

The world is watching the Senate now, watching the greatest nation on Earth and hoping that we will lead the way to ridding our planet of these poisons. I urge my colleagues to join across party lines and approve this treaty, because when it is approved, our world will be a safer place.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico is recognized.

MR. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 633 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. I ask unanimous consent that Peter Lyons, a legislative fellow working in my office, be granted the privilege of the floor for today and the remainder of the debate on this issue.

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

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe it is crucial to American leadership and to the security of our men and women in the Armed Forces and, indeed, to all of us in America, that the Senate provide its advice and consent to the ratification of the Chemical Weapons Convention so that the United States can join it as an original party.

The security of our men and women in the Armed Forces who someday may face the threat of chemicals, the security of our people who constantly face the threat of terrorists and terrorist states that try to get their hands on chemical weapons, all demand that the Senate join as an original party to this convention and ratify this treaty. To ratify it and to make it real, we have to do so without accepting any of the killer amendments that would render this ratification vote useless.

I say this, and I reached this conclusion as a member of the Armed Services Committee who has listened to our military leaders testify before us, who has read the testimony of these leaders who have said that the ratification of this convention is unequivocally in our national security interest because it will reduce the risk of our military forces encountering chemical weapons on a future battlefield.

In 1985, President Reagan signed a law which has resulted in our unilaterally destroying our stockpile of chemical weapons. This process will be completed in 2004. The destruction of our chemical weapons will take place, whether or not the United States ratifies the convention. We are destroying our chemical weapons. We are doing so because we decided they are no longer militarily useful and they are too expensive to maintain and we have all the capability we need to deter attack and to respond to attack. So that

President Reagan, in 1985, proposed and the Congress accepted his proposal that we destroy our chemical weapons. What this convention will do will be to require other nations to do what we are already doing, and that is going to reduce the risk of chemical attacks against our troops and our Nation.

General Shalikashvili, the Chairman of our Joint Chiefs, has had a great deal to say about this treaty. This is what he wrote on April 8. He said that:

The ratification of the Chemical Weapons Convention by as many nations as possible is in the best interests of the Armed Forces of the United States. The combination [he wrote] of the nonproliferation and disarmament aspects of the convention greatly reduces the likelihood that U.S. forces may encounter chemical weapons in a regional conflict. The protection of the young men and women in our forces, should they have to go in harm's way in the future, is strengthened, not diminished, by the Chemical Weapons Convention.

Then he went on to say:

We do not need chemical weapons to provide an effective deterrent or to deliver an effective response.

When the Chairman of the Joint Chiefs of Staff, every member—every single member of the Joint Chiefs, and every combatant commander have reached the same conclusion, that the ratification of this treaty is in our national security interests and will reduce the likelihood of our men and women ever facing chemicals in combat, it seems to me we should listen. When they tell us that we are already unilaterally destroying our stockpile of chemical weapons and that what we are doing by joining this convention is being in a position where we will be able to help reduce the risk that others will obtain chemical weapons, we should listen. And when they tell us that they know that this is not perfectly verifiable but that this will reduce the chances that chemical weapons will fall in hands of terrorist states or terrorist organizations or individuals—when our top military leaders tell us that, we should listen.

They have acknowledged what everyone has acknowledged. There is no way to perfectly verify a chemical weapons convention. But what they have also told us is that following their analysis of this treaty, that because of the intense inspection regime which is provided for here, that we will be able to reduce the risk that any militarily significant amount of chemicals will fall into the hands of an opponent or a future opponent. It is not a matter of perfection, they tell us. It is a matter of improving our current position. That sounds like a security bargain to them and it ought to sound like a security bargain to us. Our senior military leaders have a unique perspective on what makes our military stronger or more secure. And they have agreed. They have agreed that this treaty is good for our security. All the Chiefs of Staff, as I have said, the Chairman of the Joint Chiefs and the combatant commanders have urged that we ratify this treaty.

This is the way General Shalikashvili made that point. He said, "I fully support early ratification of the Chemical Weapons Convention and I reflect the views of the Joint Chiefs and the combatant commanders."

The previous Chairman of the Joint Chiefs, General Powell, spoke very forcefully on this issue just last week. He was addressing the Senate Veterans' Affairs Committee on April 17 during a hearing on gulf war illness, but he said this relative to the convention on chemical weapons:

I think one of the greatest things we can do over the next 2 weeks is to pass the Chemical Weapons Convention treaty. This is a good treaty. It serves our national interest. That is why it was negotiated beginning in Ronald Reagan's term, and I helped participate [The "I," here, being Colin Powell]—I helped participate in those negotiations as National Security Adviser, and that is why we signed it in the administration of President Bush. And I participated in the development of the treaty during those days as Chairman of the Joint Chiefs of Staff and I supported the treaty then and I support it now.

Then General Powell went on to say the following:

There are some uncertainties associated with the treaty and there are some criticisms of the treaty. I think those criticisms can be answered and dealt with. But we should not overlook the simple fact that, with the treaty, the United States joins over 160 nations in saying to the world that chemical weapons will not be used, will not be made, will not be developed, will not be produced, and we will not share the technology associated with chemical weapons with other nations who are inclined to use them inside or outside the confines of this treaty.

Then he went on to say the following:

Not to participate in this treaty, for us to reject the treaty that we designed, we signed, for us to reject that treaty now because there are rogue states outside that treaty is the equivalent of saying we should not have joined NATO because Russia was not a part of NATO. It's exactly because there are these rogue states that we should join with an alliance of over 160 nations to make a clear international statement that these are rogue nations.

And he concludes:

Not signing the treaty does not make them no longer rogue nations. So I think this is a fine treaty and it is one of the things the Senate can do to start to get a better handle on the use of these weapons of mass destruction and especially chemical weapons.

Mr. President, Secretary Cohen addressed the Chemical Weapons Convention at great length before the Armed Services Committee.

I ask the Chair whether or not I have used up the 10 minutes that I allotted myself?

The PRESIDING OFFICER. The Senator from Michigan has 15 seconds remaining.

Mr. LEVIN. I thank my Chair. I will just yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. LEVIN. Now, Secretary Cohen, our former colleague Bill Cohen, has testified before the Armed Services Committee on this subject. He has filed

some lengthy testimony supporting the Chemical Weapons Convention. To summarize what he said, and here again I am quoting:

The Chemical Weapons Convention is both a disarmament and nonproliferation treaty. It is very much in our national security interest because it establishes an international mandate for the destruction of chemical weapons stockpiles, because it prohibits the development, retention, storage, preparations for use, and use of chemical weapons, because it increases the probability of detecting militarily significant violations of the CWC.

And, here he said that:

While no treaty is 100 percent verifiable, the Chemical Weapons Convention contains complementary and overlapping declaration and inspection requirements which increase the probability of detecting militarily significant violations of the convention. While detecting illicit production of small quantities of chemical weapons will be extremely difficult, it is easier to detect large-scale production, filling and stockpiling of chemical weapons over time through declaration, routine inspections, factfinding, consultation and challenge inspection mechanisms. The verification regime should prove effective in providing information on significant chemical weapons programs that would not otherwise be available.

In conclusion, there has been reference to a classified session tomorrow, which will be held relative to advice from the intelligence community.

Relative to this point, I will only say that the Acting Director of Central Intelligence, George Tenet, has said, "The more tools we have at our disposal, the better off we feel we are in our business." And he said that as part of an acknowledgment that we can never guarantee that a power that signs up to this agreement will not cheat. "No regime is foolproof, particularly with regard to these dual-use capabilities. Nothing is going to guarantee success but," George Tenet concluded, "the more tools we have at our disposal, the better off we are in our business."

I also hope that our colleagues will come to that classified session tomorrow. I am very confident that they will conclude, as I have concluded after listening to the intelligence community, that it is very much in our interest, from an intelligence perspective, that we have these tools in our tool kit, and that these additional verification and inspection capabilities are very, very much in our Nation's interest.

This treaty will enter into force on April 29 whether or not we ratify, but our ratification will make a big difference in the effect the treaty has on us and on our leadership in the world. Is it perfect? No, nothing in life is. Is it an improvement to our present position in terms of inspection of other countries? Surely it is, and we should listen to that top uniformed military official, General Shalikashvili, when he tells us our troops are safer, because if we ratify this convention, it is less likely—not certain—but less likely that they will ever face chemical weapons in combat.

Mr. President, I yield the floor, and if my good friend from Rhode Island is ready, I will be happy to yield him 7 minutes. If there is nobody on the other side, I yield 7 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to add my voice to the chorus of support for the ratification of the Chemical Weapons Convention. As a former company commander in the 82d Airborne Division, I have a keen interest in an international diplomatic agreement that will protect soldiers from one of the most terrible perils of war. As a Senator, I believe that the United States has a duty to assume a leadership role in this ambitious, global effort to not only reduce, but eliminate, an entire class of weapons of mass destruction.

U.S. ratification of the Chemical Weapons Convention is a paramount first step in removing the threat of chemical warfare on the battlefield. Soldiers in World War I were the first to know the terror of the release of poison gas. Over 1.3 million soldiers were injured or killed by chlorine and mustard gas during the Great War. This enormous number of casualties led to the negotiation of the Geneva Protocol in 1925 which banned the use of chemical weapons in wartime. Eighty years later, however, young soldiers are still plagued by the dangers of chemical warfare. Many veterans of the Persian Gulf war fight illness and lie awake at night, worrying and wondering, "Was there something in the air?"

But this is not a treaty which will just protect soldiers in a time of armed conflict, it is a treaty which will protect innocent civilians from terrorist attacks. The 1995 Sarin gas attack in a crowded Tokyo subway that killed and injured dozens made this scenario a reality for everyone. It is imperative that we do what is necessary to ensure that such an incident becomes a distant memory rather than a daily fear.

The Chemical Weapons Convention bans the development, production, acquisition, stockpiling, transfer or use of chemical weapons by signatories. It requires the destruction of all chemical weapon stockpiles and production facilities. Parties to the convention must begin to destroy weapons within 1 year and complete the process within 10 years. If we ratify this treaty, we will take an important step toward eliminating the production, storage and use of blister agents, like mustard gas, which destroy exposed skin tissue; of choking agents that inflame the bronchial tubes and lungs and cause asphyxiation; of blood agents that block the circulation of oxygen when inhaled; and of nerve agents that cause the nervous system to overload, resulting in respiratory failure and death. The goal of this treaty is to ensure that these deadly chemicals will never again be dispersed over troops or civil-

ian populations by bombs, rockets, missiles, artillery, mines, grenades or spray.

Chemical weapons are terrifying because they kill quickly, silently, and indiscriminately. Even more disturbing is the fact that their production is easy, cheap and simple to conceal. With a little know-how, a solvent used in pen ink can be converted into mustard gas and a chemical common in pesticides becomes an ingredient in a deadly nerve agent. It must be acknowledged that eliminating chemical weapons is a herculean task. But the Chemical Weapons Convention, which we are finally considering today, addresses this challenge. This treaty is the most comprehensive arms control agreement ever negotiated. It institutes an extensive and intrusive verification regime which will include both government and civilian facilities. International teams of inspectors will conduct instrument-monitoring as well as routine and random onsite inspections of facilities known to work with chemical agents. Furthermore, it allows challenge inspections, without right of refusal, of sites suspected of producing or storing chemical weapons. The convention also requires export controls and reporting requirements on chemicals that can be used as chemical warfare agents and their precursors. In addition, the treaty establishes the Organization for the Prohibition of Chemical Weapons [OPCW], a permanent body which will oversee the convention's implementation and ensure compliance. The enemy is elusive but 162 signatory countries decided this treaty was the best means of waging war against chemical weapons.

In January 1993, President Bush joined dozens of other nations in Paris and agreed to meet the challenge of eliminating chemical weapons by signing the Chemical Weapons Convention. Now some members of this chamber, members of President Bush's own party, are second-guessing that decision. The problem is that if we drag our feet any longer, the United States will be left behind. April 29, 1997 is not an artificial deadline imposed by a political party. One of the provisions of the treaty is that it enters into force 180 days after the ratification by the 65th country, and in 6 days, on April 29, the 74 nations who have ratified the treaty will begin its implementation. If we do not vote to ratify the Chemical Weapons Convention, we will not stop it. In fact, we will not even become a passive bystander. Instead, we will become the target of the trade restrictions that make this treaty so powerful.

Now, no one can say the Senate has not had ample opportunity to consider this agreement. Thirteen years and two administrations ago, President Reagan proposed this treaty to the United Nations. It was approved by the United Nations in 1992 and President Bush signed the convention weeks before he left office. Several months later, President Clinton presented the CWC to the

Senate for consideration. The Committees on Foreign Relations, Armed Services, Intelligence, and Judiciary held 17 hearings over three Congresses. The administration has provided the Senate with over 1,500 pages of information. In the past 2 months, the administration and a task force formed by the majority leader have held almost 60 hours of discussion. Twenty-eight additional conditions, statements, understandings, and declarations to the resolution of ratification have been reached. The overwhelming evidence persuasively argues that now is the time to ratify this treaty.

Ratifying the Chemical Weapons Convention complements the existing military strategy of the United States. We are already committed to unilateral destruction of our chemical weapons. In the early 1980's, the Department of Defense declared about 90 percent of our Nation's chemical weapons obsolete. In 1985, Congress directed destruction of these weapons. President Reagan signed the law that would eliminate approximately 30,000 metric tons of blister and nerve agents by the year 2004. Even President Reagan, one of the greatest advocates of a strong military, decided that chemical weapons were not needed to remain the most powerful fighting force in the world.

We have much to gain by ratification. This treaty will force other nations to adopt the same standard as the United States. The monitoring regime and trade restrictions imposed by the convention will make the production and storage of chemical weapons by rogue states infinitely more difficult and costly. The CWC improves our ability to keep our troops safe and makes the enemy more vulnerable by reducing its options of weaponry.

If we do not ratify the Chemical Weapons Convention, we will abdicate our leadership role in the world. As I have said before, the United States initiated this treaty. It was American leadership that led the negotiations through to completion. It would be irresponsible, both to Americans and the world, to abandon the convention on the eve of implementation. If we do not ratify this treaty tomorrow, the United States will not be able to participate in the executive council which will oversee the implementation of the treaty. Furthermore, U.S. citizens will not be eligible to become international inspectors and serve in other key positions. The ratifying countries will be forced to carry on our idea without us, and the United States will have no choice but to stand aside and watch.

Without our expertise and support, the entire convention may be jeopardized. One of the key elements of the treaty is intelligence gathering. The United States has the most sophisticated intelligence network in the world. If our country refuses to participate, we deny our intelligence community the opportunity to tap into new sources of information and we may

cripple the verification regime by denying the international community the benefits of our knowledge.

In addition, the United States is the only nation with extensive experience in destroying chemical weapons. We are also the only country investing heavily in research and development to find methods other than incineration to destroy these weapons. Without our advice, participants in the convention risk inadvertent but dangerous accidents and may squander scarce financial resources attempting to reinvent the wheel in learning how to destroy weapons. Furthermore, if the entire international community pools its resources, both intellectual and financial, to discover safe, environmentally sound methods of destruction, the development time would certainly be reduced. If we show reluctance to ratify the treaty, we will undermine the confidence and commitment of the entire international community. It is counting on us to continue to lead the way.

There are critics of this treaty, but their criticism, I think, misses the mark. This will not inhibit our business, it will help our chemical business. This treaty is not perfect, but it is a better tool for controlling weapons than having no treaty whatsoever. We are, I hope, committed to the path of destruction of our own weapons and to ensure that the rest of the world follows this very prudent, indeed, noble course.

Vocal critics of the Chemical Weapons Convention claim that it is fatally flawed. They state that we should not ratify this treaty because we will not be able to verify that chemical weapons are completely eliminated. Of course this treaty is not perfect. But we will have increased our capability to find and eliminate large scale production of chemical weapons which can cause the most damage. The verification regime will also enable us to discover production and storage of small quantities of chemical weapons that we have little or no chance of discovering now. The CWC is not a panacea, but no law or treaty is. It is a tool that can help us solve a problem. Isn't it better to use the tool to try and fix the problem rather than simply admit defeat?

Critics also contend that the treaty cannot be effective until all nations, particularly those who are known to possess chemical weapons, ratify the convention. It will be impossible to convince every rogue state to sign the treaty. It is also safe to say that some who sign the treaty will cheat. But the CWC is designed to isolate and cajole those who do not join. The treaty uses a most effective weapon against rogue states—economics. Trade restrictions will be implemented against these nations and they will soon be unable to acquire "dual use" chemicals which they need for the production of common items. As these nations begin to feel the pressures from shortages, they may find it advantageous to sign the treaty. Trade restrictions are one of

the most effective weapons that the international community has.

In an era when balancing the budget is of primary importance, it is not surprising that opponents cite the cost of joining the treaty as a reason for not ratifying it. I cannot dispute that there is a financial price for joining the convention. Most of the costs will be incurred for maintaining the activities of the Organization for the Prohibition of Chemical Weapons [OPCW]. These costs will be apportioned according to a system similar to the one used by other international organizations. In addition, each signatory which destroys its stockpile must repay the OPCW for costs associated with verification. In his budget, the President requested about 20 cents per American to pay for CWC costs, a small price for the elimination of chemical weapons. Furthermore, members of this body can ensure that this cost does not escalate in the future, because the conditions agreed to in the Senate Executive Resolution allow Congress to control future payments by granting it the authority to authorize and appropriate any funds above this level. The cost of the CWC is reasonable, and certainly less than the cost of "going it alone" or entering a battlefield where chemical weapons are being used.

Critics of the CWC claim that American private businesses will bear the brunt of the treaty provisions. However, the U.S. chemical industry, the private business which will be most affected by this treaty, heartily endorses its ratification. Contrary to what some have claimed, the burden on industry has not been discounted or ignored. The major trade associations which represent the chemical industry, like the US Chemical Manufacturers Association, have actively worked with those writing the treaty for the past 15 years. The chemical industry helped develop the confidentiality provisions, the data declarations and the inspection regime. Certain companies even participated in the National Trial Inspections to test the verification procedures outlined in the Chemical Weapons Convention. In addition, the conditions agreed to in the Senate Executive Resolution further protect businesses from unreasonable searches and seizures and the dissemination of confidential information. Less than 2,000 facilities will be affected by the treaty, and the vast majority of these must do no more than complete an annual two page form.

Opponents of the Convention claim they are protecting American business interests. But American businesses seem to disagree. They fear, in fact, that the Senate will not ratify the treaty. Ironically, if we do not make the right decision tomorrow, our chemical companies will become subject to the same trade restrictions that will be imposed on non-signatories such as Libya, Egypt, Iraq, North Korea, and Syria. More than \$600 million a year in sales could be lost. Treaty critics are

protesting so loudly, they seem unable to hear the voices of the constituencies they claim to protect.

We have overcome many hurdles to reach this point: Years of negotiations among the nations of the world, months of negotiations among the leaders of this Nation. We are finally debating this treaty on the floor of the Senate today because we have agreed to an unprecedented 28 conditions—28 duties, declarations and understandings added to a treaty which was proposed, negotiated and agreed to by Republican administrations. But, unfortunately, five hurdles remain. Five conditions demanded by opponents of this treaty may prevent the United States from assuming its proper role of leadership in an ambitious arms control treaty. These conditions unacceptably compromise the treaty and the ability of the United States to participate in its implementation. These conditions are simply not fair play. Every member of this body has a right to oppose this treaty. They can voice their opposition by voting against it and their opinion will be respected. But hobbling the ability of the United States to ratify the Chemical Weapons Convention strikes an unwarranted blow to international arms control and our political process. I urge my colleagues to vote against these five killer conditions.

Mr. President, 34 years ago, President John F. Kennedy undertook the challenge to convince the Senate and the people of the United States of America should ratify the Limited Test Ban Treaty. The same questions were raised about verification, about the reliability of those who might sign the treaty or who might not sign the treaty. In a nationwide television address, President Kennedy reminded us:

We have a great obligation . . . to use whatever time remains to prevent the spread of nuclear weapons, to persuade other countries not to test, transfer, acquire, possess or produce such weapons.

According to the ancient Chinese proverb, "A journey of a thousand miles must begin with a single step." My fellow Americans, let us take that first step. Let us, if we can, step back from the shadows of war and seek out the way of peace. And if that journey is a thousand miles, or even more, let history record that we, in this land, at this time, took the first step.

Complementing the President's words, though, were the words of a very wise, distinguished statesman of the Chamber, Senator Everett Dirksen of Illinois. In September of that year, 1963, he came to this Chamber and began a speech, but threw the pages away and spoke spontaneously from his heart and said:

A young President calls this treaty the first step. I want to take a first step, Mr. President. One my age thinks about his destiny a little. I should not like to have written on my tombstone, "He knew what happened at Hiroshima, but he did not take a first step . . ."

We know what happened in World War I with poison gas. We know what

happened in the Tokyo subway with sarin gas. Let us not have it said on our tombstone that we knew but were unwilling to take a first step. Let us, like the statesmen before us, take a first step to control weapons, to reduce weapons, to provide a more peaceful, a more dignified world.

Mr. President, I hope we will take that first step and discharge our obligation to the world and to the citizens of this great country.

On the eve of the vote to ratify another historic agreement, one that seeks not just to limit weapons of mass destruction, but eliminate them, the words of President Kennedy and Senator Dirksen still ring true. We have an obligation to take the first step. Let us do so.

I yield back my time.

The PRESIDING OFFICER. Who yields time? The Senator from North Carolina.

Mr. HELMS. Mr. President, I listened in amazement to some of the statements being made today about a non-existent treaty. The treaty before us I understand, but I do not understand the descriptions that some are indicating that they believe are accurate.

Furthermore, I was astonished at the number of companies that will be required to provide annual business information and undergo routine annual inspections under this arms control treaty, and that is what it is, an arms control treaty.

The Chemical Weapons Convention, so-called, will affect companies engaged in coke, coal, steel production, mining, crop protection, fertilizers, paper production, wood preservation, chlorine manufacturing, color pigments, paint, ink, die stuff production, speciality coatings, powder and roof coatings, plating and packaging, compressed gas, cosmetics, toiletries and fragrances, drug chemicals manufacturing, pharmaceuticals, plastics, textiles, custom chemicals, food, wine, beer, processing and electronics, among others.

The list I just read, as long as it is, is not all of them. So anybody sitting in television land listening to this conversation in the Senate today, I suggest, as the saying goes, wake up and smell the coffee and give some thought about what is going to happen to the business community if, as and when this treaty is ratified.

It is not an ethereal thing that is floating through the air, dropping little rose petals, it is something that can bollix this country up. And yet what you hear from so much of the media and so much of the White House and other proponents of this treaty is simply not so.

I note, however, that even this long list does not cover companies likely to be affected by the CWC, and I simply do not believe it advisable for the Senate to learn belatedly the far-reaching implications of this treaty for businesses of all kinds across the United States of America. As the April 15, 1997, hearing, recently, before the Senate Committee on Foreign Relations demonstrated,

compliance costs—compliance costs, the cost of complying with this treaty—will place a massive new regulatory burden upon so many companies who don't even know it is going to hit them, along with an unprecedented on-site inspections and data declarations that may very well compromise trade secrets vital to the competitive edge of many, many businesses.

So you see, we are dealing with a lot of untrue, inaccurate statements. I am not saying everybody is deliberately distorting the facts. In the media, they do not know what it is all about. I did see Helen Dewar the other day sitting down and having lunch reading the treaty. Bless her heart, she was trying. She looked up and said, "I'm trying to understand this." Well, Helen Dewar is a great reporter with a not so great newspaper, but she was sitting there eating her lunch with the treaty before her.

I would like to take a poll of all the people who have commented on this treaty and see how many of them have even looked at it. That is the problem. That is the problem. But at our hearing the other day, a number of companies, including two members of the Chemical Manufacturers Association, provided testimony relating to rising concerns about the chemical weapons treaty.

Now, then, here is a fact, indisputable: Companies will have to bear an entirely new reporting burden beyond anything required by, say, the Environmental Protection Agency or the Occupational Safety and Health Administration or the International Trade Commission or the Census Bureau—and just name the various State and local agencies that require reports.

Nobody says that on Pennsylvania Avenue about those reports, about the paperwork. Oh, no, we are not going to mention that because they might ask us too many questions. That is precisely the problem. Everybody has been dancing around the truth on this treaty. As a consequence, too few Americans understand the scope of it.

For those businesses that are covered, current reporting thresholds are much higher than those required under the CWC. Some regulations require only prospective rather than retroactive reporting. Moreover, several environmental regulations—how do you like them apples?—will apply to the chemical producers but not to processors or consumers. And reporting deadlines for the chemical weapons treaty are shorter and will require more frequent updates than estimates currently required by the EPA.

So, if you would like to file reports with the EPA, you will file more reports with this chemical weapons treaty. The regulations imposed by EPA and OSHA and all the others, in 1992 alone, 1 year, cost the chemical industry approximately \$4 billion—\$4 billion with a "B"—\$4.9 billion.

Now, isn't it a bit incredible that one major chemical manufacturer employs 1,700 of its 50,000 personnel for the sole

purpose of satisfying Federal and State requirements for environmental and regulatory data? That is why, Mr. President, I am concerned that while large, international chemical industries such as those represented by the Chemical Manufacturers Association may be able to afford the cost of the new regulations as a result of the ratification of this chemical weapons treaty, these same requirements will be proportionately far more burdensome for small businesses. That was the point that Don Rumsfeld, former Secretary of Defense, made when he appeared before the Foreign Relations Committee. But that was kept a secret by the news media. They hardly touched on anything that the four former Secretaries of Defense came and testified to. Well, let me correct that. One of them, it was delayed at the last moment, sent a letter.

Now then, there are roughly 230 small businesses which custom synthesize made-to-order products and compete with the large chemical manufacturers. They generally have fewer than 100 employees. They are small businesses, and they have annual sales of less than \$40 million each.

Few, if any, of them can afford to employ the legions of lawyers just to satisfy the new reporting requirements of this chemical weapons treaty. Nobody talks about that. Sandy Berger down at the White House has not even mentioned it. He is telling TRENT LOTT and all the rest what to do. Yet, Bob Dole writes letters, but they did not talk about the details of the impact and the burden to be piled on the small businesses of America.

It will not be reported in tomorrow's paper. You will not hear a thing about it unless you are looking at C-SPAN. That is one thing wrong with this country today—no warning is given the American people about some of the actions and some of the proposals that come up in the Congress of the United States.

Mr. President, equally as important, Senators should be careful to note that the onsite inspection provisions of the CWC increase the potential for compromising proprietary information which is offered as the very basis for a company's competitive edge. Many companies will not survive if they had to do without their competitive edge.

While it may be difficult to assess the potential dollar losses associated with the inspections under the chemical weapons treaty, it is clear, Mr. President, it is absolutely clear, that information gleaned from inspections and data declarations could be worth literally millions and millions of dollars to foreign competitors. You better believe that they will be digging for it every time they get a chance. So that is what some of us have been talking about and some of us have been pleading, let us get this thing straightened out before we make the mistake of ratifying this treaty.

Let me tell you something. I do not enjoy having my shirttail on fire in the

newspapers and on television about opposing a treaty that the newspapers and the television programs say is a wonderful treaty. But I stood there, as I said earlier this afternoon, five times, and I have taken the oath of office as a Senator. A part of that oath, I say to you, Mr. President, is to support the Constitution of the United States, defend it, and defend the American people. I have done my best to do that for every year that I have been here.

So as Don Rumsfeld, the former Secretary of Defense, emphasized in his testimony during his appearance, which was unnoticed by the news media, his appearance before the Foreign Relations Committee, Don Rumsfeld emphasized that the greatest threat is not—is not—to the large, diversified chemical manufacturers who have the lobbyists lobbying for this treaty—you fall all over the lobbyists—but it is going to be the threat to other companies that are trying to concentrate on a single market or a particular technological nature.

A company whose profitability and economic survival derives from the cost or quality advantage in one type of process will be particularly vulnerable to industrial espionage.

One other thing. For some companies even visual inspection might reveal a unique process configuration of great value to a would-be competitor.

While big chemical businesses routinely undergo Federal inspections, the chemical weapons treaty will allow a whole cadre of international inspectors from countries routinely engaging in economic espionage to inspect hundreds of facilities around the United States on a recurring basis.

Among the companies potentially hardest hit by treaty inspections will be those companies that engage in technologically intensive applications, such as the biotechnology and pharmaceutical sectors as well as the manufacturers of commercial and military aircraft, missiles, space-launch vehicles, and other equipment of a highly sensitive nature. The economic integrity of these companies is essential not only to the economic stability of the United States, don't you see, but in many cases to our future national security.

I, for one, was not surprised to have discovered that the Aerospace Industries Association stated in a March 13, 1997, letter to the majority leader of the U.S. Senate:

We are very concerned, however, that the application of the Convention's reporting and inspection regime to AIA member company facilities could unnecessarily jeopardize our nation's ability to protect its national security information and proprietary technological data.

At this point I am going to pause so that Senator BROWNBAC can be recognized.

We had several of those favoring the treaty in a row, and I think it is fair for Senator BROWNBAC to be recognized—for how long?

Mr. BROWNBAC. Seven minutes, if I could.

Mr. HELMS. Seven, eight minutes. I yield to the Senator for that purpose.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBAC. I thank the Senator from North Carolina for yielding to me for a few minutes to discuss this critical issue in front of the U.S. Senate, the Chemical Weapons Convention.

I would like to state at the very outset of my statement that I would like to be on record that as to the earlier vote we had today of supporting the CWC treaty that came to the floor earlier, that we had an oral vote on, that I support that treaty. I support it. And I will go into the reasons why I supported that and why I will have problems ultimately voting for it if we do not hold tightly to what hit the floor earlier.

Mr. President, I just want to talk about this as a couple people would perhaps talk about it if they were sitting somewhere across this country, somewhere in my State of Kansas, and how they look at the Chemical Weapons Convention.

I think they would sit down and ask themselves: If we enter into this Chemical Weapons Convention Treaty, will it be less likely for chemical weapons to be used in the world or will it be more likely for chemical weapons to be used in the world? It seems to me that that is the real crucible that we have to decide this under: Is it more likely or less likely if we enter into this treaty?

I take this treaty obligation very seriously. I chair the Middle East Subcommittee for Foreign Affairs, the region of the world where perhaps you have the most concentration and the most potentially recent use of chemical weapons happening in a battle situation. This is a very important issue in that region of the world. It is a very important issue in the United States as far as, are we going to be able to rid the world of these terrible, horrible weapons of mass destruction? I take that very seriously. So I have sat and I have visited with a number of people, experts on both sides.

On Monday I did maybe an unusual thing for a Senator. I read the treaty. The parts of it I had not read, I have now read the treaty. I need to get on through the attachments, but I have gone through this. I have looked at the arguments. I have looked particularly at the problems. I have looked at the overall good aspects of it, and I want to say that I do strongly support the objectives of the Chemical Weapons Convention. We must oppose the use and existence of chemical weapons. There is just no doubt about it. They are an abomination that needs to be removed from the face of the Earth. We all agree on that.

But it is actually for that reason, however, that I have some great difficulties with one particular provision—a number of them within the

treaty actually, but one in particular. That is article X of this treaty. It is for that reason, if that is left in this treaty, I do not think that I can support the overall vote, if article X is left in.

Let me say why. The Chemical Weapons Convention, if that is left in, I believe will have the exact opposite of the intended effect. And that is, as I said at the outset, are we going to have more chemical weapons used or less? If article X is left in, I fear greatly we are going to have more use of chemical weapons taking place even though the purpose is exactly the opposite.

Let me say why. Article X requires nations to share defensive technology regarding chemical weapons. It is something that has been discussed at some length. The particular paragraph reads this way:

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.

In other words, we are going to be sharing technology, particularly defensive technology, which is very high technology in many of these areas. I fear that that technology is going to more easily get into the hands of rogue nations, like Iran. I am very concerned about their getting weapons of mass destruction.

We had a hearing last week in the Middle East Subcommittee regarding the threat and the expansion of Iran's capacity for mass destruction. The Chinese—and this is unclassified information—have sold precursor chemical weapons to the Iranians. This has in fact occurred. They do not use that without defensive technology to support their own troops, yet this treaty will make the possibility of their getting that defensive technology more likely, if not even ordered within the treaty.

You can say, wait a minute. That is just your interpretation. Well, let us look at what Secretary Cheney has said on this, former Defense Secretary Dick Cheney, an admirable man, who served in the House of Representatives, also in the administration under President Bush. He says this about this treaty:

[the] 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.

Then he is joined, of course, as you know, by former Defense Secretaries Schlesinger, Weinberger, Rumsfeld, and others.

Now you say, well, this is not going to happen. That is just not going to occur. We are not going to have people selling them this sort of technology, either us or other nations. And maybe we will not do it. But will other nations then step forward and sell this defensive technology? You say no, that will not happen. There have been people al-

ready pointing out the fact that actually that has already occurred under some previous treaties—the Nuclear Non-Proliferation Treaty being one where the Russians now cite to us that treaty as a reason for them to sell nuclear production capacity to the Iranians, citing the very treaty we entered into to stop this from taking place and that is used back against this to try to expand. And now the Iranians having this capacity, we are trying to stop this nuclear generator from getting fully online for the Iranians. And the Russians cite a nonproliferation treaty that they have to share this technology with the Iranians.

That certainly is not the intent. I am very fearful we will repeat the same mistakes of history here. We have to stop the abomination of chemical weapons. We have to stop it in the United States. We have to stop it in the world. We have to stop the abomination of these weapons of mass destruction, these terrible weapons of mass destruction being used. The way to do that is to have a CWC treaty that actually does it and doesn't spread their use. And striking article X is the way to do that. With that, even though the treaty has a number of other problems, it is supportable. Without that, I actually fear the opposite will occur.

And with that I would like to yield back the time.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. In 30 seconds, I will yield 12 minutes to my friend from Pennsylvania.

Mr. President, I am holding up in my hand here a declaration form for those firms that face reporting requirements for production of discrete organic chemicals, which applies to about 1,800 firms. It is three pages long. I will at a later time read into the RECORD what it asks for to show you how non-onerous it is.

On one of the pages of instructions, on the bottom of the page, it says,

You do not have to declare unscheduled discrete organic chemical plant sites that produce explosives exclusively, produce hydrocarbons exclusively, refine sulfur-containing crude oil, produce oligomers and polymers, whether or not containing PSF, and produce unscheduled discrete organic chemicals via a biological or bio-mediated process.

This eliminates thousands of firms, hundreds of firms at least. And so this is not nearly as onerous as it was made out to be in my humble opinion.

I now yield with the permission of my colleagues 12 minutes to the distinguished Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Delaware for yielding me this time. I have sought recognition to voice my support for the pending treaty and to give my reasons.

Long before the current debate on chemical weapons, in my college thesis, which I wrote back at the University of Pennsylvania in 1951, on United States-Soviet relations, I was convinced by Prof. Hans Morgenthau's dictum that "the objectives of foreign policy must be defined in terms of the national interest and must be supported with adequate power."

As a U.S. Senator, I have long advocated a strong national defense and have worked to shape a comprehensive arms control agenda for the United States as one arrow in our overall defense quiver.

Ten years ago, in 1987, in Geneva, Switzerland, I was an observer to the U.S.-USSR nuclear disarmament talks. That year I debated extensively with many of my colleagues in the Chamber the need for a broad interpretation of the Anti-Ballistic Missile Treaty, ABM. Many of those whom I opposed at that time I now side with on the current issue. I still believe that the approach for a broad interpretation to give the United States additional power, an approach advocated by President Reagan, was necessary and still remains necessary to provide security for our Nation.

From my experience on the Senate Defense Appropriations Subcommittee, I have observed that strength is the best guarantor of peace and that prudent arms control can provide an important basis for such strength. From my work as chairman of the Senate Intelligence Committee, I have seen the wisdom of President Reagan's view that verification not trust is the realistic basis for arms control.

Verification is an important issue in this treaty. It is true that this treaty does not guarantee verification and no treaty has or can guarantee absolute certainty on verification. However, ratifying this treaty gives us far greater opportunity to verify through inspections, data collection, and establishing a norm for chemical arms reduction.

Mr. President, I adhere to my position on the need to secure a strong defense for America. It is my belief that the Chemical Weapons Convention will complement the existing components of our foreign policy which includes our arms control treaties. As we continue to work to protect our troops abroad and our citizens at home from the threat of weapons of mass destruction, arms control is an important ingredient of a sound foreign policy.

Critics of the Chemical Weapons Convention say the treaty provides a false sense of security. On the contrary, no Senator has ever suggested that a single treaty standing alone would adequately deter aggressor nations. The Chemical Weapons Convention is not perfect but we can build on it as a parameter for dialog. Ratification certainly does not mean that we are going to rest on our laurels. The United States did not stop moving forward with strengthening our national defense while we negotiated arms control

agreements with the Russians such as the ABM Treaty, SALT I, and SALT II. In this combined approach we were successful. The nuclear threat today is dramatically lower than it was a decade or two decades ago, and arms control agreements are a critical part of that strategy.

Similarly, we must not stop at mere ratification of the Chemical Weapons Convention in our quest to destroy existing and prevent the production of new chemical and biological weapons. One area of the treaty critics often point to as being particularly detrimental to the United States is the search and seizure provisions of the Chemical Weapons Convention which they claim is unconstitutional.

This is a subject that I have worked on extensively since *Mapp versus Ohio* came down in 1961 imposing the burden on States not to admit evidence seized as a result of an unconstitutional search and seizure. At a time when I was an assistant district attorney in Philadelphia and later as district attorney of Philadelphia, I worked on these issues very, very extensively. Under this treaty, an international inspection team would be allowed to search a U.S. facility to determine whether or not a chemical agent is being diverted to use in noncompliance with the treaty. Similarly, that obligation, that inspection would be available for other nations.

After careful review of the provisions of the treaty, I am personally confident that the language does not conflict with the fourth amendment of the U.S. Constitution but, rather, is in accord with that amendment. The language on search and seizure as negotiated by the administration and Members of the Senate states that in cases where the search is challenged, the U.S. Government will first obtain a criminal search warrant based upon probable cause. So that in any situation of challenge, the search will have to measure up to the tough criminal standard. In cases of routine inspection, the U.S. Government will obtain an administrative search warrant from a U.S. magistrate judge.

Through the months preceding this debate, opponents have raised a number of issues. These include suggestions that the treaty plays into the hands of rogue nations like Libya and North Korea, that it facilitates the transfer of military chemical technology to aggressive countries and prohibits our troops from the use of riot control agents.

There is now agreement on these issues among all the parties involved in negotiating the set of conditions now contained in the proposed resolution of ratification. The Chemical Weapons Convention will actually make it more difficult for rogue states to make chemical weapons. The treaty has prohibitions in place to prevent industrial espionage. Concerning riot control agents, the treaty sets sound guidelines on what agents may be used and when such agents may be used.

As we debate the merits of the treaty and consider the outstanding amendments, I remind my colleagues of the importance of bipartisanship in foreign affairs. We have traditionally said that politics stop at the water's edge and bipartisanship in foreign affairs is of critical continuing importance. It is the role of Senators to shape a climate of bipartisan support for treaties of this magnitude. To work with the administration and our colleagues to craft an agreement that will serve the needs of the United States in both the long and short terms. Two of our noteworthy predecessors, giants in the Senate, one Republican and one Democrat, Senator Arthur Vandenberg and Senator Scoop Jackson exemplify how bipartisanship can work to the betterment of our country. Their willingness to look beyond the confines of partisan politics provides the model for us today as Republicans to support the ratification of the Chemical Weapons Convention.

And I note, Mr. President, the statement today made by our former majority leader, Senator Robert Dole, in support of the treaty.

There is another much more recent example of why ratification of the treaty falls outside traditional partisan politics and that is the potential use of chemical agents against U.S. troops. This is an issue about which I am all too familiar. As former chairman of the Senate Intelligence Committee and as the current chairman of the Veterans' Affairs Committee, I have chaired several hearings on gulf war syndrome. I have traveled extensively throughout Pennsylvania and have heard from gulf war veterans who have been unable to explain the cause of their illnesses. And many gulf war veterans across the Nation echo similar complaints. Believe me when I say that their suffering is very real.

Last year, this issue was addressed in great detail at a joint hearing of the Senate Intelligence Committee and the Veterans' Affairs Committee. This year a number of hearings have been held both in Washington and across Pennsylvania. And more recently, a few days ago, on April 17, Gen. Colin Powell testified before the Veterans' Affairs Committee on this important matter. While we can still not verify the cause of these illnesses, there are indicators that American troops may have been exposed to chemical agents. During the course of the hearing with General Powell, I asked him what effect if any the Chemical Weapons Convention would have had on Iraq if the United States had ratified the treaty before the gulf war and the treaty would have been in effect.

We will never know with certainty the answer to that question. Iraq is a rogue nation, and it is difficult to imagine them as signatories. But General Powell was quick to point out that the Chemical Weapons Convention works to strengthen America's hand.

He noted, "In the future, when we deal with rogue states or with signa-

tory states, we will be speaking from the position not of unilateral American action, but with the support of most of the nations of the world."

I suggest to my colleagues that it is a matter of considerable importance in protecting American troops from the ravages of chemical warfare, which the gulf war troops may have been exposed to.

Now, we must ask ourselves, if we had this treaty in place beforehand, would we have at least averted or minimized the effects of chemical agents on our troops? We will never know the answer to this question with certainty, but we owe it to our Nation to reach out for every possible means of reducing the threat of chemical and biological weapons. United States ratification of the Chemical Weapons Convention, however, may certainly constrain the further development of chemical weapons by countries like Iraq.

Mr. President, it is obviously impossible to craft a comprehensive treaty that meets the satisfaction of all people. I respect those who have spoken against the treaty. I disagree with them, but I respect the sincerity of their views. Yet, with the appropriate assurances given about some of the finer points of the treaty on objections which have been raised by opponents, most of which have been satisfied, on issues such as constitutional rights, we as a Nation, I submit, should take the moral high ground. We should ratify the treaty, or we will be categorized with the likes of Iraq and Libya. I am not advocating that we ratify the Chemical Weapons Convention instead of pursuing other forms of protection. But it is one important point of protection. The Chemical Weapons Convention is just one more tool for the United States as we work toward a more vigilant defense for our Nation. We have come a long way in making this treaty work for the best interests of the United States of America.

I urge my colleagues in the Senate to vote to ratify this convention.

(The remarks of Mr. SPECTER pertaining to the introduction of the legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BIDEN. Mr. President, in the spirit that these negotiations began with me and the chairman of the committee and Senator KYL, we have continued that spirit. The next speaker we have is undeclared. So we have agreed for a total of 7 minutes he will get. We ask unanimous consent that 3½ minutes be taken out of the time of the Senator from Delaware and 3½ minutes out of the time of the Senator from North Carolina.

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

Mr. BIDEN. Further, Mr. President, before I yield the floor to my friend from Washington State, we are trying to work out a unanimous-consent agreement on the total 10 hours. I am not propounding such an agreement.

But we are hoping we can work out an agreement, whereby in the closed session tomorrow, the so-called secret session that will take place tomorrow, which will be a 2-hour session, that that time not be counted against the 10 hours in the UC for debate on chemical weapons.

Again, I will leave it in the able hands of my friend from Arizona to determine whether the Republican leader is amenable to that, but colleagues who may be listening hopefully were able to do that. The reason I stand up to say that, if they are not, each of us only have about 55 minutes left tomorrow in this process. So for the colleagues who wish to speak, I want them to understand that I am not going to have the time to give them if in fact this doesn't happen. This is by way of disclaimer this evening, so tomorrow morning my colleagues won't come in and say: Joe, you promised me time.

I think we can work it out.

Mr. President, we now yield a total of 7 minutes, 3½ from each side, to the distinguished Senator from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I thank my colleagues. I want to introduce my remarks by expressing my view that this has been a remarkably thoughtful and important debate in the finest traditions of the Senate, not only here on the Senate floor but during the months leading up to it. Perhaps one of the reasons for that is that all Members are united in detesting the use of chemical weapons, divided only by their views on how best to succeed in reaching that goal, and working toward reaching that goal with a high degree of good will and accommodation to one another. So, essentially, from the beginning, the only real question has been: Does this convention advance or inhibit the cause of limiting or eliminating the use of chemical weapons all around the world?

Mr. President, at the very beginning of the debate when the convention was first submitted to the Foreign Relations Committee, I was inclined to fall on the side of that debate that said that the convention probably was worse than nothing because of the overwhelming false sense of security it created, a sense of security that it could not match in its provisions on a wide range of activities attempted to be covered by it.

But as we vote tomorrow, Mr. President, I don't believe we are going to be voting on the original bare bones understanding of the convention. The administration and the proponents on this floor have agreed to some 28 conditions, or explanations, or interpretations of the convention, each of which has contributed to a greater degree of comfort with the balance of the convention and its ratification. Three are particularly important to me. One measure ensures that the Chemical

Weapons Convention does not lead to a false sense of security—a false sense that is going to be there no matter what we do, but is at least limited by some specific promises on the part of the administration.

Second, the clarification of the affect of the convention on the use of riot control agents.

Third, and vitally important to us and to our constitutional rights, are the fourth amendment protections against unreasonable searches and seizures.

That is not to say that the other 25 conditions aren't important, Mr. President, but these 3, at least, have been particularly significant, in my view, as I have listened to both sides during the course of this debate.

Nevertheless, I am not yet willing at this point to commit to voting in favor of ratification because of my deep concerns with articles X and XI of the convention, and the proposition that they might well force the United States to share technologies and allow the world, by its sale of chemicals, to a far greater extent, and those technologies and chemicals may be sold at least by responsible and free nations in the world today under the aegis of the Australia Group.

It would be ironic indeed if, in the guise of passing a treaty or a convention to lessen the opportunity for the use of chemical weapons in the future we actually enhanced it by assisting those nations that are willing to sign the convention but which, like Iran, have shown, without the slightest ability to contradict the proposition, that they do not regard any treaty, any convention, as binding on them, and who are more likely than not to use the convention to advance their own ability to violate it.

And so, Mr. President, as I make up my own mind during the course of the next 24 hours, it is the impact of articles X and XI that cause me the greatest degree of concern. I don't believe that we can simply strike them from the treaty. That vote tomorrow seems to me to be the equivalent of saying, no, of killing the convention in its entirety. I do believe, however, that we should continue to work toward clarification and understandings on the part of the administration, as I know the majority leader is doing in this, as he has in many of the other questionable elements of this convention, so that we can be assured that the United States at least will not be required to do something that will undercut its own security and that of its friends and neighbors by the convention, that it is not required to do in the absence of that convention.

So if my concerns with respect to the actual impact in the real world of articles X and XI are met, I will vote to ratify the convention. If they are not, it will remain, in my mind, a situation in which the convention increases our danger rather than obviates them.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield myself 7 minutes in accordance with the understanding on the floor now.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. LAUTENBERG. Mr. President, while the Senate debates one of the most important arms control treaties in our history, various issues come into play. It is obvious that the Chemical Weapons Convention will ban an entire class of weapons of mass destruction. It prohibits the full spectrum of activities associated with the offensive use of chemical weapons, including development, production, acquisition, stockpiling, and assistance to anyone engaging in these activities. It requires that the destruction of chemical weapons begin within 1 year and it be completed within 10 years.

Mr. President, there is no doubt in my mind that the United States should join a treaty we helped to shape and which enhances our security. I am going to vote for it. Now, with the Chemical Weapons Convention and our leadership, other nations will follow the lead that we set years ago by giving up chemical weapons.

Rogue nations and terrorist countries will have a harder time acquiring or making chemical weapons, and new tools will be available to prevent and punish them if they try. That is a noble goal.

One of the arguments that we have heard against ratifying the Chemical Weapons Convention is that it will force some industries—one in particular—to bear an unusual burden. I want to address this for a few minutes because I don't believe it is true. To the contrary, the chemical industry will bear an undue burden if the United States fails to ratify the CWC. I want to explain why.

If the Chemical Weapons Convention goes into effect without the United States a party, strict trade restrictions designed to pressure rogue states to join the convention would spell disaster for the U.S. chemical industry. Reasonably enough, neither Presidents Reagan nor Bush ever foresaw that the U.S. Senate might decide to place the United States outside of the treaty, along with countries like Iraq, Libya, and other rogue nations.

But the fact is that treaty provisions prohibiting members from trading with nonmembers in certain chemicals that have both commercial as well as military uses would put at risk as much as \$600 million a year in two-way trade by American chemical companies, and many jobs.

I will repeat that. Should the U.S. Senate fail to ratify the treaty, as much as \$600 million a year in American export and import sales would be

placed at risk as a result of sanctions against American companies.

On April 15, Fred Webber, who is the president and CEO of the Chemical Manufacturers Association, testified in support of this treaty. He said:

The industry I represent is America's largest export industry, with over 1 million American jobs * * * we know how this treaty affects our commercial interests. * * * We began with many of the same concerns about the treaty that have been voiced here. We worked hard to protect U.S. industrial interests, especially proprietary information.

We helped develop the protocols guiding the treaty's inspection and recordkeeping requirements, and we put those protocols to live-fire tests over and over again. * * * In summary, we believe the treaty is not a threat to U.S. business.

Not only does the CWC have the support of the Chemical Manufacturers Association, which represents 193 chemical manufacturing companies, accounting for more than 90 percent of the Nation's productive capacity for basic chemicals, it has the support of the Chemical Industry Council of New Jersey and the Synthetic Organic Chemical Manufacturers Association, with over 260 member companies.

It also has the support of the Pharmaceutical Research and Manufacturers of America and its 100 plus member companies, and the Biotechnology Industry Organization and its 650-plus member companies and affiliated organizations. It has the support of the Council for Chemical Research, the American Crop Protection Association, the American Institute of Chemical Engineers, and the American Chemical Society.

Mr. President, the point I am trying to make is simple—the Senate cannot refuse to ratify the CWC in the name of industry. American industry supports this treaty. It does not believe it places an unfair burden on companies in this country.

In fact, U.S. companies view the convention as an asset because it offers a way to dissociate themselves from chemical weapons production and to be good corporate citizens by helping to eliminate these abhorrent weapons.

American industry even participated in the treaty negotiations and helped write the rules covering inspections and confidential business information. Its top priority during the negotiations conducted by the Reagan and Bush administrations was ensuring that any burdens on business would be reasonable and that trade secrets would be protected. To ensure that the protections against unreasonable searches and seizures and industrial espionage would be strong, the chemical industry tested the treaty during seven full-fledged trial inspections at chemical facilities. It ensured that warrants would be required when a company would not consent to a search and that the treaty would protect sensitive equipment, information, or areas not related to chemical weapons during a challenge inspection. For most companies in this country—more than 90 per-

cent of the 2,000 American companies that will be covered by the treaty—the treaty will require them to do little more than fill out a two-page form once a year. Only about 140 companies are likely to be subject to routine inspections.

In addition to the protections negotiated by industry and already in the treaty, the Senate will be adding five additional protections.

Under additional conditions that will be added by the Senate, if an employee of the Organization for the Prohibition of Chemical Weapons willfully discloses U.S. confidential business information that causes financial harm to a U.S. business, the President is required to withhold half of the U.S. contribution to the organization until that employee's immunity from prosecution is waived. This will serve as a deterrent to breaches of confidential information.

To reduce the risk of industrial espionage, samples collected during inspections in the United States cannot be analyzed in a foreign laboratory. The President would be required to certify annually that the CWC is not significantly harming the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms.

The Senate would support the provision of assistance to U.S. business by the On-Site Inspection Agency. And, the Senate would be informed promptly of the proposed addition of a chemical to any of the CWC's schedules and the anticipated effect of such a proposal on U.S. industry.

Mr. President, this treaty enhances America's security. It is the right thing to do, and I urge my colleagues to ratify it without delay.

I hope that my colleagues will stand up and say this is good for America, that it is good for humanity, and that they will ratify this treaty without delay.

I thank the Chair. I yield the floor.

Mr. KERREY. Mr. President, I rise today in support of the Chemical Weapons Convention. While some of my colleagues may have other means of measuring this convention, I believe when we consider any arms control treaty, the main concern must be how it will affect our national security. I support this treaty because, on balance, our Nation's security will be vastly improved in a world where chemical weapons are outlawed than in a world where the possession of these horrible weapons remains an acceptable practice.

I believe it is important for all in this Chamber and for the public at large to realize that today the United States is committed to destroying all of our chemical weapons. Under a law passed by Congress and signed by President Reagan in 1985, we will destroy all of our chemical weapons stockpile by the year 2004. Further, in 1991 President Bush committed the United States to banning chemical

weapons and foreswore their use even in retaliation upon the Chemical Weapons Treaty entering into force.

Many of those who have spoken out against this treaty imply that possession of chemical weapons is the only deterrent against a chemical weapons attack by an adversary. However, in the judgment of our political and military leaders, our Nation does not require chemical weapons to defend our Nation. In fact, the United States has already begun the process of destroying all our chemical weapons. Our Nation reserves the right to retaliate against a chemical weapons attack with overwhelming conventional force or any other means at our disposal. The United States can and will defend itself against any foe armed with a weapon of mass destruction. We do not need these ghastly weapons to ensure the safety of our military personnel and our Nation.

Mr. President, I also believe it is important to note this treaty was negotiated and signed under two Republican Presidents and transmitted for ratification under a Democratic President. The Chemical Weapons Convention is an example of how U.S. foreign policy can be bipartisan and how both parties can act outside the shadow of political maneuvering when it is in the best interests of our Nation. Presidents Reagan, Bush, and Clinton realized the benefits we receive under a treaty banning the possession of chemical weapons could far outweigh any costs incurred by our industries and Nation.

No treaty is perfect. As with other treaties, the Senate has included conditions to the resolution of ratification which I believe strengthen this accord. But opponents of the convention have added five conditions meant not to improve but to kill the treaty. These five provisions must be struck from the treaty if we are to receive the national security benefits the CWC offers our Nation.

The opposition to this treaty centers on three questionable and contradictory points. First, opponents state that since this treaty is not absolutely verifiable, the U.S. Senate should not ratify it. Second, contradicting the first point, opponents state this treaty's verification regime, while not strict enough, nevertheless places too much of a burden on our chemical industry. And, third, opponents state that since rogue nations may either not join the Chemical Weapons Convention or will not comply with the treaty once they become signatories, this treaty does not further our national security interests. I believe they are wrong on all points.

No treaty—be it an arms control treaty, a trade treaty, or a humanitarian treaty—is completely verifiable. If absolute verifiability is the marker, no treaty could attain that ideal and our Nation would never experience the varied benefits we now gain from treaties such as the SALT Treaties, the START Treaties, GATT, NAFTA, the

Convention on Fishing, or the Convention on Literary and Artistic Copyrights. Absolute verification should not be the measure of the CWC or any other treaty. Instead of insisting on absolute verification, our Nation has realized the strength of a treaty lies in the enforcement of the treaty and the measure to be taken if a party violates a treaty. America's treaties work because our treaty partners know the full power of the United States lies behind the conventions and we do not hesitate to protect our national interests by enforcing their provisions.

When considering ratification of an arms control treaty, the question must be whether on balance the verification system is strong enough to significantly increase our national security. It is a simple fact that the verification measures included in this treaty are the most stringent and most intrusive of any multilateral arms control agreement currently in place. While still not powerful enough to allow searches of every warehouse, laboratory, or garage in the world, the means to be employed under the CWC are the most thorough and most rational ever to be included in a multilateral international agreement.

The Reagan, Bush, and Clinton administrations all realized the nature of chemical weapons and their production created the need for a stringent system to verify compliance with the CWC provisions. And yet, some safeguards and limitations on the verification system would have to be put in place in order to protect companies engaged in legitimate chemicals from unwarranted hardships. Under President Bush's direction, the proper balance was struck between the strength and rigors of a verification regime on one hand and the intrusiveness of that same system on our industry and Nation on the other. Under the Chemical Weapons Convention, measures are in place which will severely increase the likelihood an illicit producer of chemical weapons will be caught while ensuring that any company that produces or uses potentially dangerous chemicals will not be unnecessarily burdened.

Mr. President, some opponents argue that the treaty has it wrong both ways—they claim it is not intrusive enough to be completely verifiable and also claim the costs incurred by industry are too great under the verification regime. While the nature of all treaties makes them correct on the former point, since no treaty can reasonably be considered absolutely verifiable, the Chemical Manufacturers Association, which represents hundreds of chemical companies, and hundreds of individual chemical companies on their own have expressed their support for this treaty.

If the vast majority of companies that produce or use chemicals pronounce their support for this agreement, I do not believe we should claim the treaty is unduly burdensome on these companies. They know what is in their own interest and they have stated

their support for the Chemical Weapons Convention.

Opponents also argue that since rogue nations can be expected not to join in the CWC or will not comply with its provisions the United States should not endorse this treaty. This argument overlooks the fact that even if the Chemical Weapons Convention does not enter into force these same rogue nations can develop and produce chemical weapons. Without the CWC we will still face this same threat.

Yet, if we ratify the CWC and are vigorous in its enforcement, the United States will have a much improved ability to identify clandestine chemical weapons programs. The nature of chemical weapons make it possible to produce them in facilities as small as a high school laboratory or even a garage. Because these weapons of mass destruction can be produced in small areas, the intelligence community today faces extreme difficulties in locating programs already underway in rogue nations. However, as the Senate Select Committee on Intelligence noted in its September 1994 report on this issue, under the Chemical Weapons Convention, the United States Government will gain important new access to useful information, relevant to potential CWC threats to the United States, that would not otherwise be obtainable. As Acting Director of Central Intelligence George Tenet told the Intelligence Committee on February 5 of this year, the CWC will give our intelligence community more information and more tools to use in our efforts to combat those who would use these horrible weapons.

The Chemical Weapons Convention's regular inspection process and its ability to perform challenge inspections on short notice are very powerful means of catching parties breaking the treaty. The convention also includes varied reporting requirements on the production and use of toxic agents and precursor chemicals which may help the intelligence agencies to locate clandestine production of chemical weapons. If the Chemical Weapons Convention is ratified and we use it to our advantage, the intelligence community will have another important tool with which to fight the battle against these weapons. If we do not ratify the convention, we will forgo a better chance to win a battle we must fight whether or not this treaty is in effect.

The CWC will help protect our citizens by increasing the likelihood that a potential cheater would be caught under its inspection processes. But the CWC helps our national security in other ways as well. Three years after entry into force, the Chemical Weapons Convention prohibits parties from exporting high risk precursor and toxic chemicals to countries not belonging to the CWC. This will further limit the ability of nonsignatory countries to acquire chemicals which could be turned into a lethal gas. Finally, the power of international law created by the CWC

against the possession of chemical weapons will assist our own Nation's continuing efforts against this abominable class of weapons.

Taken together, the benefits we gain from ratifying the Chemical Weapons Convention far outweigh the minimal costs of implementing this treaty. The strict verification regime, increased opportunities for our intelligence agencies, the prohibition of exports to non-member nations, and the force of international law complementing the United States' individual efforts will help protect our citizens and our national interests.

We have already made the decision that possession and use of chemical weapons is not in the security interests of our Nation. We have determined the United States has the means and the will to protect our forces and our Nation without this type of weapon. It is time now to compel the other nations of the world to abide by these same rules.

Mr. President, I have weighed the effects of the Chemical Weapons Convention on our national security and I believe our Nation is safer with this treaty than without it. It is my hope my colleagues will also realize that our national security interests lie in ratification, not in maintaining the status quo of a world where possession of chemical weapons remains acceptable under international law. I yield the floor.

Mr. JEFFORDS. Mr. President, this is a day many of us have been waiting for for a long time. After having been thoroughly reviewed by the relevant Senate committees, both in the last Congress and this one, the Chemical Weapons Convention has finally come to the Senate floor for debate and a vote.

This is a complex and controversial treaty and I thank Senator HELMS, Senator BIDEN, and others for their hard work on the resolution of ratification. The 28 conditions and provisions on which they have agreed go a long way toward protecting American interests and making this an even better treaty. While I have reservations about the remaining five provisions, I am pleased that the Senate will have the opportunity to openly discuss and debate these before moving to a final vote. I believe that when the facts come to light, those who are undecided will vote to ratify the treaty.

I think I can safely say that no one in this body supports the production or use of chemical weapons, even as a deterrent. That is not what this debate is about. What it is about is what we get for what we give up. In other words, is the extra protection from chemical weapons that this treaty affords us worth the financial cost and the regulatory burden required to implement the treaty?

Well, let's take a look. First, what do we get?

Above all, we get enhanced national security. The treaty requires all signatories to do away with chemical

weapons and to refrain from any future production. We have already committed to destroy our own chemical weapons stocks, so why shouldn't we grasp an opportunity to require others to do so as well? I think this is a compelling argument. So do a few other people who know something about national security matters: General Powell, General Schwarzkopf, and every living former Chairman of the Joint Chiefs of Staff. Believe me, if this treaty weakened the United States in some way these distinguished Americans would not support it.

With a reduction in the number of chemical weapons we also get increased protection for U.S. troops. We have a responsibility to our brave men and women in uniform to do all we can to protect them as they put their lives on the line for our freedoms. We spare no expense to provide them with the best chemical weapons defenses possible. By the same token, we should do all we can to reduce the actual threat of a chemical weapons attack on them. Recognizing this, a number of the country's most prominent veterans' groups and military associations have spoken out in favor of the CWC, including the VFW and the Reserve Officer Association. They recognize the extra protection this treaty provides our troops in the field.

The CWC also improves our ability to detect chemical weapons production by others. This treaty boasts the most intrusive verification regime of any arms control agreement ever. Will it enable us to sniff out every violation, every criminal effort to produce these horrible weapons? Of course not. But it will give us a powerful new tool to check up on those who seek to employ chemical weapons, something that is important to the intelligence community. Opponents point out that U.S. intelligence agencies cannot absolutely guarantee they will be able to detect treaty cheaters. This is true. But it is also true that the treaty will significantly improve our ability to uncover violations. Let's not make the perfect an enemy of the good.

Finally, the CWC also stiffens international resolve to deal with the chemical weapons threat. Every signatory will be required to enact legislation cracking down on terrorists and criminals who use or threaten to use poison gas, as well as the unsavory businessmen who traffic in these dangerous chemicals. Last week the Senate passed a bill which would tighten U.S. laws in this area. Isn't it in our interest, in this ever-shrinking world, to make sure that others also toughen their laws against chemical weapons production? Moreover, a broadly accepted international regime outlawing this class of weapons altogether will put us on a much stronger footing to respond to serious violations, including by force if necessary.

So with the CWC we get enhanced national security, better protection for U.S. troops, improved ability to detect

violations, and stiffened international resolve in addressing this global problem.

That's a pretty valuable package. What do we give up to get it? Well, we must pay our share of the costs for administering the treaty and carrying out required inspections. We must also underwrite costs associated with preparing U.S. military facilities for inspection. I understand that the Congressional Budget Office has estimated that implementation of the CWC would cost the U.S. taxpayer about \$33 million a year. That's about one-twentieth of the amount that we spend every year on chemical and biological weapons defenses. I think that's a reasonable investment to reduce the core threat against which these defenses are needed.

The treaty does impose additional reporting and inspection requirements on American businesses in the chemical field. This is regrettable but necessary if we wish to have a serious verification regime. It's worth noting, though, that the U.S. chemical industry was closely involved in the negotiation of the treaty and strongly supports it. I am sympathetic to the concerns expressed by smaller businesses affected by the treaty but believe that some treaty opponents have vastly exaggerated the additional regulatory burden involved. As I understand it, the vast majority of these businesses will need do no more than submit a short, basic informational form annually. And only a handful are likely to be inspected in any given year. This is a small price to pay for the many benefits of the treaty.

Finally, I would like to address the argument that the United States should withhold ratification until Russia and all the so-called rogue states sign and ratify the treaty. The issue is not whether we should press these countries to join the treaty—of course, we should—but how to most effectively achieve this goal. Does anyone really think that withholding U.S. ratification will convince these countries to sign up? Standing on the sidelines with arms folded will only give encouragement to those who want to ignore this treaty and continue making chemical weapons. The United States is a world leader and should act like one. We should not allow thugs like Qaddafi and Saddam Hussein to dictate our approach to national security matters.

Mr. President, this treaty is good for America and good for the world. It's not perfect. What international treaty is? But it serves our interests and improves our security. For these reasons, I will vote to ratify and encourage my colleagues to do the same.

Mr. KENNEDY. Mr. President, the 29-year-old pursuit for a chemical weapons treaty has finally reached its moment of truth in the United States Senate. Few votes cast in this Congress or any Congress are likely to be more important.

The effort to achieve this treaty was launched in 1968, and its history is

genuinely bipartisan. In that year, the final year of the Johnson administration, international negotiations began in Geneva to build on the 1925 Geneva Protocol and try to reduce the production of chemical weapons. In the 1970's, President Gerald Ford had the vision to take that initiative a major step forward during intense international negotiations.

President Ronald Reagan advanced it to the next stage with his efforts on arms control in the 1980's. And President Bush deserves high praise for embracing the ideal of eliminating chemical weapons, for making it a serious worldwide effort, and at long last bringing it to the stage where it was ready to be signed. In one of his last acts in office, George Bush signed the treaty, on January 13, 1993.

President Clinton formally submitted the Chemical Weapons Convention to the Senate for its advice and consent later that year. Now, it's our turn. Today and tomorrow, in a series of votes, the Senate can and should join in this historic endeavor to rid the world of chemical weapons. We can bestow a precious gift on generations to come by freeing the world of an entire class of weapons of mass destruction.

The chemical weapons treaty bans the development, production, stockpiling, and use of toxic chemicals as weapons. Previous agreements have merely limited weapons of mass destruction. But the Chemical Weapons Convention sets out to eliminate them from the face of the earth.

The United States has already taken many steps unilaterally to implement a ban of our own. As long ago as 1968, this country ordered a moratorium on chemical weapons production.

When President Bush signed the treaty on behalf of the United States, he also ordered the unilateral destruction of the U.S. stockpile of these weapons. Regardless of the treaty, the United States is destroying its chemical weapon stockpile.

Today and tomorrow culminate many years of work and compromise. The Senate has held 17 hearings on the convention. Every issue has been exhaustively analyzed. The result is the shootout that the leadership has arranged for the next 24 hours.

Bipartisan negotiations have achieved agreement on 28 amendments to the treaty, none of which go to the heart of the treaty and many of which help to clarify it.

But five major issues have not yet been settled. The five amendments, on which we will vote tomorrow, seek to settle differences of opinion the wrong way. They are killer amendments. I hope the Senate will vote "no" on each of them. If any one of them passes, it will doom our participation in the treaty, and relegate us to the company of outlaw regimes like North Korea and Libya, who also reject the treaty.

Two of the killer amendments condition our participation on whether other nations—Russia, Iran, Iraq,

Syria, and China—have already become participants. Essentially, they would hand over U.S. security decisions to those nations.

A third killer amendment arbitrarily excludes all representatives from certain other countries from participating in verification inspections. This amendment ignores the ability that the treaty already gives us to reject any inspectors we believe are not trustworthy.

A fourth killer amendment omits and alters other key parts of the treaty that deal with the export of certain materials. Its proponents fear that rogue nations may gain valuable technology from us. Nothing in the convention requires the United States to weaken its export controls. Experts in the chemical industry, trade organizations, and Government officials have worked to ensure that nothing in the treaty threatens our technology and industrial power.

The fifth killer amendment places an unrealistically high standard of verification on the treaty. It requires the treaty verification procedures to accomplish the impossible, by being able to detect small, not militarily significant, amounts of dangerous chemical materials.

No international agreement can effectively police small amounts of raw materials that might possibly be used in chemical weapon production. Every effort is being made and will be made to make the detection procedures as effective as possible. It is hypocritical for opponents to attempt to scuttle this treaty because they feel it does not go far enough.

The overwhelming majority of past and present foreign policy officials, military leaders, large and small businesses, Fortune 500 companies, Nobel laureates, veterans organizations, religious groups, environmentalists, and public interest groups are united in their strong support of the convention. It is a practical international agreement with practical benefits for the United States, and the United States should be a part of it.

Nevertheless, the treaty is being opposed by an entrenched band of foreign policy ideologues and isolationists who think the United Nations is the enemy and who say the arms race should be escalated, not restricted. History proved their ilk wrong once before, when they sank the League of Nations in the 1920's. And it will prove them wrong, again, with far more drastic consequences than World War II, if they prevail today.

We cannot let that happen. The Senate should reject the five killer amendments, and give this treaty the two-thirds vote it needs and deserves.

Mr. DODD. Mr. President, I rise today to express my strong support for U.S. ratification of the Chemical Weapons Convention.

First, I wish to thank Senators BIDEN and LUGAR for their untiring efforts in seeking ratification of this historic

treaty. I also want to commend the majority leader for working diligently with both sides to bring this treaty to the Senate floor for consideration. No matter where one stands on this issue, we all agree that it is proper for this debate to take place while our Nation can still become a full participant in the convention.

I think that it is only appropriate that we are having this debate 1 week after we commemorated the second anniversary of the bombing of the Murrah Federal building in Oklahoma City. That singular event made us all aware that we are vulnerable to terrorism on our own soil. We also remember when terrorists launched a chemical attack in Tokyo's subways, taking 12 lives and injuring thousands more. We must take action to protect Americans from a similar terrorist outrage, and therefore it is incumbent upon this body to approve the Chemical Weapons Convention.

The Chemical Weapons Convention is also relevant today in light of recent findings that thousands of our troops may have been exposed to chemical weapons during the Persian Gulf war. Veterans groups across the country have called on the Senate to approve the CWC, and I believe that it is excusable for us to forgo this opportunity to take a stand against chemical warfare. If we fail to do so, we will be unnecessarily placing those who volunteer their services in our military at risk.

It is impossible to overstate the importance of the votes that will be cast in this Chamber tomorrow. We have an opportunity to consider a proposal that would eliminate an entire class of weapons of mass destruction, and we may never have this opportunity again. Our decisions will have a tremendous impact on the safety of the American people and our Nation's role as an international leader.

We are all familiar with the horrifying effects associated with chemical weapons. We remember the use of mustard gas in World War I and the use of chemical weapons during the Iran-Iraq war. It was the inhumane nature of chemical warfare that prompted President Reagan to initiate the negotiations for an international treaty to eliminate the use of chemical weapons. President Bush was also committed to phasing out chemical weapons, and the United States joined 160 other nations in signing the Chemical Weapons Convention during the final days of his administration.

President Clinton has been a strong supporter of the convention, and he has made ratification of this treaty his top foreign policy priority.

For nearly a decade, the United States led efforts to develop the Chemical Weapons Convention, and the result was an effective agreement to eliminate chemical weapons that was unprecedented in its scope. Considering its history of bipartisan support, one would have expected this treaty to be

easily approved by the Senate. Unfortunately, opponents of the convention have distorted the facts surrounding this treaty, and it is possible that the United States will fail to ratify the treaty that it initiated.

I strongly believe that the Chemical Weapons Convention is an effective tool for combating chemical warfare, and I hope that my fellow Senators will look beyond the rhetoric of the treaty's detractors and look at the positive things that this measure would accomplish.

The Chemical Weapons Convention bans the development or transfer of chemical weapons by member nations. It also requires participating states to destroy their chemical weapon stockpiles and chemical weapons production facilities under the observation of international inspectors.

The convention would also establish the most extensive verification regime of any arms control treaty, that would require inspections of not only governmental facilities but also civilian facilities. This system of monitoring will provide us with a mechanism for knowing who produces what chemicals throughout the world, and where these chemicals are being sent.

The convention also prohibits signatory nations from exporting chemicals most frequently used in chemical weapons to non-member countries. The import of some chemicals from non-member nations would also be prohibited. These measures should isolate nonmember nations and provide them with incentive to ratify the convention.

In order to oversee the convention's implementation, the CWC establishes the Organization for the Prohibition of Chemical Weapons, or the OPCW. This organization will monitor the chemical production throughout the world and will enforce compliance with the convention.

On April 29, the Chemical Weapons Convention will go into effect with or without the United States' ratification. The Senate must provide its advice and consent on the treaty and send a resolution of ratification to the President before next Tuesday, so that he may formally ratify the treaty.

Many hours of intense negotiations have yielded the resolution of ratification to the Chemical Weapons Convention that we are now considering on the Senate floor. This resolution contains 33 conditions which cover nearly every objection raised by opponents of ratification. I am pleased that negotiators have reached an agreement on 28 of those 33 conditions. However, the Senate will have a separate vote on each of the five remaining conditions tomorrow. I would like to stress that approval of any of these conditions would be tantamount to prohibiting U.S. participation in the Chemical Weapons Convention and could fatally damage the effectiveness of this treaty.

I would like to quickly address these five conditions that threaten ratification of this treaty. Two of these conditions tie our ratification to the actions of other nations. One demands that Russia ratify the treaty first, and the other precludes ratification until the world's rogue nations like Libya and Iraq ratify the treaty.

The logic behind these two amendments is that the convention is meaningless if it does not include all nations with the capability to develop and use chemical weapons. This logic is seriously flawed.

The CWC would impose trade restrictions on nonmember nations that will curb their ability to obtain the materials used in making chemical agents. In addition, by establishing an international legal standard opposing the manufacture and use of chemical weapons, the United States will be able to isolate these pariah states making it more difficult for these nations to acquire chemical weapons.

Also, since when does the United States allow other nations to dictate American policy? It is ridiculous to suggest that we should compromise our position as a world leader by following the lead of fringe countries.

President Reagan did not wait for other nations when he declared that this Nation would unilaterally destroy its chemical weapons stockpile. He did not wait for other nations when he initiated negotiations to ban chemical weapons from the Earth. We did not follow others in making those critical decisions. We led and others fell in behind us. This Nation set the example. And now it is time for us once again to lead and set the example.

In fact, perhaps the greatest way to ensure that Russia and other countries with offensive chemical weapons programs will not endorse this treaty, would be for the United States to reject this treaty. Seventy-three other nations, including all of our major allies, and two-thirds of all countries with chemical weapon capabilities, have already endorsed this treaty. I hope that we will align ourselves with those who have ratified the convention and not with those outlaw nations.

Another condition that will be considered as an amendment would bar individual inspectors because they come from a country that supported terrorism or violated U.S. nonproliferation law. If a particular inspector has a past history of spying or assisting terrorists, we must prevent him or her from inspecting our facilities. But if we bar certain inspectors based solely on their nationality, other countries will certainly bar U.S. inspectors. In addition, these will likely be the countries that we would most like to monitor.

Another condition that would surely kill the ratification agreement demands a level of verification that simply cannot be guaranteed. Like every other arms control agreement, this one is not 100 percent verifiable. Certainly, that is not a reason to avoid ratifying

this treaty. The question ought to be: Are verification measures under this treaty better or worse than those we have now?

The answer to that question must be "yes." This treaty includes tougher verification measures than any existing arms control agreement to the extent that it allows for frequent inspections of both governmental and commercial chemical manufacturing plants throughout the world. And while chemical weapons are generally more difficult to detect than conventional weapons, the U.S. intelligence community has confidence that it will be able to detect a large scale effort to develop chemical weapons.

The remaining condition of the ratification resolution is perhaps the most contentious, and it would certainly kill all hopes of ratifying the Chemical Weapons Convention if it were to pass as an amendment tomorrow.

In today's Washington Post, my colleague from North Carolina, Senator HELMS writes: " * * * the one issue that has raised the greatest concern among Senators—the issue on which the ratification vote will almost certainly hinge—is the Clinton Administration's refusal to modify the treaty's Articles 10 and 11." His next sentence is particularly important, "These controversial provisions require the transfer of dangerous chemical agents, defensive gear and know-how to any nation that joins the CWC." With all due respect to my colleague from North Carolina, the simple fact of the matter is that this statement is not true. Article 10 does not require the United States or any other signatory to share advanced chemical weapons defense technologies and equipment with other countries or to assist them in the development of such capabilities.

I hope that all of my colleagues, who are considering opposing the CWC for this reason, will simply refer to the actual text of the convention to understand the true implications of the treaty.

Paragraph 7 of article 10 states: "Each State Party undertakes to provide assistance through the Organization and to this end to elect to take one or more of the following measures." One of the choices is, "to declare, not later than 180 days after the Convention enters into force for it, the kind of assistance it might provide in response to an appeal by the Organization." In no way does this language require any country to share advanced chemical defense technology and equipment. In fact, 1 of the 28 conditions agreed to in the resolution of ratification will ensure that no assistance other than medical antidotes and treatments is provided by the United States under article 10.

Opponents of the convention have also raised concerns regarding paragraph 3 of article 10. It reads as follows: "Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible ex-

change of equipment, material, and scientific and technological information concerning means of protection against chemical weapons." The inclusion of the word "right" underscores that each signatory state has a right, not an obligation, to exchange materials and information.

In fact, President Clinton confirmed this interpretation when he recently stated: "We have made it clear that, as regards to other countries, we will not do anything to give them our technology * * * and that our response will be * * * limited to helping them deal with the health effects of an attack. We will help people in medical ways and with other things having to do with the health consequences."

The national security concerns raised by Senator HELMS were shared by the representatives of the Reagan and Bush administrations who negotiated this treaty. That is why treaty negotiators took great lengths to ensure that the treaty's language would be carefully crafted to protect America's interests. In responding to the criticisms of article 10 of the convention, I'll simply use the words of former Secretary of State James Baker: "The suggestion that Presidents Bush and Reagan would negotiate a treaty detrimental to the nation's national security is outrageous."

I hope that my colleagues will not take the criticisms of this critically important treaty at face value and will closely examine the actual text.

The final condition which opponents of the treaty seek to raise relates to cooperation in the field of chemical activities for businesses. Critics argue that the CWC might force industry to share manufacturing and trade secrets with other nations. These criticisms are completely unfounded. Fred Webber, president and CEO of the Chemical Manufacturers Association, criticized these allegations stating that, "the Chemical Weapons Convention does not obligate us to turn over trade secrets, and it most certainly does not require the U.S. to abolish its system of export controls on dual-use chemistry. The CWC raises the export control bar for other nations to the high standard already set by the United States. That's why this treaty is in the national interest." In fact, it is ironic that critics of the treaty argue that they support the interests of America's chemical and pharmaceutical companies. Yet, if we fail to ratify this treaty, these very same companies will be subject to trade restrictions that were devised by the United States.

Members of this body must examine the elements that set this agreement apart from others. The Chemical Weapons Convention was signed by nearly every nation in the world; it penalizes nations that refuse to sign on; it provides for routine and challenge inspections; and it creates an international norm that would prohibit the very existence of chemical weapons. We must recognize that there has never been an

arms control treaty that better accounted for the skeptic's concerns than this one.

Today we live in a world of nations that increasingly act together. In this time of economic unions, coalition forces, and multinational businesses, we can ill-afford to disengage from the international community. If we do not ratify this treaty or if we accept conditions that prevent our ratification, we will career off the course that we set for ourselves and the other peace-loving nations of the world.

Worse, we will force the nations who have ratified the treaty to decide between ridding the world of chemical weapons on the one hand and maintaining good trade relations with the richest nation in the world on the other. If we force our allies to make decisions like that, they'll be justified in looking elsewhere for leadership.

I strongly believe that ratification of the Chemical Weapons Convention is in the best interests of the United States, and I urge my colleagues to support this historic treaty.

Mr. BIDEN. Mr. President, as we close the first day of debate on the Chemical Weapons Convention, I wanted to insert into the RECORD an explanation of the 28 conditions to the resolution of ratification that we adopted this afternoon, so we can create a legislative history.

Mr. President, the Chemical Weapons Convention is a fine arms control agreement. It can stand on its own.

But the U.S. Senate has a constitutional duty to consider carefully all the implications of treaties submitted for its advice and consent to ratification. Such careful consideration often enables us to spot aspects of an agreement that merit clarification, or implementation matters on which we would be well advised to require particular executive branch policies.

The Chemical Weapons Convention is no exception to this rule. Over the years since its signing over 4 years ago, near the end of the Bush administration, we have identified several areas in which clarifying the convention's intent or establishing requirements regarding executive branch implementation would be useful.

In addition, there were several areas in which some of my colleagues wanted assurances that went beyond those that the executive branch or I could give them, even though we thought that such reassurances ought to suffice. In many such cases, the easiest way of providing the needed assurances was to codify them in a condition to the resolution of ratification.

The convention enters into force on April 29, with or without the United States. To be an original state party, therefore, the President must deposit the instrument of ratification by midnight on April 28. As a technical matter, the Senate's vote is not the final word, because the Senate does not "ratify" a treaty; it provides advice and consent to it. Once that occurs, the

President then must formally ratify—an indication to our treaty partners that the United States is consenting to be legally bound to its terms—by signing an "instrument of ratification." The President then directs the Secretary of State to deposit that instrument at a central location designated by the convention; then, once the convention enters into force, the United States is bound under international law to abide by its terms.

The Senate's role in providing consent to a treaty is not that of a rubber stamp. The Senate may attach amendments or reservations to the treaty—essentially changing the terms of the original bargain between the United States and its treaty partners, or it may adopt conditions, which are, in effect, a binding contract between the Senate and the President which will govern how the treaty will be implemented or interpreted under U.S. law and practice.

In the case of the Chemical Weapons Convention, no amendments to the convention's text have been, or will be, offered; the Senate has already moved beyond the stage in its consideration of treaties in which such amendments would be in order. Neither have any reservations been put forth—although article XXII of the convention purports to prevent a party from doing so. The Senate has gone on record several times, and does so again in condition 17, that the President's agreement to such a prohibition cannot constrain the Senate's constitutional right and obligation to give its advice and consent to a treaty subject to any reservation it might determine is required by the national interest.

Instead, we have a set of 28 conditions which were agreed to by those involved in the negotiations to date, and which the Senate approved by voice vote earlier this afternoon. These conditions, as stated before, are binding upon the President.

Several conditions will be debated tomorrow which are tantamount to killing the treaty. For example, any condition which requires a renegotiation of the treaty—as condition 32 does—is a killer, plain and simple, because there is no way that this treaty can be renegotiated. Additionally, any condition which requires the President to make impossible certifications before depositing the instrument of ratification will prevent the United States from formally entering the convention.

As I described earlier, there have been several stages of negotiation to work out agreed conditions to the resolution and to narrow our areas of disagreement. The Senator from North Carolina and I engaged in many hours of negotiation as part of this process.

The end result of our negotiations, of the negotiations between the White House and the task force established by the majority leader, and of discussions directly between the White House and the majority leader is a set of 28 agreed conditions to the resolution of ratifica-

tion. I would like to summarize and comment upon those agreed conditions, so that my colleagues may understand what we have achieved.

For I think that we have achieved quite a lot. I also think that Members should study the many agreed conditions that the Senator from North Carolina was able to propound. Frankly, virtually all of the concerns that have been raised regarding the CWC have been addressed in these agreed conditions, in a manner that should substantially ease those concerns.

So I would like to summarize, Mr. President, what the Senator from North Carolina and I, along with other Members and the executive branch, have been able to achieve.

PROVIDING PROTECTION FOR INDUSTRY

The CWC contains a number of built-in protections for U.S. businesses, largely because industry helped write many of the convention's provisions. A number of conditions have been added, however, to provide even greater protection for business.

Condition 16 provides that if an employee of the organization for the prohibition of chemical weapons, or OPCW, willfully discloses U.S. confidential business information that causes financial harm to a U.S. business, the President must inform Congress. If the director-general does not waive the employee's diplomatic immunity from prosecution, which may be done pursuant to paragraph 20 of the CWC's confidentiality annex, within 9 months of the President's reporting the matter to Congress, the President is required to withhold half of the U.S. contribution to the OPCW until that employee's immunity from prosecution is waived. This will serve as a strong deterrent to breaches of confidential information. You might call it a "don't mess with our trade secrets" condition.

Condition 18 is a further protection for proprietary information. This condition prohibits any samples collected during inspections in the United States from being analyzed in a foreign laboratory. This will greatly reduce the risk of industrial espionage. I frankly have concerns about this condition. I hope it does not lead to every country keeping all its samples in-country, so that all of Iran's samples are analyzed in Iran and all of Russia's samples are analyzed in Russia. But there is no question that this is a major concession to some of my colleagues' concerns regarding the need to protect confidential business information.

Condition 9 requires the President to certify, both now and annually, that the CWC's limits on the production and use of the most toxic chemical weapons and their precursors are not significantly harming the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms. The administration is fully prepared to make that certification.

The Reagan, Bush, and Clinton administrations have all taken extraordinary measures to limit the impact of

the CWC upon U.S. businesses. For example, the Bush administration made sure that challenge inspections would be subject to "managed access," in which a firm will be able to limit the access of inspectors to the minimum necessary to disprove any allegations of CWC violations by that firm. And the Clinton administration worked with other countries in the CWC Preparatory Commission to make sure that most of the businesses covered by the convention will only have to fill out a short form to comply with the requirement for data declarations.

Condition 21 puts the Senate on record supporting the provision of assistance to U.S. businesses by the On-Site Inspection Agency—or OSIA—an arm of the Department of Defense. OSIA has years of experience in helping protect sensitive information during inspections of Government-run facilities and defense contractors. This Agency lacks authority to aid other U.S. businesses, however. Following through on this provision with authorizing legislation—which I would hope we could do in the CWC implementing legislation—would ensure that American businesses have the full benefit of OSIA's expertise available to them.

Under condition 23, the Senate will be informed promptly of the proposed addition of a chemical to any of the CWC's schedules of chemicals. A report from the President will indicate the anticipated effect of such proposal on U.S. industry. If a proposed addition should appear to promise too great a burden on U.S. industry for too little gain in protection against chemical weapons, Congress will then have time to convince the executive branch to force that proposed addition into a CWC process that requires two-thirds vote of the states parties to adopt the change.

HOLDING DOWN U.S. COSTS

Allegations have been made that the CWC will create a massive U.S.-style bureaucracy that will cost U.S. taxpayers hundreds of millions of dollars. Several conditions have been agreed upon to keep U.S. costs to a minimum and ensure a well-managed organization.

Under condition 22, regular U.S. contributions to the Organization for the Prohibition of Chemical Weapons, or OPCW, have been capped at \$25 million annually. Any increase to this cap must cross two high hurdles. First, the President must make a "national security interest" waiver. Second, the Congress must enact a joint resolution approving the President's waiver.

Fortunately, condition 22 allows a periodic inflation adjustment to the regular U.S. contribution. In addition, the United States will be permitted to contribute funds to help the OPCW handle the costs of monitoring U.S. destruction of chemical weapons. Those are costs that we originally intended to fund for implementation of the 1990 bilateral destruction agreement between the United States and the Soviet

Union, and they have not been included in the regular OPCW budget.

Condition 2 provides that any U.S. contributions to the OPCW will be subject to congressional authorization and appropriation. This means that not one dollar can be transferred to the organization by the U.S. Government without congressional approval.

Pursuant to condition 3, the OPCW must create an independent inspector general within its first 9 months of operation. Otherwise, half of the regular U.S. contribution to the OPCW budget will be withheld. An inspector general will ensure rigorous oversight of OPCW activities and expenditures.

While it is in the U.S. interest for the CWC to have a strong verification regime, we should not have to foot the bill for all of the research and development that goes to improving verification. That is why condition 4 was included, to require that any research and development by the United States that is designed primarily to improve the verification provisions of the CWC—including the training of OPCW inspectors—must be pursuant to an agreed cost-sharing arrangement that spreads the costs of such R&D equitably between the United States and the organization.

A cost-sharing arrangement will also be required in order to share items or services that were developed through U.S. research and development. It will still be possible, however, for U.S. agencies to pursue R&D programs so as to improve U.S. monitoring of chemical weapons, and cost-sharing arrangements need not be in place unless and until the United States wants to share the results with the OPCW.

We would also not want to be stuck with the bill for Russian destruction of their vast chemical weapons stockpile. So there is agreement on condition 14, under which the United States shall not accept any Russian effort to condition its ratification of CWC upon United States guarantees to pay for Russian implementation of chemical weapons destruction under the CWC or the 1990 bilateral destruction agreement.

ENSURING IMPROVED MONITORING, VERIFICATION AND ENFORCEMENT

Some opponents of CWC have alleged that the convention will lead to a "dumbing down" of U.S. intelligence and that the United States will shy away from taking tough actions when faced with instances of noncompliance. Three conditions address these concerns head-on.

We all know that monitoring and verification of some aspects of CWC compliance will be difficult. This fact of life has prompted understandable concern on the part of some Members, and the administration has accepted a condition—No. 10—that requires both periodic reports and prompt notice regarding world chemical weapons programs and the status of CWC compliance. The executive branch would also offer briefings on current compliance issues, including issues to be raised in

OPCW meetings and the results of those meetings.

The careful reader of condition 10 may note some hyperbole in it. Thus, the first subparagraph states that "the convention is in the interests of the United States only if all parties * * * are in strict compliance * * *, such compliance being measured by performance and not by efforts * * *"

In truth, of course, there may be major violations or minor shortfalls. If a party is delayed in its sincere efforts to clean up the vestiges of a long-inactive chemical weapons program, that will hardly constitute a threat to U.S. national interests. But the drafters of this condition are on to something; even minor violations by a few parties could erode the commitment of other parties to strict compliance with the convention.

The important thing is that the administration is not afraid to keep Congress in the loop on CWC compliance issues. Condition 10 requires briefings at least four times a year for the Congress on U.S. actions taken to address compliance issues. This regular flow of information will allow the Congress to keep abreast of chemical weapons programs and to judge for itself whether the United States is doing enough to detect and respond to noncompliance.

It may be in our interest at times to share intelligence with the OPCW, especially so as to maximize the effectiveness of the CWC's on-site inspection regime. All agree that we should take steps to protect U.S. sources and methods when sharing intelligence information.

Thanks to the work of the senior Senator from Alabama, which I am happy to commend, condition 5 has been added to do just that. It requires the intelligence community, at the interagency level, to fully sanitize and to approve all intelligence information before it is released to the OPCW.

The Director of Central Intelligence can waive this requirement for particular documents on a case-by-case basis, but that must be promptly reported to the Foreign Relations and Intelligence Committees of the Congress. The Director must also report on the procedures set up to protect classified information and on any unauthorized disclosures of information provided to the OPCW.

The Senator from Alabama's condition makes a real contribution to the verification of compliance with the CWC. The ability of the United States to share information with the OPCW is vital to catching would-be violators of the convention. I hope that this condition will not only ease the Senator's concerns over the protection of intelligence sources and methods, but also reassure him that the overall convention is in the national interest.

All of us want the executive branch to act effectively in the event that a State party should violate the CWC in any manner that threatened U.S. national security interests. Condition 13

will require the executive branch to report to and consult with the Senate regarding such violations and to make effective use of CWC provisions for challenge inspections, high-level diplomacy and U.N. sanctions. The executive branch also agrees that any sanctions required by U.S. law should be implemented in such a case.

Pursuant to subparagraph (A)(vi), if the noncompliance should persist for a year, the executive branch will be bound to consult with the Senate for the purposes of obtaining a resolution of support of continued adherence to the convention. This seems unduly rigid; a country may well need more than a year to come into compliance if it must destroy chemical weapons stocks or facilities. Frankly, I do not know what is to be gained by requiring the executive branch to consult each time on a possible resolution of support for continued adherence to the CWC. But condition 13 does not require that such a nonbinding resolution be introduced or voted upon in every case, so there is little potential for harm in this.

Some other aspects of condition 13 merit additional explanation. For example, several of the mandated executive branch responses to CWC violations must be undertaken on an urgent basis. This does not mean that they must all proceed concurrently. Thus, in some cases high-level diplomacy will suffice and there will be no need to seek a challenge inspection or U.N. sanctions.

In some cases, it might be necessary to prepare the groundwork carefully for a challenge inspection or a diplomatic approach. The Senator from North Carolina and I are agreed that the executive branch could proceed with such preparations on an urgent basis, even though they may take many months to come to fruition.

Finally, the requirement in subparagraph (A)(ii) that the executive branch seek a challenge inspection should not be read as requiring that the United States must always be the party that initiates such a request. There might well be other States parties with an equal or greater interest in a given country's apparent violation of the CWC, and it might be more fruitful in some cases for the executive branch to work with those other States parties to secure the common objective of a challenge inspection.

MAINTAINING ROBUST CHEMICAL DEFENSES

Some have asserted that if the United States joins the CWC, we will be lulled into a false sense of security and drop our guard against the continuing threat of chemical weapons. This concern is frankly a bit mystifying. Aside from the risk that any arms control treaty might be violated by a State party to it, U.S. military leaders are quite aware that such potential military adversaries as Iraq, Libya, and North Korea are not planning to sign the convention. The Joint Chiefs of Staff support CWC not because it will

automatically remove the need to defend against chemical weapons, but rather because CWC is a vital step toward reducing and combating that threat.

While the opponents' argument ignores the fact that the Pentagon has requested \$225 million in additional funds for chemical weapons defenses over the next 5 years, a condition has nonetheless been added to address their concerns. Pursuant to condition 11, the Secretary of Defense shall ensure that U.S. forces are capable of carrying out required military missions in U.S. regional contingency plans, regardless of any threat or use of chemical weapons. In particular, U.S. forces must be properly trained, equipped, and organized to operate in chemically and biologically contaminated environments. This means not only improving the defensive capabilities of U.S. forces, but also initiating discussions on chemical weapons defense with likely coalition partners and countries whose civilian personnel would support U.S. forces in a conflict.

The administration has also agreed to assure that the U.S. Army Chemical School remains under the supervision of an Army general. Finally, the President is required to submit exhaustive annual reports to Congress on the State of Chemical and Biological defense efforts.

CONSTITUTIONAL CONCERNS

Some opponents of the CWC have alleged that it will violate the U.S. Constitution by permitting international inspectors to conduct warrantless searches of U.S. facilities. Actually, a number of legal scholars have noted the specific constitutional protections written into the convention. To ease any members' lingering concerns, however, two important agreed conditions have been added.

Condition 28 makes it crystal clear that no warrantless searches will be permitted when access to inspectors is denied. All challenge inspections will require a criminal warrant based upon probable cause when consent to that inspection is withheld. An administrative warrant will be required for routine inspections of declared U.S. facilities when consent has been withheld. Both of these warrants must be issued by a Federal judge—either a U.S. District Court judge or a U.S. magistrate judge.

Condition 28 was reached through the combined efforts of the majority leader, Senator HELMS, the administration and myself. It represents a significant concession by the administration, as the Constitution does not require administrative warrants in cases of highly-regulated industries. Condition 28 reflects the executive branch's confidence that any challenge inspection mounted in the United States will, indeed, be based on sufficient evidence to justify a criminal search warrant.

I want to compliment the majority leader, in particular, for his efforts on condition 28. I would certainly hope

that the concessions he obtained from the administration on this major issue would reassure him that the CWC's important contributions to the national security will be achieved without any violation of people's constitutional rights or any undue costs or harm to U.S. persons.

Condition 12 makes clear that nothing in the CWC requires or authorizes anything that is prohibited by the U.S. Constitution, as interpreted by the United States. No administration would agree to a treaty that violated the constitution, no treaty ever takes precedence over the constitution, and only the United States interprets our Constitution. The administration is quite willing, therefore, to accept a condition stating these facts.

RIOT CONTROL AGENTS

Concerns were raised that the administration planned to amend Executive Order 11850 of 1975 to prohibit the use of tear gas in times of war to rescue downed pilots and to fend off attacks by combatants using civilians as human shields. Condition 26 has been added to lay this concern to rest.

Pursuant to condition 26, the President is prohibited from taking any action to alter or eliminate Executive Order 11850 of 1975. In other words, all uses of tear gas by U.S. Armed Forces that are permitted today—including rescuing of downed pilots and against combatants when they use civilians to shield attacks—will continue to be permitted after the CWC enters into force.

In addition, condition 26 makes clear that nearly all uses of riot control agents in peacekeeping operations will be permitted. The sole exception to that permission would be in the most unlikely case that the U.S. role in a peacekeeping operation reached such a military scope and duration that the laws of war would pertain to it.

TRANSFER OF CHEMICAL WEAPONS DEFENSES

Some opponents of CWC have asserted that article X of the convention would require the United States to provide financial assistance and equipment to countries such as Iran and Cuba in order to improve their chemical weapons defense capabilities. This is an understandable misconception of paragraph 7 of article X, which states that "each state party undertakes to provide [such] assistance through the organization." Paragraph 1 of article X defines "assistance" to include "detection equipment and alarm systems, protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures."

The rest of paragraph 7 of article X makes clear, however, that each state party is not required to provide all such assistance. A state party may contribute to a voluntary fund for assistance, or agree to provide assistance through the OPCW on demand, or simply declare what assistance it might provide in response to an appeal by the OPCW. So CWC does not compel the