

30, you ought not charge the interest on something you consider timely filed. So I would like to see that interest charge waived.

But we very much appreciate the cooperation of the Internal Revenue Service. People out there trying to man dikes and fill sandbags and so on are not able to get back to find their records to file a tax return if they had not already done it. They have been working on this flood and responding to it now for several weeks, so we appreciate the cooperation of the Internal Revenue Service.

I especially, as I conclude, want to echo the words of the Senator from Minnesota. The men and women in our region of the country have had about as tough a time as you can have this winter and now this spring. I am enormously proud of what they are doing. I have been privileged to be there the last two weekends and most of the week previous to be a part of that. We will get through it. North Dakotans and Minnesotans and South Dakotans are tough people who have faced tough challenges in the past. We will get through it and rebuild and have better days ahead of us.

THE CHEMICAL WEAPONS TREATY

Mr. DORGAN. Mr. President, next week we will have an enormously important vote in the U.S. Senate.

There are days when people come to the floor of the Senate and debate almost nothing or find almost nothing to debate about. But, of course, almost nothing can provoke a debate in the Senate. We tend to get involved in discussions back and forth and find reasons to dispute each other over the smallest word or the smallest nuance in a piece of legislation. Sometimes that is a little frustrating, especially if you came here wanting to do some important things and some big things.

Next week we will do something important and tackle a big issue. It's the chemical weapons treaty. It is an attempt by a group of countries, hopefully including our country, to ban an entire class of weapons of mass destruction.

The negotiation on a Chemical Weapons Convention to ban chemical weapons was begun by President Ronald Reagan. President Bush was active as Vice President and as President in supporting the treaty. The treaty was the great achievement of the last month of his administration. Today, he very strongly supports ratification. President Clinton back in 1993 submitted the treaty to the Senate for ratification.

This treaty is the result of decades of negotiation and leadership by our country. The treaty which came from those negotiations needs to be ratified by the U.S. Senate, and it has been hanging around for some long while. It was supposed to be voted on last year, but it got caught up in Presidential politics. We need to ratify it by April 29 if we, as a country, are to be in-

involved in the regime that sets up the monitoring and the processes by which this treaty is implemented.

We are told that next week we will vote on this treaty. We also understand that it is going to be a close vote. I want to tell you why I think this is important. We will have several other Members of the Senate here in the next hour to describe why it is important from their standpoint.

What are chemical weapons? Well, simply, they are poison gases, horrible weapons of war, highly toxic gases or liquids that can be used in bombs, rockets, missiles, artillery shells, mines, or grenades. This treaty says let us ban entirely poison gases, let us outlaw this class of weapons completely.

Some do not like any treaties on arms. Some in this Senate will stand up and say we should not have arms treaties. Some have opposed START I, START II, the nuclear arms treaties. They are inappropriate, they say.

Well, I held up on the floor of the Senate about a year ago a piece of metal about the size of my fist. The piece of metal came from a missile silo, a silo that housed a missile in Pervomaisk, Ukraine, a silo that held a missile with a nuclear warhead that was aimed at the United States of America.

I held up a piece of that silo in my hand because the silo has been destroyed, the missile has been destroyed, the warhead is gone, and where a missile once sat, aimed at the United States of America, is now a patch of dirt planted with sunflowers.

Why was a missile taken out, a silo destroyed, and sunflowers planted where there once was a missile aimed at the United States? Because the arms control treaties required it—required it—required that missiles be destroyed. We are destroying missiles on nuclear weapons. So is the former Soviet Union. The Ukraine is now nuclear free. The fact is, we have had success with arms control agreements. Are they perfect? No. Do they work? Yes. We have had success with arms control agreements. This is a treaty on arms control. We need to ratify it. We will vote on that next week.

Let me describe, again, what this is about. It is a treaty to try to ban a class of weapons of mass destruction. Not many people probably know what chemical weapons are. I really don't. I have obviously not seen chemical weapons used. Very few people have.

Let me read from a poet, Wilfred Owen, a famous poet from World War I, and the lines he wrote about a gas attack. Germany was the first nation in modern times to use chemical weapons, in the World War I battle at Ypres, a town in Belgium, April 22, 1915. It is said that a hissing sound came from German trenches as 6,000 cylinders spewed chlorine gas aimed at the allied lines. That is a gas that attacks the lungs, causes severe coughing and choking and death. It had a devastating effect on the allied soldiers, who

were unprepared. Soldiers breathing that gas began to cough up blood, their faces turning purple, their bodies writhing in the trenches. There were 15,000 casualties that day, we are told. Chlorine gas, mustard gas, and blister gas caused a million casualties in World War I.

Wilfred Owen, the poet, wrote a description of a gas attack in the First World War. A company of exhausted soldiers is marching back from the front lines, when suddenly someone shouts:

"Gas! GAS! Quick, boys!"
An ecstasy of fumbling,
Fitting the clumsy helmets just in time;
But someone still was yelling out and
stumbling;

And flound'ring like a man in fire or
lime. . . .

Dim, through the misty panes and thick
green light,

As under a green sea, I saw him drowning.
In all my dreams, before my helpless sight,
He plunges at me, guttering, choking,
drowning.

If in some smothering dreams you too
could pace

Behind the wagon we flung him in,
And watch the white eyes writhing in his
face,

His hanging face, like a devil's sick of sin;
If you could hear, at every jolt, the blood
Come gargling from the froth-corrupted
lungs,

Obscene as cancer, bitter as the cud
Of incurable sores on innocent
tongues. . . .

That is Wilfred Owen describing a gas attack, an attack using chemical weapons.

Modern armies have the capability of protecting themselves in many circumstances against chemical weapons with protective devices and protective gear.

But of course civilians are the most vulnerable to chemical weapons. Perhaps the example that most of us remember was the attack at the Tokyo subway by a terrorist group, a cult headquartered in Japan but active in America. They used the nerve gas sarin in a terrorist attack. The cult released the gas on March 20, 1995, during the morning rush hour at a busy Tokyo subway station. In that attack, 12 were killed, over 5,000 were injured. We are told that it was very close to a circumstance in which thousands would have been killed from that attack. We all remember the frightening television images of people staggering up out of the subway with their handkerchiefs over their mouths and collapsing on the street. Not surprisingly, the Japanese Diet, or parliament, ratified the chemical weapons treaty within a month of the Tokyo subway attack.

This raises the question of why the Senate has yet to do the same.

Why would people come to the floor of the Senate and say this is an inappropriate treaty and they intend to oppose it with every fiber of their being? Let me go through some of the myths we will hear about the chemical weapons treaty.

Myth one: by ratifying the chemical weapons treaty the United States will

surrender a vital deterrent to chemical attack. That is not true at all. This is not about our weapons. It is about other countries' weapons. President Reagan already made a decision back in the 1980's that we were going to get rid of our stock of chemical weapons. The question now is whether other countries will similarly abandon their stock of chemical weapons and join us in an approach that will verify that other countries in the world are not producing chemical weapons.

Myth two: rogue states will refuse to join the treaty, so it will only tie our hands, not theirs. As I just indicated, we are not producing chemical weapons, we are destroying the stock of chemical weapons we now have. So it will not tie our hands. But the Chemical Weapons Convention will shrink the chemical weapon problem down to a few rogue states and help curb their ability to get the materials necessary to make chemical weapons.

Some say if you cannot prevent murder why should you have a law against murder. Common sense says murder is wrong, you have a law that provides penalties for murder. The production of chemical gasses ought to be wrong and we ought to have a convention that says we intend as a country to be part of an effort to ban it from the world. The fact we might have a few rogue nations wanting to produce them does not mean we ought not decide to ratify this treaty. What we ought to do is join all of our friends around the world who feel similarly and go after the rogue nations to demand and make certain that they are not producing chemical weapons.

The treaty is unverifiable, people say. Well, no treaty is perfectly verifiable. We should not be making the perfect the enemy of the good. We will be able to adequately verify this treaty.

The military use of chemical weapons requires significant testing and equipping or training of forces that will be difficult to hide in the face of the kind of investigation that will occur if this treaty is approved.

I will intend to proceed further with the myths that we will hear on the floor of the Senate about the Chemical Weapons Convention, but let me do that at another time, because I intend to come to the floor on a number of additional occasions and talk about this subject. But other Senators are joining me on the floor to speak about this. Senator LEVIN from the State of Michigan is here. He has been one of the most eloquent spokesman on this issue in the U.S. Senate and feels passionately about it. I am pleased he has joined me. Senator BINGAMAN is also coming to the floor, as are a couple of others.

I yield such time as he may consume to the Senator from Michigan, Senator LEVIN.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Michigan.

Mr. LEVIN. I thank the Chair, and I thank my good friend from North Da-

kota. His eloquent voice is indeed critical to the ratification of this convention.

It is long overdue, Mr. President, that the Senate take up the Chemical Weapons Convention and that we promptly provide our advice and our consent to its ratification so that the United States can join the convention as an original party.

I will focus just for a few moments this morning on the military issues and the military implications as they relate to the Chemical Weapons Convention from my perspective as the ranking member on the Armed Services Committee.

Under the 1985 treaty which was signed by President Reagan, we are already unilaterally destroying our stockpile of unitary chemical weapons. We are doing this without a treaty, without being required to do so, because of our own decision as to their limited military usefulness. This process is scheduled to be completed by the year 2004. This is a point which Secretary Cohen makes very, very effectively.

This is not an issue of saying we will give up our chemical weapons if the other guys do the same thing. We are already unilaterally destroying our chemical weapons. The question now is whether we will join a convention where other countries are going to do what we are already doing unilaterally. So the destruction of our chemical weapons will take place whether or not the Senate ratifies this convention. It will require other nations to do what we are already doing and will reduce the risk of chemical attacks against our troops and our country in the process.

This convention will enter into force on April 29, with or without the United States being a party. So the question before the Senate is not whether the Chemical Weapons Convention is a perfect treaty. It is whether or not we want the United States to have a role in overseeing and implementing this convention so that it greatly enhances our security. Our military and our civilian defense leadership give a resounding yes to the question of whether or not the United States should ratify this convention.

First, here is the testimony of General Shalikashvili, the Chairman of our Joint Chiefs of Staff, before the Foreign Relations Committee, last March 28, 1996. This is what General Shalikashvili said:

From a military perspective, the Chemical Weapons Convention is clearly in our national interest. The Convention's advantages outweigh its shortcomings. The United States and all other CW capable state parties incur the same obligation to destroy their chemical weapon stockpile. While less than perfect, the verification regime allows for intrusive inspections while protecting national security concerns. The nonproliferation aspects of the convention will retard the spread of chemical weapons and, in so doing, reduce the probability that U.S. forces may encounter chemical weapons in a regional

conflict. Finally, while foregoing the ability to retaliate in kind, the U.S. military retains the wherewithal to deter and defend against a chemical weapons attack. I strongly support this convention and respectfully request your consent to ratification.

General Shalikashvili told this to the Foreign Relations Committee a year ago.

Then he said in another point in his testimony to the Armed Services Committee last month that all of the chiefs of staff and the commanders in chief of our combatant commanders support the Chemical Weapons Convention. He told the Senate Armed Services Committee, "I fully support early ratification of the Chemical Weapons Convention and in that respect I reflect the views of the Joint Chiefs and the combatant commanders."

Now, this is really quite an important point, I believe, for the U.S. Senate. We have the Chairman of our Joint Chiefs, we have all of the Chiefs, all of our combatant commanders urging us to ratify the Chemical Weapons Convention because our troops will be safer with the convention in effect than if it is not in effect. That ought to count heavily with the U.S. Senate. It is not always true that you have that kind of a unified position on the part of our uniformed military. It is not always true that the Chairman of the Joint Chiefs can say that all of the Chiefs, all of the combatant commanders, agree that a certain course of action ought to be taken in the U.S. Senate. But it is true in this case.

As I mentioned, Secretary Cohen, when he was still the Secretary-designate for his current position, testified as follows, before the Armed Services Committee, when asked whether or not he supports the ratification of the convention prior to the April 29 deadline, and this, basically, is his answer:

Yes. The CWC, as both a disarmament and a nonproliferation treaty, is very much in our national security interest because it:

No. 1, establishes an international mandate for the destruction of chemical weapons stockpiles;

No. 2, prohibits the development, retention, storage, preparations for use, and use of chemical weapons;

No. 3, increases the probability of detecting militarily significant violations of the CWC; and

No. 4, hinders the development of clandestine CW stockpiles.

Mr. President, I ask unanimous consent that the detailed explanation of Secretary Cohen for each of those conclusions be printed in the RECORD.

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

Establishes an international mandate for the destruction of chemical weapons (CW) stockpiles. Congress has mandated that the Army, as executive agent for CW destruction, eliminate its unitary CW, which constitute the bulk of its CW stockpile, by 31 December 2004. That destruction process is well under way at the CW destruction facilities at Johnston Atoll and Tooele, UT. The CWC mandates that state parties destroy, under a strict verification regime, their entire CW stockpiles within 10 years after the

Convention enters into force (April 2007). Given that the U.S. does not need CW for its security, and given that we are currently legally committed to eliminating unilaterally the vast majority of our CW stockpile, common sense suggests that it would be preferable to secure a commitment from other nations to do the same.

Prohibits the development, retention, storage, preparations for use, and use of CW. These expansive prohibitions establish a broadly accepted international norm that will form a basis for international action against those states parties that violate the CWC. Unlike the 1925 Geneva Protocol, which only bans the use of CW in war, the CWC includes a verification regime; restricts the export of certain dual-use CW precursor chemicals to non-state parties; prohibits assisting other states, organizations, or personnel in acquiring CW; and requires state parties to implement legislation prohibiting its citizens and organizations from engaging in activities prohibited by the Convention. The CWC also contains mechanisms for recommending multilateral sanctions, including recourse to the UN Security Council.

Increases the probability of detecting militarily significant violations of the CWC. While no treaty is 100% verifiable, the CWC contains complementary and overlapping declaration and inspection requirements. These requirements increase the probability of detecting militarily significant violations of the Convention. While detecting illicit production of small quantities of CW will be extremely difficult, it is easier to detect large scale production, filling and stockpiling of chemical weapons. Over time, through declaration, routine inspections, fact-finding, consultation, and challenge inspection mechanisms, the CWC's verification regime should prove effective in providing information on significant CW programs that would not otherwise be available.

Hinders the development of clandestine CW stockpiles. Through systematic on-site verification, routine declarations and trade restrictions, the Convention makes it more difficult for would-be proliferators to acquire, from CWC state parties precursor chemicals required for developing chemical weapons. The mutually supportive trade restrictions and verification provisions of the Convention increase the transparency of CW-relevant activities. These provisions will provide the U.S. with otherwise unavailable information that will facilitate U.S. detection and monitoring of illicit CW activities.

Mr. LEVIN. Secretary Cohen concluded by saying the following:

I strongly support the Chemical Weapons Convention and the goal of U.S. ratification of the convention by April 29, 1997 . . . U.S. ratification of the Convention prior to this date will ensure that the U.S. receives one of the 41 seats on the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW), the international organization that will oversee CWC implementation. Early ratification will also ensure that U.S. citizens will fill key positions within the OPCW and act as inspectors for the Organization. Direct U.S. involvement and leadership will ensure the efficacy and efficiency of the OPCW during the critical early stages of the Convention's implementation. The U.S., upon ratification and implementation of the CWC, will also receive CW-related information from other state parties. As a state party and a member of the Executive Council, the U.S. will be in the best position to assure the effective implementation of the Convention's verification provisions.

Now, that is our former colleague, Bill Cohen. It is an exceptionally clear and cogent statement of why the CWC

is in our international interest. Defense Secretary Perry before him, said the following before the Senate Foreign Relations Committee, on March 28, 1996:

In conclusion, the Department of Defense considers the Chemical Weapons Convention a well-balanced treaty that, in conjunction with our other efforts against CW proliferation, a robust chemical protection program and maintenance of a range of nonchemical response capabilities, will serve the best interests of the United States and the world community. The Department of Defense strongly supports the Convention. I respectfully request that the Senate give its advice and consent to ratification this spring.

Mr. President, our military, today, enjoys a high level of protection against chemical weapons. The treaty specifically permits that level of protection and any additional level of protection to continue. We spend about \$500 million a year on chemical and biological defenses. The Senate should help assure that our forces maintain an effective capability to defend themselves. We plan on doing just that in the budget that we will be submitting to the Senate.

But by not ratifying the Chemical Weapons Convention, we would be giving other nations an excuse for delaying or rejecting ratification, while taking the pressure off of pariah states to join the treaty.

General Schwarzkopf, retired now, recently testified as follows:

I am very, very much in favor of the ratification of that treaty. We don't need chemical weapons to fight our future warfares. And, frankly, by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I'd just as soon not be associated with those thugs in this particular matter. So I am very, very much in favor of ratification of that particular treaty.

Admiral Zumwalt, now retired, said the following relative to this treaty. He was the Chief of Naval operations in the early 1970's. He said:

If we refuse to ratify, some governments will use our refusal as an excuse to keep their chemical weapons. Worldwide availability of chemical weapons will be higher, and we will know less about other countries' chemical activities. The diplomatic credibility of our threat of retaliation against anyone who uses chemical weapons on our troops will be undermined by our lack of "clean hands."

Admiral Zumwalt, who, in this article I am quoting from in the Washington Post of January 6, 1997, pointed out that he is not a dove. As a matter of fact, he said he helped lead the opposition to the SALT II treaty because he was convinced that it would give the Soviet Union a strategic advantage. This is someone who has a history of being skeptical in terms of arms control agreements. Admiral Zumwalt in the Washington Post that day added the following:

At the bottom line, our failure to ratify will substantially increase the risk of a chemical attack against American service personnel.

I ask unanimous consent that Admiral Zumwalt's entire article in the

Washington Post of January 6, 1997, be printed in the RECORD at this time.

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

[From the Washington Post, Jan. 6, 1997]

A NEEDLESS RISK FOR U.S. TROOPS

(By E.R. Zumwalt Jr.)

It has been more than 80 years since poison gas was first used in modern warfare—in April 1915 during the first year of World War I. It is long past time to do something about such weapons.

I am not a dove. As a young naval officer in 1945, I supported the use of nuclear weapons against Japan. As chief of naval operations two decades ago, I pressed for substantially higher military spending than the nation's political leadership was willing to grant. After retiring from the Navy, I helped lead the opposition to the SALT II treaty because I was convinced it would give the Soviet Union strategic advantage.

Now the Senate is considering whether to approve the Chemical Weapons Convention. This is a worldwide treaty, negotiated by the Reagan administration and signed by the Bush administration. It bans the development, production, possession, transfer and use of chemical weapons. Senate opposition to ratification is led by some with whom I often agree. But in this case, I believe they do a grave disservice to America's men and women in uniform.

To a Third World leader indifferent to the health of his own troops and seeking to cause large-scale pain and death for its own sake, chemical weapons have a certain attraction. They don't require the advanced technology needed to build nuclear weapons. Nor do they require the educated populace needed to create a modern conventional military. But they cannot give an inferior force a war-winning capability. In the Persian Gulf war, the threat of our uncompromising retaliation with convention weapons deterred Saddam Hussein from using his chemical arsenal against us.

Next time, our adversary may be more berserk than Saddam, and deterrence may fail. If that happens, our retaliation will be decisive, devastating—and no help to the young American men and women coming home dead or bearing grievous chemical injuries. What will help is a treaty removing huge quantities of chemical weapons that could otherwise be used against us.

Militarily, this treaty will make us stronger. During the Bush administration, our nation's military and political leadership decided to retire our chemical weapons. This wise move was not made because of treaties. Rather, it was based on the fact that chemical weapons are not useful for us.

Politically and diplomatically, the barriers against their use by a First World country are massive. Militarily, they are risky and unpredictable to use, difficult and dangerous to store. They serve no purpose that can't be met by our overwhelming convention at forces.

So the United States has no deployed chemical weapons today and will have none in the future. But the same is not true of our potential adversaries. More than a score of nations now seek or possess chemical weapons. Some are rogue states which we may some day clash.

This treaty is entirely about eliminating other people's weapons—weapons that may some day be used against Americans. For the American military, U.S. ratification of the Chemical Weapons Convention is high gain and low or no pain. In that light, I find it astonishing that any American opposes ratification.

Opponents argue that the treaty isn't perfect: Verification isn't absolute, forms must be filled out, not every nation will join at first and so forth. This is unconvincing. Nothing in the real world is perfect. If the U.S. Navy had refused to buy any weapon unless it worked perfectly every time, we would have bought nothing and now would be diarmed. The question is not how this treaty compares with perfection. The question is now U.S. ratification compares with its absence.

If we refuse to ratify, some governments will use our refusal as an excuse to keep their chemical weapons. Worldwide availability of chemical weapons will be higher, and we will know less about other countries' chemical activities. The diplomatic credibility of our threat of retaliation against anyone who uses chemical weapons on our troops will be undermined by our lack of "clean hands." At the bottom line, our failure to ratify will substantially increase the risk of a chemical attack against American service personnel.

If such an attack occurs, the news reports of its victims in our military hospitals will of course produce rapid ratification of the treaty and rapid replacement of senators who enabled the horror by opposing ratification. But for the victims, it will be too late.

Every man and woman who puts on a U.S. military uniform faces possible injury or death in the national interest. They don't complain; risk is part of their job description. But it is also part of the job description of every U.S. senator to see that this risk not be increased unnecessarily.

Mr. LEVIN. Finally, Mr. President, I ask unanimous consent that a letter written by a very distinguished group of retired four-star generals and admirals who support the Chemical Weapons Convention be printed in the RECORD at this time.

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

APRIL 3, 1997.

Hon. WILLIAM J. CLINTON,
*The White House, 1600 Pennsylvania Avenue,
N.W., Washington, DC.*

DEAR MR. PRESIDENT: As former members of the United States Armed Forces, we write to express our strong support for Senate ratification of the Chemical Weapons Convention (CWC). This landmark treaty serves the national security interests of the United States.

Each of us can point to decades of military experience in command positions. We have all trained and commanded troops to prepare for the wartime use of chemical weapons and for defenses against them. We all recognize the limited military utility of these weapons, and supported President Bush's decision to renounce the use of an offensive chemical weapons capability and to unilaterally destroy U.S. stockpiles. The CWC simply mandates that other countries follow our lead. This is the primary contribution of the CWC: to destroy militarily-significant stockpiles of chemical weapons around the globe.

We recognize that the proliferation of weapons of mass destruction, including chemical agents, presents a major national security threat to the U.S. The CWC cannot eliminate this threat, as terrorists and rogue states may still be able to evade the treaty's strict controls. However, the treaty does destroy existing stockpiles and improves our abilities to gather intelligence on emerging threats. These new intelligence tools deserve the Senate's support.

On its own, the CWC cannot guarantee complete security against chemical weapons. We must continue to support robust defense

capabilities, and remain willing to respond—through the CWC or by unilateral action—to violators of the Convention. Our focus is not on the treaty's limitations, but instead on its many strengths. The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities; and it creates new international sanctions to punish those states who remain outside of the treaty. For these reasons, we strongly support the CWC.

Stanley R. Arthur, Admiral, USN (Ret); Michael Dugan, General, USAF (Ret); Charles A. Horner, General, USAF (Ret); David Jones, General, USAF (Ret); Wesley L. McDonald, Admiral, USN (Ret); Merrill A. McPeak, General, USAF (Ret); Carl E. Mundy, Jr., General, USMC (Ret); William A. Owens, Admiral, USN (Ret); Colin L. Powell, General, USA (Ret); Robert R. Cassi, General, USA (Ret); H. Norman Schwartzkopf, General, USA (Ret); Gordon R. Sullivan, General, USA (Ret); Richard H. Truly, Vice Admiral, USN (Ret); Stansfield Turner, Admiral, USN (Ret); John W. Vessey, General, USA (Ret); Fred F. Woerner, General, USA (Ret); Admiral E.R. Zumwalt, Jr., Admiral, USN (Ret).

Mr. LEVIN. Mr. President, one paragraph from that letter says the following:

On its own, the CWC cannot guarantee complete security against chemical weapons. We must continue to support robust defense capabilities, and remain willing to respond—through the CWC or by unilateral action—to violators of the Convention. Our focus is not on the treaty's limitations, but instead on its many strengths. The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities, and it creates new international sanctions to punish those states who remain outside of the treaty. For these reasons, we strongly support the CWC.

Former Secretary of State, Jim Baker, spoke out very strongly in support of the CWC the other day and said:

If we fail to ratify the convention, we will imperil our leadership in the entire area of nonproliferation, perhaps the most vital security issue of the post-cold war era.

Mr. President, before we have a chance to vote on the CWC, we will be voting on a bill introduced by Senator KYL, S. 495. It is a 70-page bill that effects our efforts relative to chemical and biological weapons. The contrast between the lack of analysis of that bill, the contrast between the absence of hearings on that bill and the thoroughness with which the Chemical Weapons Convention has been analyzed, is enormous. We have had about 18 hearings on the Chemical Weapons Convention. We have had dozens of briefings for Senators and our staffs. We have had 1,500 pages of information on the CWC, which has been provided to the Senate by the administration: 300 pages of testimony; 500 pages of answers to letters and reports; 400 pages of answers to questions for the record; 300 pages of other documentation. That is what we have had in the 3½ years that the Chemical Weapons Convention has been before us. The bill introduced by Senator KYL has been in front of us for a few weeks.

So we have had the convention before us for 3½ years, with 18 hearings, hun-

dreds of pages of documents, answers, et cetera, a thorough and complete and exhaustive analysis of this convention. It is long, long overdue that it come before the Senate. Hopefully, we are going to ratify it and not be deterred from ratification in any way by a bill recently introduced, just a few weeks ago, with 70 pages of complicated text relative to the same subject, but which doesn't affect anybody else's weapons, only our own.

Mr. President, I want, again, to thank the Senator from North Dakota for his leadership in this area. It is important to this Nation's position and posture in the world as a leader that a convention that was designed by us, negotiated by Presidents Reagan and Bush, supported by them, a bipartisan convention, be finally brought before the Senate for debate and ratification.

I thank the Chair and my friend from North Dakota for yielding me some time.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. How much time remains?

The PRESIDING OFFICER. There are 25 minutes remaining.

Mr. BINGAMAN. I thank the Chair.

Mr. President, let me, first of all, compliment my colleague from Michigan on his excellent statement. I agree with each of his points. It is past time for the Senate to bring this issue to the floor for debate, to debate it seriously, to make whatever modifications or changes or conditions the Senate believes is appropriate, if any, and to get on with ratifying the Chemical Weapons Convention.

Mr. President, one of the challenges in discussing the Chemical Weapons Convention is to figure out how to bring this home to the average American that this is an issue and a concern that is important to them. Many people say, well, this is long term, this is international, this doesn't relate to me right here in River City, or Santa Fe, NM, or Silver City, NM, or wherever their hometown happens to be. But, in fact, the convention intends to reduce the likelihood that any of our troops or any American civilians in the future will be injured or killed as a result of chemical weapons.

The history of the use of chemical weapons is better known by others than by me. My understanding is that the first time there was significant use of chemical weapons was in the First World War. There have been instances since then. We have heard much in the news recently, for example, about the injuries that some of our personnel in the gulf war encountered by virtue of the accidental destruction of Iraqi chemical weapons by some of our own military actions.

So the issue is real, and the question is, what can we do as a nation? What can we do as a Senate to lessen the risk that chemical weapons will, in fact, injure Americans in the future? I think

ratifying this treaty at this time is clearly the most important thing we can do.

I hope very much that we go ahead and enter into a unanimous-consent agreement today and begin formal debate of the treaty. We are not in formal debate as of yet because we have been unable to get agreement among all Senators to bring the treaty to the floor. We need to get that agreement and bring it to the floor, and we need to go ahead with the debate. The reason that it is time-sensitive, Mr. President, is that the treaty goes into effect on the 29th of this month. Now, some say it doesn't matter whether we are part of it at the time it goes into effect or whether we are not part of it. They say we can come along later. The problem is that international agreements have been made for the treaty to go into effect. American experts have been working with experts from other countries in putting together protocols and plans for implementing this treaty and the inspections that would be made under the treaty. All of that has been ongoing. If we are not part of the initial group of ratifying nations—it's a very large group; I think 161 nations have signed this treaty. If we are not part of that group when the treaty goes into effect, then the experts from our country that have been involved in establishing protocols and plans for inspection will be excluded from management and inspection teams and others will be put in their place. Perhaps at a later date we could join, but, clearly, it is not in our interest to have an international treaty of this importance begin without us being a part of it.

I also point out an obvious point, which I am sure has been made many times in this debate. The sanctions called for in this treaty against countries that are not party to the treaty will be imposed on our own chemical companies. Many of the objections that have been raised about the treaty are, in fact, in my view, groundless for the simple reason that our own chemical manufacturers in this country have come out in strong support of the treaty. They want to be part of this. They understand the inspections that will be taking place. They readily subject themselves to those inspections, and they do not want sanctions imposed upon them that keep them from selling chemicals that can be used for chemical weapons, but can also have commercial uses at the same time. They would like to continue to be major participants in the world market in chemicals. They estimate that the loss to our chemical manufacturers could be around \$600 million per year if we don't ratify the treaty and if sanctions are imposed on us because we are outside the treaty.

Mr. President, there are various objections that have been raised. In my opinion, I have never seen a treaty where there has been more effort to accommodate very groundless objections. We have some objections which are not

groundless—I will acknowledge that—and concerns that are valid and need to be considered and addressed. We are doing that. But many of the objections that have been raised, in my opinion, are really grasping at straws by people who are trying to find some basis upon which to oppose this treaty.

The context in which this needs to be considered—this, again, has been said many times here, and I have said it myself—is that we passed a law while President Reagan was in the White House that renounced the use of chemical weapons by this country and which put us on a path to destroy our own chemical weapons capability. President Reagan signed that law. That has been the policy of our Government through the Reagan administration, through the Bush administration, through the Clinton administration, and now into the second Clinton administration.

We have unilaterally made the decision that we do not need chemical weapons in order to look out for national security concerns. We have many other ways to deal with countries that would use chemical weapons.

By signing this agreement, by going ahead and ratifying the Chemical Weapons Convention, we are not giving up any of the other arrows in our quiver, so to speak. We have the ability to retaliate against the use of chemical weapons in any way we determine to retaliate, whether we are a signatory or not. So we do not lose anything by ratifying it and becoming part of this convention. We gain, however, a substantial amount. For that reason, I think the treaty should go forward.

Since we have unilaterally decided not to have chemical weapons, not to produce chemical weapons, not to maintain a stockpile of chemical weapons, and not to use chemical weapons in the future, how can it not be in our interest to try to ensure that other countries make that same decision? How can it not be in our interest to join with international inspection groups to investigate and ascertain that the countries that are signatories to this treaty do not in fact violate the convention?

As I indicated before, our manufacturers agree. If you want to inspect us, come on in. We are glad to have you come in and inspect our plants. We are not going to have chemical weapons, we are not going to stockpile chemical weapons, and, therefore, come on in and investigate us.

If we ratify this treaty, we can be part of the inspection teams that go to other countries to make the same determination. Some people say, "Well, the problem with it is that not all nations are going to sign onto the treaty." That is true. Not all nations are. That is very, very true. To deal with that circumstance, the treaty calls for sanctions against those countries that don't ratify the treaty. We cannot enforce the treaty against countries that don't ratify the treaty, but we can impose sanctions upon their ability to

purchase or to sell chemicals that have dual use—that can be used in chemical weapons as well as in commercial purposes. That is a significant tool that this convention will give us.

I do not know of another circumstance—at least in the time I have been here in the Senate—where we have made the unilateral decision to take action that a treaty calls for us to take. For us to now say, "OK, we have already decided to take the actions that the treaty calls for us to take, but we do not know whether we want to go ahead and ratify the treaty so that others also will take those same actions" is nonsensical to me. We need to recognize that in the large scheme of things, this country needs to provide leadership in the world. That leadership includes ratifying this treaty and going forward with putting the protocols for its enforcement in place and participating in the inspection teams required for its implementation. That is exactly what is required. There have been endless negotiations within the Foreign Relations Committee in an effort to accommodate concerns that have been raised. I was not party to those negotiations. I have seen the results of them. Quite frankly, I am amazed at the extent of the conditions that we have agreed should be adopted to allay concerns of different Members. I think that is fine. I have no problem with any of the conditions. I also support whatever is acceptable to the administration, which has primary authority in this area and primary responsibility to enforce the treaty. If they believe these conditions are acceptable, then fine, they are acceptable to me as well. But we do need to get on with ratifying the treaty. We need to get on with providing the additional confidence we can to the American public and to assure them that their security concerns are being dealt with responsibly.

I believe very strongly that this treaty is in the best interest of our country and the best interest of the people of my State. I think it would be a travesty for us to fail to ratify it, and particularly it would be a travesty if we failed to even bring it before the Senate for a vote. That has not happened. I understand the majority leader has worked very diligently to bring that about, and I believe he is on the verge of doing so. I commend him for that. But the reality of the situation is very straightforward—this treaty needs to be ratified. It needs to be ratified soon. The clock is ticking. Our leadership position in the world is at stake, and the security of future generations is also at stake.

I see that we have both Senators from Massachusetts ready to speak. I do not want to delay them. I ask if either of them wishes to speak on the treaty at this point.

How much time remains on the treaty?

The PRESIDING OFFICER. There remain 11 minutes 50 seconds.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak for 15 minutes in morning business.

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

Mr. KERRY. Mr. President, we have had a long history in the world of attempts to rid the planet of the scourge of chemical weapons. That effort began after World War I, as a result of the searing experiences of troops in Europe during that war near the beginning of this century when chemical weapons were used for the first time in a general way in warfare. Those efforts in the early part of the century resulted, in 1925, in the negotiation in Geneva of an accord that bans the use of chemical weapons.

Since that time, the world's more powerful nations have not used them in war, including World War II. There are a couple of rogue states that have used them. Iraq's use against the Kurds and in its war with Iran is the instance most often cited. But despite the progress in seeking to eliminate the use of chemical weapons, the fact is that efforts to ban the manufacture and storage of poisonous gas has hit one brick wall after another over the years.

In the past 25 years a substantial effort has been made to achieve an international agreement to ban manufacture and storage of chemical weapons. The Nixon and Ford administrations—both of whom, of course, were Republicans—worked toward this objective, albeit without success. The administration of Republican President Ronald Reagan reinvigorated international efforts to achieve such an agreement during the early 1980's. When Vice President Bush was elected President, his administration assumed the responsibility for continuing those negotiations that were handed off by the predecessor administration in which he had served as Vice President, and I believe most people ultimately will judge that President Bush and his administration's negotiators acquitted themselves well in this regard.

After intense and lengthy negotiations, initial success was achieved in 1992 when the Chemical Weapons Convention was completed in Geneva and was approved by the United Nations. In early 1993, shortly before leaving office, the Bush administration, representing the United States, joined with 129 other nations to sign the convention, and the process of ratification of the treaty began. On November 23 of that year, the Clinton administration submitted the convention formally to the Senate for its advice and consent.

So here we are now, 4 years from the time when the convention became available for ratification, finally about to exercise our constitutional responsibility in the Senate.

I wish that we had acted sooner. But it is my understanding that we now are

going to act—that the majority leader has made a commitment to bring up the resolution of ratification on the Senate floor next week so that we can act prior to the critical day of April 29.

Let me digress to address the subject of the importance of April 29 to this treaty. April 29, less than 2 weeks from today, is the day on which the convention takes effect. Some Members and others have suggested in hearings and elsewhere that this is not a critical date; that we somehow have an extraordinary power to unilaterally dictate the United States can impose changes in the convention beyond that date. The fact is that April 29 is the date on which all the nations that have ratified the convention expect the convention to take effect, per its terms to which all signatory nations including the United States agreed. They believe they have a right to expect that others will have lived by the same rules by which they have lived.

There is a certain contradiction in suggesting that you are going to take the leadership in drafting and seeking support for a treaty which is designed to become international law, and which establishes a set of rules that you and others propose to follow, and before it even takes effect you unilaterally decide you are going to break the first rule it contains which is the date by which you must agree to be a full supporter and participant in order to have a part in setting up on the ongoing procedures and regulations that will apply its terms to all participants. I think those who suggest the United States can simply ignore this deadline—while still seeking international support for some treaty to address the chemical weapons concern, a treaty they believe should be altered in various ways from the treaty that is now before the Senate—are evidencing a kind of arrogance on behalf of our country that often gets us in trouble with our allies and friends and with nations we would like to have as allies and friends.

Even more troubling, Mr. President, is the fact that there are some in the Senate, some Members of the Republican Party, who seem to have a deep-seated aversion to any kind of arms control treaty. As we draw close to the point where the Senate will exercise its constitutional role of advise and consent, we are seeing a desperate effort launched to grab onto any kind of straw to suggest that this treaty is not good for the United States of America. We are seeing a host of problems conjured up, and I do mean literally conjured up, to prevent the assembly of a two-thirds majority of the Senate to approve the resolution of ratification.

I only have a brief amount of time in the Chamber today, but I want to address some of the principal arguments that are being advanced as a rationale for suggesting that this treaty is not in the best interests of the United States. I have spoken previously at some length in this Chamber about the convention, and I will speak again as we

formally take up the debate, but today I want to address briefly several of the claims made by opponents.

First, opponents say that the convention could jeopardize confidential business information through frivolous so-called challenge inspections that the critics claim would provide international inspectors with extraordinary access to files, data, and equipment of U.S. chemical companies, and that the inspectors themselves could be spies for adversary nations or for nations whose chemical industries compete with our own. These critics, in effect, are anointing themselves the great protectors of the U.S. chemical industry from an espionage threat they perceive.

Mr. President, I do not believe there is a person in this Chamber that does not want to take all needed steps to thwart espionage, but let me note the facts. The Chemical Manufacturers Association strongly supports the Chemical Weapons Convention. Its representatives helped write the rules contained in the convention pertaining to treatment of confidential business information. Not surprisingly, protecting trade secrets was at the very top of their priority list during the treaty negotiations.

Further, the CMA conducted seven full-fledged trial inspections of chemical facilities just as would be conducted under the treaty's terms, to make certain that the protections against industrial espionage were strong. The Chemical Manufacturers Association is satisfied that those protections are sufficient to safeguard U.S. trade secrets. Furthermore, the treaty gives our Government the right to reject ahead of time for any reason whatsoever any inspectors that we believe would try to spy at U.S. facilities.

Second, Mr. President, opponents say that the convention inspection requirements may involve unreasonable search and seizure which would violate the fourth amendment to the Constitution.

Again, they are wrong. The facts are that at the insistence of our own negotiators who were fully cognizant of issues of search and seizure, the Chemical Weapons Convention explicitly allows party nations to take into account their own constitutional obligations when providing access for a challenge inspection. Constitutional rights in the United States have not been weakened or relinquished. Both the CWC and its draft implementing legislation fully protect U.S. citizens, including businesses, from unreasonable search and seizure. In addition, the treaty allows sensitive equipment information or areas of an inspected facility not related to chemical production or storage that are the subjects of the inspection to be protected during any challenge inspection by adhering to approved managed access techniques.

Further, treaty proponents are prepared to accept, and Senator BIDEN has

negotiated with Senator HELMS, a condition of ratification which will provide that search warrants will be obtained through the normal process for all challenge inspections.

A third issue: Opponents say that adherence to the convention's provisions by party nations cannot be perfectly verified. What is occurring here is that the opponents are trying to make the perfect the enemy of the good. I can say that, in the 12 years I have been in the Senate as a member of the Foreign Relations Committee and deeply involved in work on a number of arms control agreements, I do not think I have ever seen an arms control agreement that is absolutely, perfectly, 100 percent verifiable. I do not think anybody who negotiates arms control agreements believes such perfection is attainable.

Perfection is not the standard by which we should make a judgment as to whether we have a good or bad treaty. Both our national defense leadership and intelligence community leadership have testified repeatedly that this treaty will provide them with additional tools that they do not have today which will help them gain more and better knowledge about what is happening in the world regarding chemical weapons and their precursors.

So the test is not can you perfectly verify compliance with the Convention's requirements; the test is do you enhance the security and intelligence interests of your country beyond where they would be without the treaty. Our defense and intelligence community leaders answer a resounding yes to that question.

Fourth, opponents say that the nations about whose chemical activities we are most greatly concerned, the rogue nations like Iraq and Libya and North Korea, will not become parties to the treaty and, if they are not parties to the treaty, it will not give us enough protection from chemical weapons to warrant our being a party to it.

This is a red herring of enormous proportions for the following reasons. As I stand in the Chamber today and the Presiding Officer sits on the dais, there is absolutely nothing to prevent those rogue nations from doing exactly what people say they fear. There is not even an international regime in place that makes manufacture and storage of chemical weapons illegal, or that provides a way to track the movement of such chemicals and their precursors so that there is a greater likelihood the world will know when rogues are engaging in conduct we believe should not occur, or that gives the world a way in which to hold such nations accountable.

I pose a simple question: Is the United States in a stronger position if it is a party to an international treaty in force, to which most nations of the world are trying to adhere, when a nation not a party to the treaty is seen to be engaging in behavior violating the treaty's terms, or is the United States

better off with every nation just going about its own business without any protocol at all, without any international standard, without any means to obtain accountability when a nation violates a standard of behavior to which the great majority of the world's nations have formally decreed they believe all nations should adhere.

I think most people would say that if the United States ratifies this Convention, our circumstance relative to rogue nations is in no way worse than it is now. We give up nothing, but we gain important advantages. What are they?

First, under present circumstances, the manufacture and storage of chemical weapons is not illegal under international law or custom. The Convention will provide that law and custom. It will then be possible to focus international opprobrium on nations violating its standards, be they participant or nonparticipant nations.

Moreover, with 72 nations already having ratified, and others certain to follow, especially if the United States ratifies before April 29, there will be a quantum leap forward in the capacity to track the manufacture and sale of chemicals that can be used as weapons, or precursor chemicals, and this enhanced capacity will help us determine what nations might be acting in a way that ultimately could do injury to our country.

It is important for everyone to remember that this treaty will greatly assist our efforts to impede the production and storage of chemical weapons. Therefore, it will make it less likely that our troops or our civilians will ever be put in harm's way by being subjected to an attack by chemical weapons.

I might remind my colleagues that, no matter what we do with respect to this treaty, we are not going to be manufacturing chemical weapons in the United States. That is the track we are on under our current law. The logic seems unassailable to me that the United States will be a lot better off if we bring the family of nations into a regimen which helps us guard against trafficking in those chemicals and which requires party nations to dispose of their own stocks of chemical weapons and not manufacture others.

Fifth, opponents say that participating in the chemical weapons treaty will make the United States less vigilant about the risks of chemical attacks by organized armies or by terrorists and about the need to maintain defenses against those threats. Well, shame on us if that were to be true. I do not think anybody who is supportive of this treaty wants—and I know I do not want—to let down our guard with respect to the possibility of another nation, rogue or otherwise, creating a chemical weapon and using it against us. I absolutely believe it is vital that we have a robust defense which will protect us in the event that someone were to try to break out and do that.

But I think this is a tactic of desperation, because if you follow the logic of this criticism to its conclusion, we ought to make certain that our adversaries have chemical weapons to be sure we have sufficient incentive to defend against them, if that is what it takes in order to build our defenses.

I emphasize two points here. First, there is nothing whatsoever that any arms control agreement does that necessarily lessens our resolve to defend against the threat that the agreement is intended to reduce. And, second, neither the Clinton administration nor this Congress is going to play ostrich on this issue. The Clinton administration's budget calls for \$225 million in increases in the Defense Department's funding for chemical and biological defense over the next 6 years. A \$225 million increase hardly equates to a notion that we are being lulled to sleep or into some kind of complacency. I am willing to bet with any Member of this body that the ratification of the CWC will not result in a reduction of our chemical weapons defense efforts.

Mr. President, in the next few days we will face a debate which I hope will be conducted on the facts. I devoutly hope that we do not waste time debating the question of whether this treaty is a perfect treaty—of course it is not. Instead, I hope we squarely face and debate the question of whether the security of the United States of America and of the entire world is improved by United States ratification of the Chemical Weapons Convention.

I respectfully submit to my colleagues that when they look at the facts, when they measure what the U.S. chemical industry has done to protect itself, when they measure what we are doing to strengthen our defenses against chemical weapons, when they measure what being a party nation to the Convention will provide us in terms of intelligence and information, when they measure what this does in terms of the ability to track chemicals throughout the rest of the world, when they measure the importance to the United States of our being part of this effort before the Convention takes effect on April 29, I believe our colleagues will decide that the answer to the question of whether the Convention improves the security of the United States is an unequivocal yes, and that they will respond by voting to approve the resolution of ratification and against any debilitating amendments that any treaty opponents offer to it.

I yield back any remaining time.

A NATIONAL AGENDA FOR YOUNG CHILDREN

Mr. KENNEDY. Mr. President, tomorrow, the White House is hosting an extraordinary conference on "Early Childhood Development and Learning: What the newest research on the brain tells us about our youngest children." It is the first time a President has focused national attention on this issue.