

The Chemical Weapons Convention not only prohibits development of chemical weapons, it also, importantly, limits access to chemical weapons precursors. I do not know for sure, and I guess no one can determine for certain, if this convention would have prevented the deadly attack in the Tokyo subway. It certainly would have made it less likely. But we do know that almost immediately after the attack in the Tokyo subway, where people were killed and injured for life, Japan ratified the Chemical Weapons Convention.

Terrorism is a real threat to this country. We only need look at what happened at the World Trade Center, Olympic Park, and, of course, Oklahoma City. Chemical weapons provide an avenue for terrorists to further their cause. The Chemical Weapons Convention, while not perfect, will minimize the opportunity for these groups to use chemical weapons. The convention enters into force this month on the 29th day. Refusal to ratify the treaty will not stop the treaty. It will only prevent our country from participating on the governing council of this convention.

The United States is the premier world leader today. That is without dispute. We provide leadership and direction in economic, military and political issues whether we want to or not. Delaying ratification of this treaty is counterproductive to our world leadership role and counterproductive to this Nation's security. Failure to ratify this treaty by the 29th of this month not only aligns us with nations like Iran, Iraq, and North Korea, it also prevents the United States from obtaining a seat on the executive council and the international inspection team. This executive council will decide how the treaty will be implemented. If we are to continue as world leaders in non-proliferation, which we are now, it is vital for us to be a part of the executive council and international inspection team. We not only, in my opinion, have the desire to do that but the expertise to do that.

The Department of Commerce estimated last year that only about 2,500 U.S. firms will be required to submit a data declaration form. Most of these firms will only be required to complete a two-page form. It is important to note that chemical companies support this convention. Leading U.S. chemical trade associations such as the Synthetic Organic Chemical Manufacturers and the Chemical Manufacturers Association participated in the negotiation of this treaty and strongly endorse this treaty.

The chemical industry of the United States uses and produces chemicals from medicinal and industrial applications. The Chemical Weapons Convention does not restrict the use of chemicals for these purposes. The Chemical Weapons Convention is designed to ensure that commercial facilities do not convert sensitive precursor chemicals into weapons agents.

The Chemical Weapons Convention, I suggest, does not end the chemical weapons threat. It is only a tool that we can use to reach that as an objective. That objective is eventual elimination of a very dangerous class of weapons. The convention establishes a global norm by which state behavior can be judged. Some would say it levels the playing field in games of weapons proliferation.

Make no mistake. The Chemical Weapons Convention is not without a flaw. However, for all its imperfections, it is in essence a fine treaty, one that will serve this Nation and this world well and will assist in stabilizing this all too volatile world. This convention is clearly in the best interests of our national security. It will assist in the leadership of our country. It will assist in the worldwide destruction of chemical weapons. Let us not imperil our global leadership position. It is time to ratify this convention.

Mr. President, I also want to extend a personal word of congratulations to the two leaders who enabled us to get to the point where we can have a say in whether or not this treaty will be approved. The Democratic leader, Senator DASCHLE, has worked personally, spending hours, days, and weeks to allow us to get to this position. And I have to say I think this shows the leadership qualities of the Republican leader in allowing us to have this treaty before the Senate. If it did not come before the Senate, I think it would show a lack of leadership. At this stage I hope I am not going to be disappointed. I hope it will come before this body in a fashion that will allow us to fully debate and ratify this convention.

The PRESIDING OFFICER (Mr. AL LARD). The Chair recognizes the Senator from Missouri.

Mr. ASHCROFT. I thank the Chair.

CONFLICTING VALUES

Mr. ASHCROFT. I appreciate the opportunity to spend a few moments speaking about two of America's values. They are values that are embraced by people across our Nation from sea to shining sea, but sometimes those values come into conflict. When they come into conflict, how we resolve that particular conflict will depend on how well we succeed in the next century, how capable we are of carrying on at the high level of performance that America has always expected and that the world has always admired.

I speak about two values, and I do not think there are two values that are more highly or intensely admired in America than these. The first one is the value we place on our families. We understand that more than anything else the family is an institution where important things are learned, not just knowledge imparted but wisdom is obtained and understood in a family which teaches us not just how to do something but teaches us how to live.

A second value which is a strong value in America and reflects our heritage is the value of work. Americans admire and respect work. We are a culture that says if you work well, you should be paid well. If you have merit, you should be rewarded. If you take risks and succeed, that is the engine that drives America forward.

When you have this value of family and the value of work both motivating a society, it is good news for the culture and I think America has a bright future. But sometimes these values collide. When the demands of work somehow get so intense that they impair our ability to do with our families what we ought to do, then we feel tension because we have these two important components of the American character that are bumping into each other.

Most of us as Americans know that we are working hard enough now that there are many times when we simply feel we are not spending the time we ought to with our families. If you will look at the data that has been assembled by the pollsters and everyone else who takes the temperature of the American public regularly, you will find out that most Americans would like to be able to spend more time with their families, and that most Americans are spending far less time with their families than they used to, and that most Americans are spending more time on the job than they used to. The number of hours we are devoting to our enterprises and our work is going up, and we feel a tension with the way in which we value our families. Sometimes we feel like we have been sacrificing our families.

So one of the things that faces us as a culture, as a community, as a country is, how are we going to resolve these tensions? I think that is one of the jobs, that we have to try and make sure we build a framework where people can resolve those tensions and where Government somehow does not have rules or interference that keeps people from resolving those tensions.

For example, there are a lot of times when an individual would say on Friday afternoon to his boss or her boss, "My daughter is getting an award at the high school assembly today. Can I have an extended lunch hour, maybe just 1 hour so that I can see my daughter get the award? I would like to reinforce, I would like to give her an 'atta girl,' I would like to hug her and say, 'You did a great job, this is the way you ought to work and conduct yourself, it is going to mean a lot to yourself and our family and our country if you keep it up.'"

Right now, it is illegal for the boss to say, "I will let you take an hour on Friday and you can make it up on Monday," because it is in a different 40-hour week. You cannot trade 1 hour for 1 hour from one week to the next. That will make one week a 41-hour week and will go into overtime calculation.

Since most bosses do not want to be involved in overtime, it just does not happen.

What we have is a situation where parents are in a bind. They want to deal with their family, they want to deal with them effectively. Lots of employers would like to help the parent do that, but here is the Government standing and saying, "That's illegal."

One of the reasons the Government says that is illegal is because we crafted our labor laws about what can be done and what cannot be done back in the 1930's. A lot of us cannot even remember the 1930's, but they were tough times. We did not have the commitment to flexibility in the 1930's that we have now. We thought the 40-hour week was something that had to be rigid. Only one out of six mothers of school-age children was in the work force in the 1930's—one out of six. That is about 18 percent. Now we have between 70 and 80 percent of the mothers of school-age children in the work force.

As a result, we live in a different culture. We live in an entirely different world, and these individuals, mothers and fathers, are feeling the stress of not being able to have an ability to accommodate the needs of the family and also pursue the value of work, which we valued so highly and reflected in this body last year when we had welfare reform. We said, "You don't get welfare if you are not willing to go to work," and we want to value work. But we want to have a way so when we have work as being a primary focus of this culture, it also allows us the flexibility to do well with our families because we understand that it is in families that people build the habits of success, that will ultimately carry ourself and our communities.

This tension between the workplace and the home place, juxtaposed or set in a framework of laws created in the 1930's that does not allow us flexibility, is a problem. For example, you might be asked to do overtime over and over and over again, and you do overtime, and then you are paid time and a half for your overtime. But at some point, most Americans come to the conclusion, my goodness, no matter how much pay I get, I still need some time, and I would like to take some time off, instead of getting time and a half in pay. I think it might be a good idea to say, if you want time and a half off some week in the future so you can spend time with your kids and make up for lost time, or go on a vacation or go to a parent-teacher conference, you might be able to say to your employer, "Instead of paying me time and a half in wages, you ought to let me take time and a half off sometime." If the employer agreed to it voluntarily—both parties—we ought to let that happen. It is against the law. The law passed in the 1930's, when we were more rigid and had different conditions in this country, says if you work overtime, you must be paid time and a half; you cannot take comp time or compensatory time off.

Some employers even want to go so far as to help their families by saying instead of doing 1 week for 40 hours, we would be willing, if you wanted to and on a voluntary basis, let the worker average 40 hours over a 2-week period regularly, so you would only work 9 days in the 2 weeks, but you would work 45 hours the first week and 35 hours the second week and have every other Friday off so you could take the kids to the dentist or drop by the department of motor vehicles and get the car licensed or visit the governmental offices that are not open on Saturday. It is against the law to do that now.

What I have described are three problems: One, the comp time problem that you can only get comp time in money not in time; two, flextime; sometimes you need to trade 1 hour one week for another hour the next week; and three, to schedule flexibly so you might be on a regular schedule that allowed you to take time off with regularity.

All three of these things are available in the Federal Government and for governmental entities. Since 1978, the Federal Government has said it is OK to swap comp time off instead of overtime pay. The Federal Government said it is OK to have a flextime bank so if you need to take time off you can take some time off if you put some extra hours in the bank. It is also said if you want to have some flexible scheduling so that every other Friday or every other Monday is off, that is something we can work with you on.

It is totally voluntary—voluntary for the worker, it is voluntary for the Federal Government employer or administrator. Neither can force the other because we do not want to force people to work overtime or take comp time, but we want to allow Americans to make choices which will help them resolve the tensions between the home place and the workplace, these two values that are in competition.

I tell you, it has worked so well in the Federal Government that it is almost unbelievable. When the General Accounting Office did one of its surveys, and the only survey really that has been done on the subject, 76 percent of the workers said they liked it. Only 7 percent said they did not like it. That is better than a 10-to-1 ratio. Frankly, you cannot interview people in Washington and get that much agreement on the fact that today is Thursday. That is an overwhelming endorsement, and I think it is high time that we gave to the American public generally what governmental workers have had for almost 20 years now, 19½ years. Since 1978, Federal workers have had this ability to say on a voluntary basis, "I would like to take some time off instead of getting the overtime pay," and the time off would come at time and a half. Or, "I would like to work an extra hour this week so I can take an hour off next week and put it in a flextime bank." Or, if the worker and employer could agree, "I sure would like to schedule it so I work 9

hours a day for 5 days this week and only work 35 hours next week so I can take off all of Friday, every other Friday."

These potentials, which exist for Federal workers, it occurs to me, ought to be able to be available to workers in the private sector as well, were we not to be locked into the hard and fast rules of the 1930's. That was a time when Henry Ford said, "You can have your Ford any color you want so long as it is black." Things were not quite as flexible then as they are now, and families did not need the flexibility then as they do now. With 70 to 80 percent of all mothers of school-age children now working and two parents working in all those settings, and the tension between work and home, I think we ought to have more flexibility at the option of both the employer and the worker, only when it is agreed to.

That is really the subject of the Family Friendly Workplace Act which I proposed this year and I believe we will be working on and actually voting on in the next 30 days. It is a way of saying we need to allow families to work out the conflict that exists between these important values that are crucial and so fundamental to the success of this culture in the next century, not just fundamental to the success of our culture, but fundamental to the success of our own families.

We were aware when we put this bill together that we did not want to allow any employer to be overbearing or coercive, either directly or indirectly, in this respect, so we put in tough penalties. We doubled the penalties that would attend any violation of overtime rules. Not only that, if a worker says, "I think I would like to have time off at time-and-a-half rates instead of being paid time and a half," and then the worker changes his or her mind, of course, before taking the time off, the worker would have the right to cash the time in at any time. The law provides that if at the end of the year the worker has not taken the time off, the employer has to pay time and a half anyhow. It is designed to make sure there is no coercion and voluntary for both workers and employers, but it is designed as well to be flexible.

Some people thought having family and medical leave would be the answer. There is a law that says you can take time off to meet your family's needs, but you have to take it off without pay. I think that really is a tough situation, because the workers are put in a circumstance where, in order to relieve the family tension, he or she has to increase the financial tension. Well, the financial tension is what has driven people into the workplace in the first instance.

I believe we should not have to take a pay cut in order to be a good mom or dad in America. If we would allow for flexible working arrangements, a worker could have a bank of time they have earned in advance that they could use as flextime or they could take some of

the time in your bank that you put in at time and a half for comp time and you could meet your family needs that way without taking a pay cut. Simply, the Family and Medical Leave Act says you can leave without pay. I think we ought to have the Family Friendly Workplace Act which says you do not have to take a pay cut in order to be a good mom or dad in America.

Well, this is the situation. I believe if you ask people, they will tell you they need this. President Clinton commissioned a study by the Labor Department. The report was entitled "Working Women Count," and that report, headed by the Clinton Labor Department, said the No. 1 thing we want is more ability to harmonize, to accommodate the needs of our families and workers. The President himself has recognized this. There was a small portion of Federal Government workers that have not been covered since 1978, and when he took office in the early nineties, he said, "I'll cover them," and he issued an Executive order which extended the benefits to these workers.

I think it is time for America to prepare for the next century, and perhaps it may be a little scary for some people to just loosen their grip a little bit on the 1930's, but we do not live that way anymore. The truth of the matter is, we need flexibility. As long as we have a framework of protections and we guard against abuse and we make it voluntary for both employers and employees, I think it is time we said to the American people generally, you can have the same benefits that the Federal Government employees have had since 1978, you can work to accommodate these competing needs that tug and pull you, the need to have a good work situation and the need to meet the needs of your family.

When we address these issues on the floor of the Senate, I hope we will have an overwhelming vote that sends the American work force into the next century with a sense of optimism and a sense of being able to accommodate these competing values, values of their families and home place and values of industry and the workplace.

Mr. President, I thank you very much.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first let me compliment the Senator from Missouri. I have supported his efforts and continue to do so because of the important contribution that his legislation would make for flexibility for working families in this country. It is an important effort that I hope we can succeed in adopting before too long in the Senate of the United States. Again, I compliment him.

CHEMICAL WEAPONS CONVENTION

Mr. KYL. Mr. President, we are working toward developing a unanimous-consent agreement which I hope

will permit us to vote yet today on an important piece of legislation that complements the efforts of the administration to proceed with the consideration of the Chemical Weapons Convention next week.

For those who support the Chemical Weapons Convention, it is a way of reiterating that support. For those who oppose the Chemical Weapons Convention, it is a way of declaring support for a wide range of very realistic and practical and constructive steps that the United States can take to help reduce the proliferation of weapons of mass destruction and, in particular, chemical and biological weapons here in the United States.

It is my hope that we will be able to call that bill up. It is a bill which I have sponsored with cosponsorships, including I believe all of the Members of the leadership of the Senate Republicans, including the distinguished majority leader, Senator LOTT; Senator NICKLES; Senator MACK; Senator COVERDELL; Senator HELMS; Senator SHELBY; Senator HUTCHISON; Senator ALLARD; Senator HUTCHINSON; Senator INHOFE; Senator SMITH; and myself.

It is a bill which would have, under the unanimous consent agreement being proposed, only 2 hours of debate before the vote. There would be a very limited amount of time to describe it, and, therefore, I would like to briefly describe the legislation at this time.

I think it should be noncontroversial, though the Chemical Weapons Convention itself is very controversial; and reasonable people can fall on either side of that debate. I think the legislation before us today should be supported by all Members of the United States Senate.

The title of the bill—or let me actually read the description of the title of the bill to begin this description:

To provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country . . .

Mr. President, this legislation came about because of the focus on the Chemical Weapons Convention and the determination that there were a lot of things that the United States could and should do whether or not that convention is ratified.

For example, we found that while it is illegal in the United States to possess or manufacture biological weapons, there is no criminal prohibition upon the manufacture or possession of chemical weapons. Therefore, we combine the two sections of the statute which relate to chemical and biological weapons and provide that it is a criminal offense to manufacture them, to use them, to threaten to use them, to possess them. All of these things are criminalized with substantial penalties being provided for them.

We provide for the revocation of export privileges for those companies in

the United States that might violate that law and, incidentally, for the forfeiture of assets to help pay victims of such crime. In effect, say, this was an attack such as in the Tokyo subway about a year ago. We would, under certain circumstances, be able to seize the assets of the criminals responsible for that for the purpose of compensating the victims of that terror.

This legislation provides for sanctions against the use of chemical and biological weapons. Under existing law there are sanctions, but we would provide more flexibility for the President. Under the existing law, the President has a limited range of 10 sanctions that he has to impose in two particular tiers if he makes a finding that there has been a violation of law. These are sanctions against another country.

What we would do is provide the President the flexibility to provide any combination of those sanctions. He is still required to impose five of them, as he is under current law, but this provides him some additional flexibility depending upon the circumstances of how he would impose sanctions against any particular country that has used or possesses or manufactures chemical or biological weapons.

There is also a continuation of the waiver for the President. Although that is strengthened somewhat, he would still be able to waive these provisions in the supreme national interest of the United States.

But importantly, also, this act would call the President to block transactions of any property that is owned by a country found to use chemical or biological weapons. So their property here in the United States should be seized, here again, for paying the victims of such crime.

Another thing this bill does is to call upon the President and the Secretary of State to use their best efforts to maintain the Australia Group in force. That is the group of countries of the world that have agreed among ourselves not to trade in chemicals with countries we do not think should have those chemicals because they might be used to manufacture chemical or biological weapons.

We need to maintain the Australia Group. This provides the sense of the Senate and the policy of the United States to continue that Australia Group in force.

There are currently conditions on assisting Russia in the destruction of and the dismantling of their chemical and biological weapons. They have far and away the largest stocks of chemical and biological weapons in the world. What we have done is to provide assistance to them under what are called Nunn-Lugar funds. This continues the same kind of restrictions that existed in the past with respect to a certification by the President that Russia is in compliance with these requirements.

The four conditions in this legislation closely parallel those in the 1996 Defense Authorization Act in which