. In fact, as a member of the Armed Services Committee, I have consistently supported funding for our Nation's chemical demilitarization program. Certainly, we all support the goal of eliminating chemical weapons.

But this treaty will not accomplish that goal. Sometimes we forget that fact as we debate these issues that have a great-sounding name. It does not even come close. For the benefit of my colleagues, I want to highlight some of the most egregious problems with this treaty.

First of all, it is not a global treaty. Its advocates would have you believe that it is. It is not global. In fact, many nations believed to have active chemical weapons programs, such as Iraq, Libya, North Korea, and Syria, have not even signed on to the treaty and they are not bound by any provisions.

Additionally, other confirmed or suspected chemical weapons nations, such as India, Iran, Pakistan, and Russia,

have signed the treaty but do not seem very likely to ratify it or even comply with it.

For the life of me, I cannot understand how anyone could possibly stand here on the floor of the U.S. Senate and say this is a global treaty if the most heinous anti-American regimes on the face of the Earth are not even a party to it. They are going to be making chemical weapons, and nobody can do anything about it. That is like saying we have a global treaty outlawing terrorism, but Iran, North Korea, Syria, and Lebanon are not a part of it. Why not have another treaty and outlaw terrorism? Well intended; great goal. Why not just pass a treaty and we will outlaw it? That will be the end of it.

It is absurd, not to mention patently false, to allege that this Chemical Weapons Convention is a global treaty. Iraq used chemical weapons on its own citizens in the last decade—on its own people. How can we have a global treaty banning chemical weapons without Iraq? Could somebody please answer that question for me? It is not global. And we are not banning chemical weapons in Iraq. We are inspecting the devil out of Iraq and we still do not know what they are doing and what they can and cannot do.

Mr. President, not only is this treaty not global, it is not verifiable according to the U.S. intelligence community, not according to Senator SMITH, but the U.S. intelligence community.

In testimony before the Foreign Relations Committee, former Director of Central Intelligence, James Woolsey stated:

The chemical weapons problem is so difficult from an intelligence perspective that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale.

This is not exactly a ringing endorsement for this treaty, particularly when it is coming from a person who is representing an administration that supports it and that is bringing it here to the Senate. Let us be honest, there is no way we are going to be able to verify compliance, and everybody on this floor knows it. The proponents, as well as the opponents, know that.

The United Nations Special Commission on Iraq was established following the gulf war to oversee the dismantling of Iraq's chemical, biological, and nuclear weapons programs. There have been over 1,000 inspectors searching every nook and cranny in Iraq for the past 5 years, yet we continue to uncover new evidence and new revelations regarding Iraq's programs to develop weapons of mass destruction.

I say to my colleagues on the floor, now that you have seen all these inspections, you all feel very comfortable, I am sure. Now you have the full knowledge that Iraq does not have any chemical weapons or any biological weapons or any nuclear weapons. Everybody feels real comfortable with that. We have inspected them, so everybody is certain. Right.

Iraq is the most heavily monitored and inspected country on Earth. We have more access to Iraq than the chemical weapons treaty will ever provide for any country. If we cannot determine after 5 years just how large and sophisticated Iraq's chemical weapons program is, how on Earth are we going to be able to verify compliance for the dozens and dozens of countries supposedly bound by this treaty? The answer is simple. We cannot. We are not going to be able to do it.

We will move into classified session later on, tomorrow, to more fully examine the intelligence community's assessment. I urge my colleagues to come to that session and listen to the facts from our intelligence community.

Noncompliance is not something to take lightly. Without adherence by all parties, no treaty is worth the paper it is written on—never has been, never will be. But we cannot verify this treaty. We know for a fact that some of its signatories have routinely and repeatedly violated other treaties in the past. So they have a track record.

Russia has the world's largest chemical weapons arsenal. The former Soviet Union routinely violated its arms control obligations whenever it was convenient, whenever it was in their best interest. Russia remains in violation of the Biological and Toxic Weapons Convention and the CFE treaty. Thus, it is clear that the cold war pattern of noncompliance did not end when the Soviet Union ended.

Russia has also made clear that it has no intention of ratifying the chemical weapons treaty or complying with its provisions unless the United States provides a massive aid package to pay for destruction of its arsenal. Mr. President, where I come from in New Hampshire, this is called blackmail. That is what it is. And I object to it. We are already committed to spending \$12 billion to eliminate our own chemical weapons arsenal. Are we supposed to foot the bill for Russia's as well now?

Let us not forget we are already giving Russia billions of dollars in ransom for the START I and START II treaties, even though they have yet to ratify START II. With the hard-line Communists and nationalists gaining 33 percent of Parliament seats in the recent Russian elections, can anyone actually believe that this situation is likely to improve? I do not think so.

Russia is not implementing the 1990 bilateral destruction agreement in which it pledged to substantially reduce its chemical weapons arsenal. The DIA stated Russia is moving so slowly that no meaningful reduction of its arsenal is likely to occur in the next decade. These are facts that the proponents do not want you to hear, Mr. President. The DIA has expressed skepticism regarding the veracity of Russia's data declarations. It appears highly likely that Russia has grossly underreported its chemical weapons arsenal.

Finally, it has been widely reported in the international publications that

Russia is developing new binary weapons that are highly lethal, yet contained none of the chemicals—none of the chemicals—listed on the treaty's schedules. If this is true, Russia will be capable of circumventing this treaty in a very significant and, frankly, destabilizing way. We will be considering this issue in more detail during the closed session, but I want to say here and now that this is a very, very big problem and it ought to be looked at very closely.

It gives me no pleasure to take the floor of the Senate and raise these troubling issues. I would like to be for this treaty. I wish it banned all chemical weapons. But the fact of the matter is, it does not, and I have a constitutional responsibility to look carefully at these issues and act in a manner that I believe advances our national security.

This treaty is deeply flawed—deeply flawed. No amount of public relations spin, no amount of pressure from the White House or from anybody else can change that issue. Certainly it is not going to change this Senator's mind.

I know that many of my colleagues think that since the cold war is over arms control issues do not matter anymore. I know many Members who would just as soon focus on issues that seem to be drawing more attention in the polls. But as the stewards of national security, we do not have that luxury. We cannot afford to sweep these issues under the rug for the convenience of political expediency.

Mr. President, in addition to these important national security considerations, I want to highlight for my colleagues the enormous burden that this treaty will place on U.S. businesses. Under the treaty, there would be two basic types of inspections: routine and challenge. Routine inspections are to be directed at sites producing chemicals that present the greatest risk of diversion to weapons uses. A nation could be subject to up to 20 routine inspections per year, and a specific site up to two routine inspections. Challenge inspections would occur by request by a party to the treaty and can take place with very little advance notice. There is no limit to the number of challenge inspections that can take place.

The United States also, Mr. President, will be obligated to pay 25 percent of the operating expenses of this organization. Does that sound familiar? Think of the United Nations and other international organizations where we wind up footing most of the bill. Membership on the Executive Council is determined by a rotating regional formula, with the majority of seats allocated to third world countries. The United States would not necessarily be represented on the council at all times and there is no U.S. veto, as there is in the U.N. Security Council.

This represents a new open-ended entitlement for another United Nations-

style bureaucracy. I cannot believe that we are going to agree to pay 25 percent of the cost when we are having so much difficulty injecting fiscal discipline into the existing foreign aid bureaucracy which Senator HELMS has been trying to change for years. Why should we pay such a grossly disproportionate percentage when Russia, who has the world's largest stockpile, pays 5.6 percent—while we pay the 25 percent?

It is estimated that somewhere between 3,000 and 8,000 companies, perhaps more, will be affected by this treaty—3,000 to 8,000 U.S. companies. The treaty creates a massive program of reporting requirements for companies, companies that produce or use regulated chemicals.

I would ask my colleagues, do you really think the rogue nations, the North Koreans, the Libyas, the Irans, or the Iraqs, and others, are going to be subject to this? Do you really think they care that we are harassing our own companies? They are probably getting a good laugh out of it, Mr. President.

The individual companies are required to assume all costs associated with this compliance, including filings, escort and administration of routine inspections, challenge inspections, and in some circumstances, American businesses may even be required to shut down production during the inspection period. Failure to comply with the regulations could result in a company being fined up to \$50,000 per incident—per incident.

The Defense Department has estimated the cost imposed on a company with a large facility could be as high as \$500,000 per inspection, while small businesses should expect inspections to cost between \$10,000 and \$20,000, all on U.S. businesses on something that does not ban chemical weapons in other countries.

Each international inspection team will be accompanied by representatives of the U.S. Government. According to the administration, it is possible the representatives of the Environmental Protection Agency and OSHA could also serve as escorts to come into your business and have a good look at what you are doing—maybe something very personal, very private, something you would not want your competitors to have. But under the treaty, the EPA can walk right in, have access to the whole facility, perhaps even take a few samples, a few products. Who knows—take some records.

It is clear, Mr. President, that this treaty and the accompanying implementing legislation that the administration has requested represents a massive, unfunded mandate on U.S. businesses. It is staggering. I cannot believe that this Senate is prepared to do this injustice to businesses here in America and, frankly, injustice to ourselves as a nation. At a time when your constituents are crying out for relief from onerous and burdensome regula-

tions, here we go again. The problem is, other nations who get to inspect our facilities have a lot more to gain than we do by inspecting theirs. The limited military-related intelligence that we may gain is far outweighed by the industrial and commercial intelligence that other nations will derive from our companies. That is why nations like Iran are signing on to this treaty, because they want that information. They will have access to that information, if not directly, certainly indirectly even if they are not one of the inspectors.

Most chemical manufacturers have not considered the effect of this treaty. Frankly, I am disappointed in some of those manufacturers because they have not thought it through. But they will be back, Mr. President. If we pass this, they will be back and they will be back with tears in their eyes because they are going to be very, very sorry that they supported this treaty.

In fact, I know of one example where an individual called my office purporting to represent the CMA in support of the treaty. When questioned on the details of the treaty and the implications for U.S. businesses, the individual became frustrated, claimed ignorance, and stated that the CMA told him to make the calls. He admitted not knowing much about the treaty and quickly ended the call. That is pretty sad, Mr. President.

If that is the kind of expertise being brought to bear in this lobbying campaign we are faced with, I think it raises more serious questions as to the merit and true nature of this endorsement by CMA.

Additionally, while CMA's support is an important factor to consider, it is important to recognize that CMA does not even represent a majority of the businesses affected by the treaty. According to the Arms Control and Disarmament Agency, 60 percent of the companies affected by the treaty are not CMA members.

In fact, most of these non-CMA companies are smaller businesses who are most likely to be harmed by the increased regulatory burden. They have the most to lose. Yet, they are the ones that are overlooked by the treaty's proponents.

Mr. President, since last fall, when the Clinton administration abruptly requested that the Senate defer consideration of the treaty, I have worked very closely with my colleagues in the Senate, including Senator KYL and Senator HELMS and others. I have attended numerous meetings with the President's National Security Adviser to explore possible conditions to protect U.S. national security, and, to their credit, the administration and others did work hard to address many of those concerns, and many have been addressed. But there are still some that I just cannot, in good faith, allow to go unchallenged.

In the end, we are not able to agree on all of these issues. That is the na-

ture of democracy. We discuss issues, debate policy, find common ground, and compromise where we can. We compromised 28 times.

It is important to understand, though, that reasonable people can and do disagree on the merits of this treaty. I want to make it very clear that I have no problem with any of my colleagues in terms of how they arrived at their votes. That is their vote, and I respect that, I recognize that. In fact, it is healthy. While I strongly oppose this treaty, I don't impugn anyone's motives or character for taking an opposing viewpoint. Having said that, it is regrettable that those of us deeply troubled by the lack of participation in this treaty by Iran, Syria, Libya, and North Korea, and by the inherent unverifiability of the treaty, by the fact that nations such as Iran will gain access to sensitive data on our chemical defenses. Now, people have said that is not going to happen. Well, we will see. If this treaty passes, we will see, because they can be part of the inspection team and can have access to that information.

Anyway, we are accused of being somehow in favor of chemical weapons because we take this position. It seems that when those of us who are conservatives want to stand by our principles, we are "crazy people" or something. But when you are liberal and you stand by your principles, you are thoughtful and considerate and compassionate. Well, maybe I am missing something somewhere.

It is very easy for the media and the advocates of the treaty to demagog this issue. Some in the media have demagoged it. Some in the media in my own State are demagoging me and the treaty. That is their prerogative. But they are not here on the Senate floor—I am. Some in the media in my State may not like that fact, but I am here as an elected representative for the State of New Hampshire. I am sworn to uphold the Constitution and to defend the national security interests of the United States. Yes, if there is a treaty violating those, I am going to be opposed to it.

While I wholeheartedly support the objective of banning chemical weapons, this doesn't ban chemical weapons. If somebody can stand up here and tell me how we are going to get access to all of Iraq and be certain that we are not going to have chemical weapons there, and all of Libya and North Korea, and can prove that to me, I will support the treaty. That is why we have this amendment, this provision on rogue nations. I don't believe this requires that the Senate rubber stamp any treaty dealing with chemical weapons. We have some very respected people, including four former Secretaries of Defense—that was testified to here before—who oppose this treaty.

In the medical world, the wrong medicine can kill a patient even if it is prescribed with the best of intentions. The same holds true with national security.

I have no doubt that the advocates of CWC believe that it will cure the plague of chemical weapons. But that is the wrong medicine and it won't work.

I want to conclude my remarks by summarizing some of the more important arguments against this treaty.

First, it is not global.

Second, it is not effectively verifiable.

Third, there are no technical means to detect undeclared stockpiles of chemical agents or weapons.

Many of those who have signed the treaty are either unlikely to ratify it or to comply. Does anybody really believe that Iran will be a responsible party to this treaty? When is the last time we had access to all of the countryside in Iran and all of the industry and buildings in Iran? Why should we believe that this treaty is going to make us do that?

Article X of the treaty will require us to share detailed information on our own chemical weapons defenses with all other signatories to the treaty, good and bad signatories to the treaty, friends and enemies.

Thousands of U.S. businesses, many of them vulnerable small businesses, will be exposed to costly annual reporting requirements that they can't afford. Direct costs to U.S. industry are estimated to be over \$200 million a year.

It goes on and on and on, Mr. President. It is just incredible.

Challenge inspections, which basically you could not do under our Constitution, are unlimited in number and may violate the fourth amendment, which guarantees the rights of individuals and their property against unreasonable search and seizure.

Mr. President, it is clear that this treaty falls short of achieving its objectives and its goals. In fact, it doesn't even come close. As we will see later in the classified session, the stakes are high. We have little to gain and a great deal to lose.

I urge my colleagues to reject this treaty. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Jeff Severs be given the privilege of the floor for this day.

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

Mr. LEVIN. Mr. President, I yield 15 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I have been involved with the chemical weapons debate and negotiations for a convention like this since its beginning. During the Reagan administration, at the suggestion of Ambassador John Tower, former Senator John Tower, I spent a month in Geneva during an August recess auditing the beginnings of the negotiations that led up to this Chemical Weapons Convention. John Tower even loaned me his home in Geneva to live in during that period. He and I agreed that negotiating a satis-

factory chemical weapons treaty was an objective that had to be achieved, because we shared the feeling that the world was becoming a very dangerous place to live in because of chemical and biological warfare developments. We felt the United States needed to show leadership in reducing some of the dangers whenever possible.

This convention before the Senate could be improved. The START treaties could have been improved. However, under those treaties, the United States and Russia will significantly reduce their numbers of nuclear warheads and reduce the risk of nuclear war. The Conventional Armed Forces in Europe Treaty could have been improved. Yet, today we no longer have Russian and NATO forces bristling with tanks, cannons, and fighter aircraft facing each other across the border in numbers that reminded many of Armageddon.

The Chemical Weapons Convention does move the world toward a goal of bringing order and accountability to the production and transportation of weapons of mass destruction. This is a convention that has required the negotiating concurrence of 74 countries. I will never forget sitting around those rooms in Geneva while we waited for the representatives of the various countries to state their positions.

To require this convention to be perfect asks the impossible. To expect it to be an effective tool in controlling chemical weapons is reasonable. This convention does provide an inspection regime that will allow our inspectors to monitor potential chemical weapons production and transportation more effectively than without the convention. And protections are built into the convention so that U.S. companies producing chemicals are not going to have their manufacturing processes compromised, and, obviously, we do not amend the Constitution of the United States by approving this convention.

For me, this convention enhances the security of our forces deployed abroad, as well as throughout our whole Nation. The Joint Chiefs of Staff support the Chemical Weapons Convention. Generals Colin Powell and Norman Schwarzkopf support the convention. Former Secretary of State Jim Baker and former National Security Adviser Brent Scowcroft support this convention. Former CIA Directors, Jim Woolsey, Stansfield Turner, and John Deutch, support this convention. I could go on and on with the list, Mr. President.

But, to me, it is not the former or present officials that should have an impact on this Senate. It is the men and women in uniform. They are in harm's way. They know now that many of their predecessors who served us in the Persian Gulf war, men and women there in uniform, were exposed to some type of a chemical weapon in Iraq. It is for them that I speak, because I think, universally, they are now worried about what this Congress is going to

do, or not do, in trying to find some process of protecting them against chemical and biological warfare.

In its essence, I believe that the United States has a responsibility for world leadership. This leadership is more graphically demonstrated in this legislative body than anywhere I know, because passage of the resolution of ratification will show our leadership in the effort to contain chemical weapons, just as Senate support for START I showed the United States' commitment to nuclear weapons reduction.

I encourage the Senate to vote in favor of this resolution of ratification and support the Chemical Weapons Convention as it was presented to us.

I ask unanimous consent that two articles from today's papers be printed in the RECORD. One article is by Samuel Berger, in the Washington Times, entitled "The CWC Imperative"; the other is by Gen. Thomas McNerney and Stanley Weiss, in the Hill newspaper.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, April 23, 1997]

THE CWC IMPERATIVE

(By Samuel R. Berger)

Tomorrow, the Senate will vote on the Chemical Weapons Convention. After years of international negotiation and domestic debate, the Senate faces a clear choice; we can continue to lead the widening international commitment to begin banishing poison gas from the earth and head the effort to make it work. Or we can walk away from a treaty we helped write, deny our soldiers and citizens its benefits, expose our companies to its penalties, and put America on the same side as pariah nations like Libya and Iraq.

This treaty will take effect next week—with or without us. That's why the real test of the Chemical Weapons Convention is not whether it's perfect, but whether we will be better off inside or outside it. By that basic measure, this treaty is overwhelmingly in our national interest.

First, this treaty will help protect our soldiers by requiring other countries to do what we decided to do years ago—get rid of chemical weapons. The treaty will also make it harder for rogue states and terrorists to get or make chemical weapons. By eliminating existing stockpiles, it will remove the single largest source of weapons that they could steal or buy on the black market. By imposing new controls on the transfer of dangerous chemicals, it will help put the raw ingredients for such weapons further out of reach.

Finally, by giving us new tools for verification like short-notice, on-site inspections, creating a global intelligence network, and strengthening the authority of our own law enforcement, this treaty will make it easier for us to prevent and punish those who seek to break its rules.

Two and half months ago, President Clinton and Senate Majority Leader Trent Lott established a process to work through the concerns of some senators about the treaty. As a result of this effort, and negotiations led by Sen. Jessie Helms and Sen. Joe Biden, we have reached agreement on 28 conditions that will be included in the treaty's resolution of ratification. Among them are binding commitments to maintain strong defenses against chemical attack; allow the use of riot control agents like tear gas in a wide