

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

range of military and law enforcement situations; and require search warrants for any involuntary inspections of an American business. These conditions resolve almost all the issues that have been raised about this treaty.

Almost, but not all. Opponents insist on a handful of additional conditions, each of which would make it impossible for us to participate in this treaty. One would have us wait to join until Russia does—giving cover to hard-liners in Russia who want to hold on to their weapons. Another would have us wait until rogue states like Iraq become members—delaying our chance to use the treaty's tools against these international outlaws and giving them a veto over our national security. Another would impose an unrealistically high standard of verification—and risk our ability to protect our troops by using the treaty's already tough provisions to detect cheating that is militarily significant.

Two other killer conditions would require us to re-open negotiations on the treaty. First, some critics mistakenly believe that the treaty requires the United States to provide advanced chemical weapons defenses to rogue states. In fact, only countries that have joined the CWC, renounced chemical weapons and destroyed their stockpiles can request assistance—and then, only if they are threatened with chemical weapons by a non-party. President Clinton has committed to the Senate that if a country of concern such as Cuba or Iran should meet the strict conditions for aid, the United States will restrict our assistance to emergency medical supplies—and to use our influence as member of the CWC to prevent other states from transferring equipment that could harm our national security.

Second, some opponents misread treaty language to conclude that the CWC would somehow facilitate their spread. President Clinton has made it clear we reject this far-fetched interpretation. He has committed to maintain strict U.S. and multilateral export controls on certain dangerous chemicals and obtained the same assurance from our allies.

If the Senate approves any of these "killer conditions," it will mean foregoing this treaty's clear costs. We will be denied use of the treaty's tools against rogue states and terrorists. We will lose the ability to enforce the rules we helped make. We will subject our chemical companies to trade restrictions that could cost them hundreds of millions of dollars in sales. And we will send a clear signal of retreat that will undermine our leadership to stop the spread of weapons of mass destruction.

That must not be allowed to happen. While the Convention is not a panacea, it represents a real opportunity to strengthen the global fight against the threat that no one nation can meet on its own. That is why president and legislators from both parties and our military leaders have made U.S. approval of the Convention their common cause. Negotiated under President Reagan and signed under President Bush, the treaty has broad, bipartisan support that includes every chairman of the Joint Chiefs of Staff for the past 20 years and the overwhelming majority of our veterans, chemical manufacturers and arms control experts. As Secretary of State Madeleine Albright has said, this treaty was "made in America." It is right for America, and now, at last, it must be ratified in America.

[From the Hill, April 23, 1997]

CHEMICAL WEAPONS PACT: LET'S MAKE A DEAL

(By Thomas G. McInerney and Stanley A. Weiss)

On one side is President Clinton. He wants the Senate to ratify the Chemical Weapons

Convention (CWC). This model agreement, which bans the production and use of chemical weapons, is supported by an overwhelming majority of Americans, including a "Who's Who" of former officials and military leaders, and has been signed by most of the civilized world.

On the other side is Sen. Jesse Helms (R-N.C.). The Foreign Relations Committee chairman wants to reorganize the State Department, and threatened to keep the CWC bottled up in his committee until this was agreed upon.

Mr. President, Sen. Helms. It's time to make a deal!

Both of them and, more importantly, the American people would come out winners if the Senate votes to ratify the CWC, and the State Department streamlines its operations. Here are three ways to improve the business of diplomacy:

First, cut back on assistant secretaries. The State Department currently houses 19 assistant secretaries focusing on certain regions (East Asia) or functional areas (human rights). Compare this to the Department of Defense where nine assistant secretaries help oversee a budget 10 times larger than the State Department's program budget. The system has evolved into an unwieldy bureaucratic morass. The practical effect of 19 assistant secretaries is overlap and poor coordination.

Second, improve coordination and eliminate layers in foreign aid programs. Here again, a hodgepodge of well-intentioned programs operates with little oversight and coordination. The details should be left to careful negotiation between the State Department and Congress. But, the goal should be to reduce bureaucracies, establish clear priorities, and put these aid programs more closely in the service of our overall foreign policy goals.

Finally, start running the State Department in a more business-like manner. State Department officials rightly tout their important role in supporting American businesses overseas. But as part of this effort, they ought to get their own house in order.

The required management reforms are no secret. The General Accounting Office (GAO), The National Performance Review, and other studies have all reached similar conclusions. Closing unnecessary overseas posts, outsourcing administrative support functions, and rethinking overseas staff structure can save money and improve performance.

Maintaining the status quo is impossible. The GAO estimates that simply maintaining current functions and personnel will require a 22 percent increase in State Department budgets by the year 2000—an unlikely prospect in today's budget environment.

Despite the clear need for action, the State Department management continues to postpone the inevitable. A well-conceived strategy for reconstructing the department does not exist, and Helms is right to demand action.

In return, the Senate should ratify the Chemical Weapons Convention. Americans will be safer with the treaty than without it. The CWC combines an arms-control agreement that bans an entire class of weapons of mass destruction and a non-proliferation regime that forbids trade to any nation in non-compliance.

It will help prevent terrorists and pariah states from getting their hands on materials to make chemical weapons, while ensuring that American manufacturers can continue to successfully compete in the global trade of legitimate chemical products.

America is unilaterally destroying its chemical stockpile. The question now is whether it will become party to a convention

which will go into effect on April 29, with or without U.S. approval. As retired Gen. Norman Schwarzkopf stated in Senate testimony, "We don't need chemical weapons to fight our future wars. And frankly . . . by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I'd just as soon not be associated with those thugs."

If the price of getting two-thirds of the Senate to ratify the CWC is improving the way the State Department works, that sounds like a deal we can all live with.

Mr. STEVENS. Mr. President, it is not an easy position for me to be opposed to friends with whom I normally stand shoulder to shoulder. But I believe we must be motivated by what we believe is in the best interest of the country as a whole. I believe if we took a poll of men and women in uniform today, they would say that the No. 1 threat they fear is chemical and biological warfare. I say that we must lead the world in addressing the consequences of production and use of these weapons of mass destruction, just as we led the world in dealing with the consequences of the proliferation of nuclear weapons. Voting for the Chemical Weapons Convention resolution of ratification will make the world a safer place.

Thank you, Mr. President.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, it is interesting. I have been here on the floor listening to this debate for a period of time, and it is almost as if the arguments kind of pass each other in a strange way. I have, also, on the Foreign Relations Committee, been at the hearings. We keep hearing the same mantra repeated with respect to a number of objections, notwithstanding the fact that either the language of the treaty is going to be changed by virtue of agreements made between Senator HELMS and Senator BIDEN and the administration, or the treaty itself addresses those specific arguments. One of the most interesting repetitive arguments is that this is somehow going to be dangerous for the chemical companies. We keep hearing people say that this is going to be terrible for American industry. But American industry has signed off on it. The Senator from Delaware represents many chemical companies. Fifty-six percent of the economy in the State of Delaware is represented by chemical companies. He hasn't heard from them in opposition. Nevertheless, we hear people repeat that.

Now, obviously, this convention, despite its attributes, is not a panacea for the threat of chemical weapons. None of us who are proposing this convention, I think, are suggesting that this is the panacea. But what it does do, Mr. President, is it contributes, on balance, more to the effort to have deterrence, to expose cheaters and to detect chemical weapons production and

proliferation of any kind of significant military nature than not having it.

Mr. President, although crude chemical weapons have been around for centuries, poison gas unfortunately came of age as a tool of warfare in World War I. First chlorine, then phosgene, mustard gas, and lewisite were introduced onto the battlefields of Europe, burning, blistering, and choking unprotected soldiers and civilians alike. Both because with chemical weapons so closely associated with World War I there is a perception they are an anachronistic threat and are therefore of less concern, and because we became accustomed during 40 years of the cold war to living with the threat of a global nuclear Armageddon, some fail to recognize the magnitude of the threat now posed by chemical weapons. This is a terribly serious mistake.

Modern chemical weapons—nerve agents like sarin, soman, tabun, and VX—are so lethal that a dose as small as 15 milligrams can kill a person. Equally as troubling, chemical weapons are the most financially and technically attractive option for a country—or a terrorist—that sets its sights on developing and producing a weapon of mass destruction. The ingredients for chemical weapons are chemicals that are inexpensive and readily available in the marketplace, and the formulae to make nerve and blister agents are well known. It is no coincidence that chemical weapons are known as the poor man's atom bomb. The U.S. intelligence community estimates that more than 20 nations possess chemical weapons or the capability to make them readily. Still other countries are working to acquire a chemical arsenal. Chemical weapons have proliferated far more widely than the two other types of weapons of mass destruction, nuclear and biological weapons. We ignore this threat at our peril. It is this threat that the Chemical Weapons Convention confronts. And the Senate today and tomorrow has an historical opportunity to address and reduce that threat—to our civilian citizens, to our armed forces, and to the entire world—as we perform our constitutional responsibility of advice and consent with respect to the convention.

Our Nation's highest military and intelligence officials repeatedly have stated that while the Chemical Weapons Convention is no panacea for these threats, America will be safer and we will have greater ability to reduce chemical weapons proliferation, and to identify and remove chemical weapons threats, if the United States and a majority of the world's nations ratify this treaty. The number of signatories is up to 161. Seventy-four nations, including the majority of our allies in NATO and the European Union, have already ratified the convention.

The public outcry over the use of chemical weapons in World War I compelled diplomats to begin work to ban these weapons. These post-war efforts fell short of a complete prohibition.

They resulted, however, in the 1925 Geneva Protocol that outlaws the use of chemical weapons. Negotiations on a more far-reaching prohibition resumed in 1968, focusing on a treaty that would prohibit the development, production, and stockpiling of chemical weapons as well. In 1969, the United States renounced the first use of chemical weapons and initiated a moratorium on their production that lasted 18 years. Five years later, the Senate gave its advice and consent to ratification of both the Geneva Protocol and the Biological and Toxin Weapons Convention. International negotiation toward a Chemical Weapons Convention, however, made little progress until the United States again took the initiative.

In the 1980's, Saddam Hussein's use of chemical weapons against Iran and against his own Kurdish people horrified the international community. Iraq clearly violated its obligations under the Geneva Protocol, but the international community did nothing to punish Saddam for his outlaw behavior. This failure to enforce the Geneva Protocol was a failure of international political will, not of the treaty itself. America's leaders at that time, including many of us in this Chamber, must bear part of the responsibility for not having insisted that Saddam pay a price for his outrageous behavior. Just like a domestic law, an international agreement, no matter how good, is of little use unless it is enforced.

Iraq's flagrant violation of the Geneva Protocol did, however, serve as a catalyst for the negotiators' attempt to complete the Chemical Weapons Convention. Working from a draft treaty text first introduced by then-Vice President George Bush in 1984, the 39 nations hammering out the treaty in the Conference on Disarmament reached agreements on intrusive and far-reaching verification provisions that were included in the Bush draft text. For example, Vice President Bush proposed on behalf of President Reagan "anytime, anywhere" on-site challenge inspections to deter and catch treaty violators. At the time the concept of challenge inspections was first advanced, no nuclear arms treaty yet included even routine on-site inspections of declared nuclear facilities.

Vice President Bush asked for these tough verification measures for good reason. It is much more difficult to monitor a chemical weapons treaty than a nuclear accord. The capabilities of our national technical means—including intelligence satellites—enable us to track the production and deployment of nuclear weapons in other countries with a considerable degree of confidence. Chemical weapons production, however, cannot be monitored from afar with anywhere near the same level of confidence. Aside from using large government facilities to churn out chemical weapons, a government could coopt a commercial chemical firm into making chemical weapons, or manufac-

ture chemical weapons in a factory purported to be involved in the commercial production of legitimate products. The legitimate chemical industry around the world makes products that are important to modern life. Some of the same chemicals and technologies that this industry employs to manufacture fertilizers, pharmaceuticals, pesticides, herbicides, and countless other products could also be used to make chemical weapons. There are literally thousands of industrial facilities worldwide, and we know all too well from the inspections in Iraq in the aftermath of the 1991 gulf war that a determined rogue proliferator can and will use the industrial sector to mask efforts to develop and produce weapons of mass destruction. For these very reasons, the Reagan administration not only pushed for routine data declarations and inspections of government and industry facilities; it also insisted on these unprecedented challenge inspections.

After George Bush was elected President, the Bush administration took a variety of steps to give impetus to the international negotiations. Perhaps most importantly, in May of 1991, President Bush, without waiting for or depending on completion and ratification of the Chemical Weapons Convention, unilaterally forswore any use of chemical weapons by the United States, even as in-kind retaliation on the battlefield. A year and a half later, as one of the last acts of his Administration, Bush sent Secretary of State Lawrence Eagleburger to Paris in January, 1993 to join more than 130 states in signing the Chemical Weapons Convention. Pushing these negotiations through to a successful conclusion stands as one of the most important foreign policy achievements of the Bush administration. We owe the dedicated negotiators from the Reagan and Bush administrations, most notably Ambassador Stephen Ledogar and Arms Control and Disarmament Agency Director Ronald Lehman, a debt of gratitude for their far-sighted proposals and their persistence at the negotiating table. We owe Presidents Reagan and Bush a debt as well—for their leadership and consistent support of this historic arms control initiative.

The convention that President Bill Clinton presented to the Senate on November 23, 1993, which is before us today, is a feasible and pragmatic treaty. Given the inherent difficulty of curbing the proliferation of chemical weapons, America's negotiators did not insist on obtaining a flawless pact—an effort that would have been certain to fail. Instead, the U.S. delegation worked closely with our allies in Europe, Japan, Australia, and Canada to create a realistic treaty with verification provisions that offer a significant likelihood of identifying militarily-significant violations and that will force cheaters to incur higher costs and endure greater inconvenience in order to accumulate a covert chemical weapons

stockpile. It is important to note that the convention's negotiators and advocates have never claimed that it provides an ironclad assurance that the world will become and remain free from all chemical weapons. That is an impossible standard to meet, so it should come as no surprise the convention does not meet it. Instead, the convention makes identification of cheaters more likely; it requires all non-cheaters to dispose of all chemical weapons—which, of course, the United States already was unilaterally committed to doing by law; and it will make it more difficult and expensive for cheaters to cheat.

A very important ally in the negotiations leading to the Chemical Weapons Convention was the U.S. chemical industry. It is counterintuitive to think that the chemical industry would participate in a negotiation that would ultimately bring additional regulation, notably data declarations and inspections, upon itself. To its credit, that is exactly what the U.S. chemical industry, and many of its counterparts in other nations, did. For well over a decade, the U.S. chemical industry provided invaluable assistance to the U.S. delegation and all of the negotiators in Geneva, opening their facilities to test verification concepts and proposing workable solutions for how the data declarations and inspections should operate. With the help of the U.S. chemical industry, the CWC emerged with sufficient provisions and restrictions to make trade in chemical weapons materials more visible and more difficult. The convention's inspectors will watch closely over the global industry, guarding against the diversion of commercial chemicals for purposes of weapons proliferation. At the same time, the treaty contains numerous safeguards that enable the industry to protect its confidential business information to its satisfaction, despite claims to the contrary that are made by some treaty opponents.

I want to be clear that despite all of its attributes, the treaty is not a panacea for the threat of chemical weapons. It can't be. But the convention's primary merit is that it will contribute to deterrence, exposure, and detection of chemical weapons proliferation of a militarily significant nature. By requiring the destruction of existing arsenals and making it much more difficult for future adversaries to acquire or increase chemical weapons stocks, the CWC greatly reduces the prospect that U.S. troops will encounter chemical weapons on the battlefield. Following in our footsteps as we move to unilaterally destroy our chemical weapons stockpile, the CWC will begin to level the international playing field by requiring other countries to eliminate their chemical weapons as well.

That is the balance. That is the judgment we are called on to make in the Senate.

Is this, as the Senator from Alaska was just saying, in the interest of our

country to protect our troops and the long-term interests of our Nation? I believe this convention makes identification of cheaters more likely. It requires all noncheaters to dispose of all chemical weapons, something we can't do today. And, of course, we have already unilaterally decided that we are going to get rid of all of our chemical weapons.

So here we are going down the road of getting rid of all of our chemical weapons, and here you have finally some form of legal structure that will hold other nations accountable.

Clearly the United States must never be complacent about the threat of adversary nations or terrorists armed with chemical weapons.

I respectfully suggest that nothing in this convention and none of those of us who advocate this convention begs complacency.

The convention's critics claim that the treaty will lull us into a false sense of security, resulting in a weakening of our defenses. To the contrary, the convention stipulates that each of its member nations is allowed to maintain defensive programs to develop and test antidotes, gas masks, and other protective gear and to train its troops in how to use them.

So it is really a question of us. I mean that there is nothing in the treaty that lulls us to sleep. The treaty specifically allows us to have defenses. And if we are, indeed, concerned about it, as we ought to be, we will have those defenses, precisely as this administration is offering us with an additional \$225 million of expenditure this year.

So how can you continually come to the floor and say, "Oh, my God, this is going to lull us to sleep" when the administration is providing an additional \$225 million?

It is our responsibility as elected officials to ensure that we maintain a robust U.S. chemical weapons defense program. To do less would be an injustice to our troops, a threat to our security, and a failure on our part to exercise fully our rights under this treaty. One of the 28 conditions to the treaty negotiated by Senators HELMS and BIDEN, and agreed to by the administration, condition 11, explicitly states this determination, and requires the Secretary of Defense to ensure that U.S. forces are capable of carrying out required military missions regardless of any foreign threat or use of chemical weapons.

The Pentagon's view of the convention is unambiguous. In his testimony, Chairman of the Joint Chiefs of Staff Gen. John Shalikashvili stated:

From a military perspective, the Chemical Weapons Convention is clearly in our national interest. The convention's advantages outweigh its shortcomings. The United States and all other CW-capable state parties incur the same obligation to destroy their chemical weapons stockpiles . . . if we do not join and walk away from the CWC an awful lot of people will probably walk away from it as well, and our influence on the rogue states will only decrease."

So here you have the general of our Joint Chiefs of Staff, the Chairman, coming before us and saying, indeed, the problem of the rogue states is not passing the convention. The problem is not having a convention because, if you do not have a convention, you don't have the kind of legal structure and inspection and tracking and accountability that help put pressure on those rogue states and limit the access of the rogue states to the materials with which they make chemical weapons.

The truth is that until the convention enters into force, the actions of any nation, signatory or not, to manufacture or to stockpile chemical weapons will be objectionable but it won't be illegal. Mr. President, it won't be illegal. And it is very hard for this Senator to understand how, against the regimen that we have for inspection—against the intrusiveness that we are acquiring that we don't have today, and measured by the level of destruction of existing stockpiles that is required, the people who today are under no obligation whatsoever to destroy those stockpiles—you could be better off without it against those who have it is really very, very difficult to understand.

General Shalikashvili's last point alludes to an argument often made by the treaty's opponents, who are quick to point out that not all of the countries believed to have chemical weapons will join. Indeed, that is true. Libya, Syria, Iraq, and North Korea have not signed the convention, but three-quarters of the nations on the intelligence community's list of probable proliferators have signed.

The truth is that until the convention enters into force, the actions of any nation—signatory or not—to manufacture or stockpile chemical weapons will be objectionable, but not illegal under any international law or agreement. Some colleagues in this Chamber suggest we defer United States ratification until after Libya, Syria, Iraq, and North Korea have joined. To them I would respond that failure to ratify gains us absolutely nothing with respect to those rogue states. We are in no way aided in meeting our intelligence and military obligations regarding those nations and their chemical weapons activities by failing to ratify the CWC; conversely, we are in no way impeded, and in fact are assisted, in meeting those obligations by ratification. Rather, I agree with the Chairman of the Joint Chiefs of Staff on this matter: We increase our leverage against these hold-out states by ratifying the Convention. We also make it more difficult for those hold-outs to obtain materials they can use in their chemical weapons programs.

Some opponents of the CWC, suggest that it is fatally flawed because adherence to or violation of its requirements cannot be verified.

We keep hearing this. It is interesting. At the hearings I kept hearing two arguments coming out from the people

who said you can't verify it. They say it is too intrusive, that we will give away all of the trade secrets of the businesses, so we can't allow obtrusive verification. They object to it because they think it is going to prevent business from conducting its business. And they go to the other side of the coin, and say, "If we get more intrusive, we are going to be verifying sufficiently but then you lose on the other side." You can't have it both ways. Either it is a balanced effort at verification and at the level of intrusiveness, which is why the chemical companies support this treaty.

Mr. President, the fact is that the very people who have argued for that intrusiveness—the Reagan administration, and most of the principal critics who are making that argument today—are the very people who insisted that the challenge inspections would be essential to the integrity of this convention.

Ironically, the handful of principal critics making this argument served in the Reagan administration and, fortunately, insisted that challenge inspections would be essential to the CWC's integrity. Virtually every inspection provision that the Reagan administration proposed was included in the treaty text when the negotiations concluded in 1992. Their proposals having been accepted, these critics now want to raise the bar even higher.

The CWC's verification provisions will put inspectors on the ground with sensitive equipment and the right to review records, ask questions, go to any part of a facility, and take and analyze samples. These powerful inspection tools are needed to get the job done, and it would be sheer folly for the Senate to deprive the U.S. intelligence community of the information that these inspections will provide. According to former Director of Central Intelligence James Woolsey:

What the Chemical Weapons Convention provides the intelligence community is a new tool to add to our collection tool kit. It is an instrument with broad applicability, which can help resolve a wide variety of problems. Moreover, it is a universal tool which can be used by diplomats and politicians, as well as intelligence specialists, to further a common goal: elimination of the threat of chemical weapons.

Another argument used by critics of the treaty is that Russia does not comply with other arms control treaties and that more of the same can be expected with the CWC. Reports from whistleblowers who worked in the Soviet chemical weapons production complex indicate that in the late 1980's and on into the 1990's, the Soviet Union was developing and testing a new generation of nerve agents. More recent reports suggest chemical weapons research, if not limited production, continues. Russia has declared a stockpile of 40,000 metric tons of chemical weapons—the world's largest—but reports indicate that even these numbers may be incorrectly low.

Mr. President, to the extent these reports of continuing Russian chemical

weapons activity are true, I join treaty critics—and, I confidently expect—all Senators in abhorring this Russian activity. I take second place to no Senator in wanting to use all capability at the disposal of the United States to obtain cessation of those activities, and destruction of all Russian chemical weapons. But treaty opponents seem to have stepped through the lookingglass in Alice in Wonderland. Simply insisting that Russia tell us the truth is no way to get the bottom of this situation. Refusing to ratify the CWC because we are piqued at their behavior is a classic example of what the old cliché refers to as "cutting off one's nose to spite one's face."

The United States greatly increases its leverage by ratifying the CWC, which will put pressure on Russia to follow suit. When Senate debate of the CWC was scheduled in the fall of 1996, it became evident that Moscow was feeling the heat of a pending Senate vote on the CWC. Suddenly, Russian officials backpedaled from a 1990 bilateral destruction agreement, which had not yet entered into force, and stated the CWC's activation should be delayed until the bilateral agreement was underway. This strategy belies Moscow's eagerness to postpone U.S. ratification. I, for one, am not buying it. The longer we wait to ratify the CWC, the more breathing room Moscow has. The time has long since passed to put some real pressure on Russia. Senate ratification of the CWC will do just that.

Another of the treaty opponents' claims is that the treaty requires the United States to share chemical and chemical weapons defense technologies and capabilities with even those party States that are rogue nations or adversaries of our Nation. Some claim that we would be forced to remove our current export controls applicable to chemicals with respect to all other parties to the CWC. Articles X and XI of the Convention are frequently referenced in this context. What is going on here, Mr. President, is very regrettable. The black and white language of the convention itself contradicts that view. And if the convention itself were not sufficiently clear in enabling the United States to refuse to provide any technology or other information or data that could be misused by rogue nations or adversaries, several of the 28 conditions to which bipartisan agreement has been reached directly address these concerns and should lay them to rest in all minds.

Condition 7 requires the President to certify before the ratification documents are deposited that the CWC will in no way weaken the Australia Group of nations, of which the United States is a participant, that has established a cooperative export control regime, and that every single nation that participates in the Australia Group must concur that there is no CWC requirement that would weaken the Group's export controls. Then, annually, certification is required to the Congress that the

Group's controls have not been weakened. Further, the condition requires the President to block any attempt within the Australia Group to change the Group's view of its obligations under the CWC.

Condition 16 requires the President to notify Congress if he ever determines the Convention's secretariat, the Organization for the Prohibition of Chemical Weapons, has willfully divulged confidential business information that results in a financial loss or damage to U.S. company, and to withhold half the United States' annual assessment toward the OPCW's expenses if such a breach occurs and the OPCW does not waive immunity for prosecution of any OPCW official involved in the breach, or if the OPCW refuses to establish an investigatory commission to investigate the breach.

Condition 15 requires the United States not to contribute to the voluntary fund the CWC establishes for providing chemical weapons defense assistance to other parties to the treaty, and, with regard to the CWC requirement for all treaty parties to assist other party nations who have been attacked with chemicals or are threatened with such an attack, the same condition limits U.S. assistance to those nations determined to be adversaries to medical antidotes and treatments.

Perhaps the least credible argument raised by the CWC's opponents is that this treaty would place unreasonable burdens on America's chemical industry. It would seem that those making this argument have not been listening to what the chemical industry itself has been saying for the last two decades. The chemical industry's reasons for supporting the convention are not altogether altruistic, but they are imminently logical. First and foremost, the chemical industry seeks to disassociate itself from the odious practice of making chemical weapons. Equally important, the U.S. industry long ago decided that the Chemical Weapons Convention would be good for business. The convention contains automatic economic sanctions that preclude treaty members from trading in controlled chemicals with states that do not join. The U.S. chemical industry, which is America's largest exporter, views the convention as a way to a more open marketplace. Industry representatives describe their obligations under the treaty as manageable and acceptable; to wit, the CWC will not impose inspections, regulations, intrusions, or costs greater than those already required by other Federal laws and standards.

But it is very important to go beyond the fact that the chemical industry believes the CWC will not impose significantly difficult burdens on its companies—and look closely at the critical fact that U.S. failure to ratify will result in tremendous financial and market share losses—grave in the near term and likely even worse in the longer term—for the U.S. chemical industry. In a letter dated August 29,

1996, the CEO's of 53 of America's most prominent chemical companies bluntly stated: "Our industry's status as the world's preferred supplier of chemical products may be jeopardized if the United States does not ratify the convention." The American chemical industry would be marked as unreliable and unjustly associated with chemical weapons proliferation. If the resolution of ratification of the CWC were to be defeated, it would cost the U.S. chemical industry significant portion of its \$60 billion export business—many in the industry have agreed on an estimate of \$600 million a year—and result in the loss of thousands of good-paying American jobs.

Under the terms of the CWC, some 2,000 U.S. industry facilities—not companies—will be affected by the treaty. Of that group, some 1,800 will be asked to fill out brief data declaration forms and the remaining 200 are likely to undergo inspections. Assertions that the neighborhood "Mom and Pop" dry cleaners, cosmetics firms, and breweries will be involved in this are wildly inaccurate.

In addition, although the industry's representatives explained patiently to Senators that the CWC's onsite verification and inspection procedures will not violate a U.S. company's constitutional protection against undue search or seizure, there is included in the 28 agreed conditions condition 28 that requires the United States to obtain a criminal search warrant in the case of any challenge inspection of a U.S. facility to which the facility does not give its consent, and to obtain an administrative search warrant from a U.S. magistrate judge in the case of any routine inspection of a U.S. facility to which the facility does not give its consent.

The U.S. chemical industry led by the Chemical Manufacturers Association, the Synthetic Organic Chemical Manufacturers Association, and the Pharmaceutical Research and Manufacturers of America have repeatedly and unequivocally requested that the Senate approve the resolution of ratification and pass its associated implementing legislation. Industry's support of this treaty should not be questioned, it should be applauded.

It's surprising to see nonindustry people shouting industry concern when the industry itself was intimately involved in developing the convention and the proposed implementation legislation and is urging the Senate to approve the resolution of ratification. The CEO's or other senior executives of seven major chemical firms with significant operations in my home State of Massachusetts are among those who have repeatedly urged the Senate to approve the resolution of ratification. Frankly, in my judgment, the statements of these executives concerning the effects this convention will have on their businesses are more credible than the contradictory statements of the opponents of the CWC.

Also among the arguments against the convention used by its critics is the assertion that the CWC will cost the American taxpayers too much money. On the contrary, the U.S. share of the CWC's monitoring and inspection regime, approximately \$20 million annually, is far less than the \$75 million annual cost to store America's chemical weapons. This \$20 million of support for the international inspection agency is minuscule in comparison to the amounts we spend for U.S. defenses. This is a small price to pay to institute and maintain an international mechanism that will dramatically reduce the chemical weapons threat that faces U.S. service men and women and establish an international norm for national behavior which is so apparently in the interests of this Nation and, indeed, all the world's people. And, lest the estimates of the costs of U.S. participation prove to be low, included in the 28 agreed conditions is a condition that limits the U.S. annual contribution to no more than \$25 million a year, to be adjusted every third year based on changes in the Consumer Price Index.

The United States led the international community throughout the negotiation of the Chemical Weapons Convention. Three administrations—two Republican and one Democratic—have labored to develop and place before the Senate a carefully crafted instrument that will increase the safety and security of U.S. citizens and armed forces and will do so at very reasonable costs to taxpayers, companies that make and use legitimate chemicals, and American consumers. Former Presidents Ford, Carter, and Bush have spoken out strongly in favor of ratification. Today 1996 Republican Presidential nominee and former Senate Majority Leader Robert Dole announced his support for the CWC coupled with the 28 conditions to which bipartisan agreement has been secured.

Rarely does one see a situation in which it is more important to apply the admonition that we would be wise not to let the perfect become the enemy of the good. Perfect security against chemical weapons is unattainable. I have great hopes that wise Senators will not permit a group of Senators who will not be satisfied by the greatest achievable increase in our security, and many of whom have a basic objection to any international arms control treaty to scuttle a carefully engineered agreement that our military leaders, our intelligence community senior executives, former Presidents of both parties, President Clinton, and 1996 Presidential nominee Dole agree will make all Americans and, indeed, the entire world safer and more secure from chemical weapons.

In closing, I want to commend those who have labored diligently to bring the Senate to this point. Former Senate Foreign Relations Committee Chairman RICHARD LUGAR, with the assistance of his able staff, has done yeoman service and again demonstrated

his capacity as a leader and statesman. Senator JOE BIDEN, the ranking Democratic member of the Foreign Relations Committee, has labored, also with the help of his staff, to bring this treaty before the Senate. Senator CARL LEVIN, ranking Democrat on the Armed Services Committee, and Senate Democratic Leader TOM DASCHLE, each knowledgeable and dedicated, have made considerable contributions to this effort and to the debate. Majority Leader TRENT LOTT's leadership has permitted negotiation of 28 conditions designed to reassure those who in good faith had questions and concerns about various aspects of the treaty. I compliment and thank all of them.

Mr. President the compelling logic of this convention and the breadth and depth of support for it should produce an overwhelming vote to approve the resolution of ratification. I have great hope that the Senate will demonstrate its ability by taking this important step of ratifying this treaty. I urge my colleagues to vote for the resolution.

#### PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent, under the new rules governing access to the floor, that Scott Bunton of my staff, be permitted access to the Senate floor as long as the Chemical Weapons Convention is being debated.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I now invite the distinguished Senator from Oklahoma [Mr. INHOFE] to take the floor to make whatever comments he may require.

Mr. INHOFE. I thank the chairman.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

First of all, let me say that there have been a lot of charges made back and forth. And certainly I don't question the sincerity of any Senators who have spoken on the floor, nor any positions they have taken, nor do I question their motives. They clearly think that they are right and that I am wrong. I think I am right. And the right position is not to ratify the Chemical Weapons Convention.

The distinguished Senator from Massachusetts talked about "lulling" people into a false sense of security. There is a very interesting editorial in the Wall Street Journal on that subject—that people are going to believe that something is going to be done with this, that it is going to eliminate or dramatically reduce chemical weapons. We have testimony from very distinguished, well-known, former Secretaries of Defense—four of them—who say that this, in fact, could increase the proliferation of chemical weapons around the world, and particularly in the area of rogue nations.

Let me just address one other thing because my beloved friend, Bob Dole,