

(DCI Copy)

DCI TESTIMONY ON  
CHEMICAL AND BIOLOGICAL WEAPONS  
BEFORE THE SENATE COMMITTEE ON  
GOVERNMENTAL AFFAIRS AND ITS  
SUBCOMMITTEE, THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

9 February 1989



Director of Congressional Affairs

1 February 1989

Judge Webster:

At the time of your prebrief on this hearing, I will be on the Hill with Dick Kerr in connection with the confirmation.

[redacted] of our Senate Division in my office will assist you at the prebrief and will accompany you to the hearing next week.

[redacted] knows Senators Nunn and Glenn very well. Although they are both on our Intelligence Committee, this hearing is being held by Government Affairs.

[redacted signature box]

John L. Helgerson

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OCA 89-0400  
8 February 1989

NOTE FOR: The Director

FROM:   
Deputy Director, Senate Affairs  
Office of Congressional Affairs

SUBJECT: Chemical and Biological Weapons

Attached are questions--and suggested answers-- that have been prepared by staff for Senator Roth to ask you at Thursday's hearing on chemical and biological weapons.

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Attachment

*Additional*

*Q & A's*

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**THE U.S. GOVERNMENT HAS SAID LITTLE PUBLICLY ABOUT COUNTRIES THAT POSSESS OR USE CHEMICAL WEAPONS, YET WE KNOW THAT PUBLIC PRESSURE IS ONE WAY TO DISSUADE COUNTRIES FROM USING THESE WEAPONS. DO YOU BELIEVE THAT LEAKS OF INFORMATION ABOUT COUNTRIES WHICH SEEK OR ACQUIRE CHEMICAL AND BIOLOGICAL WEAPONS DAMAGES OUR NATIONAL SECURITY?**

**YES, I DO BELIEVE THAT SUCH LEAKS ARE DAMAGING TO OUR NATIONAL SECURITY. THE INTELLIGENCE COMMUNITY EXPLORES ALL AVAILABLE SOURCES OF INFORMATION ON NUMEROUS SUBJECTS RELATED TO NATIONAL SECURITY, INCLUDING THE CHEMICAL AND BIOLOGICAL WARFARE PROGRAMS OF OTHER NATIONS. WHEN ANY DETAILS--GATHERED BY HIGHLY SENSITIVE SOURCES AND METHODS--ARE MADE PUBLIC, OUR ABILITY TO GATHER ADDITIONAL INFORMATION DECREASES.**

**YOUR STATEMENT SAYS CLEARLY THAT FOREIGN SUPPLIERS PROVIDE PRECURSOR CHEMICALS AND EQUIPMENT. HOW CAN YOU TELL THAT THESE FOREIGN SUPPLIERS ARE AWARE THAT THE BUYERS ARE PLANNING TO MAKE CHEMICAL WEAPONS?**


AS I HAVE STATED, THE EQUIPMENT AND MATERIALS NEEDED TO MAKE CHEMICAL WEAPONS CAN ALSO BE USED TO PRODUCE LEGITIMATE INDUSTRIAL CHEMICALS--SUCH AS PESTICIDES OR PHARMACEUTICALS. BECAUSE THERE ARE CIVILIAN USES OF THESE MATERIALS, IT IS POSSIBLE THAT SOME SUPPLIERS DO NOT KNOW THAT THEY ARE FURNISHING MATERIALS FOR CHEMICAL WEAPONS PROGRAMS.

IN ADDITION, AN INTELLIGENCE COMMUNITY JUDGMENT THAT A COUNTRY HAS DECIDED TO DEVELOP CHEMICAL WEAPONS RESULTS FROM ANALYSIS OF INFORMATION FROM ALL AVAILABLE SOURCES. IT IS THE PREPONDERANCE OF EVIDENCE FROM ALL OF THESE SOURCES THAT ALLOWS US TO MAKE SUCH JUDGMENTS. ALTHOUGH I CANNOT DISCUSS THE DETAILS THAT LED TO THESE ASSESSMENTS HERE--SENSITIVE SOURCES AND METHODS ARE INVOLVED--I WOULD BE AMENABLE TO PROVIDING THOSE DETAILS IN A CLOSED SESSION.

OCA 89-0296  
1 February 1989

MEMORANDUM FOR: The Director

FROM:


  
Deputy Director, Senate Affairs  
Office of Congressional Affairs

SUBJECT: Your 9 February Testimony on Chemical and  
Biological Weapons

1. You are the leadoff witness at this hearing that is intended to educate the public to the dangers of chemical and biological weapons. Senator Glenn, Chairman of the Governmental Affairs Committee, and Senator Nunn, Chairman of the Permanent Subcommittee on Investigations, will co-chair the hearings. This arrangement results from a dispute within the Committee over who would hold these hearings, the full committee or the subcommittee. The idea for the sessions originated with Senator Nunn.

2. Because of the extremely sensitive sources and methods associated with our knowledge of chemical and biological weapons, we have carefully scripted your opening statement and the enclosed questions and answers with the Committee staff. The staffers have been told what you can and cannot discuss in open session. They accept our position and have assured us that Senator Nunn will advise the Members of these constraints. Senator Nunn will support you if you decline to answer particular questions in public session. We have not yet demarched directly with Senator Glenn's staff on this issue, but we are confident that Senator Glenn also will understand the need to protect sources and methods.

3. The hearings are scheduled for 9 and 10 February. Key Administration witnesses are General William Burns of the Arms Control and Disarmament Agency, Allen Holmes, Assistant Secretary of State for Political and Military Affairs, and Major General Arnold Schlossberg, Mr. Holmes' deputy. General Burns will testify on the recent Paris conference and arms control issues as they pertain to chemical and biological weapons. Assistant Secretary Holmes will describe talks with the Soviet Union and the Administration's reaction to pending legislation. These Bills are included in the final tab. These Administration witnesses will testify on 10 February. They have been provided copies of your opening statement.



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Senator John Glenn and Senator Sam Nunn are the Chairmen of the full committee and subcommittee respectively. Senator William Roth is Ranking Minority Member of both. Senators Glenn and Nunn are both members of the Armed Services and Intelligence Committees. Senator Roth rotated off the Intelligence Committee at the end of the last session.



*Georgia - Senior Senator***Sam Nunn (D)****Of Perry — Elected 1972****Born:** Sept. 8, 1938, Perry, Ga.**Education:** Attended Georgia Institute of Technology, 1956-59; Emory U., A.B. 1961, LL.B. 1962.**Military Career:** Coast Guard, 1959-60; Coast Guard Reserve, 1960-68.**Occupation:** Farmer; lawyer.**Family:** Wife, Colleen Ann O'Brien; two children.**Religion:** Methodist.**Political Career:** Ga. House, 1969-72.**Capitol Office:** 303 Dirksen Bldg. 20510; 224-3521.

**In Washington:** Early in 1987, much of the defense community in Washington was preoccupied with debate over President Reagan's efforts to reinterpret the 1972 anti-ballistic-missile treaty. For several weeks, Nunn avoided taking a position on whether the treaty allowed, as administration officials argued, tests of a space-based anti-missile system.

Then, one day in March, Nunn began a series of three speeches outlining his views on the issue. In a subdued voice, he laid out a long, detailed analysis (in printed form, it stretched to 98 heavily footnoted pages) of the history of the negotiation and ratification of the pact. The administration's reinterpretation was "fundamentally flawed," Nunn said, concluding that the intent of the treaty had been to ban the kind of tests Reagan sought.

The speeches ran like an electric shock through the network of defense experts in the capital. Within a few days, it was clear that the administration would have great difficulty getting its view of the treaty accepted in Congress. Analysts agreed that Nunn had single-handedly reshaped the course of debate over the strategic defense initiative and arms control in general.

That incident was a perfect symbol of Nunn's awesome influence over congressional defense policy. His prestige is so great, and his expertise on the issues so unchallengeable, that he can exert a decisive influence in a dispute the moment he offers an opinion. Becoming chairman of the Armed Services Committee, as Nunn did at the start of the 100th Congress, represented only a small increase in the power he had already held in the minority; his importance has always come more from his knowledge and reputation than from his position.

Nunn's central role is all the more impressive in that it has been achieved without the aid of any notable flair for oratory or a telegenic

personality. While he does not neglect behind-the-scenes maneuvering or subtle cultivation of useful allies in the Senate, his chief strong point has always been pure mastery of the subject. He has become a power by the simple expedient of knowing what he is talking about.

Perhaps even more remarkable is the way Nunn's Senate reputation propelled him onto the national political stage. As the 1988 campaign began, a variety of factors — notably the importance of the South to Democratic presidential hopes and the contrast between Nunn's diligence and President Reagan's lackadaisical management style — worked to focus attention on Nunn as a presidential candidate. Interest in him was so strong that even his refusal to campaign for the nomination did not quell interest in his candidacy.

Nunn will have to cope with a serious political problem if he does seek the presidency in 1988 or thereafter: He is well to the right of the national Democratic Party. But his differences with the Democratic mainstream have narrowed in recent years, particularly on defense issues. "I'm still more conservative than most people in the Democratic Party," he says. "But it's not as wide a gap as it used to be, and I like to think that's because they're coming towards the middle."

As chairman of Armed Services, Nunn derives much of his day-to-day power from his detailed knowledge of individual weapons programs and his ability to work out a consensus on the hundreds of small decisions that go into each year's defense authorization bill. He has also established himself, however, as an important thinker on more fundamental questions underlying U.S. strategy in a nuclear world.

An advocate of increased defense spending long before Reagan became president, Nunn generally has supported the defense buildup

*Sam Nunn, D-Ga.*

undertaken by the Reagan administration. But he has sharp criticisms of the way the administration has managed that trillion-dollar rearmament program.

Nunn argues that the administration's program has lacked strategic coherence. Too much has been spent on nuclear weapons, he feels, and not enough on maintaining sufficient conventional military strength to prevent a war in Europe or elsewhere from escalating into a nuclear conflict. Moreover, in Nunn's view, the administration has been inordinately hostile to arms control agreements even if they have the potential to impose significant restraints on Soviet military power.

A key point of Nunn's critique is that the military spending increases under Reagan have been more than matched by an expansion in defense commitments. He worries that even the beefed-up armed forces would not be able to meet all the military demands potentially imposed on them by the administration's overall defense strategy.

Typical of that view was Nunn's opposition to Reagan's military involvement in Lebanon. He was a leading opponent of the 1983 War Powers Resolution that permitted Reagan to maintain a Marine contingent in Beirut for up to 18 months, arguing that "it is an absolutely absurd military mission. We are setting up an unlimited mission ... with very, very limited military power."

Nunn also has problems with the way the administration has spent the increased defense funding at its command. Calling the Pentagon under Caspar W. Weinberger "a Department of Procurement, not a Department of Defense," he argues that spending plans have focused too much on complex new weapons systems, and not enough on the spare parts, ammunition and maintenance projects needed to keep the armed forces in day-to-day fighting trim.

"It is clear that in the past six years our pocketbooks have been exercised," Nunn has said. "It is less clear whether our minds have kept pace."

One very serious flaw in defense policy, Nunn argues, has been the rivalry and lack of coordination among the separate branches of the military. Nunn's longstanding ideas about the weaknesses of the Pentagon's internal structure were a key factor in the 1986 passage of legislation reorganizing the military command system. The bill, which was opposed by much of the Pentagon hierarchy, gave added bureaucratic clout to the chairman of the Joint Chiefs of Staff and lessened the independence of the separate services.

NATO nations have been another target of

Nunn's critical scrutiny; he feels that the United States' European allies do not bear enough of the cost of maintaining common defense against the Soviet Union and its Warsaw Pact allies. He sponsored a key amendment in 1984 that would have withdrawn up to 90,000 U.S. troops from Europe unless NATO countries met their longstanding commitment to increase ammunition stockpiles and build certain air base facilities. While the amendment was rejected — after intensive lobbying opposition from top administration officials — its relatively strong showing signaled a broader congressional dissatisfaction with allied efforts.

As his stand on the ABM treaty illustrated, Nunn has also become deeply involved in recent years in debate over the strategic defense initiative (SDI). Nunn has not always pleased liberal critics of SDI the way he did in early 1987 — he has voted against deep cuts in research funding for the project.

But Nunn has not been much comfort to the administration on SDI either. His basic position, developed along with ally William S. Cohen, a Maine Republican, was reflected in an Armed Services Committee policy statement on SDI in the 1986 defense authorization bill. Although the goal of an effective anti-missile defense system deserves study, the two argued, it is probably an impossible goal. Instead of pursuing what Nunn has called the "grandiose and unrealistic" goal of protecting the entire United States from missile attack, they urged that efforts be directed toward the more modest goal of defending U.S. nuclear weapons against a surprise Soviet attack.

Nunn also was deeply involved in the battle over the MX missile. He was a key player, along with Republicans Cohen and Charles H. Percy, in the 1983 negotiations that secured an administration pledge to pursue serious arms talks with the Soviets, in return for congressional support of the MX.

But Nunn has not been an especially enthusiastic backer of the missile, at least since Reagan decided in 1981 to abandon Carter's "race-track" basing mode. When the MX came under increasing attack in 1984, Nunn did not rush to its defense. He took no part in floor debate on an amendment that came within one vote of killing the project.

But Nunn helped push a major change in MX policy through the Senate in 1985. Arguing that it would be a mistake to deploy more missiles in existing silos, where they could be highly vulnerable to Soviet attack, Nunn rounded up strong floor support for an amendment to limit deployment to 40 missiles — less than half of what Reagan wanted — until a

*Georgia - Senior Senator*

new, more secure basing mode could be devised. Nunn and Reagan later agreed to a compromise amendment limiting deployment to 50.

Earlier in his career, Nunn focused most of his attention on military manpower issues. He remains the most forceful and persistent critic of the volunteer Army and lobbyist for a return to the draft. He would revamp conscription procedures to eliminate past inequities, but he insists that the current Army could not win a war. "Present military manpower problems are so severe," Nunn said in 1979, "that our armed forces would not be capable of meeting a national security emergency that required a rapid, major increase in present force levels."

When he took over at Armed Services, Nunn was continuing a Georgia Democratic tradition — he is the grandnephew of Carl Vinson, longtime chairman of the House Armed Services Committee, and he occupies the Senate seat once held by the revered Richard Russell, who chaired Senate Armed Services.

Nunn did not leave the matter of committee assignments to chance when he came to Washington. He teamed up with his great-uncle Vinson, who by then had retired, and visited all the major Senate power brokers, starting with Armed Services Chairman John C. Stennis of Mississippi. Nunn got the Armed Services assignment, and he also made a favorable impression on Stennis and the late Henry M. Jackson, another senior committee member. Both men helped Nunn over the years.

Nunn inherited some of his great-uncle's skill at bringing defense dollars home to Georgia. He waged a bruising 1982 battle against Jackson over whether to use some of the money currently allocated for C-5 transport planes, built in Georgia, to buy Boeing 747s, built in Washington. Jackson's personal lobbying gained an initial victory on the Senate floor, but Nunn won in the end, preserving job-creating contracts for his constituents.

On non-defense issues, Nunn's dominant concern has been in fighting organized crime. As chairman and ranking Democrat on the Governmental Affairs Committee's Permanent Subcommittee on Investigations, Nunn has focused on uncovering corruption among union leaders.

Nunn's investigations led directly to two significant pieces of legislation — one to crack down on criminal abuse of the workers' compensation program for longshoremen, the other to increase penalties for union officials found guilty of corruption. While the two measures died due to House opposition in the 97th

Congress, modified versions of each became law in the 98th.

**At Home:** Georgia's dominant Democratic figure, Nunn not only is secure in his own office, but also has the clout to assist others, as he demonstrated by helping Rep. Wyche Fowler Jr. defeat GOP Sen. Mack Mattingly in 1986. With Nunn's imprimatur, Fowler was able to mitigate his liberal reputation and capture crucial rural and suburban votes.

True to his history of caution, Nunn intervened in the Senate contest only after carefully weighing the variables. By working actively for the Atlanta-based Fowler, Nunn risked losing the conservative image that had earned him bipartisan support and an overwhelming 1984 re-election. But the Senate race also provided Nunn with an opportunity to play a Democratic leadership role — one that would earn him respect from more liberal party activists and enhance his appeal if he sought higher office.

By mid-1985, Nunn had quashed rumors that he would quietly support Mattingly. And though Nunn made no endorsement in the Democratic Senate primary, he got behind Fowler right after the nomination was settled and campaigned vigorously for him. Nunn cut commercials that portrayed Fowler as an urban representative who looked out for rural voters, especially farmers. Fowler's frequent dropping of the senior senator's name generated a joke that someone named "Wyche Nunn" was running for the Senate.

Fowler told audiences that his election could ensure a Democratic Senate majority, which would elevate Nunn's status. "A vote for Wyche Fowler is a vote for Sam Nunn to be chairman of the Armed Services Committee," Fowler said. Fowler edged Mattingly, Democrats took the Senate and Nunn got his chairmanship.

Nunn was a dark horse himself when he first decided to run for the Senate in 1972, but he turned out to be an ideal candidate against David H. Gambrell, the wealthy and urbane Atlanta lawyer whom Gov. Jimmy Carter named to the Senate after Russell's death.

Nunn also was a lawyer and state legislator, but his central Georgia roots and kinship with Carl Vinson allowed him to run as an old-fashioned rural Democrat. He called Gambrell a "fake conservative" who backed Democratic presidential nominee George McGovern, despite Gambrell's denials of any such link.

Though Gambrell finished first in the primary, he was forced into a runoff with Nunn, who intensified his attacks, all but saying Gambrell's wealthy family had bought the seat

**Sam Nunn, D-Ga.**

by contributing to Carter's gubernatorial campaign. It was enough to sink Gambrell.

The focus shifted in the general election, when Nunn encountered GOP Rep. Fletcher Thompson. This time, it was Thompson who used the McGovern issue. But Nunn countered by obtaining the blessing of Alabama Gov. George C. Wallace, then a conservative icon.

Despite his criticisms of busing and "welfare loafers," Nunn also got the support of black leaders, who claimed Thompson had not spoken to a black audience in four years, even though 40 percent of his Atlanta district was non-white. Further big-name help for Nunn came from Democratic Sen. Herman E. Talmadge, at the time an institution in state

politics, whose critical support in rural areas helped Nunn offset his opponent's strength in the Atlanta suburbs. Nunn won by 93,000 votes.

Six years later, Nunn's fiscal conservatism and support for the military put him in such good position that no serious challenger emerged. The luckless Republican candidate, former U.S. Attorney John Stokes, had little money and ran a near-invisible campaign. Nunn's 83 percent was the highest vote any Senate candidate in the country received that fall against a major party opponent. In 1984, in a banner year for Republican candidates in Georgia, Nunn dropped some — to 80 percent of the vote.

**Committees**

- Armed Services** (Chairman)
- Governmental Affairs** (3rd of 8 Democrats)  
Permanent Subcommittee on Investigations (chairman); Federal Spending, Budget and Accounting.
- Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition** (3rd of 6 Democrats)
- Select Intelligence** (3rd of 8 Democrats)
- Small Business** (2nd of 10 Democrats)  
Export Expansion; Rural Economy and Family Farming.

**Elections**

<b>1984 General</b>			
Sam Nunn (D)	1,344,104	(80%)	
Jon Michael Hicks (R)	337,196	(20%)	
<b>1984 Primary</b>			
Sam Nunn (D)	801,412	(90%)	
Jim Boyd (D)	86,973	(10%)	
<b>Previous Winning Percentages: 1978 (83%) 1972 (54%)</b>			

**Campaign Finance**

	Receipts	Receipts from PACs	Expenditures
1984 Nunn (D)	\$1,292,637	\$381,914 (29%)	\$729,843

**Voting Studies**

Year	Presidential Support		Party Unity		Conservative Coalition	
	S	O	S	O	S	O
1986	58	39	50	43	75	16
1985	58	42	57	41	88	10
1984	69	29	44	55	83	17
1983	64	33	49	48	84	11
1982	70	29	57	41	82	16
1981	59	31	59	39	84	15

S = Support      O = Opposition

**Key Votes**

- Produce MX missiles (1985) Y
- Weaken gun control laws (1985) Y
- Reject school prayer (1985) Y
- Limit textile imports (1985) Y
- Amend Constitution to require balanced budget (1986) Y
- Aid Nicaraguan contras (1986) Y
- Block chemical weapons production (1986) N
- Impose sanctions on South Africa (1986) Y

**Interest Group Ratings**

Year	ADA	ACU	AFL-CIO	CCUS
1986	30	55	47	50
1985	30	57	43	59
1984	35	73	45	74
1983	40	28	35	42
1982	45	68	64	67
1981	35	47	32	72

*Ohio - Senior Senator*

## John Glenn (D)

**Of Columbus — Elected 1974**

**Born:** July 18, 1921, Cambridge, Ohio.  
**Education:** Muskingum College, B.S. 1962.  
**Military Career:** Marine Corps, 1942-65.  
**Occupation:** Astronaut; soft drink company executive.  
**Family:** Wife, Anna Margaret Castor; two children.  
**Religion:** Presbyterian.  
**Political Career:** Sought Democratic nomination for U.S. Senate, 1970; sought Democratic nomination for president, 1984.  
**Capitol Office:** 503 Hart Bldg. 20510; 224-3353.



**In Washington:** When he took over as chairman of the Governmental Affairs Committee at the start of the 100th Congress, Glenn decided it might be necessary to expand the panel's workload beyond its traditionally small agenda. But in keeping with his personality and style, he warned against expanding it too far. "The problem," he said, "is to make sure you don't have too many balls in the air."

That is a problem Glenn has never had to worry about in his own Senate career. He has spent more than a decade focusing on a handful — a very small handful — of issues with the single-minded intensity he displayed as a military pilot and astronaut earlier in life.

The preoccupation of Glenn's career, preventing the spread of nuclear weapons to other nations, is an unquestionably important goal shared by most of his fellow senators. But Glenn has pursued it to the frequent exclusion of other issues, both foreign and domestic, that would round out a comprehensive Senate record. He is the polar opposite of the typically ambitious legislator struggling to get his finger into every pie. Colleagues who admire Glenn's character and dedication wonder whether he might have accomplished more if he had not been so narrowly focused.

To a great extent, Glenn's career has been restricted because that is the way his mind works. He is not a man who takes readily to new concepts, or easily shifts his tactics in mid-course if circumstances warrant. But once he gets an idea into his head, he sticks to it with an unbending tenacity.

The obstacles posed by Glenn's style were evident in his 1984 presidential campaign. Advertised for months as the main competitor to Walter F. Mondale for the Democratic nomination, he made weak showings in a succession of primaries and caucuses and quickly dropped out of the race. Poor at public speaking and

unable to draw much audience attention, Glenn found himself portrayed increasingly often as the astronaut candidate — something that only weakened his credibility.

Glenn has been no more exciting on the Senate floor than he was in his presidential campaign. His tendency to read speeches in full — even when no one is listening — can drive his colleagues to distraction.

He is no horse-trader. When he is seeking to muster support for an amendment, he merely explains the facts and hopes they will prove persuasive. Often that is not enough.

Glenn is the acknowledged expert in Congress on the nuclear non-proliferation issue and the author of key laws designed to prevent the United States from being the source of nuclear weapons capabilities.

In 1976, Glenn successfully pushed an amendment prohibiting U.S. aid to countries that exported or imported nuclear reprocessing equipment or materials — technology that can be diverted into nuclear weapons production. He was the chief sponsor and floor manager of the 1978 act that placed controls on the U.S. export of nuclear materials.

Glenn's anti-proliferation efforts have brought him into frequent conflict with the Reagan administration. He has sought to block foreign aid to nations not complying with international efforts to control the spread of nuclear weapons. In 1981, Glenn persuaded the Senate to approve a provision threatening to cut off aid to India or Pakistan if either detonated a nuclear device. "If we can't draw the line there, then we are incapable of ever drawing the line anywhere," he said. The Senate agreed 51-45.

Glenn kept up his efforts in 1984, winning initial Foreign Relations Committee approval of an amendment barring military aid to Pakistan unless the president certified it was not

*John Glenn, D-Ohio*

trying to develop nuclear weapons. Under heavy pressure from the administration, however, the committee later switched and approved a much less stringent substitute — spurring an uncharacteristic outburst from Glenn, who denounced it for “waffling, knuckling under and giving in” to the administration.

The next year, Glenn took on the administration's proposal to sell nuclear-power materials to China. Although the resolution approving the sale called for efforts to prevent the Chinese from transferring nuclear weapons technology to other countries, Glenn argued that more protections were needed. The Senate approved his amendment requiring the president to certify that all nuclear exports to China were covered by international standards ensuring peaceful use. But the administration quickly mounted an all-out effort against the provision, and it was dropped in conference.

At the start of the 99th Congress, Glenn opted to leave the Foreign Relations Committee, where he had spent his whole Senate career, for Armed Services. He seemed eager to move beyond nuclear proliferation issues to broader questions of global defense.

Over most of his career, Glenn has tilted to the hawkish side on national security matters. “No one has ever accused me of being soft on the Soviets,” he says. But he has disagreed with much of Reagan's arms buildup.

In 1982, for example, Glenn offered a floor amendment to stop development of the MX missile. He argued instead for a smaller missile that could be hauled around on trucks using civilian highways — an argument that had serious political drawbacks. His amendment was rejected 65-29.

When the Reagan administration proposed selling AWACS radar planes to Saudi Arabia, Glenn was willing to listen to the idea that the Saudis needed advance warning protection for their oil fields. But he insisted that the planes should be delivered only on the condition that American personnel accompany Saudi pilots on their missions — an idea that reflected his concern over the possible loss of U.S. technology to other countries. It was unacceptable to the Saudis, and Glenn voted against the sale.

Glenn has backed the administration on some key weapons systems, however. He is an ardent advocate of the B-1 bomber, working in the 99th Congress to add funds to make possible continued production of the plane in case proposed development of a radar-evading “stealth” bomber proved unfeasible. Glenn also has supported “binary” chemical weapons.

Glenn's love for detail played an even more important role in the debate over the SALT II

treaty. He became the foremost Senate expert on “verification,” the procedures for monitoring Soviet compliance with the treaty.

While the Carter administration prepared to bring the treaty before the Senate, Glenn was holed up in the archives of the Intelligence Committee, studying the extreme complexities of the verification problem. After the fall of the Shah and the consequent loss of U.S. monitoring stations in Iran, Glenn decided that adequate verification was impossible, and the treaty unacceptable — a position that nearly drove the Carter White House to despair. With the onset of the Reagan administration, however, Glenn warmed to SALT II and to further arms control efforts.

**At Home:** Not long after he became a national hero as the first American to orbit the earth, Glenn returned to Ohio to challenge 74-year-old Sen. Stephen M. Young in the 1964 Democratic primary. His space career had brought him into close contact with the Kennedys, and he was influenced by them to make his political career as a Democrat. But he did not get very far in 1964. A bathroom fall injured his inner ear, and he had to drop out.

Following that, Glenn's political energies subsided. Instead of attending party functions, he immersed himself in business interests. He served on the boards of Royal Crown Cola and the Questor Corp., oversaw four Holiday Inn franchises he partly owned, lectured and filmed television documentaries.

In 1970, with Young retiring, Glenn decided to run for the seat, competing for the Democratic nomination against Howard M. Metzenbaum, then a millionaire businessman and labor lawyer. Initially a strong favorite, Glenn found that his frequent absences from Ohio over the preceding six years had hurt him politically, giving him the image of an outsider among state Democrats. Metzenbaum had the support of the party establishment and a superb and well-financed campaign organization.

Through saturation television advertising, Metzenbaum erased his anonymity. And Glenn, whose celebrity status was bringing out large crowds, was overly confident. On primary day, Glenn carried 75 of the state's 88 counties but was badly beaten in the urban areas. He lost the nomination by 13,442 votes.

Metzenbaum was beaten himself in the general election by Republican Robert A. Taft Jr. Three years later, however, he made it to the Senate as an appointee, chosen by Democratic Gov. John J. Gilligan to fill a vacancy. Metzenbaum immediately began campaigning for a full term in his own right, and Glenn decided to challenge him for the nomination.

**John Glenn, D-Ohio**

The Metzenbaum appointment outraged Glenn, and gave him an issue during their rematch in the 1974 primary. Glenn rejected Gilligan's offer to be his running mate as lieutenant governor and denounced the governor as a "boss" who practiced "machine politics."

The underdog Glenn of 1974 proved to be much tougher than the favored Glenn of 1970. With a reputation of impeccable integrity in a year dominated by Watergate, he pointed to Metzenbaum's long legal battle with the Internal Revenue Service, although Metzenbaum had never been charged with any wrongdoing. A Metzenbaum countercharge — that Glenn didn't pay a state levy on his securities for one year — failed to halt Glenn's momentum.

This time, Glenn did much better in Metzenbaum's base of Cuyahoga County (Cleveland). Coupled with his customary strength in rural areas, this allowed him to achieve a 91,000-vote primary victory.

In the fall, Glenn crushed a weak Republican opponent, Cleveland Mayor Ralph J. Perk, who was disorganized and underfinanced. Six years later, he had only nominal opposition for a second term.

In 1986, Glenn drew a slightly stiffer challenge from GOP Rep. Thomas N. Kindness, a

better-financed and more aggressive opponent than the sacrificial lambs the GOP had offered against Glenn before. Kindness pounded away at what he saw as Glenn's main weakness — a lingering multimillion-dollar debt from his unsuccessful 1984 presidential campaign.

Glenn had worked hard to mend fences with Ohio voters in the wake of his failed White House bid, making dozens of appearances across the state in 1984 to boost both the Democratic ticket and his own political stock. But he was unable to erase the debt, which included \$1.9 million worth of loans from four Ohio banks. (Glenn did not reach an agreement with the Federal Election Commission on paying off the debt until 1987.) Kindness maintained that Glenn received preferential treatment from the banks, which the average Ohioan would not get. But Kindness was unable to drive home the point. Not well known outside his conservative southwest Ohio district, he lacked the money to mount a statewide media blitz that might have shaken Glenn's image.

Kindness lost in a landslide, although he did have the consolation of carrying nearly a dozen counties. None of Glenn's previous GOP challengers had carried more than one.

**Committees**

- Governmental Affairs** (Chairman)  
Permanent Subcommittee on Investigations.
- Armed Services** (8th of 11 Democrats)  
Manpower and Personnel (chairman); Conventional Forces and Alliance Defense; Strategic Forces and Nuclear Deterrence.
- Special Aging** (2nd of 10 Democrats)

**Campaign Finance**

1986	Receipts		Receipts from PACs	Expenditures
	S	O		
Glenn (D)	\$2,088,191	\$637,186 (31%)	\$1,319,026	
Kindness (R)	\$664,227	\$172,648 (26%)	\$657,908	

**Voting Studies**

Year	Presidential Support		Party Unity		Conservative Coalition	
	S	O	S	O	S	O
1986	42	52	74	23	29	70
1985	42	56	79	18	42	57
1984	39	43	55	25	28	51
1983	39	35	57	12	20	52
1982	35	45	67	17	26	51
1981	53	42	74	21	34	66

S = Support      O = Opposition

**Elections**

<b>1986 General</b>		
John Glenn (D)	1,949,208	(62%)
Thomas N. Kindness (R)	1,171,893	(38%)
<b>1986 Primary</b>		
John Glenn (D)	678,171	(88%)
Don Scott (D)	96,309	(12%)
<b>Previous Winning Percentages:</b> 1980 (69%) 1974 (65%)		

**Key Votes**

Produce MX missiles (1985)	N
Weaken gun control laws (1985)	Y
Reject school prayer (1985)	Y
Limit textile imports (1985)	Y
Amend Constitution to require balanced budget (1986)	N
Aid Nicaraguan contras (1986)	N
Block chemical weapons production (1986)	N
Impose sanctions on South Africa (1986)	Y

**Interest Group Ratings**

Year	ADA	ACU	AFL-CIO	CCUS
1986	65	30	87	44
1985	75	27	86	34
1984	65	5	67	38
1983	65	16	93	31
1982	70	28	87	55
1981	80	7	68	44

*Delaware - Senior Senator*

# William V. Roth Jr. (R)

Of Wilmington — Elected 1970

**Born:** July 22, 1921, Great Falls, Mont.  
**Education:** U. of Oregon, B.A. 1944; Harvard U., M.B.A. 1947, LL.B. 1949.

**Military Career:** Army, 1943-46.

**Occupation:** Lawyer.

**Family:** Wife, Jane Richards; two children.

**Religion:** Episcopalian.

**Political Career:** U.S. House, 1967-71; Republican nominee for Del. lieutenant governor, 1960.

**Capitol Office:** 104 Hart Bldg. 20510; 224-2441.



**In Washington:** Roth is a legislator who likes grand ideas — massive tax cuts, huge new savings plans, new Cabinet departments. He has devoted most of his Senate career to promoting one of these ideas after another, with one notable success and a string of less-publicized failures. When he is not drumming up support for one of his schemes, he sometimes has trouble making an impact; he is not a senator who maintains an intense interest in the day-to-day chores of legislative life.

Roth did have a season in the national spotlight as the original co-author of President Reagan's 1981 tax cut. He had to settle for second billing, however. He calls the legislation he sponsored "Roth-Kemp," but virtually everyone outside his Senate office refers to the income tax cut — 25 percent across the board over three years — as "Kemp-Roth," after the younger and more dynamic co-author, Republican Rep. Jack F. Kemp of New York.

Actually, the two tax-cut sponsors are not identical in their economic views. Kemp has never felt that the level of the federal deficit was a crucial issue as long as taxes were low enough. Roth has always worried about the effect of a massive tax reduction on the deficit and the economy.

When the Senate Finance Committee was gearing up in 1986 to produce a bill overhauling the federal tax code, Roth liked the Reagan administration's idea that taxes on individuals and corporations should be reduced, but was concerned that the revenue lost be recouped, and in a way that would preserve incentives for savings and investment. He proposed a "business transfer tax," a kind of value-added tax on gross business receipts, that would have raised somewhere between \$70 billion and \$115 billion over five years.

Roth wanted to use that revenue to finance lower tax rates and a more generous business

depreciation schedule than even Reagan had proposed, and to pay for letting taxpayers establish tax-sheltered "Super Saver Accounts" with none of the withdrawal restrictions that characterize Individual Retirement Accounts (IRAs). The importance of personal savings has been a recurring theme throughout Roth's congressional career.

But the idea of a major new tax did not appeal at all to Reagan, and critics complained that businesses would simply pass on the tax to consumers, hurting low-income people the most. Roth's idea was not a factor in the Finance Committee's deliberations.

In fact, after Finance Chairman Bob Packwood pushed a streamlined tax-overhaul bill through his committee in May 1986, Roth had his hands full just trying to save the deductibility of IRA contributions. "I am concerned that we are not doing more to promote savings," Roth said. "We should not be backing off IRAs."

When the tax bill was being considered by the full Senate, Roth attempted to marshal support for several revenue-gaining proposals that would offset the cost of allowing either a tax deduction or a tax credit for IRA contributions. But the Senate heeded Packwood's pleas to keep his committee's bill basically intact, so Roth was reduced to lobbying for passage of a "sense of the Senate" resolution that instructed the chamber's conferees to assign "highest priority to maintaining maximum possible tax benefits for IRAs."

That resolution passed 96-4, with Roth hailing it as a measure that "will preserve IRAs" and promising that as a conferee, "I will fight to preserve the IRA." But in the House-Senate conference on the tax bill, neither the resolution nor Roth's pleas carried great weight. Some low- and middle-income taxpay-



*William V. Roth Jr., R-Del.*

ers were allowed to continue deducting IRA contributions, but higher-income individuals and employees with pension plans were not.

Roth voted by proxy against the conference report on the tax bill. Later he opposed an amendment to pay for a tax credit for IRA contributions by raising the corporate and individual minimum tax rate.

In his six-year stewardship of the Government Affairs Committee, Roth concentrated on instituting a new retirement system for federal employees, looking at new ways to organize federal agencies and reforming federal procurement procedures.

After three years of work in committee and six months of conference negotiations, Congress in 1986 finally approved a new retirement system for all federal employees hired since Jan. 1, 1984. (A separate system covers those hired earlier.) The battle was protracted because the administration was bent on reducing the cost burden of federal retirement benefits, while congressional defenders of federal employees resisted changes that would take money away from workers.

The compromise that was reached tilted to the workers' advantage — it cut the government's costs by 2 percent, whereas the administration had sought a 5 percent cut. But after flirting briefly with a veto threat, Reagan went along. The new system contained one feature with the clear stamp of Roth — an optional tax-deferred savings plan that allowed workers to contribute up to 10 percent of their before-tax salary to a fund, to be matched by a federal contribution of up to 5 percent.

Roth was ultimately unsuccessful in one of his major reorganization efforts at Government Affairs — overhauling the structure of the Office of Management and Budget (OMB). Saying, "We're not satisfied with the 'M'" in OMB, Roth in 1986 won unanimous committee approval of a bill creating new positions and lines of authority at OMB with an eye to improving federal accounting, procurement and internal control systems.

But the unanimity of the committee's vote reflected more a consensus for reform than support for the method chosen by Roth. When OMB Director James C. Miller III objected to the plan, and the agency made some policy adjustments to address specific concerns of a few senators, momentum for Roth's overhaul evaporated.

To no greater effect, Roth tried to use his committee chairmanship to promote his long-standing goal of creating a Department of International Trade and Industry. He argued that creation of the Cabinet-level agency, composed

of the Commerce Department, the Office of the U.S. Trade Representative and other federal agencies concerned with international trade, would help the United States to compete better in world markets. Roth's efforts were rewarded in late 1984 when Reagan indicated his support for a trade department, but that endorsement did not help the proposal budge in the 99th Congress.

The administration's own government-reorganization proposals did not fare well in Roth's committee. Although Roth supported abolition of the Energy Department, the panel was unable to reach a consensus on dismantling legislation. Roth opposed the administration's call to eliminate or downgrade the Education Department, although he agreed to consider ideas for streamlining it.

**At Home:** A mild-mannered man, Roth has never been able to generate a great deal of emotion among Delaware voters. But he has been doggedly attentive to state interests, and he has been rewarded for that service with nearly two decades in statewide office.

Born in Montana and educated at Harvard, Roth came to Delaware to work as a lawyer for a chemical firm and got involved in politics. After narrowly losing a 1960 bid for lieutenant governor, he became state Republican chairman.

Running for Delaware's at-large U.S. House seat in 1966, Roth entered the race against veteran Democrat Harris B. McDowell Jr. as a decided underdog. He talked about Vietnam — backing U.S. efforts there but berating the Johnson administration for not explaining the situation more fully — and about open-housing legislation, saying he was opposed to it but willing to endorse state GOP convention language in favor of it. Riding the coattails of GOP Sen. J. Caleb Boggs and a national Republican wave that brought 47 GOP freshmen to the House in 1966, Roth pulled off an upset.

McDowell tried for a comeback two years later. But he had alienated members of the state Democratic hierarchy by deploring their "old and tired leadership." Buoyed by his first-term record of strong constituent service, Roth pushed his margin of victory to nearly 60 percent of the statewide vote.

With the retirement of Republican Sen. John J. Williams in 1970, Roth became the uncontested choice of the party against the Democratic state House leader, Jacob W. Zimmerman. A Vietnam dove, Zimmerman had little money or statewide name recognition, and the contest was never much in doubt.

In 1976 Roth had a strong Democratic

**William V. Roth Jr., R-Del.**

challenger — Wilmington Mayor Thomas C. Maloney. But Roth's efforts against busing had given him an excellent issue to run on, and Maloney was hurt by the coolness of organized labor, which was upset over the mayor's frugal approach to municipal pay raises. One state labor leader openly called Maloney a "union buster." Roth's margin was down from 1970, but he was too strong in the suburbs for Maloney to have any chance to beat him.

Running for a third term in 1982, Roth faced his most difficult Senate test. As cosponsor of the supply-side tax cut, Roth was a visible target for complaints about the economy — and, like other industrial states, Delaware had felt the effects of recession.

David N. Levinson, Roth's hard-charging Democratic opponent, encouraged voters to link Roth to Reaganomics and the woes he claimed it had produced. Parodying John Steinbeck's novel about the Great Depression, Levinson branded the administration's economic blueprint "The Grapes of Roth."

The incumbent did not shy away from his legislation; billboards advertising his candidacy

read, "Bill Roth, the Taxpayer's Best Friend." But he was careful to offer evidence of his concern for Frost Belt economic needs. When the Senate took up Reagan's first package of spending cuts in 1981, Roth voted against reductions in three programs important to Delaware: the Conrail transportation system, trade adjustment assistance to unemployed workers and energy subsidies for the poor.

Levinson was an aggressive candidate, but he was also one with serious flaws. A wealthy real estate developer, he had made his fortune in the St. Louis area, not in Delaware, which Roth focused on in radio spots, suggesting the Democrat had come into the state just to challenge him.

Levinson campaigned for the seat for over two years; his efforts garnered him endorsements from labor and most of the other important groups Democrats need to be competitive statewide. But that was not enough. Roth lost Wilmington, but more than made up the difference in suburban New Castle County and in the rural territory south of the Chesapeake and Delaware Canal.

**Committees**

**Governmental Affairs** (Ranking)  
Permanent Subcommittee on Investigations (ranking).

**Finance** (3rd of 9 Republicans)  
International Debt (ranking); International Trade; Taxation and Debt Management.

**Select Intelligence** (2nd of 7 Republicans)

**Joint Economic**  
Economic Goals and Intergovernmental Policy; Economic Growth, Trade and Taxes; International Economic Policy.

**Elections**

**1982 General**

William V. Roth Jr. (R)	105,357	(55%)
David Levinson (D)	84,413	(44%)

**Previous Winning Percentages:** 1976 (56%) 1970 (59%)  
1968\* (59%) 1966\* (56%)

\* House elections.

**Campaign Finance**

	Receipts	Receipts from PACs	Expenditures
<b>1982</b>			
Roth (R)	\$841,146	\$354,744 (42%)	\$794,210
Levinson (D)	\$876,577	\$184,172 (21%)	\$861,584

**Voting Studies**

Year	Presidential Support		Party Unity		Conservative Coalition	
	S	O	S	O	S	O
1986	83	16	83	13	80	17
1985	84	16	81	19	72	27
1984	74	18	85	10	83	15
1983	76	22	80	18	77	20
1982	77	20	76	22	83	16
1981	75	24	72	26	75	24

S = Support      O = Opposition

**Key Votes**

Produce MX missiles (1985)	Y
Weaken gun control laws (1985)	Y
Reject school prayer (1985)	N
Limit textile imports (1985)	Y
Amend Constitution to require balanced budget (1986)	Y
Aid Nicaraguan contras (1986)	Y
Block chemical weapons production (1986)	N
Impose sanctions on South Africa (1986)	Y

**Interest Group Ratings**

Year	ADA	ACU	AFL-CIO	CCUS
1986	15	78	13	82
1985	20	70	14	83
1984	10	73	10	83
1983	30	56	13	50
1982	50	47	27	67
1981	20	67	32	78

Opening Statement

SENATOR GLENN AND SENATOR NUNN AND MEMBERS OF THE GOVERNMENTAL AFFAIRS COMMITTEE AND MEMBERS OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, I AM HONORED TO APPEAR BEFORE YOU TO DISCUSS THE VERY SERIOUS PROBLEM OF THE PROLIFERATION OF CHEMICAL AND BIOLOGICAL WEAPONS.

CHEMICAL WEAPONS PROLIFERATION IS PART OF THE DISTURBING TREND OF WEAPONS DEVELOPMENT IN THIRD WORLD COUNTRIES. CURRENTLY, WE BELIEVE THAT AS MANY AS 20 COUNTRIES MAY BE DEVELOPING CHEMICAL WEAPONS. AND WE EXPECT THIS TREND TO CONTINUE, DESPITE ONGOING MULTILATERAL EFFORTS TO STOP THEIR PROLIFERATION.

A MAJOR QUESTION WE ARE NOW ADDRESSING IS WHAT LESSONS HAVE BEEN LEARNED FROM THE IRAN-IRAQ WAR, THE FIRST WAR SINCE WORLD WAR I THAT INVOLVED SUSTAINED USE OF CHEMICAL WEAPONS. AFTER THE FIRST WORLD WAR, THE USE OF CHEMICAL WEAPONS WAS OUTLAWED BY THE SIGNERS OF THE 1925 GENEVA PROTOCOL. DURING WORLD WAR II--EVEN DURING THE MOST DESPERATE BATTLES--BOTH SIDES REFRAINED FROM USING CHEMICAL WEAPONS--WEAPONS THAT WINSTON CHURCHILL REFERRED TO AS "THAT HELLISH POISON."

THE IRAN-IRAQ WAR ENDED THAT RESTRAINT AND SET A DANGEROUS PRECEDENT FOR FUTURE WARS. THE INTELLIGENCE COMMUNITY HAS EVIDENCE THAT IRAQ USED CHEMICAL WEAPONS AGAINST IRAN AND ALSO AGAINST IRAQI KURDS. IRAN, TOO, EMPLOYED CHEMICAL WEAPONS AGAINST IRAQI TROOPS.

CHEMICAL WEAPONS ARE THOUGHT TO OFFER A CHEAP AND READILY OBTAINABLE MEANS OF REDRESSING THE MILITARY BALANCE AGAINST MORE POWERFUL FOES. SOME SEE THEM AS THE POOR MAN'S ANSWER TO NUCLEAR WEAPONS. OUR PRESIDENT HAS SPOKEN OUT STRONGLY ABOUT THIS PROBLEM ~~AND I AM SURE YOU HAVE READ MANY ACCOUNTS RECENTLY ABOUT THE USE AND EFFECTS OF CHEMICAL WEAPONS.~~

MANY COUNTRIES ARE DEVELOPING MUSTARD GAS, A TERRIBLE WEAPON FIRST USED IN WORLD WAR I. IT IS A FAVORITE CHEMICAL AGENT FOR SEVERAL REASONS--ITS RELATIVE EASE OF MANUFACTURE, ITS LONG LIFE IN STORAGE AND ON THE BATTLEFIELD, AND ITS ABILITY TO INCAPACITATE THOSE WHO ARE EXPOSED TO IT.

SOME COUNTRIES ARE ALSO DEVELOPING NERVE AGENTS. THESE AGENTS, THOUGH MORE DIFFICULT TO MANUFACTURE, CAN CAUSE DEATH IN MINUTES BY ATTACKING THE BRAIN AND

NERVOUS SYSTEM. OTHER NATIONS MAY USE COMMON INDUSTRIAL CHEMICALS SUCH AS CYANIDE AND PHOSGENE. CYANIDE PREVENTS THE BLOOD FROM CARRYING OXYGEN, WHILE PHOSGENE, WIDELY USED IN MAKING PLASTICS, CAN DESTROY THE LUNGS.

ALONG WITH THE PROLIFERATION OF CHEMICAL WEAPONS, TWO EQUALLY DISTURBING DEVELOPMENTS ARE THE PROLIFERATION OF BOTH BIOLOGICAL WEAPONS AND BALLISTIC MISSILES.

WE ARE CONCERNED THAT THE MORAL BARRIER TO BIOLOGICAL WARFARE HAS BEEN BREACHED. AT LEAST 10 COUNTRIES ARE WORKING TO PRODUCE BOTH PREVIOUSLY KNOWN AND FUTURISTIC BIOLOGICAL WEAPONS. BIOLOGICAL WARFARE AGENTS--INCLUDING TOXINS--ARE MORE POTENT THAN THE MOST DEADLY CHEMICAL WARFARE AGENTS, AND PROVIDE THE BROADEST AREA COVERAGE PER POUND OF PAYLOAD OF ANY WEAPON SYSTEM.

THE EQUIPMENT USED TO PRODUCE BIOLOGICAL WARFARE AGENTS IS TRULY DUAL-USE IN NATURE. WITH CURRENTLY AVAILABLE TECHNOLOGY, BIOLOGICAL WARFARE AGENTS CAN BE PRODUCED AT SUCH A RATE THAT <sup>large</sup> STOCKPILES ARE NO LONGER NECESSARY. THERE ARE NO PRECURSOR CHEMICALS OR

EQUIPMENT THAT CAN BE USED ONLY FOR THE PRODUCTION OF BIOLOGICAL WARFARE AGENTS. ACTUALLY, ANY NATION WITH A MODESTLY DEVELOPED PHARMACEUTICAL INDUSTRY CAN PRODUCE BIOLOGICAL WARFARE AGENTS, IF IT CHOOSES.

FINALLY, BY THE YEAR 2000, AT LEAST 15 DEVELOPING COUNTRIES WILL BE PRODUCING THEIR OWN BALLISTIC MISSILES. BALLISTIC MISSILES CONVEY IMPORTANT NEW POLITICAL AND MILITARY STATUS TO THOSE WHO ACQUIRE THEM. MANY COUNTRIES WHERE THESE MISSILES ARE BEING DEVELOPED ARE IN THE MIDDLE EAST.

ALL OF THE THIRD WORLD MISSILE DEVELOPMENT PROGRAMS RELY ON FOREIGN TECHNOLOGY TO SOME DEGREE. BUT MUCH OF THIS CRITICAL TECHNOLOGY IS ALREADY DIFFUSED THROUGHOUT THE WORLD, IS AVAILABLE FOR OTHER PURPOSES, OR CAN EASILY BE DIVERTED. THERE IS ALSO EXTENSIVE SHARING OF TECHNOLOGY AMONG THIRD WORLD MISSILE COUNTRIES, AND THEY ARE INCREASINGLY POOLING THEIR RESOURCES AND TECHNICAL KNOW-HOW.

WITH THE INCREASE OF BALLISTIC MISSILES IN THE THIRD WORLD, THE INTELLIGENCE COMMUNITY MUST BE ALERT TO

ATTEMPTS BY THESE NATIONS TO ARM MISSILES WITH CHEMICAL OR BIOLOGICAL WARHEADS. WE WILL CONTINUE TO PROVIDE U. S. POLICYMAKERS WITH TIMELY AND ACCURATE INFORMATION ON THE CAPABILITIES OF COUNTRIES TO DEVELOP AND PRODUCE BALLISTIC MISSILES AND CHEMICAL AND BIOLOGICAL WEAPONS.

LET ME NOW DIRECT YOUR ATTENTION TO THE TROUBLED MIDDLE EAST, THE CURRENT CENTER OF CHEMICAL WEAPONS PROLIFERATION.

THE PROLIFERATION OF CHEMICAL WEAPONS AFFECTS THE PROSPECTS FOR PEACE AND STABILITY IN THE MIDDLE EAST. OF PARTICULAR CONCERN ARE IRAQ, SYRIA, IRAN, AND LIBYA--NATIONS THAT HAVE EITHER USED CHEMICAL WEAPONS OR HAVE BEEN ASSOCIATED WITH TERRORIST ACTIVITIES.

IRAQ HAS PRODUCED CHEMICAL WARFARE AGENTS SINCE THE EARLY 1980S, WITH SYRIA AND IRAN BEGINNING CHEMICAL AGENT AND MUNITION PRODUCTION SHORTLY AFTERWARD. LIBYA IS NEARLY READY TO BEGIN LARGE-SCALE PRODUCTION OF CHEMICAL AGENTS AND MUNITIONS.

IRAQ, SYRIA, AND IRAN ARE STOCKPILING A VARIETY OF CHEMICAL WARFARE AGENTS FOR VARIOUS BATTLEFIELD MISSIONS.



STOCKS OF CHEMICAL WARFARE AGENTS CAN OFTEN BE STORED FOR A PERIOD OF 10 TO 20 YEARS.

THESE SAME COUNTRIES ARE ALSO QUIETLY PRODUCING AND AMASSING A VARIETY OF MUNITIONS THAT CAN BE USED AS DELIVERY SYSTEMS FOR CHEMICAL AGENTS. BOMBS, ARTILLERY SHELLS, ARTILLERY ROCKETS, AND--IN SOME CASES--BATTLEFIELD MISSILES HAVE BEEN FILLED WITH CHEMICAL AGENTS.

THE CHEMICAL WEAPONS PROGRAMS OF IRAQ, IRAN, SYRIA, AND LIBYA HAVE A NUMBER OF COMMON TRAITS:

- ALL HAVE BEEN GIVEN HIGH PRIORITY BY THEIR GOVERNMENTS AND HAVE BEEN CLOAKED IN SECRECY.
  
- THE PRODUCTION COMPLEXES HAVE BEEN ACCORDED STRICT SECURITY; IN MANY INSTANCES, ATTEMPTS HAVE BEEN MADE TO CONCEAL THEM AS LEGITIMATE INDUSTRIAL FACILITIES.
  
- ASSISTANCE BY FOREIGN SUPPLIERS HAS BEEN CRUCIAL TO THEIR DEVELOPMENT.

ASSISTANCE PROVIDED BY FOREIGN SUPPLIERS--MANY OF WHOM WERE FULLY WITTING OF THE INTENTIONS OF THE MIDDLE EAST COUNTRIES TO PRODUCE CHEMICAL WEAPONS--HAS BEEN THE KEY ELEMENT THAT HAS ENABLED THESE NATIONS TO DEVELOP A CAPABILITY TO PRODUCE CHEMICAL WEAPONS WITHIN ONLY A FEW YEARS. AND, WITHOUT THIS ASSISTANCE, THESE MIDDLE EAST COUNTRIES WOULD HAVE BEEN UNABLE TO PRODUCE CHEMICAL WEAPONS. FOREIGN SUPPLIERS HAVE PROVIDED THE FOLLOWING TYPES OF ASSISTANCE:

- TECHNICAL AND OPERATIONS EXPERTISE
- CONSTRUCTING PRODUCTION FACILITIES
- SUPPLYING PRECURSOR CHEMICALS
- SUPPLYING PRODUCTION EQUIPMENT
- SUPPLYING PARTS FOR MUNITIONS
- TRAINING PERSONNEL.

I WOULD NOW LIKE TO PROVIDE YOU WITH SOME DETAILS ABOUT THE CHEMICAL WARFARE PROGRAMS OF IRAQ, SYRIA, IRAN, AND LIBYA.

#### IRAQ

THE WAR WITH IRAN PROMPTED IRAQ TO ACCELERATE ITS PROGRAM TO DEVELOP A CHEMICAL WARFARE CAPABILITY. IRAQ

HAS PRODUCED CHEMICAL AGENTS AND MUNITIONS SINCE THE EARLY 1980S. THE MAIN CHEMICAL WARFARE COMPLEX, LOCATED SOME 70 KILOMETERS NORTHWEST OF BAGHDAD NEAR SAMARRA, AND A NUMBER OF OTHER PRODUCTION FACILITIES, HAVE PRODUCED SEVERAL THOUSAND TONS OF CHEMICAL AGENTS.

FROM THE PROGRAM'S INCEPTION, FIRMS AND INDIVIDUALS FROM WESTERN EUROPE WERE KEY TO THE SUPPLY OF CHEMICAL PROCESS EQUIPMENT, CHEMICAL PRECURSORS, AND TECHNICAL EXPERTISE. WEST EUROPEANS REMAINED AT SAMARRA EVEN AFTER IT BEGAN OPERATIONS. BUT AFTER SEVERAL YEARS OF EXPERIENCE IN PRODUCING CHEMICAL WEAPONS, IRAQ'S WELL-ESTABLISHED EFFORT NOW IS FAR LESS DEPENDENT ON FOREIGN ASSISTANCE.

AT SAMARRA, BAGHDAD PRODUCES THE BLISTER AGENT MUSTARD AND THE NERVE AGENTS TABUN AND SARIN. SEVERAL TYPES OF WEAPONS--INCLUDING BOMBS, AND ARTILLERY SHELLS AND ROCKETS--HAVE BEEN FILLED WITH THESE AGENTS.

IRAQ FIRST MADE MILITARY USE OF CHEMICAL AGENTS IN 1983 AND 1984, WHEN IT BEGAN TO USE MUSTARD AND NERVE AGENTS AGAINST IRANIAN FORCES. BAGHDAD CONTINUED TO USE CHEMICAL AGENTS ON NUMEROUS OCCASIONS DURING THE WAR. MORE RECENTLY--AND SUBSEQUENT TO THE CEASE-FIRE WITH

IRAN--IRAQ USED LETHAL AND NON-LETHAL CHEMICAL AGENTS AGAINST KURDISH CIVILIANS.

DESPITE THE CURRENT CEASE FIRE WITH IRAN, IRAQ CONTINUES TO PRODUCE AND STOCKPILE CHEMICAL WEAPONS. MOREOVER, IT IS EXPANDING ITS CHEMICAL WEAPONS CAPABILITY AND IS TAKING FURTHER STEPS TO MAKE ITS PROGRAM ENTIRELY INDEPENDENT OF FOREIGN ASSISTANCE.

SYRIA

SYRIA BEGAN PRODUCING CHEMICAL WARFARE AGENTS AND MUNITIONS IN THE MID-1980S AND CURRENTLY HAS A CHEMICAL WARFARE PRODUCTION FACILITY.

SYRIA HAS NERVE AGENTS IN SOME WEAPONS SYSTEMS. DAMASCUS CONCEALS ITS PROGRAM--IT IS QUITE CLOSELY HELD-- AND, MUCH LIKE ITS MIDDLE EAST NEIGHBORS, IS LIKELY TO CONTINUE TO EXPAND ITS CHEMICAL WARFARE CAPABILITY.

FOREIGN ASSISTANCE WAS OF CRITICAL IMPORTANCE IN ALLOWING SYRIA TO DEVELOP ITS CHEMICAL WARFARE CAPABILITY. WEST EUROPEAN FIRMS WERE INSTRUMENTAL IN SUPPLYING THE REQUIRED PRECURSOR CHEMICALS AND EQUIPMENT. WITHOUT THE

PROVISION OF THESE KEY ELEMENTS, DAMASCUS WOULD NOT HAVE BEEN ABLE TO PRODUCE CHEMICAL WEAPONS.

IRAN

IN THE MID-1980S--AFTER NUMEROUS IRAQI CHEMICAL ATTACKS--IRAN BEGAN TO PRODUCE CHEMICAL AGENTS AND MUNITIONS, LATER USING THEM IN RETALIATION AGAINST IRAQI TROOPS. IRAN'S CHEMICAL WEAPONS PRODUCTION FACILITY IS LOCATED IN THE VICINITY OF TEHRAN.

IRAN PRODUCES THE BLISTER AGENT MUSTARD, BLOOD AGENTS, AND NERVE AGENTS AND, LIKE IRAQ, HAS FILLED BOMBS AND ARTILLERY WITH THESE AGENTS.

REPEATED CHEMICAL ATTACKS BY IRAQ AGAINST IRANIAN TROOPS PROMPTED TEHRAN TO SEEK FOREIGN ASSISTANCE TO QUICKLY ESTABLISH ITS OWN PRODUCTION PROGRAM. WEST EUROPEAN AND ASIAN FIRMS RESPONDED BY PROVIDING CHEMICAL PROCESSING EQUIPMENT AND CHEMICAL PRECURSORS. DESPITE THE CEASE-FIRE WITH IRAQ, IRAN IS CONTINUING TO EXPAND ITS CHEMICAL WARFARE PROGRAM.

LIBYA

LIBYA'S RESOLVE TO HAVE A CHEMICAL WARFARE PRODUCTION CAPABILITY IS ABOUT TO BE ACHIEVED. A LARGE

COMPLEX IN A REMOTE AREA ABOUT 80 KILOMETERS SOUTHWEST OF TRIPOLI, NEAR RABTA, HAS BEEN CONSTRUCTED FOR THIS PURPOSE. WHEN THIS SITE IS FULLY OPERATIONAL, IT MAY BE THE SINGLE LARGEST CHEMICAL WARFARE AGENT PRODUCTION PLANT IN THE THIRD WORLD. BECAUSE IRAQ HAS A NUMBER OF PRODUCTION SITES, HOWEVER, ITS TOTAL PRODUCTION CAPACITY WILL CONTINUE TO EXCEED LIBYA'S.

LIBYA'S CHEMICAL AGENT PLANT IS EXPECTED TO SOON BEGIN LARGE SCALE PRODUCTION OF MUSTARD AND NERVE AGENTS--POTENTIALLY TENS OF TONS PER DAY. THE PLANT HAS ALREADY HAD AT LEAST ONE SERIOUS TOXIC CHEMICAL SPILL AND SUCH PROBLEMS ARE LIKELY TO CONTINUE.

AN ADJACENT METAL FABRICATION FACILITY IS EQUIPPED WITH THE PRECISION MATERIALS TO MANUFACTURE COMPONENTS FOR A VARIETY OF BOMBS AND ARTILLERY. OTHER FACILITIES ARE INVOLVED WITH FILLING AND STORING CHEMICAL WEAPONS.

IT WOULD HAVE BEEN VIRTUALLY IMPOSSIBLE FOR LIBYA TO HARNESS THE TECHNOLOGIES NECESSARY TO BUILD AND OPERATE SUCH A FACILITY WITHOUT THE ASSISTANCE OF FOREIGN COMPANIES AND PERSONNEL FROM SEVERAL WEST EUROPEAN AND ASIAN COUNTRIES. WEST GERMAN ASSISTANCE HAS BEEN

EXTENSIVE AT THE CW PRODUCTION PLANT. JAPANESE FIRMS HAVE AIDED IN CONSTRUCTING THE METAL FABRICATION AREA. MANY OTHER WEST EUROPEAN SUPPLIERS HAVE ALSO BEEN INVOLVED, OVER THE PAST SEVERAL YEARS, IN CONSTRUCTION AND SUPPLY OF MATERIALS FOR THE ENTIRE COMPLEX.

LIBYA'S ABILITY TO SUSTAIN LARGE-SCALE CHEMICAL WARFARE PRODUCTION WILL, IN LARGE MEASURE, DEPEND ON CONTINUED FOREIGN ASSISTANCE. OVER TIME, TRIPOLI WILL GROW LESS DEPENDENT ON FOREIGN TECHNICAL EXPERTISE, BUT, FOR THE FORESEEABLE FUTURE, WILL REMAIN DEPENDENT ON FOREIGN SUPPLIERS TO PROVIDE CHEMICAL PRECURSORS AND EQUIPMENT.

ASSESSING THE PROLIFERATION OF CHEMICAL WEAPONS IS ONE OF THE MOST DIFFICULT INTELLIGENCE CHALLENGES WE NOW FACE.

BECAUSE MUCH OF THE EQUIPMENT NEEDED TO PRODUCE CHEMICAL WARFARE AGENTS CAN ALSO BE USED TO PRODUCE LEGITIMATE INDUSTRIAL CHEMICALS, ANY PHARMACEUTICAL OR PESTICIDE PLANT CAN BE CONVERTED TO PRODUCE THESE AGENTS. A NATION WITH EVEN A MODEST CHEMICAL INDUSTRY COULD USE ITS FACILITIES FOR PART-TIME PRODUCTION OF CHEMICAL WARFARE AGENTS.

LIBYAN LEADER QADHAFI, IN A SPEECH DELIVERED IN OCTOBER, CLAIMED THAT THE FACILITY AT RABTA IS INTENDED TO PRODUCE PHARMACEUTICALS--NOT CHEMICAL WARFARE AGENTS-- AND HE PROPOSED OPENING THE COMPLEX FOR INTERNATIONAL INSPECTION. BUT WITHIN FEWER THAN 24 HOURS, IT WOULD BE RELATIVELY EASY FOR THE LIBYANS TO MAKE THE SITE APPEAR TO BE A PHARMACEUTICAL FACILITY. ALL TRACES OF CHEMICAL WEAPONS PRODUCTION COULD BE REMOVED IN THAT AMOUNT OF TIME.

THE PRIMARY PURPOSE OF THIS SITE, HOWEVER, IS CLEARLY CHEMICAL WARFARE PRODUCTION. THE SPECIALIZED EQUIPMENT, BUILDING DESIGN, AND SECURITY THERE FAR EXCEED THE REQUIREMENTS OF A COMMERCIAL PLANT.

THIS CONCLUDES MY OPENING REMARKS ON THE PROLIFERATION OF CHEMICAL AND BIOLOGICAL WEAPONS. I WISH TO ASSURE YOU THAT THE INTELLIGENCE COMMUNITY KEEPS THE ADMINISTRATION, AS WELL AS THE INTELLIGENCE COMMITTEES OF THE SENATE AND HOUSE, FULLY INFORMED OF DEVELOPMENTS IN THIS AREA.



THANK YOU FOR YOUR ATTENTION. I WILL NOW TRY TO ANSWER ANY QUESTIONS YOU MAY HAVE, ALTHOUGH PLEASE UNDERSTAND THAT I WILL BE CONSTRAINED BY THE NEED TO PROTECT HIGHLY SENSITIVE SOURCES AND METHODS.

Negotiation/Verification

## **CAN A CHEMICAL WEAPONS TREATY BE VERIFIED?**

IT IS VERY DIFFICULT FOR THE INTELLIGENCE COMMUNITY TO MONITOR THE PROLIFERATION OF CHEMICAL WEAPONS. ALL OF THE EQUIPMENT NEEDED TO PRODUCE CHEMICAL WARFARE AGENTS CAN ALSO BE USED TO PRODUCE INDUSTRIAL CHEMICALS, AND ANY PHARMACEUTICAL OR PESTICIDE PLANT COULD BE EASILY CONVERTED TO CW PRODUCTION. IN ADDITION, THIRD WORLD NATIONS OFTEN SHROUD THEIR CHEMICAL WEAPONS DEVELOPMENT PROGRAMS IN THE STRICTEST SECRECY, FURTHER COMPLICATING OUR ABILITY TO ASSESS THE DEVELOPMENT OF THESE CAPABILITIES. FINALLY, THESE COUNTRIES DEVELOP ELABORATE MECHANISMS TO CIRCUMVENT EMBARGOES THAT ARE CURRENTLY IN EXISTENCE.

ALTHOUGH WE REALIZE IT WOULD BE EXTEREMELY DIFFICULT TO VERIFY A CHEMICAL WEAPONS TREATY, THE U.S. IS WORKING DILIGENTLY AT THE CONFERENCE ON DISARMAMENT IN GENEVA TO ENSURE THAT VERY STRINGENT VERIFICATION PROVISIONS WILL BE INCLUDED IN THE TREATY BEING NEGOTIATED. ALTHOUGH STRICT VERIFICATION PROCEDURES WILL HELP ENHANCE OUR CONFIDENCE THAT THE TREATY WILL BE ADHERED TO, IT WILL BE DIFFICULT TO IDENTIFY THOSE FACILITIES THAT ARE NOT DECLARED, AND EVEN MORE DIFFICULT TO PROVE THAT THEY ARE IN VIOLATION OF THE TREATY.

**HOW DO THIRD WORLD COUNTRIES VIEW NEGOTIATIONS  
FOR A WORLDWIDE CHEMICAL WEAPONS BAN?**

MANY THIRD WORLD COUNTRIES HAVE MADE PROPORTIONATELY LARGE INVESTMENTS IN THEIR CHEMICAL WEAPONS PROGRAMS. THEY VIEW THESE WEAPONS AS THE MOST EXPEDIENT MEANS OF ATTAINING A WEAPON OF MASS DESTRUCTION FOR USE AS A STRATEGIC DETERRENT AGAINST POWERFUL ENEMIES.

THIRD WORLD COUNTRIES INCREASINGLY BELIEVE THAT A CHEMICAL WEAPONS BAN MUST BE LINKED TO A NUCLEAR WEAPONS BAN TO PROVIDE A TOTAL BAN ON WEAPONS OF MASS DESTRUCTION. IN THIS REGARD, MANY OF THE ARAB NATIONS MAY BE UNWILLING TO GIVE UP THEIR CHEMICAL WEAPONS AS LONG AS THEY BELIEVE THAT ISRAEL HAS NUCLEAR WEAPONS.

**DO THE SOVIETS SHARE OUR CONCERNS ABOUT  
CHEMICAL WARFARE PROLIFERATION?**

BOTH THE US AND USSR HAVE MADE PUBLIC AND PRIVATE STATEMENTS CONDEMNING CHEMICAL WEAPONS PROLIFERATION. THE US HOLDS BILATERAL DISCUSSIONS WITH THE SOVIET UNION YEARLY ON THIS SUBJECT. THESE MEETINGS FACILITATE THE EXCHANGE OF VIEWS AND INFORMATION ON A SUBJECT ABOUT WHICH BOTH THE US AND USSR ARE DEEPLY CONCERNED. THESE MEETINGS ARE A USEFUL ADJUNCT TO THE MULTILATERAL NEGOTIATIONS AT THE CONFERENCE ON DISARMAMENT FOR A WORLDWIDE CHEMICAL BAN.

Proliferation

**WHY DO SO MANY NATIONS NOW HAVE CHEMICAL WEAPONS PROGRAMS?**

THE PROLIFERATION OF CHEMICAL WEAPONS CAPABILITIES BEGAN IN THE 1970S, WITH THE IRAN-IRAQ WAR PROVIDING THE IMPETUS FOR THE RECENT RAPID GROWTH OF CHEMICAL WARFARE PROGRAMS.

ALTHOUGH BOTH SIDES HAD CHEMICAL WEAPONS AVAILABLE IN WORLD WAR II, NEITHER SIDE USED THEM. PERHAPS THIS RESTRAINT WAS A RESULT OF THE MEMORY--STILL FRESH IN THE MINDS OF MANY--OF THE HORRIBLE EFFECTS CAUSED BY CHEMICAL WEAPONS IN WORLD WAR I. THAT RESTRAINT ENDED WITH THE IRAN-IRAQ WAR.

LIMITED PUBLIC OUTCRY OVER THE USE OF CHEMICAL WEAPONS, COUPLED WITH IRAQ'S SUCCESSFUL USE OF CHEMICALS ON THE BATTLEFIELD, MAY ACTUALLY SPUR OTHER NATIONS TO DEVELOP AND USE THEIR OWN CHEMICAL WEAPONS.

**CAN YOU PLEASE TELL US WHICH COUNTRIES HAVE  
CHEMICAL AND BIOLOGICAL WARFARE PROGRAMS?**

AS I HAVE STATED, OVER 20 COUNTRIES ARE WORKING TO DEVELOP CHEMICAL WARFARE PROGRAMS. THOSE COUNTRIES INCLUDE THE U.S., THE U.S.S.R, IRAQ, IRAN, SYRIA, AND LIBYA. FOR INTELLIGENCE REASONS--SOURCES AND METHODS--I AM NOT AT LIBERTY TO IDENTIFY ANY ADDITIONAL NATIONS.

REGARDING THE AT LEAST 10 NATIONS WHICH ARE DEVELOPING BIOLOGICAL WARFARE CAPABILITIES, I CAN ONLY STATE THAT THE SOVIET UNION HAS A BIOLOGICAL WARFARE PROGRAM.



**WHAT IS THE POSSIBILITY THAT TERRORISTS MAY  
DEVELOP OR ACQUIRE CHEMICAL WEAPONS FROM  
PROLIFERATING NATIONS?**

WE CONTINUE TO BE EXTREMELY CONCERNED THAT SUCH AN  
EVENT COULD TAKE PLACE. WE ARE MONITORING CLOSELY THE  
ACQUISITION OF CHEMICAL AND BIOLOGICAL WARFARE  
CAPABILITIES BY A NUMBER OF COUNTRIES WHICH ARE CURRENT  
OR PAST SUPPORTERS OF INTERNATIONAL TERRORIST GROUPS. WE  
ARE INCREASINGLY CONCERNED ABOUT THE POTENTIAL FOR  
DELIBERATE OR INADVERTENT TRANSFER OF THESE CHEMICAL AND  
BIOLOGICAL WARFARE AGENTS TO THESE GROUPS. TO DATE,  
HOWEVER, WE HAVE NO INFORMATION THAT ANY SUCH TRANSFERS  
HAVE TAKEN PLACE.

**WHY IS BALLISTIC MISSILE PROLIFERATION A PROBLEM?**

**BALLISTIC MISSILES PROVIDE THIRD WORLD NATIONS WITH THE CAPABILITY TO STRIKE WELL BEYOND THE BATTLEFIELD. THUS EVEN A SHORT-RANGE BALLISTIC MISSILE CAN PROVIDE MIDDLE EAST COUNTRIES WITH A TRULY STRATEGIC WEAPON SYSTEM.**

**ACQUISITION OF STRATEGIC WEAPONS THAT COULD DELIVER CHEMICAL OR BIOLOGICAL AGENTS HEIGHTENS THE ALREADY TENSE SITUATION IN THE TROUBLED MIDDLE EAST. AND FEAR OF A STRIKE--PRE-EMPTIVE OR OTHERWISE--WITH THESE WEAPONS ONLY SERVES TO INCREASE THE INSTABILITY OF THE REGION.**

**CAN YOU PLEASE COMMENT ON ANY OF THE RECENT  
MEDIA STATEMENTS ABOUT IRAQ'S BIOLOGICAL  
WARFARE PROGRAM?**

**AS I HAVE STATED, AT LEAST 10 NATIONS ARE WORKING TO  
DEVELOP BIOLOGICAL WARFARE PROGRAMS. I CAN NEITHER  
CONFIRM NOR DENY THE EXISTENCE OF AN IRAQI BW PROGRAM. I  
CAN ONLY STATE THAT THE SOVIET UNION IS ONE OF THE NATIONS  
WITH A BW PROGRAM.**

**Page Denied**

Control Problems

**HOW EFFECTIVE ARE EMBARGOES OF PRECURSOR  
CHEMICALS AT STOPPING CW PROLIFERATION?**

THE US MEETS TWICE A YEAR WITH THE OTHER 18 MEMBERS  
OF THE AUSTRALIAN SUPPLIERS GROUP TO DISCUSS  
INTERNATIONAL CONTROLS ON SHIPMENTS OF CHEMICALS THAT  
CAN BE USED TO PRODUCE CHEMICAL WARFARE AGENTS. AS A  
RESULT OF THESE MEETINGS, CHEMICAL WEAPONS PROLIFERATION  
HAS SLOWED, BUT NOT STOPPED.

INTERNATIONAL CONTROLS HAVE CAUSED COUNTRIES AND  
COMPANIES TO SET UP CIRCUITOUS ROUTES IN ORDER TO OBTAIN  
THE MATERIALS THEY REQUIRE.

**WHAT FUTURE ACTIONS BY THE US CAN EITHER STOP OR SLOW CW PROLIFERATION?**

THE RELATIVE EASE WITH WHICH ANY NATION CAN ACQUIRE A CHEMICAL WARFARE CAPABILITY MAKES THIS A COMPLICATED QUESTION. THE U.S. WILL CONTINUE TO AGGRESSIVELY PURSUE NEGOTIATIONS THAT WILL LEAD TO AN EFFECTIVELY VERIFIABLE WORLDWIDE CHEMICAL WEAPONS BAN THAT WILL BE SIGNED BY ALL CHEMICAL CAPABLE NATIONS. WE CANNOT BE CERTAIN, HOWEVER, THAT WE HAVE IDENTIFIED ALL CHEMICAL WARFARE PRODUCTION FACILITIES BECAUSE THE EQUIPMENT AND FACILITIES USED TO MAKE CHEMICAL WEAPONS CAN HAVE MORE THAN ONE USE. THIS DIFFICULTY ALSO MAKES LIKELY THE POSSIBILITY THAT THERE ARE CHEMICAL WARFARE PROGRAMS THAT WE HAVE NOT YET IDENTIFIED.

THE U.S. WILL CONTINUE TO HOLD DISCUSSIONS WITH BOTH OUR ALLIES AND THE SOVIETS ON CURTAILING FOREIGN ASSISTANCE TO THIRD WORLD CHEMICAL WARFARE PROGRAMS. FINALLY, THE U.S. WILL CONTINUE TO SUPPORT INTERNATIONAL EFFORTS TO EMBARGO PRECURSOR CHEMICALS.

**WHAT SORTS OF CONTROLS OR EMBARGOES WOULD BE EFFECTIVE AT STOPPING BW PROLIFERATION?**

THE EQUIPMENT, MATERIALS, AND EXPERTISE NEEDED TO PRODUCE BIOLOGICAL WARFARE AGENTS ARE TRULY DUAL-USE IN NATURE. THERE ARE NO ITEMS COMPARABLE TO PRECURSOR CHEMICALS FOR THE PRODUCTION OF BIOLOGICAL WARFARE AGENTS. BECAUSE ALL OF THESE MATERIALS HAVE LEGITIMATE USES IN THE PHARMACEUTICAL AND MEDICAL INDUSTRY, TRADE IN THESE ITEMS IS UNRESTRICTED. NOR WOULD WE WANT TO DENY UNDERDEVELOPED COUNTRIES THE CHANCE TO IMPROVE THEIR HEALTH BY RESTRICTING THE TRADE OF BIOMEDICAL RESEARCH EQUIPMENT. BECAUSE THERE ARE SO MANY LEGITIMATE MEDICAL USES OF THIS EQUIPMENT, IT WOULD BE VERY DIFFICULT FOR THE INTERNATIONAL COMMUNITY TO AGREE ON AN EMBARGO. AND WITHOUT THE AGREEMENT OF THE INTERNATIONAL COMMUNITY, AN EMBARGO WOULD HAVE VERY LIMITED EFFECTIVENESS.



**HAVE ANY U.S. FIRMS BEEN INVOLVED IN SUPPLYING  
MATERIALS TO CHEMICAL WEAPONS PROGRAMS?**

AS YOU KNOW, IT IS NOT THE RESPONSIBILITY OF THE  
CENTRAL INTELLIGENCE AGENCY TO MONITOR ANY U.S. ACTIVITIES.  
HOWEVER, WE CONTINUE TO WORK CLOSELY WITH THE FBI AND US  
CUSTOMS SERVICE AND TO BE ALERT FOR ANY INDICATION THAT A  
U.S. FIRM WOULD BE INVOLVED IN CW PROLIFERATION. ONLY BY  
MAINTAINING THIS CLOSE RELATIONSHIP CAN WE HOPE TO  
DISCOVER AND LEGALLY PROSECUTE ANY FIRM THAT IS INVOLVED IN  
SUCH DEALINGS.

**WHY DO COMPANIES CONTINUE TO SUPPLY MATERIALS  
TO CHEMICAL WARFARE PROGRAMS IN SPITE OF LAWS  
BANNING THEIR SALE?**

MOST OF THE COMPANIES THAT SUPPLY PRECURSOR  
CHEMICALS, EQUIPMENT, AND EXPERTISE TO CHEMICAL WARFARE  
PROGRAMS DO SO WITHOUT KNOWLEDGE OF THEIR GOVERNMENTS.  
POSSIBLY BECAUSE OF EMBARGOES, THE MARKET FOR THESE  
MATERIALS IS QUITE LUCRATIVE.

AND ALTHOUGH WE CONTINUE FORMAL DIALOGS WITH OTHER  
GOVERNMENTS ON THIS SUBJECT, YOU MUST REALIZE THAT OFTEN  
INTELLIGENCE DOES NOT PROVIDE LEGALLY ADMISSIBLE PROOF OF  
WRONGDOING.



**HAVE WE SHARED INFORMATION WITH OUR ALLIES ON  
THE INVOLVEMENT OF THEIR COMPANIES IN CHEMICAL  
WEAPONS PROLIFERATION?**

WE ARE AGGRESSIVELY PURSUING THIS APPROACH WITH OUR ALLIES, AND HAVE PROVIDED BRIEFINGS TO A NUMBER OF THEM. WITH THE INFORMATION WE HAVE PROVIDED, WE ARE HOPEFUL THAT OTHER GOVERNMENTS WILL PURSUE THEIR OWN LEGAL MEANS OF INVESTIGATING AND PROSECUTING COMPANIES AND/OR INDIVIDUALS WHO HAVE PROVIDED MATERIALS TO VARIOUS CHEMICAL WARFARE PROGRAMS. WE PLAN TO CONTINUE DIALOGS ON THIS SUBJECT.

**WHAT EFFORTS ARE BEING UNDERTAKEN TO ENSURE  
THAT THE U.S. HAS ADEQUATE INFORMATION ON  
CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION?**

IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE  
PRESIDENT'S 1985 CHEMICAL WARFARE REVIEW COMMISSION, I CAN  
ASSURE YOU THAT WE HAVE INCREASED OUR EFFORTS TO PROVIDE  
ACCURATE AND TIMELY REPORTING ON CHEMICAL AND BIOLOGICAL  
WARFARE PROLIFERATION. WE ARE AWARE OF THE HIGH LEVEL OF  
INTEREST IN THIS SUBJECT, AND CONSISTENTLY EXPLORE ALL  
AVAILABLE SOURCES OF INTELLIGENCE TO PROVIDE POLICYMAKERS  
WITH THE INFORMATION THEY REQUIRE.

Pending Legislation

### CBW LEGISLATION

Three bills have been introduced in the Senate to control the proliferation of chemical or biological weapons. The bills would impose sanctions on certain countries that have used chemical or biological weapons, or companies that have aided those countries in the production of those weapons. The bills also require the President to make reports to Congress on efforts by certain countries to produce chemical or biological weapons and foreign companies that have assisted in the production of those weapons.

Attached for your information is a brief analysis of the bills, along with a copy of the bills themselves. We have also included a suggested answer to a question on what your position is on the legislation.

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101st CONGRESS

1st SESSION

S. 195

(Note - Fill in all blank lines except those provided for the date, number and reference of bill)

IN THE SENATE OF THE UNITED STATES

Mr. Pell (for himself and Mr. Helms, Kerry, McCain, Gore, Simon  
Boschwitz, Dodd, Kassebaum, Burdick, Humphrey, Sanford, Biden,  
Cohen, Harkin, Dole, Stevens, Murkowski, and Lugar

introduced the following bill; which was read twice and referred to the Committee on  
Foreign Relations

**A BILL**

The Chemical and Biological Weapons Control Act of 1989

(Insert title of bill here)

*Be it enacted by the Senate and House of Representatives of the United States of  
America in Congress assembled,*

SHORT TITLE

Section 1. This Act may be cited as the "Chemical and  
Biological Weapons Control Act of 1989."

FINDINGS AND PURPOSE

Section 2. The Congress finds that --

REPRODUCED AT GOVERNMENT EXPENSE

(a) chemical weapons were employed in the recent Iran-Iraq war and by Iraq in attacks against its Kurdish minority;

(b) the use of chemical or biological weapons in contravention of international law is abhorrent and requires immediate and effective sanctions;

(c) United Nations Security Council Resolution 620, adopted on August 26, 1988, states the intention of the Security Council to consider immediately "appropriate and effective" sanctions against any nation using chemical and biological weapons in violation of international law;

(d) the Declaration of the Paris Conference on Chemical Weapons Use demonstrates the resolve of most nations to reaffirm support for the 1925 protocol banning the use of chemical and bacteriological weapons and to press for attainment of a ban on the production and possession of lethal and incapacitating chemical weapons;

(e) a growing number of nations, including Libya and Syria, have or are seeking the capability to produce lethal and incapacitating chemical weapons;

(f) the further spread of chemical or biological weapons capabilities would pose a threat of incalculable proportions to friends and allies and undermine the national security of the United States;

(g) the United Nations should create an effective means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical and biological weapons capability; and

(h) every effort should be made to conclude an early agreement banning the production and stockpiling of lethal and incapacitating chemical weapons.

#### PURPOSE

Section 3. It is the purpose of this Act to mandate United States sanctions and to encourage international sanctions against nations that use chemical or biological weapons in violation of international law; to require semi-annual presidential reports on efforts by Iran, Iraq, Libya and Syria and other developing nations to acquire the materials and technology to produce and deliver chemical and

biological weapons; to urge cooperation with other supplier nations to devise effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; to promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads; to encourage an early agreement banning the production and stockpiling of lethal and incapacitating chemical or biological weapons; and to seek effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability.

#### AUTOMATIC SANCTIONS FOR THE USE OF CHEMICAL WEAPONS

Section 4. In the event any foreign country shall use chemical or biological weapons in violation of international law or against its own citizens, the sanctions listed below shall take effect against such country.

(a) The United States Government shall not sell the sanctioned country any item on the United States Munitions List.

(b) Licenses shall not be issued for the export to the sanctioned country of any item on the United States Munitions List.

(c) The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export to the sanctioned country of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act.

(d) The United States shall oppose any loan or financial or technical assistance to the sanctioned country by international financial institutions in accordance with section 701 of the International Financial Institutions Act.

(e) The United States shall not provide any military or economic assistance (except for urgent humanitarian assistance) to the sanctioned country.

(f) The United States shall not import any good, commodity, or service from the sanctioned country.

(g) The United States shall not provide the sanctioned country any credit or credit guarantees through the Export-Import Bank of the United States.

(h) Regulations shall be issued to prohibit any United States bank from making any loan or providing any credit to the sanctioned country.

(i) Landing rights in the United States shall be denied to any airline owned by the government of the sanctioned country.

#### WAIVER

Section 5. The President may waive some or all of the sanctions listed above for a period not to exceed nine months following the illegal use of chemical or biological weapons if he determines that such waiver is in the national interest of the United States and so reports in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate. In making such a report, the President shall present a detailed explanation of the national interest requiring a waiver. In no event shall the President have authority under this act to issue a waiver for that country that would remain in effect beyond nine months following the initial illegal use of chemical weapons.

#### NOTIFICATION

Section 6. Not later than five days after sanctions become effective against a country pursuant to this section, the President shall so notify in writing the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate.

#### CONTRACT SANCTITY

Section 7. The President may not prohibit or curtail the execution of any contract or agreement (except for an agreement to provide military assistance or to sell military equipment) entered into prior to the date on which Congress is notified of the imposition of sanctions against a country pursuant to this section.

#### REMOVAL OF SANCTIONS

Section 8. The President may waive any sanctions imposed pursuant to Section 3 of this Act if the President determines and so certifies in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate that the nation under sanction --

(a) has eliminated facilities for the production of chemical or biological weapons and existing stockpiles of such weapons;

(b) has renounced the use of chemical or biological weapons in violation of international law and provided reliable assurances to that effect; and

(c) has made satisfactory restitution to those affected by its earlier use of chemical or biological weapons in violation of international law.

#### PRESIDENTIAL REPORTS

Section 9. Not later than 90 days after the date of enactment of this bill, and every 180 days thereafter, the President shall submit to the Speaker of the House of Representatives, and the Chairman of the Committee on Foreign Relations of the Senate a report on efforts by Iran, Iraq, Libya, and Syria and other developing nations to acquire the materials and technology to produce and deliver chemical and biological weapons, together with an assessment of such countries' present and future capability to produce and deliver such weapons. ✓

#### MULTILATERAL EFFORTS

Section 10. The President of the United States is urged --

(a) to continue close cooperation with others in the 19-nation Australian Group in support of its current efforts and in devising additional means to monitor and control the supply of chemicals applicable to weapons production to Iraq, Iran, Syria, and Libya -- nations that currently support or have recently supported acts of international terrorism

(b) to work closely with other nations also capable of supplying equipment, materials, and technology with particular applicability to chemical or biological weapons production to devise the most effective controls possible on the transfer of such materials, equipment, and technology;

(c) to seek agreements with nations that produce ballistic missiles suitable for carrying chemical or biological warheads that would prevent the transfer of such missiles; and

(d) to take the initiative in pressing for early conclusion of an international agreement banning the production and stockpiling of lethal and incapacitating chemical or biological weapons.

#### UNITED NATIONS INVOLVEMENT

Section 11. The President is urged to give full support to --

(a) the United Nations Security Council, in furtherance of Security Council Resolution 620, adopted August 26, 1988, in developing sanctions comparable to those enumerated in

Section 3 of this Act to be imposed in the event any nation uses chemical or biological weapons in violation of international law;

(b) the creation by the United Nations of an effective means of monitoring and reporting regularly on commerce in chemical equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability. \*

REPRODUCED AT GOVERNMENT EXPENSE

January 25, 1989

## CONGRESSIONAL RECORD — SENATE

S 213

can colleagues in introducing S. 7, a campaign finance reform proposal which is the most sweeping and comprehensive ever introduced in the Senate. If ever there was a foundation for a bipartisan approach to remedying many of the most troubling problems with the Federal Election Campaign Act, S. 7, the Dole-McConnell-Stevens bill, is the foundation. I strongly urge my colleagues on both sides of the aisle to take a hard look at this bill. If true, bipartisan campaign finance reform is the goal of the Senate, S. 7, can be the starting point.

To the majority of Senators who do desire solutions to the problems of campaign finance, let me say that there is only one avenue to that goal, the road marked "bipartisanship." If the Senate learned anything at all from the extended debate on S. 2, it is that Republicans view Democrat-designed spending limits and the taxpayer financing of congressional campaigns as an actual threat to the very survival of Republican candidates. Today's reintroduction, by the majority, of a bill which can only be described as the "son of S. 2," does little to reassure me that my friends on the other side of the aisle have understood our absolute rejection of the kind of reform envisioned by S. 2. We will not be a party to reforming ourselves out of existence.

After all of the hours, days, and weeks, not to mention cloture votes too numerous to recall, which were spent on S. 2 during the 100th Congress, skeptics of campaign finance reform are entitled to wonder whether there is any basis for hope in 1989. Mr. President, I am an optimist by nature. My sense of optimism has not been dampened, despite the course of debate on campaign finance reform proposals during the last Congress. I remain convinced that men and women of good will in the Senate can reach agreement on a package of campaign reforms which will benefit democracy without adversely effecting any of the national political parties.

Yet to begin the process which will lead to an agreement, someone must make the first move. Today, I offer S. 7 as the first step on what we all realize will be a long road. I urge all of my colleagues to review this proposal very seriously.

Many of the elements of the Congressional Campaign Reform Act of 1989, the Dole-McConnell-Stevens bill, have been ideas which I have long championed. In fact, my own involvement in campaign finance law and reform efforts goes back a long way, Mr. President, including service as a conferee on the bill which became the Federal Campaign Act in 1971. Many of the ideas which I've advanced in the 18 intervening years are included in S. 7, most notably, the democratization of political action committees, a substantial enlargement in the role of the national political parties, and a reconfiguration of the contribution limits

for individuals and PAC's so that individual contributions will count for more than will the contributions of political action committees.

As to the latter provision, Mr. President, I think that it is important to note that while I do support a reconfiguration of contribution limits, I do not agree with those who believe that political action committees exert a pernicious influence in the political process and should be abolished. On the contrary, PAC's have played a very constructive role in electoral politics and I challenge the notion that PAC's exist solely to exert undue influence. My experience as a Member of the Senate for 20 years and as the former chairman of the National Republican Senatorial Committee tells me that such charges are without substantiation.

Mr. President, the Dole-McConnell-Stevens bill consists of nine very carefully crafted reform proposals. Each provision stands on its own as a major advance toward bipartisan campaign finance reform. Taken as a whole S. 7, is the most comprehensive campaign finance proposal offered in this body since I began my Senate service in 1968. I commend this bill to my colleagues and I ask unanimous consent that a factsheet explaining each section of the bill be printed in the Record at this point. Thank you.

There being no objection, the factsheet was ordered to be printed in the Record, as follows:

**THE CONGRESSIONAL CAMPAIGN REFORM ACT OF 1989**

**MAJOR PROVISIONS: RESTRICTIONS ON POLITICAL ACTION COMMITTEES**

Lower the PAC contribution limit to \$1,000 from \$5,000 per candidate per election.

Require PACs to give their members the names and addresses of all federal candidates and the national political parties; and require PACs to let their members " earmark" their contributions for particular parties.

**RAISED INDIVIDUAL CONTRIBUTION LIMIT IN CONGRESSIONAL ELECTIONS**

Increase the individual contribution limit for Congressional candidates to \$2,000 from \$1,000 per election.

**BROADCAST DISCOUNT/CAMPAIGN COST REDUCTION**

Allow Presidential and Congressional candidates to purchase non-preemptible time at the lowest unit charge for preemptible time, in the last 45 days before the primary and the last 60 days before the general election.

**FULL DISCLOSURE OF "SOFT MONEY" SPENDING**

Require corporations, PACs, labor organizations, and non-profits to report all spending "for the purpose of influencing a federal election" through soft money activities, including voter drives, telephone banks, and membership communications.

**STRENGTHENED DISCLOSURE OF PARTY FINANCES**

Require complete disclosure by all national political party committees of receipts, expenditures, and soft money activities in Presidential and Congressional elections.

**ENLARGING THE ROLE OF POLITICAL PARTIES**

Increase the limit on "coordinated expenditures" by national political parties to \$0.05 from \$0.02, multiplied by the voting

age population of each state, and to \$25,000 from \$10,000 for Representatives from states with more than one Representative.

**PROHIBITION AGAINST BUNDLING**

Prohibit all bundling of contributions, except by political party committees.

**CONTROLS ON INDEPENDENT EXPENDITURES**

Define "independent expenditures" to prohibit consultation with a candidate or his agents and require the FEC to hold a hearing within three days of any formal complaint of collusion between an independent expenditure committee and a candidate.

Require all independently-financed political communications, to disclose the person or organization financing it; require that disclosure be complete and conspicuous; and require timely notice to all candidates of the communication's placement and content.

**CONSTRUCT THE "MILLIONAIRE'S LOOPHOLE"**

Require Presidential and Congressional candidates to declare upon filing for an election whether they intend to spend or loan over \$250,000 in personal funds in the race; raise the individual contribution limit to \$10,000 from \$2,000 for all opponents of a candidate who declares such an intention.

Prohibit candidates from recovering personal funds or loans put into their race from contributions raised after the election.

The effective date of this legislation shall be November 7, 1989 •

By Mr. DOLE (for himself, Mr. GARN, Mr. HEINZ, Mr. DODD, Mr. MCCAIN, Mr. KASTEN, Mr. JEFFORDS, Mr. ROTH, Mr. BOSCHWITZ, and Mr. COHEN):

S. 8. A bill to amend the Export Administration Act of 1979 to impose sanctions against companies which have aided and abetted the proliferation of chemical or biological weapons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

**CHEMICAL AND BIOLOGICAL WEAPONS CONTROL ACT**

Mr. DOLE. Mr. President, I rise today to introduce the Chemical and Biological Weapons Control Act—a bill aimed at stemming the flow of chemical and biological weapons-related technology and material to such irresponsible and dangerous states as Libya. I am pleased that a number of distinguished Senators have already joined me as cosponsors: Senators GARN, HEINZ, DODD, MCCAIN, KASTEN, JEFFORDS, ROTH, BOSCHWITZ, and COHEN. Senators GARN and HEINZ have been the principal coauthors of this legislation; they and their staff deserve much of the credit for what we all believe to be a good product. In addition, I want to take note of Senator DODD's cosponsorship. This is truly a bipartisan matter, and all of us look forward to working with him—and hopefully many others from both sides—to move this bill.

I don't think anyone doubts the seriousness and the urgency of this problem. The unchecked spread of chemical weapons is the most immediate threat to regional peace and American interests in the real world of 1989. That is not rhetoric, but reality.

If the capacity to create, store, and deliver chemical weapons finally falls into the hands of lunatics like Qadhafi or fanatics like Khomeini, then we will truly be in not a brave, but a scary, new world. The capacity of rational and responsible states to deter war will be vastly diminished; the temptation to war, or political blackmail, by irrational and irresponsible states will be vastly increased.

Last year, when I and others introduced legislation very much like the bill I am introducing today, I said that the evil genie of chemical weapons had already escaped from the bottle. Today—as the headlines verify—that genie is more out of control than ever. Then, it was already clear that Iraq had, and had used, chemical weapons, and that Iran, Syria, and Libya were hell-bent on matching or exceeding Iraq's capability. Now, we know beyond question that Libya is on the verge of achieving a massive chemical weapons production capacity, and—as this week's news reports attest—moving ahead feverishly to develop the capability to deliver such weapons far beyond its own borders.

The genie is out of the bottle. And this—these next months—represents our last real chance to get it back under control. This bill will not do the job, by itself. But I and my cosponsors are convinced that this bill encompasses an approach that must—must—be part of any serious, effective effort to bring these terrible weapons of mass destruction under the control of some kind of international regime.

The ultimate goal must be an international regime, in which all the nations of the Earth join to wipe out all chemical weapons, and establish an effective control mechanism to insure they will never reappear. In the medium term, we must aim at an international regime to halt the spread of chemical weapons capability to all nations—but especially those whose pattern of international conduct has been patently irresponsible and dangerous.

My bill makes clear we must bend every effort to these ends, through multilateral and bilateral diplomacy, and the full force of influence and leverage we can bring to bear around the world.

But, even as we pursue those goals, there is something that we can, and must, do now—and, at the outset, at least, do unilaterally. Something that will have a real impact; and something that will send a powerful signal around the world of American seriousness and resolve.

A chemical weapons capability is not a home grown product in Libya or any of the other countries of major concern—the expertise, and much of the equipment and material, must be imported. Those imports can come from only two sources—the East bloc states, and the private sector of the Free World. In fact, while their record is far from perfect, it now appears that

the Soviets and their East bloc allies may be waking up to the danger that the proliferation of chemical weapons represents to them, as well as to us. Though there is a long way to go, there is some hope that they might join us in an effective, international control regime.

Meanwhile, though, we must cope with this sad and dangerous fact: that some Free World companies are not only capable, but willing, to make a buck by peddling chemical weapons-related technology and material to Libya and other states of its ilk. We must do everything we can to stop the flow of that technology and material, before it is too late.

Our bill, which will amend the Export Administration Act, attacks both halves of the problem—the real world fact that foreign firms are already aiding and abetting Libya and other nations acquire a chemical weapons capability; and the potential that American firms, perhaps inadvertently, might, too.

In regard to the foreign firms—which are beyond the direct reach of our laws and export control systems—we rely upon the powerful leverage of the marketplace and economic reality. Our bill will require a report from the President on which foreign companies are aiding and abetting the spread of chemical weapons to target countries—those whose possession of chemical weapons would raise a clear and present danger to their neighbors and regional stability, and might well contemplate their first use. Listing of any firm will trigger sanctions against that firm, totally shutting it out of the American market for a long time—in most cases, at least 2 years, even should it stop its activities with the target country immediately upon publication of the report.

The leverage we have and propose to use is real. The experience we have had with the so-called Toshiba case is one bit of evidence to that effect. In addition, we know of one major foreign firm which severed its ties with Libya, largely because of just the introduction of our similar bill of last year. The message is loud and clear to board rooms around the world—do business with the likes of Qadhafi, and you can kiss goodbye to the American market. That threat might not be relevant to some very small firms, or those which think themselves smart enough to hide their activities—again, we are not claiming this is the whole answer. But we think logic and the track record to date indicates this approach can work, in many important cases. It can scare some people out of this unsavory business; and it can keep a whole lot more from being tempted to get involved in the first place.

I should also add that our bill provides strong safeguards, to insure that the Presidential report need not compromise any sensitive intelligence activities, or undermine any other ef-

forts to halt the proliferation of chemical weapons.

The other half of the bill makes sure that we have our own house in order, too. That is important in its own right, and important to insure that our signal to our allies, and to foreign firms, is credible. The bill will establish a new, tough control regime on our own exports of technology and material that is directly relevant to a chemical weapons capability—to insure that no such exports go from American firms to target countries. It will require the President to identify the relevant technology and material, and the target countries, and then require licenses for the export of any listed technology/material to any listed country. Penalties would be of the same kind as exist under other sections of the Export Administration Act—fines, and even imprisonment, for violators.

That is the essence of the legislation. A more detailed summary of its provisions is included at the end of this statement.

Let me again stress that we are not proposing an American go-it-alone or ally-bashing approach. We must continue the effort, manifest in the Australia group discussions and the Paris Chemical Weapons Conference, to establish an effective international regime to stop the spread of chemical weapons. We must use our diplomatic skills and political influence to enlist the voluntary support of both our allies and adversaries in this effort.

Meanwhile, however, this bill can both buttress and add teeth to that effort, while having some real impact on the problem in the immediate future. This bill can spur other nations to act responsibly, and can back up any international regime which is established.

The problem is very serious; the hour is very late. It is time for us to act. I hope all Senators will join me and my cosponsors in this important act, by joining us in sponsoring and passing this vital piece of legislation.

Mr. President, I ask unanimous consent that the bill and an analysis of the bill be printed in the RECORD.

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

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical and Biological Weapons Control Act".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) proliferation of the material and technology to produce and deliver chemical and biological weapons threatens American national security interests and regional stability;

(2) reliable reports of Libya's attempt to acquire a chemical weapons production and delivery capability, efforts by Iran and Syria to do likewise, and Iraq's use of chemical



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weapons against its Kurdish minority are of grave concern to the other states of the Middle East, Persian Gulf region and to the United States.

(3) any efforts by Communist-bloc countries to aid and abet the production or use of chemical or biological weapons, or the development and deployment of delivery systems for chemical or biological weapons, by any state are deplorable;

(4) there are increasing reports that major corporations in certain non-Communist countries have aided and abetted the reported efforts of Libya, Iraq, Iran, and Syria to acquire chemical weapons production and delivery capabilities and, if true, any such activity by those companies is deplorable and represents a threat both to American security interests and the peace and stability of the Middle East/Persian Gulf region;

(5) the General Agreement on Tariffs and Trade recognizes that national security concerns may serve as a legitimate basis for constricting free and open trade; title XXI of the General Agreement on Tariffs and Trade states that "[n]othing in this Agreement shall be construed . . . to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests . . ."; and

(6) international cooperation has so far been unable to stem the trade in materials essential to produce chemical weapons and their industrial inputs.

## SEC. 3. POLICY.

(a) **IN GENERAL.**—It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation of the material and technology necessary and intended to produce or deliver chemical or biological weapons;

(2) to discourage Communist-bloc countries from aiding and abetting any states from acquiring such material and technology;

(3) to implement a United States control regime to prohibit the flow of United States materials, equipment, and technology that would assist countries in acquiring the ability to produce or deliver chemical or biological weapons; and

(4) to discourage private companies in non-Communist countries from aiding and abetting any states in acquiring such material and technology.

(b) **MULTILATERAL DIPLOMACY.**—The United States should seek to pursue the policy described in subsection (a) to the extent practicable and effective through multilateral diplomacy, including through efforts such as the efforts of the so-called "Australia Group" and the recently concluded Paris conference on chemical weapons.

(c) **UNILATERAL ACTIONS.**—The United States retains the right to and should take unilateral actions to pursue the objectives in subsection (a) until such multilateral efforts prove effective and, at that time, to support and enhance the multilateral efforts.

## SEC. 4. DEFINITIONS.

Section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) the term 'biological weapons' refers to—

"(A) microbial or other biological agents or toxins, whatever their origin or method of production, of types and in quantities that

have no justification for prophylactic, protective, or other peaceful purposes; and

"(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

"(8) the term "chemical weapons" refers to—

"(A) toxic chemicals, including supertoxic lethal chemicals, other lethal chemicals, other harmful chemicals and their precursors, including key precursors, except such chemicals intended for peaceful purposes as long as the types and quantities involved are consistent with such purposes; and

"(B) munitions and devices specifically designed to cause death or other harm through the toxic properties of such toxic chemicals which would be released as a result of the employment of such munitions and devices";

## SEC. 5. AMENDMENT TO THE EXPORT ADMINISTRATION ACT OF 1979.

Section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) is amended—

(1) by redesignating subsections (k) through (o) as subsections (l) through (p), respectively; and

(2) by inserting after subsection (j) the following:

"(k) **CHEMICAL WEAPONS.**—(1) The Secretary, in consultation with the Secretary of State, shall establish and maintain, in accordance with the provisions of subsection (m)—

"(A) a comprehensive list of goods or technology, whether military or dual-use items, that would assist a country in acquiring the ability to produce or deliver chemical or biological weapons; and

"(B) a list of those foreign countries which are pursuing or expanding such ability, as determined by the President.

"(2) The Secretary shall require a validated license for any export of goods or technology listed under paragraph (1)(A) to a country listed under paragraph (1)(B). The Secretary shall deny any application for such a license if the Secretary has reason to believe that the goods or technology will be used by a country described in paragraph (1)(B) in producing or delivering chemical or biological weapons or will otherwise be devoted to such purposes. Issuance of a license by the Secretary shall be the only approval required for the shipment of goods or technology on the list.

"(3)(A) Notwithstanding any other provision of this Act, a determination of the Secretary to approve or deny an export license application for the export of goods or technology under this subsection may be made only after consultation with the Secretary of State, subject to subparagraph (B). In any case where the Secretary of Commerce proposes to take an action under this subsection without the concurrence of the Secretary of State, the matter shall be referred to the President for resolution.

"(B) In any case where an application subject to this subsection involves a military item, a determination to approve or deny such an application may be made only after consultation with the Secretaries of Defense and State. In any case where the Secretary of Commerce proposes to take an action under this subsection without the concurrence of the Secretary of Defense or State, the matter shall be referred to the President for resolution."

## SEC. 6. REPORT.

Section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413) is amended—

(1) by striking the section heading and inserting "REPORTS";

(2) by striking "CONTENTS" in subsection (a) and inserting "ANNUAL REPORTS"; and

(3) by adding at the end the following:

"(a) **REPORTS ON CHEMICAL AND BIOLOGICAL WEAPONS MATTERS.**—(1) Not later than 90 days after the date of enactment of this subsection, and every 180 days thereafter, the President shall submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives and the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the efforts of all foreign countries to acquire the material and technology to produce and deliver chemical and biological weapons, together with an assessment of the present and future capability of those countries to produce and deliver such weapons.

"(2) Each report under this subsection shall include an assessment of whether and to what degree any Communist-bloc country has aided or abetted any foreign country in its efforts to acquire the material and technology described in paragraph (1).

"(3) Each such report shall also list—

"(A) each company which in the past has aided or abetted any foreign country in those efforts; and

"(B) each company which continues to aid or abet any foreign country in those efforts, as of the date of the report.

"(4) Such report shall also include an assessment as to whether any company listed in paragraph (3)(A) or (3)(B) was aware that the assistance provided was for the purpose of developing a chemical and biological weapons production and delivery capability.

"(5) Each report under this subsection shall provide any confirmed or credible intelligence or other information that any non-Communist country has aided or abetted any foreign country in those efforts, either directly or by facilitating the activities of the companies listed in paragraph (3)(A) or (3)(B), or had knowledge of the activities of the companies listed in paragraph (3)(A) or (3)(B), but took no action to halt or discourage such activities.

"(6) Nothing in this section—

"(A) requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies, or supersedes any of the authorities contained therein; or

"(B) shall be construed as requiring the President to disclose any information which, in his judgment, would seriously—

"(i) jeopardize the national security of the United States;

"(ii) undermine existing and effective efforts to meet the policy objectives outlined in section 4; or

"(iii) compromise sensitive intelligence operations, with resulting grave damage to the national security interests of the United States.

"(7) If the President, consistent with paragraph (6)(B), decides not to list any company in that part of the report required under paragraphs (3) and (5) which would have been listed otherwise, the President shall include that fact in that report, with his reasons therefor."

## SEC. 7. SANCTIONS AGAINST FOREIGN COMPANIES.

The Export Administration Act of 1979 is amended by inserting after section 11A the following:

"**CHEMICAL AND BIOLOGICAL WEAPONS CONTROL VIOLATIONS**

"SEC. 11B. (a) **DETERMINATION BY THE PRESIDENT.**—The President, subject to subsection (c), shall apply sanctions under sub-

section (b) if the President determines that—

"(1) any foreign company has in the past aided or abetted a country on the country list prepared pursuant to section 6(k)(1)(B) of this Act in acquiring goods or technology that were used in producing or delivering chemical or biological weapons or were otherwise devoted to such purposes; or

"(2) any foreign company continues to aid or abet a country on the country list prepared pursuant to section 6(k)(1)(B) of this Act in acquiring goods or technology that are being used in producing or delivering chemical or biological weapons or were otherwise devoted to such purposes.

"(b) SANCTION.—(1) Before October 1, 1990, the United States Government shall not procure, or contract for the procurement of, any goods or services from any company referred to in subsection (a)(1).

"(2) The United States Government shall not procure, or contract for the procurement of, any goods or services from any company referred to in subsection (a)(2). The provisions of the preceding sentence shall cease to apply upon the expiration of 2 years after the President certifies to the Congress that—

"(A) conclusive intelligence or other information demonstrates that such company has totally ceased to aid or abet any foreign country in its efforts to acquire goods and technology described in section 6(k)(1)(A); and

"(B) in the President's judgment, it would be in the national interest of the United States to again procure, or contract for the procurement of, goods and services from such company.

"(3) The importation into the United States—

"(A) before October 1, 1990, of products produced by a company referred to in subsection (a)(1), and

"(B) before the close of the 2-year period described in paragraph (2), of products produced by a company referred to in subsection (a)(2) with respect to which a certification under paragraph (2) was made, is prohibited.

"(c) EXCEPTIONS.—The President shall not apply sanctions under this section—

"(1) in the case of procurement of defense articles or defense services—

"(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(B) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of essential defense articles or services and no alternative supplier can be identified; or

"(C) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

"(2) to—

"(A) products or services provided under contracts entered into before the date on which the President notifies the Congress of the intention to impose the sanctions;

"(B) spare parts;

"(C) component parts, but not finished products, essential to United States products or production;

"(D) routine servicing and maintenance of products; or

"(E) information and technology; or

"(3) to companies which in the President's assessment provided so-called "dual-use" material or technology, and were unaware that the intended use of that material or technology was the development of a chemical weapons production or delivery system.

"(d) REVIEW OF RELATIONS.—The United States Government should review the full range of its security, political, economic, and commercial relations with any country named in a report submitted under section 14(g) for the purpose of paragraph (2) or (5) of such section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'component part' means any article which is not usable for its intended functions without being imbedded in or integrated into any other product and which, if used in production of a finished product, would be substantially transformed in that process;

"(2) the term 'dual-use', when used in the context of chemical materials or technology, means chemical material or technology which may be utilized both in the production or delivery of chemical weapons and in the production or application of chemicals for other uses;

"(3) the term 'finished product' means any article which is usable for its intended functions without being imbedded or integrated into any other product, but in no case shall such term be deemed to include an article produced by a person other than a sanctioned person that contains parts or components of the sanctioned person if the parts or components have been substantially transformed during production of the finished product; and

"(4) the term 'sanctioned person' means a person, and any parent or successor entity of the person, upon whom sanctions have been imposed under this section."

#### CHEMICAL AND BIOLOGICAL WEAPONS CONTROL ACT

Findings on efforts by Libya, Syria and Iran to acquire weapons; Iraq's use of chemical weapons; reports of assistance from Communist states and major Western corporations; and the failure of international cooperation to stem the problem.

#### POLICY

To discourage proliferation of materials and technology necessary to produce or deliver chemical/biological weapons;

To discourage assistance to these countries by Communist countries and Western companies;

To implement a U.S. control regime for all U.S. technology that could assist this capability;

To pursue multilateral efforts to control these weapons; and

To take unilateral actions, where necessary, to pursue these objectives.

Definitions of biological and chemical weapons.

#### U.S. EXPORT CONTROLS

New subsection of the Export Administration Act creating a chemical/biological warfare control regime, including a comprehensive list of controlled materials/technologies and controlled countries.

Shipments of controlled technologies would require licenses, with presumption of denial to "problem projects."

Commerce would license in cooperation with State and DoD, as appropriate.

Penalties for violations by companies subject to U.S. law would be those under the EAA (administrative penalties, denial of export privileges, fines and imprisonment).

Report due semiannually on—

Proliferation of material and technology to produce and deliver chemical/biological weapons; and

Assistance from Communist states and Western companies in providing these capabilities.

Bill provides for protection of classified information and Presidential discretion not

to name companies if this would jeopardize national security, intelligence sources or efforts to meet objectives of the law.

#### SANCTIONS AGAINST FOREIGN COMPANIES

If the President finds that a foreign company is aiding or abetting the chemical/biological warfare capability of a country listed under the C/B warfare control regime in the EAA, sanctions shall be imposed—in the case of companies that have provided assistance in the past, denial of the privilege to import goods into the United States or participate in USG procurement through October 1, 1990; in the case of companies continuing to provide assistance, import and procurement sanctions for a period of two years after the President certifies such assistance has stopped or that it is in the national interest to resume USG procurement.

USG review of all security, political, economic and commercial relations with countries aiding and abetting such proliferation:

Waivers for certain defense procurement; space and component parts; routine service and maintenance; and for companies the President determines were unaware of the intended use of "dual use" materials and technology provided.

Mr. McCAIN. Mr. President, I believe that we are taking actions today that will have a major impact on the future of our Nation and the world. The threat of chemical and biological weapons is ultimately as serious as the threat of nuclear weapons. While such weapons may not be as lethal, they are far easier to acquire and far cheaper to use, and biological weapons open up the spectre of genetic engineering and a long-term threat to the existence of our race.

I strongly support the efforts of the Reagan and Bush administrations to attack the problem of the proliferation of chemical and biological weapons by strengthening the Geneva protocols, and the 1972 treaty on biological weapons. I believe that we need to press all nations to ratify such treaties and agreements, that we need to move toward international inspection, and that we need to halt or minimize any "defensive" research whose true purpose could be the production of chemical and biological weapons.

At the same time, treaties will never be enough. Anyone can sign or ratify a treaty that involves no punishments, and no inspection and verification. Anyone can pass laws that appear to block the sale of equipment and transfer of technology. The entire history of arms control tells us that agreements without teeth are worse than meaningless: They bury the problem, rather than solve it. They withdraw the problem from public attention without halting the threat to peace and to humanity.

We already have firm evidence that these problems will reoccur in the case of chemical and biological weapons. Countries like Iraq, Iran, Libya, and Syria have already signed the agreements and treaties dealing with chemical and biological weapons. Nations like West Germany and Japan have repeatedly assured the United States they would never knowingly sell the

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equipment to develop and produce chemical weapons.

It is painfully clear that the world has heads of state whose word is nearly worthless, and whose signature on new agreements will be equally worthless. We know all too well that Iran and Iraq have used chemical weapons. We know that all their recent statements and assurances have done nothing to slow down the production of more weapons, or the restructuring of their forces to use them. We know that Libya and Syria are actively following in their footsteps.

We also know that Iran, Iraq, and Syria have long been interested in producing biological weapons, and we have growing reason to suspect that Iraq is actually producing such weapons. Further, we know that Iraq has already misused international agreements to obtain tularemia virus from the United States. This Iraqi action is particularly important because this disease is nearly 10 times more lethal in weapon form than anthrax, and because the United States obtained this culture from the U.S.S.R., which seems to have developed it for weapons purposes in the period before the 1972 treaty. We have every reason to assume that Iraq may soon weaponize two of the three most lethal biotoxins—anthrax and tularemia—and it may well be on the way to weaponizing the third—equine encephalitis.

Further, we know that we cannot trust even our closest allies to make honest efforts to halt the sale of technology, feedstock, and equipment. We have tried since the early 1980's to persuade Western European States and Japan to come to grips with the problem of the proliferation of weapons of mass destruction. The result has been promises and lies.

We have seen the Government of Japan and Japanese companies repeatedly deny their involvement in activities like the chemical weapons plant in Libya when they either continued to support proliferation or deliberately ignored the warnings of the United States. If there is any honor or "face" within the Japanese Government on this issue, it certainly is not apparent to me.

Worse, it is becoming all too clear that the most senior officials and ministers of the West German Government have known since the early 1980's that West German firms were contributing to the proliferation of chemical, biological, and nuclear weapons. My good friend Senator HELMS has already issued a roll of dishonor listing the companies that have publicly been associated with the proliferation of chemical and biological weapons. My office has updated and expanded that list, and there are now 34 German companies on this list.

Let me also be blunt. I know that the West German Government is denying that it knew what was going on in Libya, and that its Foreign Minister is claiming to be shocked by what hap-

pened. The problem with these statements is that it is clear that the West German Government first denied what it already knew to be the truth, and that it has known for half a decade that West German firms have been assisting nations like Iraq and Syria to produce their chemical weapons.

It is inconceivable, that the Foreign Minister of West Germany could really be shocked by what happened in Libya. In 1983 and 1984, and long before the current investigations of what happened in Libya, the West German Government and the West German Foreign Office were warned in great detail that West German firms were already involved in the proliferation of weapons of mass destruction.

It is inconceivable the United States intelligence data that was then provided to West Germany did not reach the Foreign Minister. It is inconceivable that the West German Government ever really made the efforts it promised to make to investigate what was happening and to halt such proliferation, and it is inconceivable that it did not at least tacitly tolerate what was happening. In fact, if West Germany conducted even half the investigation of West Germany's contribution to nuclear, chemical, and biological proliferation that we in the United States conducted of the Iran-Contra scandal, I believe that Foreign Minister Genscher would be forced to resign.

In short, it is painfully clear that we cannot place our trust in treaties and good intentions alone. We have to find means of enforcing these treaties, and we have to make it clear that we intend to fight proliferation with something more effective than quiet warnings and polite diplomacy. It has to be clear that the foreign governments and companies have a clear choice: They cannot support or tolerate proliferation and maintain close relations, or do business with, the United States.

This is why I am happy to cosponsor the legislation being proposed today by Senator PELL and Senator DOLE. While these two bills differ in scope, they shape the range of action we must take during the coming session. At a minimum, they will establish serious sanctions against any use of such weapons and will expose the governments and companies that aid proliferation.

I hope, however, that we can go further, and make it clear that any company that assists in the proliferation of weapons of mass destruction will not be allowed to do business in the United States.

I also must state that this is one case where I believe that the evidence indicates that such companies must be judged guilty until proven innocent. We have heard excuse after excuse, and denial after denial. We have seen companies use fronts, Swiss companies

and banks, and any form of plausible deniability they can think of.

This country has no obligation to excuse firms that aid proliferation, regardless of their excuse. We cannot excuse our own firms, and our support of free trade has never meant the support of a free trade in death.

Firms are going to have to learn that they cannot sell any element of chemical or biological weapons without our making every effort to drive them out of business, whether or not their acts are deliberate or were fully understood by every member of the board. To put it bluntly, I hope that we can agree on legislation that has only one message: One strike and you're out!

In summary, I believe that this is one of those times when a combination of firm diplomacy and firm legislation can really help avert a global tragedy. We have already lived under the threat of nuclear war for far too long. The threat posed by the proliferation of chemical and biological weapons is equally dangerous, and we must have the courage to deal with that threat before it comes to shape the world we live in.

## THE "ROLL OF DISHONOR"

Companies reported to be assisting in the proliferation of biological, chemical, and nuclear weapons<sup>1</sup>

## CNEA (ARGENTINA)

[Supports Iranian nuclear efforts directly related to the effort to develop a bomb, Washington Times, April 22, 1987 and Economist Foreign Report, April 2, 1987.]

## WORMOLD (AUSTRALIA)

[Firefighting and security equipment for Iraqi chemical warfare facilities, USN&WR, Jan. 1989.]

## FLAECT (BELGIUM)

[Libya—cooling tower for chemical weapons, Washington, Times, Jan. 16, 1989.]

## CROSS LINK (BELGIUM)

[Libya—freight forwarding aiding procurement of chemical weapons capability, Stern, Jan. 12, 1989, Washington, Post, Jan. 14, 1989.]

## PHILLIPS PETROLEUM (BELGIUM)

[Sold 500 tons of thiodiglycol to Iraq for use in production of nerve gas, Wall Street Journal, Sept. 16, 1988.]

## J.G. TRADING (BRITAIN)

[Libya—freight forwarding aiding procurement of chemical weapons capability, Stern, Jan. 12, 1989.]

## IHSAN BARBOUTI INTERNATIONAL (BRITAIN)

[Libya—general contractor aiding in development of chemical weapons, Washington Times, Jan. 16, 1989.]

SARECO INTERNATIONAL LIAISON OFFICE  
(CANADA)

[Front Office for Iraqi effort to buy chemical weapons, USN&WR.]

## DISA (DENMARK)

[Libya—foundry equipment affecting chemical weapons production, Washington, Times, Jan. 16, 1989.]

<sup>1</sup> Please note that these names come from published sources and that there is no claim for validity.

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- DE DIETRICH (FRANCE)**  
[Libya—supplied glass-lined cauldrons for chemical weapons, N.Y. Times, Jan. 1, 1989.]
- ALFRED TEVES GMBH (W. GERMANY)**  
[Libya—industrial cooling equipment for chemical weapons, Wall Street Journal, Jan. 18, 1989.]
- BISCHOFF (W. GERMANY)**  
[Libya—tools and machinery for chemical weapons, Stern, Jan. 12, 1989.]
- DEUTSCHE BANK (W. GERMANY)**  
[Libya—banking services for chemical weapons, Stern, Jan. 12, 1989.]
- FRANKFURT ZINK (W. GERMANY)**  
[Libya—gas burning equipment for chemical weapons, Stern, Jan. 12, 1989; AP Jan. 13, 1989.]
- GESELLSCHAFT FÜR AUTOMATION (W. GERMANY)**  
[Libya—computers, Stern, Jan. 12, 1989.]
- HAMMER (W. GERMANY)**  
[Air conditioning for Iraqi chemical weapons facilities, USN&WR, Jan. 1989.]
- HEBENGER BAU (W. GERMANY)**  
[Libya, chemical weapons—The Times, London, Jan. 7, 1989.]
- HERBIGER (W. GERMANY)**  
[Erected many buildings for Iraqi chemical weapons plants, USN&WR, Jan. 1989.]
- HUNNEBACK (W. GERMANY)**  
[Libya—building materials for chemical weapons, Stern, Jan. 12, 1989.]
- I.B.I. ENGINEERING G.M.B.H. (W. GERMANY)**  
[Libya—Contractor for Libyan chemical weapons plant, Wall Street Journal, Jan. 16, 1989.]
- IMHAUSEN AND IMHAUSEN-CHEMIE G.M.B.H. (W. GERMANY)**  
[Libya—precursor chemicals, Wall Street Journal, Jan. 18, 1989; Washington Post, Jan. 14, 1989; New York Times, January 14, 1989.]
- INTEC TECHNICAL TRADING LOGISTIC (W. GERMANY)**  
[Libya—air-to-air refueling, Stern, Jan. 12, 1989.]
- KARL KOLB (W. GERMANY)**  
[Iraq—chemical warfare plant. Klaus Franzel, head of the Baghdad office supplied laboratory equipment to the Iraqi office that pioneered the development of chemical weapons, Christian Science Monitor, Dec. 13, 1988; Wall Street Journal, Jan. 14, 1989.]
- KONE (W. GERMANY)**  
[Libya—overhead cranes for chemical weapons, Washington Times, Jan. 16, 1989.]
- KRAFTWERKE UNION (KWU) (W. GERMANY)**  
[Works to support Iran in its nuclear weapons effort using the Argentine Nuclear Power Agency, as a cut out, Washington Times, April 22, 1987 and Economist Foreign Report, April 2, 1987.]
- KREBS UND KIEFER (W. GERMANY)**  
[Libya—stress engineering for chemical weapons, Stern, Jan. 12, 1989.]
- KRAUSS KOPF (W. GERMANY)**  
[Iraq, chemical weapons—International Herald Tribune, Jan. 7-8, 1989.]
- KREBS AND KIEFER (W. GERMANY)**  
[Engineering firm that calculated stress on Libyan chemical weapons plant, Reuters, Jan. 1, 1989.]
- LINDE (W. GERMANY)**  
[Libya—oxygen unit for chemical weapons, Washington Times, Jan. 16, 1989.]
- E. MERCK (W. GERMANY)**  
[Libya—industrial cooling equipment for chemical weapons, Wall Street Journal, Jan. 18, 1989.]
- NUKEM (W. GERMANY)**  
[Depleted Uranium pins for Iraqi nuclear reactors.]
- OSTRAG (W. GERMANY)**  
[Libya—ballistic missiles, Stern, Jan. 12, 1989.]
- QUAST (W. GERMANY)**  
[Reactor vessels, piping and centrifuges for Iraqi chemical weapons plant.]
- PAWLING AND HARNISHCHPEGER (W. GERMANY)**  
[Libya—mobile cranes for chemical weapons, Washington Times, Jan. 16, 1989.]
- PILOT PLANT (W. GERMANY)**  
[A subsidiary of Karl Kolb. Helped Iraq in building a chemical warfare plant, Christian Science Monitor, Dec. 13, 1988.]
- PREUSSAG (W. GERMANY)**  
[Libya—water purification system for chemical weapons, Stern, Jan. 12, 1989.]
- QUAST (W. GERMANY)**  
[Iraq—corrosion-resistant alloy parts for chemical weapons, and helped provide Iraq's SEPP with two million pound pilot plant, Reactor vessels, piping, centrifuges of hastalloy, Christian Science Monitor, Dec. 13, 1988 and USN&WR, Jan., 1989.]
- RAAB KARCHER (W. GERMANY)**  
[Libya—building materials for chemical weapons, Der Spiegel, Jan. 15, 1989.]
- ROHSTOF EINFUHR G.M.B.H. (W. GERMANY)**  
[Heavy water for nuclear proliferation to India, Pakistan, and South Africa, Wall Street Journal.]
- SALZGITTER INDUSTRIEBAU GMBH (W. GERMANY)**  
[Libya—industrial planning for chemical weapons, Washington Post, Jan. 17, 1989; Washington Post, Jan. 17, 1989.]
- J. SARTORIUS (W. GERMANY)**  
[Libya—construction materials for chemical weapons, Stern, Jan. 12, 1989.]
- SCHOTT GLASSWERKE (W. GERMANY)**  
[Syria—corrosion-resistant glass pipes for chemical weapons, Wall Street Journal, Sept. 16, 1988.]
- FRIITZ WERNER (W. GERMANY)**  
[Support to Iraqi and Iranian chemical weapons effort, USN&WR, Jan., 1989.]
- W.E.T. G.M.B.H. (W. GERMANY)**  
[Heavy duty pumps and chemicals for the Iraqi chemical weapons effort, USN&WR.]
- VEB STAHLBAU (E. GERMANY)**  
[Libya—steel fabrication for chemical weapons, Stern, Jan. 12, 1989.]
- FEN TSAO MATERIA-MEDICA-CENTER, LTD. (HONG KONG)**  
[Libya—document handling affecting chemical weapons, Associated with Imhausen, Stern, Jan. 12, 1989; Wall Street Journal, Jan 17, 1989.]
- DEE TRADING (HONG KONG)**  
[Involvement in Libyan chemical and biological weapons. Associated with Imhausen, Wall Street Journal, Jan. 17, 1989.]
- JAPAN STEEL WORKS (JAPAN)**  
[Libya—bombs and production equipment for chemical weapons, Mainichi, Sept. 15, 1988.]
- MARUBENI (JAPAN)**  
[Libya—equipment for chemical weapons, Christian Science Monitor, Dec. 13, 1988.]
- KBS HOLLAND B.V. TRADING COMPANY (NETHERLANDS)**  
[Bought thiodiglycol from Belgian chemical plant, in Tessenderloo Belgium, a subsidiary of Phillips. BBC Panorama.]
- MELCHEMIE HOLLAND B.V. (NETHERLANDS)**  
[Iraq—chemical precursors for nerve gas, Christian Science Monitor, Dec. 13, 1988.]
- IMPRESSARIOS ACUPADOS (SPAIN)**  
[Involved in a consortium with Kraftwerke Union and CNEA in supporting the Iranian nuclear weapons efforts, Washington Times, April 22, 1987 and Economist Foreign Report, April 2, 1987.]
- ORDA A.G. (SWITZERLAND)**  
[Involved with Rohstof Einfuhr, G.m.b.H. in supplying heavy water to India, Pakistan, and South Africa, Wall Street Journal.]
- ENERGOINVEST (YUGOSLAVIA)**  
[Libya—power substation supporting chemical weapons facility, Washington Times, Jan. 16, 1989.]
- Mr. GARN. Mr. President, I rise today to join the Republican leader and my other colleagues to put forth a bill intended to stop the spread of chemical weapons and delivery systems to terrorist states.**
- As you know, during my 14 years in the U.S. Senate, it has been a primary goal of mine to stop the transfer of Western weapons and technology into the arsenals of our adversaries, experience has shown that while technology security is vital, it is extremely difficult to achieve and protect. We are attempting to control the spread that, in many cases, is relatively unsophisticated, but still deadly.**
- This bill we are offering, attempts to ensure that we do not arm terrorists or terrorist states with weapons capable of mass destruction. This bill also ensures that we stop the transfer and spread of weapons that the civilized nations agreed not to use at the 1925 Paris Conference. This was reaffirmed by 149 nations at the Paris Conference last month.**
- Use of sanctions is sure to raise voices of protest from governments and industry. But, just as in the Toshiba-Kongsberg case, we must send the signal to the world realize that there are some crimes the United States will not tolerate. We must stand ready to take unilateral action to stop the export of such destructive technology.**
- I welcome the opportunity to co-sponsor this proposal and look forward to working with my colleagues who are searching for a solution to this threat to world peace.**
- Mr. HEINZ. Mr. President, today the United States is faced with a moral and political crisis that may very well alter our entire concept of international relations. Through an almost universal consensus, nuclear weapons and effective delivery systems have been limited to the United States, the Soviet Union, and a handful of other nations. To a large degree, the close control of these weapons has been related to the relative peace of the last 44 years. This is not to imply that many long and bloody wars have not**

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been fought, but rather that they have not been allowed to escalate into a superpower confrontation. Equally important, the belligerents have not been able to drag each other into nuclear oblivion.

The spread of biological and chemical weapons may change this situation. The use of chemical weapons as a "poor man's nuke" will upset the current international balance of power and will enable irrational countries, such as Libya, to conduct terrorism at a much more dangerous and grisly level. It is our duty to prevent this from happening.

Chemical and biological weapons have a long, infamous history. During Ghengis Khan's march into Europe he herded disease-infected peasants and animals ahead of him to spread contagions in order to aid his conquest. Several hundred years later, the Turks flung plague infested bodies into Constantinople during the siege. The 20th century, however, has seen the most extensive use of such weapons. World War I was characterized by the development and use of chlorine, phosphene, and mustard gas, all of which were developed during the war. In spite of the 1925 Geneva protocol which banned the use of chemicals as weapons, the practice continued. The Italians and Japanese used chemicals during the 1930's in their attempted subjugation of Ethiopia and China, respectively.

The 1970's and 1980's have seen even more use of these hideous devices. The Soviets have used the most contemporary chemical weapons in their occupation of Afghanistan. The Iranians and Iraqis gassed each other, and their own people, in spite of international condemnation. In Southeast Asia there have been numerous instances of yellow rain and several chemical attacks conducted by the Vietnamese against the Cambodians. In addition, the *Journal of Defense and Diplomacy* has reported many cases of chemical use in Africa. The Libyans have used chemicals many times against Chadian forces. Furthermore, the Marxist regimes of Ethiopia, Angola, and Mozambique have each used a variety of chemical devices against anti-Communist resistance movements.

The result of all these cases, especially the Iraqi one, has been the establishment of precedent. Each time a country gets away with this intentional outrage, it becomes easier for it to happen again. The Iraqis ignored the international community and used a variety of chemical systems against poorly protected Iranian forces. Iran, with a population three times that of Iraq, was stalemated. Regardless of the fact that it possessed a 3-to-1 superiority, which in military circles is the requirement for a successful attack, Iran was forced to the negotiating table. The use of chemical weapons by Iraqi forces was a major factor in their success. Furthermore, what was previously considered an unacceptable

weapon was used in massive proportions in spite of the public outcry. Thus, what was once considered to be an extravagant luxury only for the superpowers may soon be considered a necessity for Third World nations.

In order to prevent the rampant spread of chemical weapons, especially to unstable, irrational, or morally deviant nations, the United States must act now. It is for this reason that I join Senator DOLE, Senator GARN, Senator DODD, and others in sponsoring the Chemical and Biological Weapons Control Act. The primary goal of the bill is to discourage the proliferation of technology and materials necessary to produce chemical and biological weapons and their delivery systems. In order to facilitate this, the bill also creates a domestic control system by which U.S. technology and material are controlled to problem countries.

Mr. President, this bill is designed to impact only on those who choose to aid morally deviant nations. Essentially, it creates a three-tiered system for domestic controls. Any company who follows these guidelines will have no difficulty whatsoever. Only those firms who choose to violate this process will face repercussions.

The first tier is a list of countries, to be compiled by the President, who have either attempted, or are currently attempting, to acquire material and technology utilized in biological or chemical weapons.

The second tier is a list of materials which are unique or particular to the production of such substances or to their delivery systems. Items on this list are to be considered controlled materials requiring a special license for export and may not be sold to any of the nations listed in the first tier.

The third tier is comprised of ordinary items which are considered to be dual use in that they are utilized in the production of both ordinary items and chemical-biological weapons. These items are not to be controlled in most circumstances, unless they are sold; first, to nations listed in the first tier; second, in conjunction with items listed in the second tier; or third, they are sold to nations who are currently receiving shipments of components from the second tier but not from the same company who is selling the dual use items. In these cases exports of dual use items must be subject to license for export.

Mr. President, this bill differs from other measures which put a blanket halt on American goods as a tactic of foreign policy, as President Carter's 1980 grain embargo and President Reagan's 1982 pipeline embargo did. These measures only hurt American firms while barely affecting the Soviet Union. This bill will only limit trade to certain countries in a few particular items. Furthermore, we hope that our friends and allies will follow our lead in this area and will help to place an effective quarantine on undesirable nations to keep them from acquiring

chemical weapons capabilities. It would be ideal if all countries would accept the responsibility of ensuring that their businesses adhered to the same moral standards by which nations are judged. Companies like Toshiba and Imhausen would then be much less inclined to put profits before the people of the world.

Nevertheless, should others shrink from their responsibility, the bill provides for action against foreign companies who violate these standards. While the United States can neither fine nor imprison violators, sanctions can be imposed by the President. Such companies can be denied the privilege to import goods into the United States or to participate in U.S. Government procurement procedures. While we sincerely hope that such measures will not have to be taken, they will be if businesses refuse to accept their moral and social responsibilities.

Mr. President, it is well known that I am not one to join country of the month movements. I do not see how such improvised schemes further the role and the respectability of the United States and its Congress. Yet sometimes they contain the roots of the problem, and if refined can be a useful and responsible solution. This bill is an outgrowth of such a movement. It has evolved from focusing on four specific countries to addressing the proliferation of biological and chemical weapons world-wide. It has been honed and refined to meet both current and future needs of the United States, criteria that all legislation should be expected to maintain.

The threat is very real, very present. Maybe not today, not tomorrow, or possibly not even next month, but soon. Sooner than we all wish, irresponsible nations will be threatening civilized society and holding chemical and biological weapons over each others' heads. We must act now to bring some sense into this most dangerous situation.

Mr. DOLE (for himself, Mr. ARMSTRONG, Mr. KASTEN, Mr. SYMMS, Mr. WILSON, Mr. DURENBERGER, Mr. LUGAR, Mr. HELMS, and Mr. ROTH):

S. 9. A bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

## LIBERALIZATION OF EARNINGS TEST PROVISIONS

Mr. DOLE. Mr. President, President Bush in his inaugural address called for a rebirth of personal activism, saying, "we must bring in the generations, harnessing the unused talent of the elderly . . ."

Mr. President, the best way to harness the unused talent of the elderly is to repeal the very law that discourages senior citizens from using their talent, the Social Security earnings limit.



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mise and would devastate the dependent communities in southeast Alaska.

Administration of the Tongass National Forest has been far from perfect. Problems have been identified with excesses in the expenditure of funds and the preparation of timber beyond what was demanded in the down market period. I believe that subjecting the timber program to the annual appropriations process will answer these problems without disturbing the delicate land use balance of multiple use and wilderness in the Tongass National Forest.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

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*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended) is amended by striking Section 705(a) and inserting in lieu thereof the following subsection:*

**Sec. 705. (a)** Subject to available appropriations, the Secretary of Agriculture is authorized and directed to carry out a program of intensive management of the commercial forest land of the Tongass National Forest in order to assure the availability of a sufficient supply of timber to achieve an allowable sale quantity of 4.5 billion board feet per decade. For each fiscal year the Secretary of Agriculture shall prepare and offer for sale or release timber volumes on the Tongass National Forest based upon his estimate of the annual demand of the dependent industry and the sustained yield capacity of the forest. The Secretary of Agriculture shall base his annual estimate upon projections of future timber demand.

Mr. STEVENS. Mr. President, I rise today to cosponsor a bill with my colleague from Alaska which we hope will put to rest a dispute which threatens the economy of a region of our State.

Management of Alaska's Tongass National Forest has repeatedly been a bone of contention during my career in the Senate. During the mid-seventies it was injected into the Alaska lands debate. The issue then was how much of the Tongass should be set aside in wilderness.

Alaskans saw the problem as how we were to overcome the economic costs of wilderness withdrawals. Timber harvesting was and is a mainstay of southeast Alaska's economy. We recognized that as the wilderness proposals increased in size, the amount of the forest remaining for multiple use—including timber harvesting—would shrink.

The wilderness proponents came forward with a compromise which was incorporated into the Alaska Lands Act in 1980. A third of the forest went into wilderness, and to make up for the lost timber base a permanent appropriation was established to guarantee funding for intensive management of the remainder of the forest. That settled the issue for little more than 5

years. But in that compromise was the source of the current dispute, which has been brewing now for nearly 4 years.

Timber markets slumped in the early eighties. Nationwide, the timber industry went through a devastating recession. Looking only at Alaska, this led to several related problems. Stumpage rates—the amount companies pay for logs harvested from the National Forests—dropped to a few dollars per thousand board feet. This happened because stumpage is calculated backward from the market value of the wood products, subtracting harvesting costs. As the value of wood products dropped, so did stumpage. Higher stumpage rates would have forced companies to either operate at a loss, or set their prices above the market rate—with a resulting loss of sales.

Even with low stumpage rates, the market became so poor that harvest rates in Alaska dropped to less than half their previous levels. The system did not respond to lower demand for timber in Alaska. The Forest Service was required to prepare timber for several years as if harvests had continued at their higher level.

By 1985, these combined factors put Alaska's timber industry at the bottom of a deep hole. Several mills were shut down, Federal timber receipts were low, and there was a large backlog of timber prepared but unsold, or sold but unharvested. Over the next few years, the seriousness of the problem became clear as statistics for this period were finalized.

The same groups which had called for wilderness in the Tongass in the 1970's seized on this snapshot of Alaska's timber industry and spent the last few years trying to convince us that it no longer made sense to harvest timber from the Tongass. Fortunately for the people of southeast Alaska, they were and are wrong.

After hitting rock bottom, the demand for Alaska timber began to improve after 1985. When the value of the yen began to climb, the markets shot up, and harvest rates began to improve. After several years of renewed growth, Alaska's timber industry has climbed out of the hole and appears headed for steady ground.

Now, what about that grim picture painted in 1985? Mills have reopened and industry employment has climbed steadily for the last few years. Stumpage rates have increased, and will continue to do so as the market price for Alaskan wood products improves. This means Federal receipts are increasing.

As for the backlog of timber prepared by the Forest Service, it has been effectively eliminated. Based on projected harvest levels, most of Alaska's mills have less than 2 years supply under contract and available for harvest. This is right on target—the Forest Service tries to maintain 2 to 3 years supply under contract. And

on the Tongass the volume prepared but unsold is now minimal.

The timber supply on the Tongass was brought back in line through work done by the Appropriations Committee. Each of the last 2 years, we determined the amount of new timber volume which should be prepared after a careful review of the volume outstanding and of the projected harvest. This has not been a pleasant process, primarily because we have had to parry rhetorical attacks on the timber program itself at the same time.

There remains strong sentiment—particularly in the House—that something should be done to change the Tongass Timber Program. At the heart of the complaints I have heard has been a dissatisfaction with the existing permanent appropriation. Some believe that it is a subsidy for Alaska's timber industry which is not justified in these austere economic times. They are wrong to characterize it in this way. If anything is subsidized by the fund it is the 1980 wilderness withdrawals.

However, I recognize that this fund may have outlived its usefulness. It has been used by those who object to timber harvesting to twist perceptions of the Tongass Timber Program. It has become the focus of controversy, and it does not provide enough benefits to offset these negatives. And finally, returning the Tongass to annual appropriations will remove a barrier to oversight needed to assure that the Forest Service's timber preparation does not again lose sight of timber demand.

By Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, and Mr. BOSCHWITZ):

S. 238. A bill to amend the Arms Export Control Act to impose sanctions against firms involved in the transfer of chemical and biological agents or their related production equipment or technical assistance to Iran, Iraq, Syria, and Libya, and for other purposes; to the Committee on Foreign Relations.

CHEMICAL AND BIOLOGICAL WARFARE  
PREVENTION ACT

● Mr. HELMS. Mr. President, today I am introducing the Chemical and Biological Warfare Prevention Act of 1989. The aim of the bill is aptly described by the title: with the passage of this legislation, I hope to prevent the mass murders which take place on an unprecedented scale when poison gas and biological weapons are used.

The chairman of the Senate Foreign Relations, Mr. PELL, first brought this issue of chemical weapons proliferation to the attention of the Senate last summer. At that time, I was proud to cosponsor his legislation placing sanctions on Iraq for its use of chemical weapons against its own citizens. Although our legislation passed the Senate three times, difficulties with

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the House of Representatives and the State Department prevented its enactment.

The problem posed by the proliferation of chemical and biological weapons is grave and the situation grim. With the critical assistance of Western industrial firms, four of the most radical regimes in the world are acquiring weapons of mass destruction and the means to deliver them.

The world's press has discovered an international conspiracy of supposedly legitimate industrial concerns that has been profiting handsomely by providing the capability to produce chemical and biological weapons to some of the most irrational, unstable, and anti-Western regimes in the world; Libya, Syria, Iran, and Iraq.

According to newspaper articles and TV reports, the conspiracy involves chemical companies, major electrical firms, construction and engineering firms, major banks, transportation agents, and various suppliers—all of them foreign.

Some of the names that are rolling out of the press reports are small- and medium-sized firms, but others are well-known foreign multinationals including Siemens, the German electrical giant, and Deutsche Bank, one of the biggest banks in the world. If the rumors flooding Washington are any indication, other large firms may well have serious exposure.

The most serious implications of this scandal are the allegations of involvement by government officials of one of our closest allies, the Federal Republic of Germany. According to today's issue of *Der Stern*, Colonel Qadhafi's poison gas plant was actually designed by a German state-owned engineering firm and the purpose of this plant was an "open secret." Just this morning, the German Press Agency reported that the German Foreign Affairs Committee had been informed of the involvement of a second German Government-owned firm.

Further, the involvement of German firms in poison gas production in the Middle East was revealed in a front page *New York Times* story on March 30, 1984, almost 5 years ago. For 10 years, Foreign Minister Genscher's party has controlled the West German Economics and Foreign Ministries. If he now says that he did not know what was going on, it is because he did not want to know.

Mr. President, my legislation would amend the Arms Export Control Act to place sanctions on suppliers of materials and technology for the production of chemical and biological warfare agents by Third World nations. Sanctions would also be placed on those who provide the means to deliver such weapons.

The bill directs the President to prepare a list of controlled materials and technology. Sanctions are triggered on firms which export from this list to Iran, Iraq, Syria, Libya, or any other country which has used chemical or

biological weapons in the past 5 years. There is clinical data to suggest that Cuban forces in Angola have used chemical weapons during this period as well as evidence that chemical weapons are being stockpiled in Angola for use against Jonas Savimbi's UNITA forces.

I am also pleased to join as a cosponsor of the Chemical and Biological Weapons Control Act of 1989 which is being introduced today by Mr. PELL. This bill would place sanctions on countries which violate international law and use these weapons on their neighbors or even their own citizens.

Up to now, there has been no international penalty for countries to violate the 1925 Geneva Protocol on Chemical and Biological Weapons. With the passage of Senator PELL's legislation there will be such a penalty.

Mr. President, I believe that both approaches, sanctions on suppliers and sanctions on users are not in conflict. Rather, they are complementary. The Congress will examine both proposals and will see that both are needed if we are to control the proliferation and use of these weapons of mass destruction.

Mr. President, I ask unanimous consent that a list of firms named by the press as participating in the chemical weapons trade be printed in the RECORD at the conclusion of my remarks, along with the text of the legislation I am introducing today.

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

## CHEMICAL WEAPONS TRADE

Siemens, W. Germany [Libya—telecommunications equipment, *der Spiegel*, Jan. 23, 1989].

Deutsche Bank, W. Germany [Libya—banking services, *Stern*, Jan. 12, 1989].

Imhausen-Chemie, W. Germany [Libya—chemical warfare plant, *N.Y. Times*, Jan. 1, 1989].

E. Merck, W. Germany [Libya—precursor chemicals, *Wall Street Journal*, Jan. 18, 1989].

Alfred Teves GmbH, W. Germany [Libya—industrial cooling equipment, *Wall Street Journal*, Jan. 18, 1989].

Pawling and Harnischfeger, W. Germany [Libya—mobile cranes, *Washington Times*, Jan. 16, 1989].

Kone, W. Germany [Libya—overhead cranes, *Washington Times*, Jan. 16, 1989].

Linde, W. Germany [Libya—oxygen unit, *Washington Times*, Jan. 16, 1989].

Karl Kolb, W. Germany [Iraq—chemical warfare plant, *Christian Science Monitor*, Dec. 13, 1988].

Pilot Plant, W. Germany [Iraq—chemical warfare plant, *Christian Science Monitor*, Dec. 13, 1988].

Preussag, W. Germany [Libya—water purification system, *Stern*, Jan. 12, 1989].

Hebenger Bau, W. Germany [Libya—The Times, London, Jan. 7, 1989].

Krauss Kopf, W. Germany [Iraq—International Herald Tribune, Jan. 7-8, 1989].

Ludwig Hammer, W. Germany [Iraq—International Herald Tribune, Jan. 7-8, 1989].

Quast, W. Germany [Iraq—corrosion-resistant alloy parts, *Christian Science Monitor*, Dec. 13, 1988].

Salzgitter Industriebau GmbH, W. Germany [Libya—industrial planning, *Washington Post*, Jan. 17, 1989].

OSTRAG, W. Germany [Libya—ballistic missiles, *Stern*, Jan. 12, 1989].

Zink, W. Germany [Libya—gas burning equipment, *Stern*, Jan. 12, 1989].

Gesellschaft für Automation, W. Germany [Libya—computers, *Stern*, Jan. 12, 1989].

Krebs und Kiefer, W. Germany [Libya—stress engineering, *Stern*, Jan. 12, 1989].

J. Sartorius, W. Germany [Libya—construction materials, *Stern*, Jan. 12, 1989].

Bischoff, W. Germany [Libya—tools and machinery, *Stern*, Jan. 12, 1989].

Hunnebeck, W. Germany [Libya—building materials, *Stern*, Jan. 12, 1989].

INTEC Technical Treading Logistik, W. Germany [Libya—air-to-air refueling, *Stern*, Jan. 12, 1989].

Raab Karcher, W. Germany [Libya—building materials, *Der Spiegel*, Jan. 15, 1989].

Schott Glaswerke, W. Germany [Syria—corrosion-resistant glass pipes, *Wall Street Journal*, Sept. 16, 1988].

Rhema-Labortechnik, W. Germany [Libya—laboratory equipment, *der Spiegel*, Jan. 23, 1989].

Stietzel and Diedrich, W. Germany [Libya—flight technology, CBSN, Bonn, W. Germany, Jan. 23, 1989].

Joseph Mulbauer Machine, W. Germany [Libya—precision technology, CBSN, Bonn, W. Germany, Jan. 23, 1989].

Becker Kabel und Lamper, W. Germany [Libya—surveillance cameras, *Stern*, Jan. 19, 1989].

Rhenus, [Libya—transport firm, *Stern*, Jan. 19, 1989].

VEB Stahlbau, E. Germany [Libya—steel fabrication, *Stern*, Jan. 12, 1989].

Schweizerischen Kreditanstalt zu eröffnen, Switzerland [Libya—banking services in Zurich, *der Spiegel*, Jan. 23, 1989].

Japan Steel Works, Japan [Libya—bombs, *Mainichi*, Sept. 15, 1988].

Marubeni, Japan [Libya—Christian Science Monitor, Dec. 13, 1988].

Melchemie, Holland [Iraq—chemical precursors, *Christian Science Monitor*, Dec. 13, 1988].

De Dietrich, France [Libya—supplied glass-lined caldrons, *N.Y. Times*, Jan. 1, 1989].

Flaekt, Belgium [Libya—cooling tower, *Washington Times*, Jan. 16, 1989].

Cross Link, Belgium [Libya—freight forwarding, *Stern*, Jan. 12, 1989].

J.G. Trading, Britain [Libya—freight forwarding, *Stern*, Jan. 12, 1989].

Ihsan Barbouti International, Britain [Libya—general contractor, *Washington Times*, Jan. 16, 1989].

DISA, Denmark [Libya—foundry equipment, *Washington Times*, Jan. 16, 1989].

Energoinvest, Yugoslavia [Libya—power substation, *Washington Times*, Jan. 16, 1989].

Pen Tsao, Hong Kong [Libya—document handling, *Stern*, Jan. 12, 1989].

\*Please Note: This list is nothing more than a compilation of newspaper stories. There is no assertion of validity attached to it.

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Chemical and Biological Warfare Prevention Act of 1989".

## SEC. 2. FINDINGS.

The Congress finds that—

(1) the General Agreement on Tariffs and Trade recognizes that national security concerns may serve as a legitimate basis for constricting free and open trade; title XXI of the General Agreement on Tariffs and Trade states that "nothing in this Agreement shall be construed . . . to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests . . .";

(2) the essential security interests of the United States require an immediate end to all trade in chemical and biological weapons, and transfers of technology and delivery systems for chemical and biological weapons, to certain destinations;

(3) four countries of the Middle East, Iran, Iraq, Libya, and Syria, either support terrorism as a national policy or have done so in the recent past;

(4) Iran, Iraq, Syria, and Libya are either producing chemical weapons or on the verge of doing so;

(5) chemical weapons have been used by Iraq against its own citizens;

(6) chemical weapons represent a grave new threat to friendly countries of the Middle East and ultimately the United States itself;

(7) Free World industrial firms have been instrumental in the development of chemical weapons in these and other countries;

(8) any efforts by Communist-bloc countries to aid and abet the production or use of chemical or biological weapons, or to develop and deploy delivery systems for such weapons, by Iraq, Libya, or any other nation of the Middle East/Persian Gulf region are deplorable;

(9) international cooperation has so far been unable to stem the trade in chemical and biological weapons and their industrial inputs; and

(10) in order to inhibit the trade in chemical and biological weapons and their industrial inputs, severe sanctions must be applied to individuals and firms which export prohibited items and technology to proscribed destinations.

#### SEC. 3. POLICY.

It should be the policy of the United States to take all appropriate measures—

(1) to discourage the proliferation of the material and technology necessary and intended to produce or deliver chemical weapons;

(2) to discourage all states from acquiring such material and technology;

(3) to discourage Communist-bloc countries from aiding and abetting other countries from acquiring such material and technology; and

(4) to discourage private companies in non-Communist countries from aiding and abetting other nations from acquiring such material and technology.

#### SEC. 4. AMENDMENT TO THE ARMS EXPORT CONTROL ACT.

The Arms Export Control Act is amended by adding at the end thereof the following new chapter:

#### "CHAPTER 7—SANCTIONS AGAINST FIRMS TRANSFERRING CHEMICAL WEAPONS TO TERRORIST COUNTRIES

##### SEC. 71. PROHIBITION ON CERTAIN EXPORTS.

"(a) PROHIBITION.—(1)(A) No item on the list prepared by the President under paragraph (2) which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to a country described in subsection (b).

"(B) Subparagraph (A) does not apply to any export pursuant to a contract entered into before the date of enactment of this section.

"(2) The President shall prepare a list of chemical and biological agents, production equipment, and technical assistance the export of which would materially assist a country in attaining a chemical or biological warfare capability or systems for the delivery of chemical or biological weapons.

"(b) DESTINATIONS OF EXPORTS.—The countries referred to in subsection (a) and section 73(a)(1) are Iran, Iraq, Libya, Syria or any country which has used chemical or biological weapons in the past five years or use such weapons after date of enactment of this Act, except that any of these countries shall be excluded, for purposes of applying such provisions, beginning 30 days after the President requests such exclusion by submitting the name of such country to the Congress.

##### "SEC. 72. REPORT.

"(a) Not later than 90 days after the date of enactment of this section, and every 90 days thereafter, the President shall submit to the Chairman of the Senate Committee on Foreign Relations and the Speaker of the House of Representatives, a report on efforts by Iran, Iraq, Libya, Syria and any country which has, during the five years prior to the report used chemical or biological weapons, to acquire the material and technology to produce and deliver chemical weapons, together with an assessment of such countries' present and future capability to produce and deliver such weapons.

"(b) Such report shall also include an assessment of whether and to what degree Communist-bloc countries have aided and abetted the government of any country reported upon pursuant to subsection (a) in its effort to acquire the material and technology described in subsection (a).

"(c) Such report shall further list—

"(1) those companies in non-Communist countries which in the past have aided and abetted the government of any country reported on pursuant to subsection (a) in that effort; and

"(2) those companies in non-Communist countries which continue to aid and abet the government of any country reported on pursuant to subsection (a), in that effort, as of the date of the report.

"(d) Such report shall provide any confirmed or credible intelligence or other information that any non-Communist country has aided and abetted the government of any country reported on pursuant to subsection (a) in that effort, either directly or by facilitating the activities of the companies listed in paragraph (1) or (2) of subsection (c) or had knowledge of the activities of the companies listed in paragraph (1) or (2) of subsection (c), but took no action to halt or discourage such activities.

"(e) Nothing in the section requires the disclosure of information in violation of Senate Resolution 400 of the Ninety-fourth Congress or otherwise alters, modifies or supersedes any of the authorities contained therein.

##### "SEC. 73. MANDATORY SANCTIONS FOR FUTURE VIOLATIONS.

"(a) DETERMINATION BY THE PRESIDENT.—The President, subject to subsection (c), shall apply sanctions under subsection (b) for a period of 3 years, if the President determines that, on or after the date of enactment of this section, a United States or foreign person has exported any item in violation of section 71(a).

"(b) SANCTIONS.—The sanctions referred to in subsection (a) shall apply to any person committing the violation, as well as to any parent, affiliate, subsidiary, and successor entity of the person, and, except as provided in subsection (c), are as follows:

"(1) a prohibition on contracting with, and procurement of products and services

from, a sanctioned person, by any department, agency, or instrumentality of the United States Government,

"(2) a prohibition on importation into the United States of all products produced by a sanctioned person, and

"(3) a suspension of patent rights, as described in section 75.

"(c) EXCEPTIONS.—The President shall not apply sanctions under this section—

"(1) in the case of procurement of defense articles or defense services—

"(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

"(B) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of essential defense articles or services and no alternative supplier can be identified; or

"(C) if the President determines that such articles or services are essential to the national security under defense coproduction agreements; or

"(2) to—

"(A) products or services provided under contracts entered into before the date on which the President notifies the Congress of the intention to impose the sanctions;

"(B) spare parts;

"(C) component parts, but not finished products, essential to United States products or production;

"(D) routine servicing and maintenance of products; or

"(E) information and technology.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'component part' means any article which is not usable for its intended functions without being imbedded in or integrated into any other product and which, if used in production of a finished product, would be substantially transformed in that process;

"(2) the term 'finished product' means any article which is usable for its intended functions without being imbedded or integrated into any other product, but in no case shall such term be deemed to include an article produced by a person other than a sanctioned person that contains parts or components of the sanctioned person if the parts or components have been substantially transformed during production of the finished product; and

"(3) the term 'sanctioned person' means a person, and any parent, affiliate, subsidiary, or successor entity of the person, upon whom sanctions have been imposed under this section.

##### "SEC. 74. PENALTIES.

"(a) IN GENERAL.—Whoever knowingly violates or conspires to or attempts to violate section 71(a) shall be fined not more than five times the value of the exports involved or \$50,000 whichever is greater, or imprisoned not more than 5 years, or both.

"(b) CIVIL PENALTIES; ADMINISTRATIVE SANCTIONS.—(1) The Secretary of Commerce (and officers and employees of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed \$10,000 for each violation of section 71(a), either in addition to or in lieu of any other liability or penalty which may be imposed.

"(2)(A) The authority under law to suspend or revoke the authority of any United States person to export goods or technology may be used with respect to any violation of section 71(a).

"(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under section 71(a) may be imposed only



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after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

**"SEC. 75. SUSPENSION OF PATENT RIGHTS.**

"(a) The term of a patent granted pursuant to title 35, United States Code, for any chemical agent or production equipment, produced by a sanctioned person, including any subsidiary of such person, under section 73(a) of the Arms Export Control Act, shall be suspended for a period of 3 years.

"(b)(1) No rights under title 35, United States Code, shall be derived from any patent described in subsection (a) during the period of any such suspension.

"(2) Any suspension of patent rights imposed pursuant to the provisions of this section shall not extend the term of any such patent.

"(c)(1) Within 30 days after the date of enactment of this Act, the Commissioner of Patents, after a determination has been made regarding which companies have violated the provisions of this Act, shall recommend the suspension of the appropriate patents.

"(2) The Commissioner shall notify the holder of such patent within 30 days after the date of such determination and shall publish in the Federal Register a notice of such determination, together with the factual and legal basis for such determination. Any interested person may request, within the 60-day period beginning on the date of publication of a determination, that the Commissioner making the determination hold a hearing on such determination. Such a hearing shall be an informal hearing which is not subject to section 554, 556, or 557 of title 5, United States Code. If such a request is made within such period, the Commissioner shall hold such hearing not later than 30 days after the date of the request, or at the request of the person making the request, not later than 60 days after such date. The Commissioner who is holding the hearing shall provide notice of the hearing to the company involved and to any interested person and provide the owner and any interested person an opportunity to participate in the hearing. Within 30 days after the completion of the hearing, such Commissioner shall affirm or revise the determination which was the subject of the hearing and shall publish such affirmation or revision in the Federal Register.

"(d) The Commissioner may establish such fees as are appropriate to cover the costs of carrying out his duties and functions under this section.

"(e) The Commissioner shall make the determination that a patent is suspended and that the requirements of subsection (c) have been complied with. If the Commissioner determines that the patent is suspended, he shall issue to the owner of record of the patent a certificate of suspension, under seal, stating the length of the suspension, and identifying the product and the statute under which regulatory review occurred. Such certificate shall be recorded in the official file of the patent and shall be considered as part of the original patent. The Commissioner shall publish in the Official Gazette of the Patent and Trademark Office a notice of such suspension."

By Mr. RIEGLE:

S. 239. A bill to amend title XVIII of the Social Security Act to waive the late enrollment penalty under Medicare part B for any disabled individual who was covered under his own or his spouse's private employment-related health insurance; to the Committee on Finance.

**WAIVER OF ENROLLMENT PENALTY FOR DISABLED SPOUSES**

Mr. RIEGLE. Mr. President, today I am introducing a bill which will eliminate an inequity which exists in the Medicare Program for Social Security disability insurance (SSDI) beneficiaries. I first introduced a similar bill in the 99th Congress, S. 1604, as well as S. 176 in the 100th Congress, designed to accomplish the same objective. There is a small number of SSDI beneficiaries who are eligible for Medicare but who have failed to enroll because they have health coverage through the extension of their work related health insurance or a spouse's employment related health care plan. If these individuals ever need to enroll in the Medicare part B program, they will be subjected to a 10-percent annual penalty for their delayed enrollment. This bill will address this persistent inequity.

Mr. President, as you know Medicare is a program first enacted in 1965 as title VIII of the Social Security Act to provide financial access to vital health care services to our elderly population. In 1973, Medicare coverage was extended to disabled individuals entitled to Social Security disability insurance for 24 months or more. Since its inception, the program has experienced an enormous growth. In 1987, it is estimated that 28 million elderly and 3 million disabled individuals will receive benefits in the Medicare Program. It is estimated that Medicare expenditures will reach \$83.9 billion. It is clear that this program is serving a vital source of access for our seniors and disabled individuals.

When Medicare was first enacted in 1965, a 10-percent annual surcharge was assessed against those who delayed their enrollment in the voluntary part B—supplemental medical insurance—of Medicare. This provision was enacted to create a disincentive for individuals who were planning to delay enrollment until they became ill and in need of health care services. This was a provision based on sound actuarial accounting and was designed to assure a sufficient amount of premiums to assist in the funding of the program. At that time, there was a maximum of a 30-percent penalty because the enrollment period for the part B of Medicare was limited to 3 years. In 1972, the limited enrollment period was abolished. However, Congress failed to repeal or cap the part B surcharge. We now have a small population of individuals who have incurred a substantial penalty for their late enrollment.

According to the Health Care Financing Administration (HCFA), in 1983, 169 seniors were paying a 150-percent penalty and 18 seniors were paying a 160-percent penalty. This penalty is an add-on to their monthly premium payment. There are situations where this surcharge is not only unfair and inequitable but is penalizing American citizens who are actually

saving the Federal Government significant Medicare outlays.

Congress recently addressed this problem and rectified a similar circumstance where old age and survivors beneficiaries were being inappropriately penalized. Included in Public Law 97-248, the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) was the "Working Aged" provisions which made Medicare the "Secondary Payer" for certain elderly workers. The provisions amended the Federal Age Discrimination Employment Act (ADEA) to require employers to offer their employees aged 65 to 69 and their dependents the equivalent health care coverage as their younger employees. It became clear that it would be inappropriate to penalize these individuals and subject them to the part B premium surcharge if enrollment in the part B program would simply duplicate their work-based health care coverage. This inequity was rectified with the passage of Public Law 98-369, the Deficit Reduction Act of 1984 (DEFRA) which exempted these individuals from the surcharge.

The bill I am introducing today would address another circumstance where individuals are being inappropriately penalized. A small number of disabled individuals who are qualified for Medicare as a result of their eligibility for SSDI, receive their health care coverage through a spouse's employment related health care plan or through the continuation of their own work-related health plan. They are saving the Federal Government health care dollars by their utilization of an employment related plan to cover the expenses of their disability and health care needs and they should not be penalized for their efforts. This bill will eliminate the part B premium penalty for the disabled person and/or disabled spouse who are enrolled in a group health care plan provided by the beneficiary's former employment or a spouse's current or former employment.

I urge all my colleagues to support this piece of legislation and help to eliminate this inequitable and unfair situation. We must persist in our efforts of making Medicare affordable, accessible and fair in its design and implementation.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

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

**S. 239**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ELIMINATION OF LATE ENROLLMENT PENALTY UNDER PART B OF MEDICARE FOR CERTAIN DISABLED INDIVIDUALS.**

(a) IN GENERAL.—The second sentence of section 1839(b) of the Social Security Act is amended by striking the period at the end thereof and inserting in lieu thereof the fol-