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DCI TESTIMONY ON  
CHEMICAL AND BIOLOGICAL WEAPONS  
BEFORE THE SENATE COMMITTEE ON  
FOREIGN RELATIONS

1 March 1989

# Committee on Foreign Relations

SD-446 Dirksen Senate Office Building, Washington, DC 20510

(202) 224-4651

**Ratio:** 10/9.

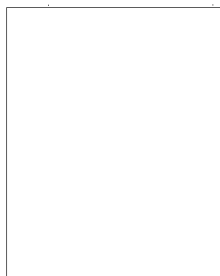
**MAJORITY MEMBERS**

Claiborne Pell, R.I.,  
*Chairman*  
 Joseph R. Biden, Jr., Del.  
 Paul S. Sarbanes, Md.  
 Alan Cranston, Calif.  
 Christopher J. Dodd, Conn.  
 John F. Kerry, Mass.  
 Paul Simon, Ill.  
 Terry Sanford, N.C.  
 Daniel P. Moynihan, N.Y.  
 Charles S. Robb, Va.

**MINORITY MEMBERS**

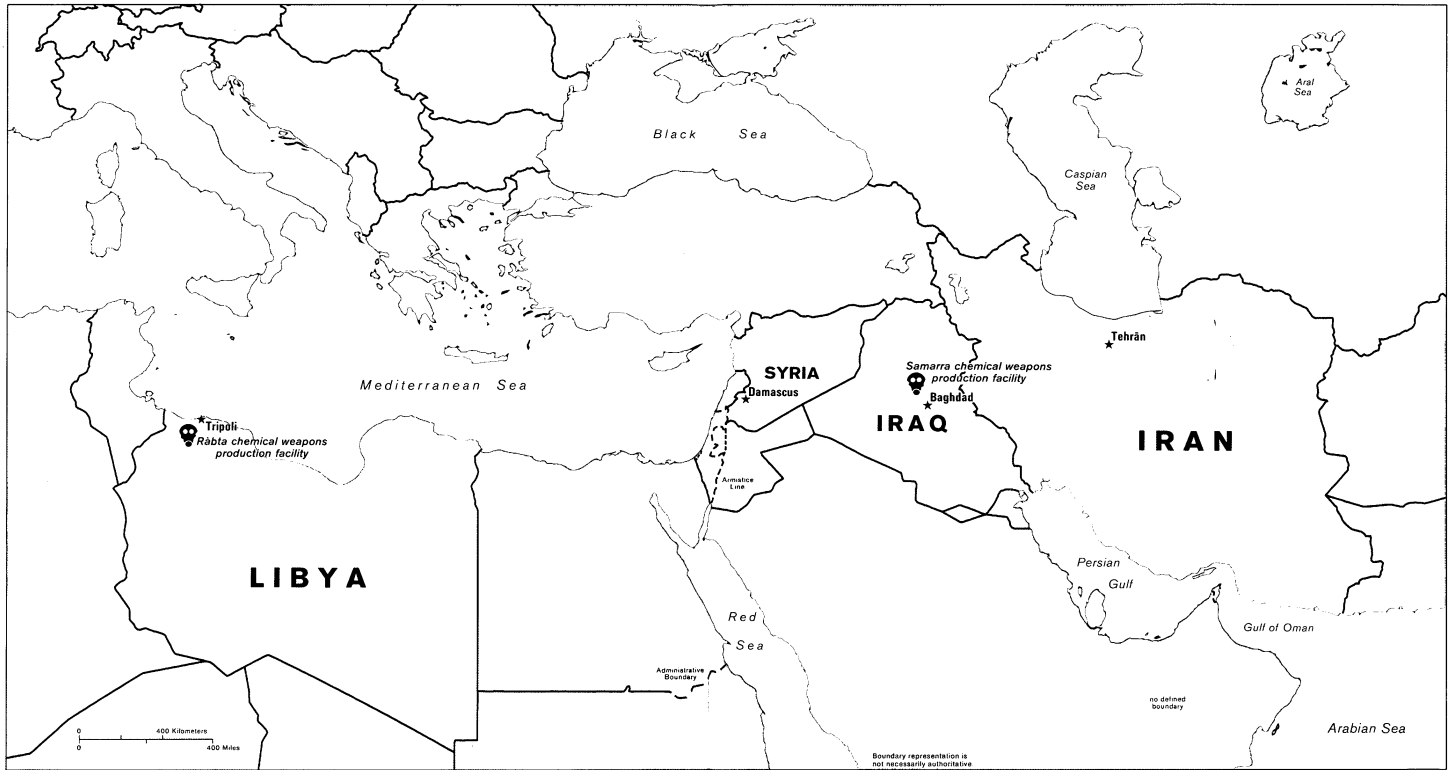
Jesse Helms, N.C.,  
*Ranking Minority Member*  
 Richard G. Lugar, Ind.  
 Nancy Landon Kassebaum, Kan.  
 Rudy Boschwitz, Minn.  
 Larry Pressler, S.D.  
 Frank H. Murkowski, Alaska  
 Mitch McConnell, Ky.  
 Gordon J. Humphrey, N.H.  
 Connie Mack, Fla.

Majority Staff Director Geryld B. Christianson SD-446 ..... 224-3953  
 Minority Staff Director James P. Lucier SD-447 ..... 224-3941



STAT

### Chemical Warfare Facilities in the Middle East



OCA 89-0561

22 February 1989

MEMORANDUM FOR: The Director

FROM: John L. Helgerson  
Director of Congressional Affairs

SUBJECT: Your 1 March Testimony on Chemical and  
Biological Weapons

1. Your testimony before the Foreign Relations Committee on chemical and biological weapons will be an open session at 0930 on Wednesday 1 March. In the afternoon, Gordon Oehler along with a group of Agency analysts will testify in closed session. With the exception of an updated section on pending legislation and minor changes in your opening statement which acknowledge recent [redacted] public admissions of cooperation with Libya, the briefing book remains the same as the one you used the last time you testified on this subject.

STAT

2. Again, because of the extremely sensitive sources and methods associated with our knowledge of chemical and biological weapons, we have tried to carefully script your opening statement and the enclosed questions with the Committee staff. We have also provided the staff with a list of subject areas that cannot be discussed in open session. These include

[redacted]

3. The Foreign Relations Committee, however, is not as disciplined as Senator Glenn's Committee on Governmental Affairs or Senator Nunn's Permanent Subcommittee on Investigations. Fortunately, Gordon Oehler will be testifying in the afternoon so that you can defer questions on sensitive issues to the closed session.

[redacted]  
John L. Helgerson

STAT

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Rhode Island - Senior Senator

# Claiborne Pell (D)

Of Newport — Elected 1960

**Born:** Nov. 22, 1918, New York, N.Y.  
**Education:** Princeton U., A.B. 1940; Columbia U., A.M. 1946.  
**Military Career:** Coast Guard, 1941-45.  
**Occupation:** Investment executive.  
**Family:** Wife, Nuala O'Donnell; four children.  
**Religion:** Episcopalian.  
**Political Career:** No previous office.  
**Capitol Office:** 335 Russell Bldg. 20510; 224-4642.



**In Washington:** Pell began his service as Foreign Relations chairman in 1987 with a burden of comparison far heavier than that confronting any other new Democratic chairman. Even before he began, many people had concluded that he could not match the record established by his predecessor, Republican Richard G. Lugar of Indiana.

Widely viewed as the most successful Foreign Relations chairman in recent times, Lugar had managed in two years to restore a significant share of the prestige and power the panel had lost over the preceding decade. Pell seemed unable to escape pre-labeling as a lesser figure.

Those comparisons are not entirely fair. A good deal of Lugar's strength came amid special circumstances. He played his most important role in mediating between the Republican administration and Senate, especially when he convinced President Reagan to avoid defeat by accepting compromise. That role is not open to a chairman from the Democratic Party.

In normal circumstances, the chairmanship of Foreign Relations simply is not geared to providing its occupant with a lot of power. The committee does not consider a great deal of legislation, and those topics under its jurisdiction — foreign aid, diplomatic nominations and an occasional treaty — do not customarily provide a lot of bargaining clout with other members. The panel attracts young, ambitious senators who are more interested in establishing a name for themselves on controversial issues than in working under the authority of a strong leader. It is no coincidence that the three chairmen before Lugar all found it difficult to maintain much control.

It is also true, though, that many of the doubts about Pell spring from his own personality and image. A diffident, absent-minded socialite, he strikes many as an implausible candidate to become a strong force on arms control, Central America policy and the other

difficult foreign-policy issues confronting the 100th Congress.

Pell has accumulated power mainly through seniority. He possesses no notable flair for internal Senate politics or behind-the-scenes dealing with his colleagues. His aristocratic demeanor can sometimes come across as aloofness or arrogance. Although his voting record on social and economic issues is consistently liberal, he often displays a kind of patrician distance from the concerns of ordinary folk, or even from camaraderie in the Senate. "I have the uncanny facility for making the most exciting matters gray," he cheerfully admits.

Pell seems particularly unlikely to attack the bane of many Foreign Relations chairmen — the semi-autonomous subcommittee chairmen who "free-lance" their own issues without much regard to the interests of the full committee head. Not only does Pell lack the personal authority to bring his fellow Democrats to heel, he has little ideological motivation to do so — aggressive liberals such as Christopher J. Dodd of Connecticut and John Kerry of Massachusetts pursue causes with which Pell is more than comfortable.

Pell did make some efforts early in the 100th Congress to take a more assertive stance. He pressed Majority Leader Robert C. Byrd to give his committee a role in the investigation into the Iran-contra affair. But the centerpiece of Pell's first months as chairman — ratification of two nuclear test-ban treaties — quickly foundered. Despite Pell's efforts to negotiate a compromise with the Reagan administration, the pacts got bogged down in a dispute over verification.

Arms control is a subject on which Pell may have some credibility problems. His image as an ardent believer in disarmament does not always help his efforts to line up support for his

*Claiborne Pell, D-R.I.*

point of view; rightly or wrongly, he makes foreign policy conservatives worry he might support unwise concessions in his eagerness to obtain an arms agreement.

Still, there is no doubt that Pell is a man of conviction in foreign policy. He rarely loses interest in a subject once he decides it is important, and often he gets what he wants in the end. "I am less dynamic than many," he likes to say, "but I have my own course, which I set and try to follow."

Usually, that course brings Pell into sharp conflict with Senate Republicans and the Reagan administration. He tried hard during the 99th Congress, however, to work closely with Lugar. The two men joined in opposing an effort by the Appropriations Committee to reduce their committee's authority over foreign aid programs, and cooperated in 1985 to push the first foreign aid authorization bill to clear Congress in several years.

But that did not stop Pell from being a vocal critic of the Reagan administration's arms control and Central American policies. He was a strong backer of a nuclear weapons freeze — he joined with California Democrat Alan Cranston in sponsoring the freeze resolution rejected by the Foreign Relations Committee in 1982. Earlier, during the Carter administration, he supported adoption of the SALT II treaty.

In 1983, Pell led a delegation of eight senators to the Soviet Union, where they discussed Reagan's "Star Wars" missile defense plan with Kremlin leaders, including then-President Yuri V. Andropov. "If we really were to develop that defense strategy," Pell said later, "it would put us in the position of being able to have a first strike and not worry about the consequences. I think that would be very unsettling to the Soviet Union." He returned to Moscow in 1985 for a visit with new Soviet leader Mikhail S. Gorbachev.

Pell was one of the most vehement congressional opponents of the 1984 Kissinger commission plan, which called for increased U.S. military and economic aid to Central America. He led the attack on a commission suggestion that the U.S. advance about \$80 million in aid to El Salvador, saying that increased military aid did not represent "the road to a peaceful solution." Like other liberal Democrats on his committee, he has favored using U.S. aid to pressure the Salvadoran government to negotiate with leftist guerrillas, "clean up its human rights act" and pursue land reform.

He also fought against the administration's efforts to provide aid to the "contra" rebels fighting the leftist government of Nicaragua.

His most important step came during work on the 1985 foreign aid authorization, when he won narrow committee approval for an amendment barring the United States from pressuring third countries to help the contras. The Reagan administration strongly opposed the provision, finally using a veto threat to force conferees on the bill to weaken it substantially.

In the 98th Congress, Pell made an issue of American support for Pakistan. He warned that any major American arms sale to Pakistan would damage hopes for improved relations between the U.S. and India. He said that Indian officials were becoming increasingly worried that American arms would be used by the Pakistanis against their country and not against Soviet-backed Afghanistan.

Pell spent part of the 98th Congress working to secure the freedom of Benazir Bhutto, daughter of the late Pakistani prime minister Ali Bhutto, who was being held hostage by the Zia regime. Shortly after a Pell aide traveled to Pakistan on the matter, Bhutto was released.

Ocean law is another one of Pell's favorite issues on Foreign Relations. He was involved in the International Law of the Sea Conference, which produced a treaty the United States has refused to sign. He was the author of another treaty, approved by Congress and ratified by numerous countries, which prohibits the placement of weapons on the ocean floor. Still another Pell treaty prohibits the use of environmental modification weapons.

Pell has been interested in the eastern Mediterranean and has repeatedly sponsored increases in aid to Cyprus. A strong partisan of Greece in its conflict with Turkey, he opposed the end of the embargo on arms shipments to Turkey in 1978.

When the final record of Pell's Senate career is written, however, his work in education may outweigh anything he does in foreign affairs. He was the main force behind a change in federal education law that has benefited millions of low- and middle-income college students. In 1972 he pushed through, over the opposition of the House and the indifference of much of the higher education community, legislation establishing the Basic Educational Opportunity Grant (BEOG).

BEOGs quickly became the cornerstone of federal aid to students. The program marked a basic shift in policy, because it provided aid directly to students, instead of channeling it through the institutions, as early aid programs had done. The BEOG program was renamed "Pell Grants" in 1980. While Pell did not push for the change in public, associates say he



*Rhode Island - Senior Senator*

ought it in private.

But 1980 was also the year of Pell's worst defeat in education legislation. The Senate rejected the conference report on the higher education reauthorization bill he had managed. Critics insisted its estimated \$50 billion five-year price tag was too high. Stung by the defeat, Pell was careful to satisfy the objections before he came back with a revised second version. The second conference report, reduced in cost by about \$1.4 billion, finally became law.

Pell's involvement with higher education issues faded during Reagan's first term; he could do little to block the deep cuts in student aid programs approved by Congress in 1981.

In subsequent years, however, Pell and his allies generally were able to prevent further deep cuts in student aid. Along with Education Subcommittee Chairman Robert T. Stafford, he helped enact in 1986 a new higher education authorization that increased the limits on individual Pell Grants, while tightening eligibility for guaranteed student loans.

**At Home:** Far from resenting Pell's privileged background, his blue-collar constituents have handed him landslide victories four out of five times. Only Republican John H. Chafee, now his Senate colleague, was able to hold him under 60 percent of the vote.

Pell's pro-labor record has kept him in the good graces of the unions, always a potent force in Rhode Island. And while he does not have much personal rapport with the state's ethnic voters, he can talk to them: He speaks Portuguese, Italian and French.

Pell's father, Herbert, was a Democrat who briefly represented Manhattan's Silk Stocking District in the House and served as a foreign envoy for Franklin D. Roosevelt. Claiborne Pell was born in New York, but he spent summers in the exclusive Rhode Island resort of Newport, where the Pells had been going for five generations. The family moved there permanently when he was nine.

Following his graduation from Princeton in 1940, Pell went to Europe to try to help concentration camp inmates. The Nazis arrested him several times. He was a Coast Guard officer during World War II and spent several years in the foreign service, stationed at the United Nations, in Czechoslovakia and Italy. Later, while working as an investment banker and publisher, he dabbled in politics, at one point serving as registration chairman for the Democratic National Committee.

Pell decided to run himself in 1960 and stunned the political community by overwhelming two former governors, Dennis J. Rob-

erts and J. Howard McGrath, to win the Democratic nomination for the Senate. In the fall, he crushed Republican Raoul Archambault, former assistant U.S. budget director, to win his Senate seat. One of Pell's advantages that year was his relationship with John F. Kennedy, who was very popular in Rhode Island. Pell's wife, Nuala, campaigned for Kennedy in West Virginia.

Running for a second term in 1966, Pell had an equally easy time with his GOP opponent — a retired Women's Army Corps officer named Ruth M. Briggs, who insisted upon being called "colonel." She sought to make an issue out of his dovish line on the Vietnam War and to portray him as a wealthy dilettante, calling Pell "the prize entertainer of the Kennedys." But like Archambault, she failed to draw even a third of the vote.

Chafee, seeking a political comeback in 1972 after serving as Navy secretary in the Nixon administration, provided the only serious Republican opposition Pell has ever had. Starting far ahead in the polls, Chafee linked Pell to a fellow anti-war Democrat, Sen. George McGovern, the Democratic presidential nominee. But Pell, sensitive about the Navy's large influence in Rhode Island, deflected the tactic by repudiating McGovern's call for cutting the defense budget.

And Chafee was still carrying some of the liabilities of his support for a state income tax, an issue that had helped defeat him in his campaign for re-election as governor in 1968. As a moderate Republican, Chafee never managed to come up with a compelling reason for an overwhelmingly Democratic state to turn out an incumbent Democrat. Pell won by 32,000 votes.

Things were back to normal for Pell in 1978, when he buried Republican James G. Reynolds, a little-known bakery executive who complained that Pell was more interested in the arts than in saving jobs for Rhode Island.

Any GOP hopes of ousting Pell in 1984 ended early when popular U.S. Rep. Claudine Schneider decided to remain in the House rather than challenge the veteran Democrat. The Reagan administration encouraged her to run for the Senate, but she declined despite polls where she ran at least even with Pell.

That left the Republican nomination to Barbara Leonard, the president of a screw manufacturing company and widow of a long-time GOP fund-raiser. A political novice, she found it difficult to raise money or even get Pell's attention. Bucking a Republican tide in Rhode Island for the second time in 12 years, Pell was re-elected with 73 percent of the vote.

**Claiborne Pell, D-R.I.**

**Committees**

- Foreign Relations** (Chairman)  
Western Hemisphere and Peace Corps Affairs.
- Labor and Human Resources** (2nd of 9 Democrats)  
Education, Arts and Humanities (chairman); Aging; Children,  
Family, Drugs and Alcoholism.
- Rules and Administration** (2nd of 9 Democrats)
- Joint Library** (Chairman)

**Key Votes**

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

N  
N  
Y  
Y  
Y  
N  
Y  
Y

**Interest Group Ratings**

Year	ADA	ACU	AFL-CIO	CCUS
1986	80	17	67	42
1985	95	9	95	29
1984	100	5	100	22
1983	90	0	94	26
1982	95	0	92	37
1981	95	0	95	17

**Elections**

**1984 General**

Claiborne Pell (D)	286,780	(73%)
Barbara Leonard (R)	108,492	(27%)

**Previous Winning Percentages:** 1978 (75%) 1972 (54%)  
1968 (68%) 1960 (69%)

**Campaign Finance**

	Receipts	Receipts from PACs	Expenditures
<b>1984</b>			
Pell (D)	\$745,270	\$210,592 (28%)	\$433,436
Leonard (R)	\$164,275	\$33,850 (21%)	\$162,699

**Voting Studies**

Year	Presidential Support		Party Unity		Conservative Coalition	
	S	O	S	O	S	O
1986	30	67	75	20	16	80
1985	29	67	82	14	7	92
1984	31	66	82	14	15	81
1983	41	48	81	15	14	82
1982	36	59	75	19	17	78
1981	42	52	82	14	10	82

S = Support      O = Opposition

North Carolina - Senior Senator

## Jesse Helms (R)

Of Raleigh — Elected 1972

**Born:** Oct. 18, 1921, Monroe, N.C.  
**Education:** Attended Wingate Jr. College and Wake Forest College, 1941.  
**Military Career:** Navy, 1942-45.  
**Occupation:** Journalist; broadcasting executive.  
**Family:** Wife, Dorothy Jane Coble; three children.  
**Religion:** Baptist.  
**Political Career:** Raleigh City Council, 1957-61.  
**Capitol Office:** 403 Dirksen Bldg. 20510; 224-6342.



**In Washington:** "If there is one job I'd like to have around here," Helms once said, "it's Foreign Relations." In the 100th Congress, part of his wish has been fulfilled. He is the senior Republican spokesman in the Senate on foreign policy. But that job is not the prize it was just a year ago. Republicans do not control the Senate anymore, so Helms is not the Foreign Relations chairman. He is the voice of an outvoted GOP minority.

Helms could have chaired Foreign Relations for two years after 1984, when the previous head of the committee, Illinois Republican Charles H. Percy, was defeated for re-election. But Helms had just survived a difficult campaign of his own in which he had promised North Carolina tobacco interests that he would maintain his chairmanship at Agriculture in order to work in behalf of tobacco price supports in the 99th Congress. He held to that promise, allowing GOP Sen. Richard G. Lugar of Indiana to take over at Foreign Relations. "If I can't keep my word, I don't belong here," Helms said.

The passage of tobacco legislation in 1986 freed Helms from some of his home-state obligations and led to speculation that he might challenge Lugar for the Foreign Relations chairmanship at the end of the year. Then the prize was devalued when the Senate went Democratic in the midterm elections.

Helms went ahead with his challenge to Lugar anyway, citing the perquisites of seniority. There was a rivalry between the two men that gave a bitter tone to their contest. Though Lugar was a conservative who supported most Reagan foreign policy initiatives, he had shown a willingness to negotiate with Democrats that Helms found distasteful.

Their sharpest exchange occurred during debate on a bill mandating economic sanctions against the government of South Africa. Lugar supported the anti-apartheid bill. But Helms — protective of the Pretoria government's role

as an anti-communist force in Southern Africa — not only opposed the bill, but set up phone calls to two senators from Pik Botha, South Africa's foreign minister.

Lugar angrily described Botha's intervention as "despicable" and called Helms' assistance "inappropriate." Helms responded by asserting that Lugar and liberal Massachusetts Democrat Edward M. Kennedy would be responsible for the fall of South Africa to militant leftists.

Lugar hoped that his image as a coalition builder, contrasted with Helms' profile as an angry conservative militant, would preserve his senior GOP position. But seniority clinched the post for Helms. Connecticut's Lowell P. Weicker Jr., a liberal Republican whose own senior positions on other committees could be vulnerable to conservative challenge, made a crucial decision to support Helms so he could bolster the system that protected him as well. Helms won the ranking position by a 24-17 vote in the Republican Conference; Lugar moved into the ranking Agriculture position that Helms vacated.

Helms has never needed any formal position of leadership to carry on his crusade against communism. He has used the Senate floor, the media, and his direct-mail network to proselytize against arms control efforts, trade, and other forms of rapprochement with the Soviet Union and other communist nations.

Helms favors close ties with various right-wing governments that share his militant views. Though he insists these alliances are necessary to counter communist imperialism, he has been criticized severely by those who see such rightist regimes as totalitarian and abusive of human rights.

During debate on the South Africa sanctions measure, Helms said, "Here we go again,

*Jesse Helms, R-N.C.*

kicking a friend in the teeth because they don't do what we want them to do." He is a supporter of the Chilean government headed by President Augusto Pinochet. He opposed the efforts to oust Philippines President Ferdinand E. Marcos in 1986, stating that his replacement by Corazon Aquino "happens to be on the agenda of the socialist world right now."

Helms worked hard to block passage of an international treaty making genocide a crime. Contending that it could threaten the Constitution and subject the United States to frivolous lawsuits by other countries, Helms succeeded for years in barring consideration of the pact. After Senate leaders agreed to his reservations, Helms voted for the treaty in committee for the first time in 1985. However, he blocked a unanimous-consent decree to bring the treaty to the floor at the end of the 1985 session. When the treaty finally passed in 1986 with 83 senators in favor, Helms was one of 11 to vote against it.

Given his views and style, Helms may actually find himself more comfortable in the minority than he was in the majority. During six years of Senate control, most Republicans acted with deference to the Reagan administration. But Helms, whose drive for ideological purity takes precedence even over loyalty to a president he helped elect, has been a problem for President Reagan on several occasions.

During a visit to Chile in July 1986, Helms sharply criticized the American ambassador and the State Department's attitude toward Pinochet. "A coalition of the media, the Marxists and the State Department is seeking to destabilize the transition to a full-fledged democracy in Chile," Helms said. When *The New York Times* published an article stating that Helms was being investigated for leaking classified information to Pinochet, Helms alleged that State Department officials planted the information, and accused the CIA of spying on him. "They want to silence me and intimidate me, and you know what? It's not going to work," he said.

Helms was strongly critical of the Reagan administration's support for centrist José Napoleón Duarte in El Salvador's 1984 presidential election. He instead provided vocal backing for the more conservative Roberto d'Aubuisson, despite allegations that the candidate had been involved with "death squad" murders. "You don't have perfect choices in trying to prevent a communist takeover of this world," Helms said.

After the election, Helms presented evidence on the Senate floor to support his claim that Duarte's victory had been the result of covert CIA assistance. Senate leaders criticized

him for releasing secret information, although Helms argued that all his material had come from public sources.

Helms has also nettled the administration by utilizing his parliamentary skills to hold up confirmation of diplomatic appointees whose views he questions. He has sent diplomatic candidates lists of as many as 247 questions to be answered prior to their confirmation hearings. From the very outset of the Reagan years — when he and his now-deceased North Carolina colleague John P. East cast the only votes against confirmation of Caspar W. Weinberger to be secretary of defense — Helms has placed dozens of executive branch appointees through a long and arduous ordeal.

Helms' efforts in foreign affairs, if not consistently successful, have brought him more victories than his initiatives in domestic social policy. He started the first Reagan term with high hopes for enactment of the New Right social agenda. But it soon became evident that the Reagan administration placed higher importance on economics and foreign policy than on social issues.

Helms made an all-out push for his anti-abortion and school prayer proposals in the summer of 1982, when the Senate took up legislation increasing the ceiling on the federal debt. His anti-abortion amendment stated that the Supreme Court had erred in its 1973 decision legalizing abortion, permanently banned federal funding of abortion and granted a direct appeal to the Supreme Court for challenges to new anti-abortion laws. The school prayer amendment barred the federal courts from handling cases involving "voluntary" school prayer. But Helms, who had staged so many filibusters in the past, could not overcome one by moderate Republicans; his amendments were tabled.

Despite his inability to get what he calls "the crime of abortion" prohibited, Helms has persisted. He has demanded numerous roll-call votes on this and other emotional issues, and has turned his opponents' votes against them, using the direct-mail capability of his national organization to denounce them for ignoring the will of the conservative electorate.

Helms has continued to build a national apparatus of lobby and fund-raising groups unlike anything possessed by other senators. He and his lieutenants have used high finance, modern technology and knowledge of federal laws to erect an interlocking network of political organizations bent on influencing policy.

The cornerstone of Helms' empire is the National Congressional Club, a direct-mail fund-raising group that became the nation's

*North Carolina - Senior Senator*

largest political action committee in 1981. In addition, there is a variety of think tanks, such as the Institute for American Relations, the Centre for a Free Society and the American Family Institute, and tax-exempt lobby groups. Each of the groups is operated in whole or part by close associates or employees of Helms.

Early in 1985, another Helms group, Fairness in Media, staged an unsuccessful effort to persuade conservatives to buy a controlling interest in the CBS television network. Helms and his allies argued that the network's news coverage was tainted by liberal bias.

In his zeal, Helms has made enemies. He is to liberal activists what Kennedy is to conservatives: an ogre whose name is frequently thrown into fund-raising letters to raise the anger of potential contributors.

Helms can also antagonize his colleagues in pursuit of his domestic policy ends. When he delayed adjournment in December 1982 with a fruitless filibuster on a gasoline tax increase bill, threatening to keep Congress in through Christmas, several senators denounced him openly on the floor. Fellow Republican Alan K. Simpson of Wyoming called Helms "obnoxious."

Helms again found himself isolated from most of his colleagues in 1983, this time over a proposal to make the birthday of the late Rev. Dr. Martin Luther King Jr. into a national holiday. Accusing the slain civil rights leader of espousing "action-oriented Marxism," Helms unsuccessfully filibustered against the bill.

He has shown somewhat more willingness to compromise in recent years, though. In 1986, he agreed not to block \$145 million for family planning programs in a spending bill, in exchange for Weicker's deletion of an amendment allowing federal funds to be used to pay for abortions in cases of rape or incest. He also allowed Weicker to strike anti-busing and pro-school prayer language from the bill.

Helms has had some successes on the domestic front. He pushed for strong drug abuse laws long before the passage of an omnibus drug bill in 1986. He also attached an amendment to that bill banning "dial-a-porn" telephone services, though he accidentally caused himself some embarrassment in doing so. Included in a pile of documents that Helms submitted for the *Congressional Record* was an unaltered transcript of a sexually graphic telephone message. The transcript was duly published in the Record.

Given the primacy of foreign policy and social issues on Helms' agenda, there is irony in the fact that he spent all six years of the Republican majority as chairman of the Agri-

culture Committee. It was not an active chairmanship. Indeed, with a few signal exceptions, he virtually abdicated control of the committee during his first four years as chairman, allowing a coalition of Republicans, led by Majority Leader Robert Dole of Kansas, to take the lead on farm legislation.

Helms would have gladly given up the Agriculture post in 1985 were it not for his tobacco constituency. He had angered this interest group in 1982 by voting for a Reagan-backed tax increase bill that included a provision doubling the federal excise tax on cigarettes to 16 cents. Needing every vote he could muster in his 1984 re-election campaign, Helms promised to be there for tobacco farmers in the 99th Congress.

Helms did win the enactment of legislation to reduce tobacco surpluses by allowing cigarette manufacturers to buy up large portions of the tobacco crop at substantial discounts. But he prevailed only with difficulty. He ran into a conflict with Democratic Rep. Charlie Rose of North Carolina, who charged that Helms favored cigarette companies over the growers. Rose suggested that 2 cents of the 16-cents-per-pack cigarette tax be earmarked to pay for tobacco subsidies, a proposal Helms described as a tax increase. Helms worked out a compromise between manufacturers and growers in a meeting from which Rose was specifically excluded.

Concerned that the omnibus farm bill, the committee's major effort in 1985, would be defeated on the floor, Helms removed the tobacco provisions and attached them to a budget reconciliation bill. To do so, he had to agree to a permanent reauthorization of the 16-cent cigarette tax. Helms' strategy almost backfired. While the farm bill passed, the reconciliation measure stalled and appeared in danger of defeat. However, the bill, with its tobacco provisions, eventually passed.

On most other farm issues, Helms remained a hands-off chairman. While Dole worked with House Majority Whip Thomas S. Foley of Washington to iron out the controversial 1985 farm legislation, Helms criticized it as a "budget buster" and held to his prediction that he would become the first Agriculture chairman to vote against a farm bill.

Helms' lack of a central role on the farm bill led to some snide comments from other members. The strongest rebuke came from Iowa Democrat Tom Harkin, who referred to Dole as "Mr. Real Chairman" after Helms left a hearing to take a phone call. Helms reacted defensively. During a floor speech shortly thereafter, he said, "As far as I know, I am still the chairman

*Jesse Helms, R-N.C.*

... I will tell senators on what terms we are going to meet, and they can like it or lump it."

**At Home:** Whatever the national implications of Helms' 1984 victory, its lessons at home were clear. In the battle for pre-eminence in North Carolina politics, Helms emerged the undeniable victor.

When his bid for re-election to a third Senate term began taking shape two years earlier, Helms' future influence in state politics was very much in doubt. His vaunted political organization, the Congressional Club, had suffered severe setbacks in 1982, losing every one of the five congressional contests it had targeted in the state.

Further, Helms was being plagued by a rain of negative publicity. His 1982 vote in favor of raising the cigarette tax had drawn fire from North Carolina's crucial tobacco constituency. He was widely vilified for his unsuccessful efforts to block creation of the King holiday. Pollsters tracking the battle between Helms and Democratic Gov. James B. Hunt Jr. found Helms to be significantly behind throughout most of 1983.

But Helms battled back, drawing on financial support from conservatives across the country to invest \$16.5 million in the race, shattering the record for the most money spent by a Senate candidate in U.S. history. His advertisements assailing Hunt and the national Democratic Party not only bolstered his own campaign — they created a climate in which other North Carolina Republicans could prosper. When the dust settled on election night, the GOP had captured the governorship and three new congressional seats.

In many ways, it was an unusually static Senate campaign. The national media dutifully detailed each tortuous twist and turn, from Hunt's charge that Helms was a supporter of right-wing death squads in El Salvador, to the incumbent's complaint that Hunt had misused state airplanes. But most North Carolinians seemed little affected by the long and vituperative debate. Faced with a choice between a leading apostle of the New Right and an activist Democratic governor, most knew relatively early on how they would vote. Only 4 percentage points separated the two contenders in polls taken in May of 1984; in late October, it was still considered a dead heat.

Hunt focused his campaign on his record as governor, tirelessly sounding his commitment to improved education and arguing he was experienced in bringing the state jobs. He cast Helms as a right-wing radical, too extreme in his views to serve the state's interests effectively.

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Helms, putting aside his own significant differences with Reagan, embraced the president wholeheartedly, sending voters taped telephone messages in which Reagan endorsed him. Helms also sought to link Hunt to Democratic presidential candidate Walter F. Mondale and his national party. That charge left Hunt hamstrung, as he sought to distance himself from Mondale's proposal for a tax increase without repudiating his party's presidential nominee.

In the end, Hunt won strong support from the extensive network of teachers, unions, party regulars and other activists he had built up over the course of 10 years in state government. He carried the rural northeast, traditional Democratic territory that both men had taken in previous campaigns. Hunt also carried most of the state's major urban areas, thanks in part to the overwhelming allegiance of black voters.

But Hunt's eastern margins were not as decisive as he had hoped for, and his black support helped produce a conservative white backlash that benefited Helms. Further aided by Reagan's top-of-the-ticket strength and a strong turnout from newly registered fundamentalists, Helms built his victory in the small towns and crossroads communities of the central and western Piedmont. He finished with a 52-48 percentage-point edge.

Although Helms' 1984 victory was decisive, its effects on North Carolina politics apparently were not long lasting. In 1986, key lieutenants of his Congressional Club got involved in the GOP Senate primary, backing losing candidate David Funderburk. Helms himself campaigned on behalf of Republican Rep. James T. Broyhill — the eventual GOP nominee — during the fall campaign, but Broyhill lost out to Democrat Terry Sanford. Further, Republican Rep. Bill Cobey, one of the three House members elected in 1984 with the aid of Helms' coattails, was defeated for re-election.

For most of his adult life, Helms was a Democrat himself, even while he delivered conservative editorials for 12 years over WRAL-TV in Raleigh. He left the Democratic Party in 1970 and two years later ran for the Senate.

He was an underdog in that campaign against U.S. Rep. Nick Galifianakis, who had convincingly defeated aging Sen. B. Everett Jordan in the Democratic primary. Press accounts regularly described Helms as a "right-winger," but that label was far less dangerous to him than the liberal McGovern-Shriver presidential ticket was to Galifianakis.

Helms played down his rhetoric and shifted to a pro-Nixon tone. "President Nixon Needs Jesse Helms," the advertisements read,

**North Carolina - Senior Senator**

although Helms was far to the right of Nixon on most issues. A year earlier he had called the president's trip to mainland China "appeasement" of the communists. In a Republican sweep, Nixon won nearly 70 percent of the state's presidential vote. Helms defeated Galifianakis with 54 percent of the vote, and the GOP won the governorship for the first time since 1896.

Six years later, a host of Democrats sought to prove Helms' win a coattail fluke. The early favorite for the nomination was Luther H. Hodges Jr., a moderate banker with a well-financed campaign but a "stuffed shirt" image. Another Democrat, state Insurance Commissioner John Ingram, pledged to fight for the common man against insurance companies, banks and other monied interests he accused both Helms and Hodges of defending. Ingram was under-financed and disorganized, but he forced Hodges into a runoff and won.

Ingram appeared to pose a threat to Helms. His populist themes had some appeal for rural and working-class conservatives who had supported Helms in 1972. But Helms had a reputation and an organization. Many of his constituents were proud that in a single Senate term he had become an articulate and nationally known defender of the right, one who had been promoted as a vice presidential choice by more than 800 national convention delegates in 1976. Helms' Congressional Club had been powerful enough to engineer Ronald Reagan's victory in the 1976 North Carolina primary.

Helms also had unprecedented amounts of money. As direct-mail solicitations brought contributions from admirers across the nation, Ingram derided the incumbent as "the six million dollar man." Helms eventually collected about \$7.5 million, more than any Senate candidate in U.S. history up to that time, and won by a margin slightly larger than in 1972.

**Committees**

**Foreign Relations (Ranking)**  
African Affairs.

**Agriculture, Nutrition and Forestry (3rd of 9 Republicans).**  
Agricultural Production and Stabilization of Prices (ranking); Domestic and Foreign Marketing and Product Promotion; Nutrition and Investigations.

**Rules and Administration (4th of 7 Republicans)**

**Select Ethics (2nd of 3 Republicans)**

**Elections****1984 General**

Jesse Helms (R) 1,156,768 (52%)  
James B. Hunt Jr. (D) 1,070,488 (48%)

**1984 Primary**

Jesse Helms (R) 134,675 (91%)  
George Wimbish (R) 13,899 (9%)

**Previous Winning Percentages: 1978 (55%) 1972 (54%)**

**Campaign Finance**

	Receipts	Receipts from PACs	Expenditures
<b>1984</b>			
Helms (R)	\$16,522,266	\$847,337 (5%)	\$16,499,387
Hunt (D)	\$10,031,502	\$834,601 (8%)	\$9,429,924

**Voting Studies**

Year	Presidential Support		Party Unity		Conservative Coalition	
	S	O	S	O	S	O
1986	90	10	95	5	95	5
1985	79	21	94	6	97	3
1984	86	10	90	8	100	0
1983	56	41	77	20	95	2
1982	75	25	87	13	99	1
1981	84	16	88	11	94	6

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)	N

**Interest Group Ratings**

Year	ADA	ACU	AFL-CIO	CCUS
1986	0	100	0	95
1985	0	100	5	93
1984	0	100	0	89
1983	0	100	0	89
1982	0	100	8	95
1981	0	100	5	100

Opening Statement



**SENATOR PELL AND MEMBERS OF THE COMMITTEE ON FOREIGN RELATIONS, 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 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.

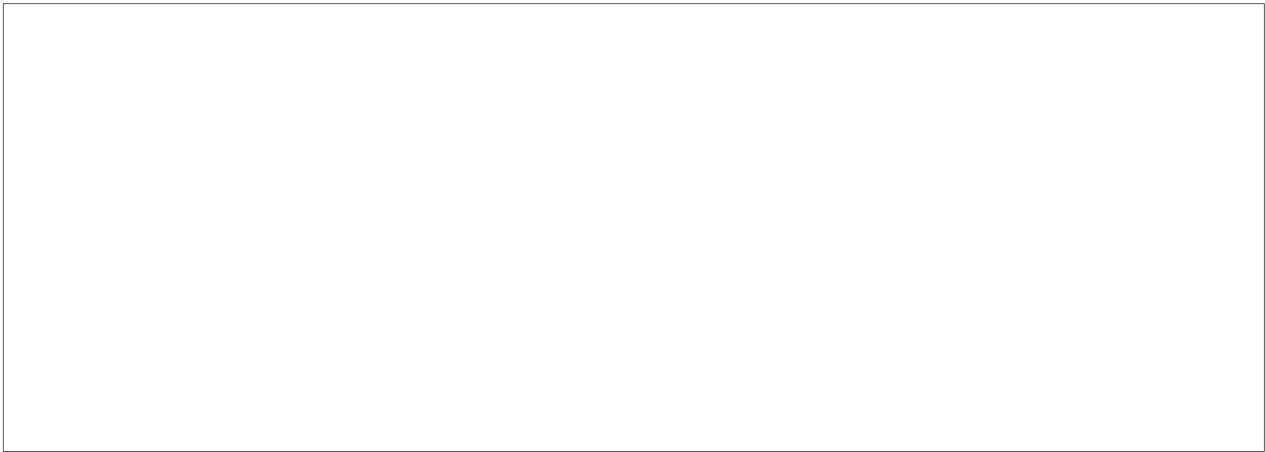
LIBYA

LIBYA'S RESOLVE TO HAVE A CHEMICAL WARFARE PRODUCTION CAPABILITY IS ABOUT TO BE ACHIEVED. A LARGE COMPLEX--CONSISTING OF A CHEMICAL AGENT PRODUCTION PLANT AND A METAL FABRICATION FACILITY--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.

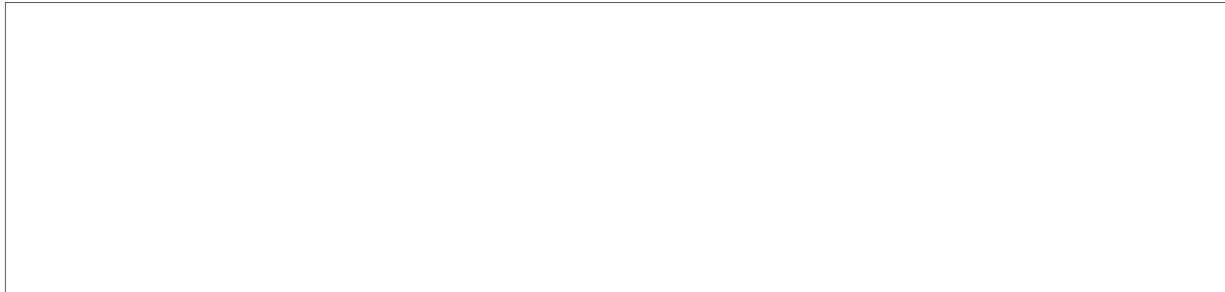
LIBYA'S CHEMICAL AGENT PLANT IS EXPECTED TO SOON BEGIN LARGE SCALE PRODUCTION OF MUSTARD AND NERVE AGENTS--POTENTIALLY TENS OF TONS PER DAY. THE PLANT HAS ALREADY HAD AT LEAST ONE SERIOUS TOXIC CHEMICAL SPILL, AND SUCH PROBLEMS ARE LIKELY TO CONTINUE.

THE ADJACENT METAL FABRICATION AREA IS EQUIPPED WITH PRECISION MATERIALS THAT CAN BE USED TO MANUFACTURE COMPONENTS FOR A VARIETY OF BOMBS AND ARTILLERY. OTHER FACILITIES IN THIS AREA 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 FACILITIES WITHOUT THE ASSISTANCE OF FOREIGN COMPANIES AND PERSONNEL FROM SEVERAL WEST EUROPEAN AND ASIAN COUNTRIES.



STAT



STAT

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 APPROPRIATE 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.

Negotiations/Verification

**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.

ILLEGIB



**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.

**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.

**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.

## 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.

**HAVE THE SOVIETS VIOLATED THE BIOLOGICAL AND  
TOXIN WEAPONS CONVENTION (BWC)?**

THIS QUESTION WOULD BE BETTER ANSWERED BY A MEMBER OF THE POLICY COMMUNITY. DETERMINATION OF WHETHER CERTAIN ACTIONS ARE IN VIOLATION OF AN ARMS CONTROL AGREEMENT IS NOT AN INTELLIGENCE FUNCTION.

WE DO BELIEVE, HOWEVER, THAT THE SOVIET UNION MAINTAINS AN OFFENSIVE BIOLOGICAL WARFARE PROGRAM AND CAPABILITY. THESE ACTIVITIES ARE PROHIBITED BY THE 1972 BIOLOGICAL AND TOXIN WEAPONS CONVENTION.

THE U.S. HAS EVIDENCE THAT THE OUTBREAK OF ANTHRAX IN SVERDLOVSK IN THE SPRING OF 1979--TEN YEARS AGO--WAS THE RESULT OF AN ACCIDENTAL RELEASE OF ANTHRAX SPORES FROM A PROHIBITED BIOLOGICAL WARFARE FACILITY. THE U.S. HAS RAISED THE ISSUE REPEATEDLY WITH THE SOVIETS SINCE MARCH 1980, AND HAS BEEN TOLD REPEATEDLY THAT THE OUTBREAK STEMMED FROM EATING MEAT CONTAMINATED WITH ANTHRAX. ALTHOUGH THE SOVIETS HAVE PROVIDED ADDITIONAL DATA ON THIS INCIDENT, THEIR ACCOUNTS ARE INCONSISTENT WITH INFORMATION AVAILABLE TO THE U.S. IN MANY CASES, THEIR EXPLANATIONS ARE INCONSISTENT WITH THE CONTAMINATED MEAT SCENARIO.

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.

**HOW BIG WOULD A CW AGENT PRODUCTION FACILITY  
HAVE TO BE TO PRODUCE A SIGNIFICANT QUANTITY  
OF AGENT?**

A FACILITY THE SIZE OF THIS ROOM COULD EASILY MAKE ENOUGH CW AGENT FOR USE ON THE BATTLEFIELD. FOR EXAMPLE, A 200 LITER REACTOR COULD PRODUCE UP TO ONE METRIC TON OF MUSTARD A DAY, ASSUMING 24 HOUR-A-DAY PRODUCTION. THUS, USING ONLY ONE REACTOR VESSEL, A SMALL FACILITY COULD THEORETICALLY MAKE UP TO 30 TONS OF AGENT IN A MONTH. NERVE AGENT PRODUCTION REQUIRES MORE STEPS, BUT COULD OCCUR ON A SLIGHTLY SMALLER SCALE USING THREE TO FIVE 200 LITER REACTORS. THREE TO FIVE 200 LITER REACTORS COULD EASILY FIT WITHIN A ROOM THIS SIZE.



**HOW MUCH CHEMICAL OR BIOLOGICAL WARFARE AGENT  
DOES IT TAKE TO CONTAMINATE A BATTLEFIELD?**

ONE TON OF CW AGENT (SARIN) IS ENOUGH TO LETHALLY  
CONTAMINATE AN AREA OF ABOUT ONE SQUARE MILE. ONE TON  
OF ANTHRAX SPORES, HOWEVER, WOULD LETHALLY CONTAMINATE  
AN AREA OF OVER 7000 SQUARE MILES FOR SEVERAL DECADES.

T

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.



**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.

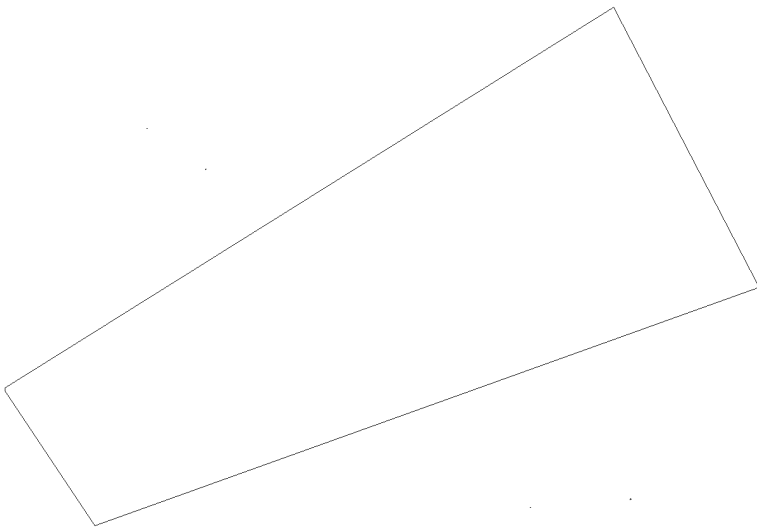


**HAVE WE SHARED INFORMATION WITH OUR ALLIES ON  
THE INVOLVEMENT OF THEIR COMPANIES IN CHEMICAL  
WEAPONS PROLIFERATION?**

**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.



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Pending Legislation

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101ST CONGRESS  
1ST SESSION

# S. 195

Entitled the "Chemical and Biological Weapons Control Act of 1989".

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 3), 1989

Mr. PELL (for himself, Mr. HELMS, Mr. KERRY, Mr. MCCAIN, Mr. GORE, Mr. SIMON, Mr. BOSCHWITZ, Mr. DODD, Mrs. KASSEBAUM, Mr. BURDICK, Mr. HUMPHREY, Mr. SANFORD, Mr. BIDEN, Mr. COHEN, Mr. HARKIN, Mr. DOLE, Mr. STEVENS, Mr. MURKOWSKI, and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

Entitled the "Chemical and Biological Weapons Control Act of 1989".

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3  
4 **SHORT TITLE**

5 **SECTION. 1.** This Act may be cited as the "Chemical  
6 and Biological Weapons Control Act of 1989".

7 **FINDINGS AND PURPOSE**

**SEC. 2.** The Congress finds that—

1 (a) chemical weapons were employed in the recent  
2 Iran-Iraq war and by Iraq in attacks against its Kurd-  
3 ish minority;

4 (b) the use of chemical or biological weapons in  
5 contravention of international law is abhorrent and re-  
6 quires immediate and effective sanctions;

7 (c) United Nations Security Council Resolution  
8 620, adopted on August 26, 1988, states the intention  
9 of the Security Council to consider immediately "ap-  
10 propriate and effective" sanctions against any nation  
11 using chemical and biological weapons in violation of  
12 international law;

13 (d) the Declaration of the Paris Conference on  
14 Chemical Weapons Use demonstrates the resolve of  
15 most nations to reaffirm support for the 1925 protocol  
16 banning the use of chemical and bacteriological weap-  
17 ons and to press for attainment of a ban on the produc-  
18 tion and possession of lethal and incapacitation chemi-  
19 cal weapons;

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

23 (f) the further spread of chemical or biological  
24 weapons capabilities would pose of a threat of incalcu-

1 lable proportions to friends and allies and undermine  
2 the national security of the United States;

3 (g) the United Nations should create an effective  
4 means of monitoring and reporting regularly on com-  
5 merce in equipment, materials, and technology applica-  
6 ble to the attainment of a chemical and biological  
7 weapons capability; and

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

11 PURPOSE

12 SEC. 3. It is the purpose of this Act to mandate United  
13 States sanctions and to encourage international sanctions  
14 against nations that use chemical or biological weapons in  
15 violation of international law; to require semi-annual presi-  
16 dential reports on efforts by Iran, Iraq, Libya, and Syria and  
17 other developing nations to acquire the materials and tech-  
18 nology to produce and deliver chemical and biological weap-  
19 ons; to urge cooperation with other supplier nations to devise  
20 effective controls on the transfer of materials, equipment, and  
21 technology applicable to chemical or biological weapons pro-  
22 duction; to promote agreements banning the transfer of mis-  
23 siles suitable for armament with chemical or biological war-  
24 heads; to encourage an early agreement banning the produc-  
25 tion and stockpiling of lethal and incapacitating chemical or  
26 biological weapons; and to seek effective international means

1 of monitoring and reporting regularly on commerce in equip-  
2 ment, materials, and technology applicable to the attainment  
3 of a chemical or biological weapons capability.

4           AUTOMATIC SANCTIONS FOR THE USE OF CHEMICAL  
5   WEAPONS

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

10                   (a) The United States Government shall not sell  
11 the sanctioned country and item on the United States  
12 Munitions List.

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

16                   (c) The authorities of section 6 of the Export Ad-  
17 ministration Act of 1979 shall be used to prohibit the  
18 export to the sanctioned country of any goods or tech-  
19 nology on the control list established pursuant to sec-  
20 tion 5(c)(1) of that Act.

21                   (d) The United States shall oppose any loan or fi-  
22 nancial or technical assistance to the sanctioned coun-  
23 try by international financial institutions in accordance  
24 with section 701 of the International Financial Institu-  
25 tions Act.

1 (e) The United States shall not provide any mili-  
2 tary or economic assistance (except for urgent humani-  
3 tarian assistance) to the sanctioned country.

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

6 (g) The United States shall not provide the sanc-  
7 tioned country any credit or credit guarantees through  
8 the Export-Import Bank of the United States.

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

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

15 **WAIVER**

16 **SEC. 5.** The President may waive some or all of the  
17 sanctions listed above for a period not to exceed nine months  
18 following the illegal use of chemical or biological weapons if  
19 he determines that such waiver is in the national interest of  
20 the United States and so reports in writing to the Speaker of  
21 the House of Representatives and the chairman of the Com-  
22 mittee on Foreign Relations of the Senate. In making such a  
23 report, the President shall present a detailed explanation of  
24 the national interest requiring a waiver. In no event shall the  
25 President have authority under this Act to issue a waiver for

1 that country that would remain in effect beyond nine months  
2 following the initial illegal use of chemical weapons.

3 NOTIFICATION

4 SEC. 6. Not later than five days after sanctions become  
5 effective against a country pursuant to this section, the Presi-  
6 dent shall so notify in writing the Speaker of the House of  
7 Representatives and the chairman of the Committee on For-  
8 eign Relations of the Senate.

9 CONTRACT SANCTITY

10 SEC. 7. The President may not prohibit or curtail the  
11 execution of any contract or agreement (except for an agree-  
12 ment to provide military assistance or to sell military equip-  
13 ment) entered into prior to the date on which Congress is  
14 notified of the imposition of sanctions against a country pur-  
15 suant to this section.

16 REMOVAL OF SANCTIONS

17 SEC. 8. The President may waive any sanctions im-  
18 posed pursuant to section 3 of this Act if the President deter-  
19 mines and so certifies in writing to the Speaker of the House  
20 of Representatives and the chairman of the Committee on  
21 Foreign Relations of the Senate that the nation under sanc-  
22 tion—

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

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

4 (c) has made satisfactory restitution to those af-  
5 fected by its earlier use of chemical or biological weap-  
6 ons in violation of international law.

7 PRESIDENTIAL REPORTS

8 SEC. 9. Not later than ninety days after the date of  
9 enactment of this Act, and every one hundred and eighty  
10 days thereafter, the President shall submit to the Speaker of  
11 the House of Representatives, and the chairman of the Com-  
12 mittee on Foreign Relations of the Senate a report on efforts  
13 by Iran, Iraq, Libya, and Syria and other developing nations  
14 to acquire the materials and technology to produce and deliv-  
15 er chemical and biological weapons, together with an assess-  
16 ment of such countries' present and future capability to  
17 produce and deliver such weapons.

18 MULTILATERAL EFFORTS

19 SEC. 10. The President of the United States is urged—

20 (a) to continue close cooperation with others in  
21 the nineteen nation Australian Group in support of its  
22 current efforts and in devising additional means to  
23 monitor and control the supply of chemicals applicable  
24 to weapons production to Iraq, Iran, Syria, and  
25 Libya—nations that currently support or have recently  
26 supported acts of international terrorism;

1 (b) to work closely with other nations also capable  
2 of supplying equipment, materials, and technology with  
3 particular applicability to chemical or biological weap-  
4 ons production to devise the most effective controls  
5 possible on the transfer of such materials, equipment,  
6 and technology;

7 (c) to seek agreements with nations that produce  
8 ballistic missiles suitable for carrying chemical or bio-  
9 logical warheads that would prevent the transfer of  
10 such missiles; and

11 (d) to take the initiative in pressing for early con-  
12 clusion of an international agreement banning the pro-  
13 duction and stockpiling of lethal and incapacitating  
14 chemical or biological weapons.

#### 15 UNITED NATIONS INVOLVEMENT

16 SEC. 11. The President is urged to give full support  
17 to—

18 (a) the United Nations Security Council, in fur-  
19 therance of Security Council Resolution 620, adopted  
20 August 26, 1988, in developing sanctions comparable  
21 to those enumerated in section 3 of this Act to be im-  
22 posed in the event any nation uses chemical or biologi-  
23 cal weapons in violation of international law;



9

1           (b) the creation by the United Nations of an effec-  
2           tive means of monitoring and reporting regularly on  
3           commerce in chemical equipment, materials, and tech-  
4           nology applicable to the attainment of a chemical or bi-  
5           ological weapons capability.

○

101ST CONGRESS  
1ST SESSION

# S. 8

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 3), 1989

Mr. DOLE (for himself, Mr. GARN, Mr. HEINZ, Mr. DODD, Mr. MCCAIN, Mr. KASTEN, Mr. JEFFORDS, Mr. ROTH, Mr. BOSCHWITZ, and Mr. COHEN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing and Urban Affairs

---

## 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION. 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) proliferation of the material and technology to  
2 produce and deliver chemical and biological weapons  
3 threatens American national security interests and re-  
4 gional stability;

5 (2) reliable reports of Libya's attempt to acquire a  
6 chemical weapons production and delivery capability,  
7 efforts by Iran and Syria to do likewise, and Iraq's use  
8 of chemical weapons against its Kurdish minority are  
9 of grave concern to the other states of the Middle  
10 East/Persian Gulf region and to the United States;

11 (3) any efforts by Communist-bloc countries to aid  
12 and abet the production or use of chemical or biological  
13 weapons, or the development and deployment of deliv-  
14 ery systems for chemical or biological weapons, by any  
15 state are deplorable;

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

24 (5) the General Agreement on Tariffs and Trade  
25 recognizes that national security concerns may serve as

1 a legitimate basis for constricting free and open trade;  
2 title XXI of the General Agreement on Tariffs and  
3 Trade states that “[n]othing in this Agreement shall be  
4 construed . . . to prevent any contracting party from  
5 taking any action which it considers necessary for the  
6 protection of its essential security interests . . . .”; and

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

10 **SEC. 3. POLICY.**

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

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

16 (2) to discourage Communist-bloc countries from  
17 aiding and abetting any states from acquiring such ma-  
18 terial and technology;

19 (3) to implement a United States control regime  
20 to prohibit the flow of United States materials, equip-  
21 ment, and technology that would assist countries in ac-  
22 quiring the ability to produce or deliver chemical or bi-  
23 ological weapons; and

1 (4) to discourage private companies in non-Com-  
2 munist countries from aiding and abetting any states in  
3 acquiring such material and technology.

4 (b) MULTILATERAL DIPLOMACY.—The United States  
5 should seek to pursue the policy described in subsection (a) to  
6 the extent practicable and effective through multilateral di-  
7 plomacy, including through efforts such as the efforts of the  
8 so-called “Australia Group” and the recently concluded Paris  
9 conference on chemical weapons.

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

15 **SEC. 4. DEFINITIONS.**

16 Section 16 of the Export Administration Act of 1979  
17 (50 U.S.C. App. 2415) is amended—

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

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

21 “(7) the term ‘biological weapons’ refers to—

22 “(A) microbial or other biological agents or  
23 toxins, whatever their origin or method of produc-  
24 tion, of types and in quantities that have no justi-

1            fication for prophylactic, protective, or other  
2            peaceful purposes; and

3            “(B) weapons, equipment, or means of deliv-  
4            ery designed to use such agents or toxins for hos-  
5            tile purposes or in armed conflict;

6            “(8) the term “chemical weapons” refers to—

7            “(A) toxic chemicals, including supertoxic  
8            lethal chemicals, other lethal chemicals, other  
9            harmful chemicals and their precursors, including  
10           key precursors, except such chemicals intended  
11           for peaceful purposes as long as the types and  
12           quantities involved are consistent with such pur-  
13           poses; and

14           “(B) munitions and devices specifically de-  
15           signed to cause death or other harm through the  
16           toxic properties of such toxic chemicals which  
17           would be released as a result of the employment  
18           of such munitions and devices;”.

19    **SEC. 5. AMENDMENT TO THE EXPORT ADMINISTRATION ACT**  
20                            **OF 1979.**

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

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

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

1           “(k) CHEMICAL WEAPONS.—(1) The Secretary, in con-  
2 sultation with the Secretary of State, shall establish and  
3 maintain, in accordance with the provisions of subsection  
4 (m)—

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

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

12           “(2) The Secretary shall require a validated license for  
13 any export of goods or technology listed under paragraph  
14 (1)(A) to a country listed under paragraph (1)(B). The Secre-  
15 tary shall deny any application for such a license if the Secre-  
16 tary has reason to believe that the goods or technology will  
17 be used by a country described in paragraph (1)(B) in produc-  
18 ing or delivering chemical or biological weapons or will oth-  
19 erwise be devoted to such purposes. Issuance of a license by  
20 the Secretary shall be the only approval required for the ship-  
21 ment of goods or technology on the list.

22           “(3)(A) Notwithstanding any other provision of this Act,  
23 a determination of the Secretary to approve or deny an  
24 export license application for the export of goods or technolo-  
25 gy under this subsection may be made only after consultation

1 with the Secretary of State, subject to subparagraph (B). In  
2 any case where the Secretary of Commerce proposes to take  
3 an action under this subsection without the concurrence of  
4 the Secretary of State, the matter shall be referred to the  
5 President for resolution.

6 “(B) In any case where an application subject to this  
7 subsection involves a military item, a determination to ap-  
8 prove or deny such an application may be made only after  
9 consultation with the Secretaries of Defense and State. In  
10 any case where the Secretary of Commerce proposes to take  
11 an action under this subsection without the concurrence of  
12 the Secretary of Defense or State, the matter shall be re-  
13 ferred to the President for resolution.”

14 **SEC. 6. REPORT.**

15 Section 14 of the Export Administration Act of 1979  
16 (50 U.S.C. App. 2413) is amended—

17 (1) by striking the section heading and inserting

18 “REPORTS”;

19 (2) by striking “CONTENTS” in subsection (a) and  
20 inserting “ANNUAL REPORTS”; and

21 (3) by adding at the end the following:

22 “(g) REPORTS ON CHEMICAL AND BIOLOGICAL  
23 WEAPONS MATTERS.—(1) Not later than 90 days after the  
24 date of enactment of this subsection, and every 180 days  
25 thereafter, the President shall submit to the Speaker of the



1 House of Representatives, the Minority Leader of the House  
2 of Representatives, the Majority Leader and Minority Leader  
3 of the Senate, the Permanent Select Committee on Intelli-  
4 gence and the Committee on Foreign Affairs of the House of  
5 Representatives and the Select Committee on Intelligence,  
6 the Committee on Foreign Relations, and the Committee on  
7 Banking, Housing, and Urban Affairs of the Senate a report  
8 on the efforts of all foreign countries to acquire the material  
9 and technology to produce and deliver chemical and biologi-  
10 cal weapons, together with an assessment of the present and  
11 future capability of those countries to produce and deliver  
12 such weapons.

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

18 “(3) Each such report shall also list—

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

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

24 “(4) Such report shall also include an assessment as to  
25 whether any company listed in paragraph (3)(A) or (3)(B) was

1 aware that the assistance provided was for the purpose of  
2 developing a chemical and biological weapons production and  
3 delivery capability.

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

12 “(6) Nothing in this section—

13 “(A) requires the disclosure of information in vio-  
14 lation of Senate Resolution 400 of the Ninety-fourth  
15 Congress or otherwise alters, modifies, or supersedes  
16 any of the authorities contained therein; or

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

20 “(i) jeopardize the national security of the  
21 United States;

22 “(ii) undermine existing and effective efforts  
23 to meet the policy objectives outlined in section 4;

24 or

1                   “(iii) compromise sensitive intelligence oper-  
2                   ations, with resulting grave damage to the nation-  
3                   al security interests of the United States.

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

9                   **SEC. 7. SANCTIONS AGAINST FOREIGN COMPANIES.**

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

12                   “CHEMICAL AND BIOLOGICAL WEAPONS CONTROL  
13                   VIOLATIONS

14                   “SEC. 11B. (a) DETERMINATION BY THE PRESI-  
15                   DENT.—The President, subject to subsection (c), shall apply  
16                   sanctions under subsection (b) if the President determines  
17                   that—

18                   “(1) any foreign company has in the past aided or  
19                   abetted a country on the country list prepared pursuant  
20                   to section 6(k)(1)(B) of this Act in acquiring goods or  
21                   technology that were used in producing or delivering  
22                   chemical or biological weapons or were otherwise de-  
23                   voted to such purposes; or

24                   “(2) any foreign company continues to aid or abet  
25                   a country on the country list prepared pursuant to sec-  
26                   tion 6(k)(1)(B) of this Act in acquiring goods or tech-

1 nology that are being used in producing or delivering  
2 chemical or biological weapons or were otherwise de-  
3 voted to such purposes.

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

8 “(2) The United States Government shall not procure,  
9 or contract for the procurement of, any goods or services  
10 from any company referred to in subsection (a)(2). The provi-  
11 sions of the preceding sentence shall cease to apply upon the  
12 expiration of 2 years after the President certifies to the Con-  
13 gress that—

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

19 “(B) in the President’s judgment, it would be in  
20 the national interest of the United States to again pro-  
21 cure, or contract for the procurement of, goods and  
22 services from such company.

23 “(3) The importation into the United States—

1           “(A) before October 1, 1990, of products pro-  
2           duced by a company referred to in subsection (a)(1),  
3           and

4           “(B) before the close of the 2-year period de-  
5           scribed in paragraph (2), of products produced by a  
6           company referred to in subsection (a)(2) with respect to  
7           which a certification under paragraph (2) was made,  
8           is prohibited.

9           “(c) EXCEPTIONS.—The President shall not apply  
10          sanctions under this section—

11          “(1) in the case of procurement of defense articles  
12          or defense services—

13                 “(A) under existing contracts or subcon-  
14                 tracts, including the exercise of options for pro-  
15                 duction quantities to satisfy United States oper-  
16                 ational military requirements;

17                 “(B) if the President determines that the  
18                 person or other entity to which the sanctions  
19                 would otherwise be applied is a sole source sup-  
20                 plier of essential defense articles or services and  
21                 no alternative supplier can be identified; or

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

25          “(2) to—

1           “(A) products or services provided under  
2           contracts entered into before the date on which  
3           the President notifies the Congress of the inten-  
4           tion to impose the sanctions;

5           “(B) spare parts;

6           “(C) component parts, but not finished prod-  
7           ucts, essential to United States products or pro-  
8           duction;

9           “(D) routine servicing and maintenance of  
10          products; or

11          “(E) information and technology; or

12          “(3) to companies which in the President's assess-  
13          ment provided so-called “dual-use” material or tech-  
14          nology, and were unaware that the intended use of  
15          that material or technology was the development of a  
16          chemical weapons production or delivery system.

17          “(d) REVIEW OF RELATIONS.—The United States  
18          Government should review the full range of its security, po-  
19          litical, economic, and commercial relations with any country  
20          named in a report submitted under section 14(g) for the pur-  
21          pose of paragraph (2) or (5) of such section.

22          “(e) DEFINITIONS.—For purposes of this section—

23                 “(1) the term ‘component part’ means any article  
24                 which is not usable for its intended functions without  
25                 being imbedded in or integrated into any other product

1 and which, if used in production of a finished product,  
2 would be substantially transformed in that process;

3 “(2) the term ‘dual-use’, when used in the context  
4 of chemical materials or technology, means chemical  
5 material or technology which may be utilized both in  
6 the production or delivery of chemical weapons and in  
7 the production or application of chemicals for other  
8 uses;

9 “(3) the term ‘finished product’ means any article  
10 which is usable for its intended functions without being  
11 imbedded or integrated into any other product, but in  
12 no case shall such term be deemed to include an article  
13 produced by a person other than a sanctioned person  
14 that contains parts or components of the sanctioned  
15 person if the parts or components have been substan-  
16 tially transformed during production of the finished  
17 product; and

18 “(4) the term ‘sanctioned person’ means a person,  
19 and any parent or successor entity of the person, upon  
20 whom sanctions have been imposed under this sec-  
21 tion.”.

101ST CONGRESS  
1ST SESSION

# S. 238

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 3), 1989

Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, and Mr. BOSCHWITZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

## 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

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

6 SEC. 2. FINDINGS.

7 The Congress finds that—



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

9           (2) the essential security interests of the United  
10 States require an immediate end to all trade in chemi-  
11 cal and biological weapons, and transfers of technology  
12 and delivery systems for chemical and biological weap-  
13 ons, to certain destinations;

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

17           (4) Iran, Iraq, Syria, and Libya are either produc-  
18 ing chemical weapons or on the verge of doing so;

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

21           (6) chemical weapons represent a grave new  
22 threat to friendly countries of the Middle East and ulti-  
23 mately the United States itself;

1           (7) free world industrial firms have been instru-  
2           mental in the development of chemical weapons in  
3           these and other countries;

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

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

12          (10) in order to inhibit the trade in chemical and  
13          biological weapons and their industrial inputs, severe  
14          sanctions must be applied to individuals and firms  
15          which export prohibited items and technology to pro-  
16          scribed destinations.

17 **SEC. 3. POLICY.**

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

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

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

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

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

7 **SEC. 4. AMENDMENT TO THE ARMS EXPORT CONTROL ACT.**

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

10 **“CHAPTER 7—SANCTIONS AGAINST FIRMS TRANS-**  
11 **FERRING CHEMICAL WEAPONS TO TERRORIST**  
12 **COUNTRIES**

13 **“SEC. 71. PROHIBITION ON CERTAIN EXPORTS.**

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

19 **“(B) Subparagraph (A) does not apply to any export**  
20 **pursuant to a contract entered into before the date of enact-**  
21 **ment of this section.**

22 **“(2) The President shall prepare a list of chemical and**  
23 **biological agents, production equipment, and technical assist-**  
24 **ance the export of which would materially assist a country in**

1 attaining a chemical or biological warfare capability or sys-  
2 tems for the delivery of chemical or biological weapons.

3       “(b) DESTINATIONS OF EXPORTS.—The countries re-  
4 ferred to in subsection (a) and section 73(a)(1) are Iran, Iraq,  
5 Libya, Syria, or any country which has used chemical or bio-  
6 logical weapons in the past five years or use such weapons  
7 after date of enactment of this Act, except that any of these  
8 countries shall be excluded, for purposes of applying such  
9 provisions, beginning thirty days after the President requests  
10 such exclusion by submitting the name of such country to the  
11 Congress.

12       “SEC. 72. REPORT.

13       “(a) Not later than ninety days after the date of enact-  
14 ment of this section, and every ninety days thereafter, the  
15 President shall submit to the chairman of the Senate Com-  
16 mittee on Foreign Relations and the Speaker of the House of  
17 Representatives, a report on efforts by Iran, Iraq, Libya,  
18 Syria, and any country which has, during the five years prior  
19 to the report used chemical or biological weapons, to acquire  
20 the material and technology to produce and deliver chemical  
21 weapons, together with an assessment of such countries’  
22 present and future capability to produce and deliver such  
23 weapons.

24       “(b) Such report shall also include an assessment of  
25 whether and to what degree Communist-bloc countries have

1 aided and abetted the government any country reported upon  
2 pursuant to subsection (a) in its effort to acquire the material  
3 and technology described in subsection (a).

4 “(c) Such report shall further list—

5 “(1) those companies in non-Communist countries  
6 which in the past have aided and abetted the govern-  
7 ment of any country reported on pursuant to subsection  
8 (a) in that effort; and

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

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

22 “(e) Nothing in the section requires the disclosure of  
23 information in violation of Senate Resolution 400 of the  
24 Ninety-fourth Congress or otherwise alters, modifies, or su-  
25 persedes any of the authorities contained therein.

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

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

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

13 "(1) a prohibition on contracting with, and pro-  
14 curement of products and services from, a sanctioned  
15 person, by any department, agency, or instrumentality  
16 of the United States Government;

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

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

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

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

1           “(A) under existing contracts or subcon-  
2           tracts, including the exercise of options for pro-  
3           duction quantities to satisfy United States oper-  
4           ational military requirements;

5           “(B) if the President determines that the  
6           person or other entity to which the sanctions  
7           would otherwise be applied is a sole source sup-  
8           plier of essential defense articles or services and  
9           no alternative supplier can be identified; or

10           “(C) if the President determines that such  
11           articles or services are essential to the national  
12           security under defense coproduction agreements;  
13           or

14           “(2) to—

15           “(A) products or services provided under  
16           contracts entered into before the date on which  
17           the President notifies the Congress of the inten-  
18           tion to impose the sanctions;

19           “(B) spare parts;

20           “(C) component parts, but not finished prod-  
21           ucts, essential to United States products or pro-  
22           duction;

23           “(D) routine servicing and maintenance of  
24           products; or

25           “(E) information and technology.

1       “(d) DEFINITIONS.—For purposes of this section—

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

7               “(2) the term ‘finished product’ means any article  
8       which is usable for its intended functions without being  
9       imbedded or integrated into any other product, but in  
10       no case shall such term be deemed to include an article  
11       produced by a person other than a sanctioned person  
12       that contains parts or components of the sanctioned  
13       person if the parts or components have been substan-  
14       tially transformed during production of the finished  
15       product; and

16               “(3) the term ‘sanctioned person’ means a person,  
17       and any parent, affiliate, subsidiary, or successor entity  
18       of the person, upon whom sanctions have been imposed  
19       under this section.

20       “SEC. 74. PENALTIES.

21               “(a) IN GENERAL.—Whoever knowingly violates or  
22       conspires to or attempts to violate section 71(a) shall be fined  
23       nor more than five times the value of the exports involved or  
24       \$50,000, whichever is greater, or imprisoned not more than  
25       five years, or both.



1       “(b) CIVIL PENALTIES; ADMINISTRATIVE SANC-  
2 TIONS.—(1) The Secretary of Commerce (and officers and  
3 employees of the Department of Commerce specifically desig-  
4 nated by the Secretary) may impose a civil penalty not to  
5 exceed \$10,000 for each violation of section 71(a), either in  
6 addition to or in lieu of any other liability or penalty which  
7 may be imposed.

8       “(2)(A) The authority under law to suspend or revoke  
9 the authority of any United States person to export goods or  
10 technology may be used with respect to any violation of sec-  
11 tion 71(a).

12       “(B) Any administrative sanction (including any civil  
13 penalty or any suspension or revocation of authority to  
14 export) imposed under section 71(a) may be imposed only  
15 after notice and opportunity for an agency hearing on the  
16 record in accordance with sections 554 through 557 of title  
17 5, United States Code.

18       “SEC. 75. SUSPENSION OF PATENT RIGHTS.

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

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

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

7       “(c)(1) Within thirty days after the date of enactment of  
8 this Act, the Commissioner of Patents, after a determination  
9 has been made regarding which companies have violated the  
10 provisions of this Act, shall recommend the suspension of the  
11 appropriate patents.

12       “(2) The Commissioner shall notify the holder of such  
13 patent within thirty days after the date of such determination  
14 and shall publish in the Federal Register a notice of such  
15 determination, together with the factual and legal basis for  
16 such determination. Any interested person may request,  
17 within the sixty-day period beginning on the date of publica-  
18 tion of a determination, that the Commissioner making the  
19 determination hold a hearing on such determination. Such a  
20 hearing shall be an informal hearing which is not subject to  
21 section 554, 556, or 557 of title 5, United States Code. If  
22 such a request is made within such period, the Commissioner  
23 shall hold such hearing not later than thirty days after the  
24 date of the request, or at the request of the person making  
25 the request, not later than sixty days after such date. The

1 Commissioner who is holding the hearing shall provide notice  
2 of the hearing to the company involved and to any interested  
3 person and provide the owner and any interested person an  
4 opportunity to participate in the hearing. Within thirty days  
5 after the completion of the hearing, such Commissioner shall  
6 affirm or revise the determination which was the subject of  
7 the hearing and shall publish such affirmation or revision in  
8 the Federal Register.

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

12       “(e) The Commissioner shall make the determination  
13 that a patent is suspended and that the requirements of sub-  
14 section (c) have been complied with. If the Commissioner de-  
15 termines that the patent is suspended, he shall issue to the  
16 owner of record of the patent a certificate of suspension,  
17 under seal, stating the length of the suspension, and identify-  
18 ing the product and the statute under which regulatory  
19 review occurred. Such certificate shall be recorded in the offi-  
20 cial file of the patent and shall be considered as part of the  
21 original patent. The Commissioner shall publish in the Offi-  
22 cial Gazette of the Patent and Trademark Office a notice of  
23 such suspension.”.