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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who calls us to seek peace and not war, but who has blessed us in victory in just wars fought for the righteous cause of freedom and justice, we seek Your guidance for the crucial decisions about the Chemical Weapons Convention. Our hearts and minds are united with You in abhorrence and judgment on the use of chemical weapons. Thank You for the diligence with which the Senate has debated the issues of ratification of the treaty. The research and clear communication on both sides of these issues have brought illuminating discussions. Sharp differences remain about ratification. Now the hour of decision approaches.

Father, fuel with Your presence and glory this Chamber and then the Old Senate Chamber during the executive session. May the Senators seek Your guidance, clarify their convictions, and then cast their votes with a sense that they have done their very best. When the votes are counted and the result is declared, unite the Senators in the unbreakable bond of unity rooted in a mutual commitment to patriotic leadership of our Nation.

Dear God, guide this Senate and bless America. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, of Mississippi, is recognized.

Mr. LOTT. Mr. President, I thank you for the recognition. And I want to thank the Chaplain, as always, for his very thoughtful and helpful prayers.

SCHEDULE

Mr. LOTT. For the information of all Senators, today, at 10:30 a.m., the Senate will begin a closed executive session in the Old Senate Chamber to continue the debate on the Chemical Weapons Convention so that Members can be briefed on certain classified information. This is the first time in several years that we have had such a briefing. I urge all Senators to attend. I think they will find it very interesting. They need to know what will come out of this briefing before they make a final decision.

The closed session is expected to last until approximately 12:30. After the expiration of time for the closed session, the Senate will then immediately resume consideration of the treaty in this Chamber. By previous consent, the Senate will continue the debate with respect to the treaty until all time is expired or is yielded back under the time agreement. I think there is something like 1 hour 40 minutes or 2 hours of general time remaining, something about that amount.

In addition, by consent, the five motions to strike will be in order at any time following the closed session. Separate votes on each of the motions are expected. Therefore, Senators can expect votes throughout the day and into the evening in order for the Senate to complete action on the treaty today. It would appear to me that the final vote will come sometime between 8 and 9 o'clock probably, perhaps a little earlier, but that is the way it looks at this point.

Again, I encourage all Members to participate in this important debate beginning in a few minutes in the Old Senate Chamber.

PRIVILEGE OF THE FLOOR

Mr. LOTT. Mr. President, I ask unanimous consent that the following individuals, in addition to those officers and employees referred to in standing

rule XXIX, be granted floor privileges during today's closed session, and I send the list to the desk.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

The list is as follows:

Kathleen Alvarez.
Steven Biegun.
Marshall Billingslea.
Joel Bretnier.
Romie Brownlee.
Charles D'Amato.
Michael DiSilvestro.
Jeriel Garland.
Lorenzo Goco.
Frank Jannuzi.
Taylor Lawrence.
Edward Levine.
David Lyles.
Mary Jane McCarthy.
Sheila Murphy.
James Nance.
John Roots.
Randall Scheunemann.
Christopher Straub.
Puneet Talwar.
Peter Flory.

CONFIDENTIALITY OF EXECUTIVE SESSIONS

Mr. LOTT. Mr. President, I would like to call the attention of all Senators and staff to rule XXIX of the Standing Rules of the Senate which addresses the confidentiality of executive sessions. Paragraph 5 of standing rule XXIX reads as follows:

Any Senator, officer, or employee of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer or employee, to dismissal from the service of the Senate, and to punishment for contempt.

I urge my colleagues to keep this in mind when approached by the media for comments on these proceedings.

[ORDER FOR RECESS]

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 10:30 a.m. following brief remarks by Senator HAGEL

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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and Senator BINGAMAN, at which time the Senate will then reconvene in the Old Senate Chamber for a closed executive session.

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

Mr. LOTT. Does the Senator seek recognition?

Mr. BIDEN. Only to recognize Mr. HAGEL.

Mr. LOTT. I yield the floor, Mr. President.

EXECUTIVE SESSION

CHEMICAL WEAPONS CONVENTION

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask, how much time do I have remaining?

The PRESIDING OFFICER. First we will have the clerk report the pending business.

The assistant legislative clerk read as follows:

Treaty Document No. 103-21, the convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

The Senate resumed consideration of the convention.

The PRESIDING OFFICER. The Senator from Delaware has 1 hour 30 minutes remaining.

Mr. BIDEN. Mr. President, I yield 7 minutes to my distinguished colleague from Nebraska, and if he needs more time, let me know. We are kind of tight on time. Then, in accordance with the unanimous-consent request by the majority leader, I will yield 7 minutes of my time to the distinguished Senator from New Mexico, [Mr. BINGAMAN].

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

Mr. HAGEL. Mr. President, I thank you.

Mr. President, it was 30 years ago this week that I joined the U.S. Army. It was 29 years ago this week, with my brother Tom, that I was first wounded in Vietnam. This is an important week of reflection for me as we take up the final hours of debate on the Chemical Weapons Convention.

I rise this morning to say that I will vote for the Chemical Weapons Convention. America's national security interests are better served with this treaty than without it. Our men and women in uniform are better served with this treaty than without it.

There are few Senators who have put as much time in on this issue than I have, studying this treaty over the past few weeks. As a freshman Senator, I began with very limited knowledge about this convention. I had to understand it totally before I could make an intelligent vote on the treaty.

This treaty is much improved from the form in which it was first submitted to the Senate. I would have voted against this treaty in its original form.

But as the Framers of our Constitution intended, the Senate has worked its will and has substantially strengthened the final agreement. Because of the strong leadership and negotiation, in my judgment, the balance has tipped strongly in favor of ratification of this convention.

The people of this country should recognize the important roles that Majority Leader LOTT, Chairman HELMS, and Senators BIDEN, LUGAR, and KYL played in this debate. They allowed the Senate the opportunity to listen, to learn, and to understand this treaty, to debate this treaty, and they have brought a more informed Senate together to vote on this treaty as we will throughout the day.

That is what this body, the Senate, should be about, debating important issues that have consequences for all Americans. This convention will have consequences for all peoples around the globe.

Under the leadership of Majority Leader LOTT, Senator BIDEN, the administration, and others, the Senate made 28 substantial changes to the original treaty to address major problems in the treaty, several of which were key to improving it, in my opinion. The majority leader held a news conference 45 minutes ago and read a letter from the President—as far as I know, unprecedented in arms control conventions—laying out some of the concerns that this President has and this body has about issues in this convention. I think that, too, further strengthens this treaty.

We fully protected the constitutional rights of our businesses against unlawful searches and seizures by ensuring that international inspection teams must obtain a search warrant before entering any American facility. This means no challenge inspection will occur unless a U.S. Federal judge finds probable cause to believe a violation of law has occurred at that facility. The rights guaranteed under our Constitution will continue to reign supreme.

We ensured that the American military will be able to use nondeadly riot control agents, such as tear gas. As military operations become increasingly complex and involve more areas with civilian populations, it is imperative that our military commanders have the maximum flexibility to employ a range of force, including nondeadly force.

We made clear that our existing national and international export controls will remain in place. The United States simply will not transfer chemical technology in any manner that would weaken our existing controls or military defense capabilities, or would tend to allow dangerous chemical technology to fall into the hands of pariah regimes.

We put in place safeguards to ensure that American intelligence data is protected whenever it is shared with the international organization that will oversee operations of the convention.

We also prohibited chemical samples taken at American laboratories from being transferred off American soil—an important provision that helps protect proprietary and security information.

And, we took steps to ensure that the new international organization set up to monitor and enforce the convention will not become an ill-managed bureaucracy that burdens the American taxpayer. We put a cap on the American contribution to that organization, and we required the organization to establish and maintain an independent inspector general.

I should like to close with this. As I have referenced, there are a number of improvements that have been made to this treaty. We have five more proposed conditions that remain in disagreement that we will vote on yet today. I will vote to strike at least four of those conditions because they would effectively prevent American participation in the convention and would undermine the very purpose of this treaty.

This treaty, however, is no magic instrument that will guarantee Americans and our troops safety from chemical attack. No treaty can substitute for unwavering American strength, determination, vigilance, and leadership. But this treaty is one more tool we can use to make chemical attacks less likely. It does improve our eyes.

With or without this treaty, the United States years ago decided never again to use chemical weapons and is committed by law to completely destroy our stockpile of chemical weapons by early in the next century. That decision was made during the Reagan administration and was reaffirmed by the Bush administration.

The important question now is, what can we do to give ourselves more leverage to press other countries to do the same? It is a very important question. Ratifying this treaty is not the end of our efforts to make chemical attacks on Americans less likely. To the contrary, it is only the beginning. As President Reagan's top arms control negotiator, Ronald Lehman, said last week before our Foreign Relations Committee:

Ratification is essential to American leadership against proliferation of weapons of mass destruction, but ratification alone is not enough. Strong follow-up involving all branches of Government will be vital.

We must now use the tools of this treaty effectively. The treaty tools give us, I believe, the most effective way to deal with the proliferation of chemical weapons. We must keep America strong. We must keep America vigilant. The Senate has an important and ongoing role to play in making sure this treaty is implemented properly, and I am committed as a Senator to making that happen.

For me, this has never been a political issue, Mr. President. This vote is not about Republicans. It is not about Democrats. It is not about conservatives, not about liberals. It is not