Mr. President, I rise

in strong support of Iran Missile Proliferation

Sanctions Act before us

today. At the same time, I am uncomfortable

about the implementing legislation

for the Chemical Weapons Convention

attached to it.

Proliferation of weapons of mass destruction

poses the gravest risk to domestic

and international security in

the post-Cold War era. Based on this

assessment of U.S. security concerns,

it makes sense for the Senate to pass

legislation designed to prevent or, at a

minimum, curb proliferation threats in

every possible instance.

The Iran Missile Proliferation Sanctions

Act will help to attain our nonproliferation

objectives. A very important

national security objective is to

prevent Iran from obtaining and improving

its weapons of mass destruction.

A critical concern is Iranian acquisition

of ballistic missiles, especially

those with a range of 1,300 kilometers

or more. Such capability would

pose an unacceptable threat to U.S.

forces in that area, not to mention our

allies throughout the region.

This Sanctions legislation is a careful

and sound approach to non-proliferation.

The legislation should offer

the Administration additional leverage

in curtailing Russian assistance to

Iran’s missile programs, and I applaud

those objectives.

Ideally, the implementing legislation

for the Chemical Weapons Convention

would have similar objectives—stemming

the threat of proliferation. The

goal of the Chemical Weapons Convention

is to create a sufficient web of deterrence

and detection capabilities so

as to minimize the potential threat

that chemical weapons pose to U.S. and

global security. In order to attain this

objective, the CWC relies on the most

stringent verification regime ever before

codified in an international arms

control instrument.

The verification measures set forth

in the CWC were carefully crafted over

many years to ensure that the attained

transparency in no way impedes private

industry’s ability to protect proprietary

information.

In addition, measures for ‘‘challenge

inspections’’—a verification measure

initially proposed by the Reagan Administration

in negotiations over a

decade ago—allow for inspection at any

time and in any place. Otherwise, the

CWC is rendered incapable of ferreting

out undeclared activities. I remind you

that this was a weakness of the nuclear

nonproliferation regime that Iraq successfully

exploited to hide a covert

weapons program.

The proposed CWC implementation

legislation, attached to H.R. 2709 ‘‘Iran

Missile Proliferation Sanctions Act of

1997,’’ seriously weaken the Chemical

Weapons Convention in such a manner

as to pave the way for rogue nations to

capitalize on U.S. short-sightedness.

There are several aspects of the proposed

legislation that are problematic.

First, however, the following is clear: if

the U.S. Senate ratified an international

ban on poisonous gases, it

makes no sense for the Administration

to have negotiated legislation that renders

the Convention impotent. Secondly,

the U.S. Senate cannot ratify a

treaty and then renege on its own commitment

to provide effective and reasonable

measures for implementation.

Mr. President, this legislation includes

three provisions that are of concern:

(1) First, there is a measure that allows

for the President to refuse a challenge

inspection on the grounds that it

‘‘may pose a threat’’ to U.S. security

interests. Presumably, Hussein did not

want UNSCOM in his Presidential palaces

for similar reasons. Other countries

would no doubt follow suit. The

White House is claiming that this is

‘‘harmless,’’ because they do not intend

to invoke it. If there is no intention to

use it, then including this provision

merely opens the door for other nations

to follow our lead and diminishes

our capacity to catch cheaters.

The CWC provisions on challenge inspections

preclude abuse of the challenge

inspection option. The treaty incorporates

stringent measures to ensure

that confidential or classified information

remains secure. Moreover,

the CWC provides penalties for any

state that might opt to invoke a frivolous

challenge inspection.

(2) Another dangerous aspect of the

legislation is found in the provisions on

routine inspections and sampling.

Again, the verification measures and

procedures of the CWC were painstakingly

crafted to ensure privacy and

confidentiality. Also, the ability to detect

cheating at both declared and

undeclared facilities is critical to the

viability of the regime.

The proposed implementing legislation

before the Senate allows for only

one inspection per year at industrial

plants. The treaty allows for two. This

is a critical point. Given the number of

facilities worldwide that will require

inspection by a relatively small, highly

qualified cadre of inspectors, most facilities

will only be inspected once a

year. However, the treaty allows for

two routine inspections in case something

suspicious or inexplicable is unearthed

in the results from the first inspection.

The persons drafting this legislation

may have assumed that they would be

sparing U.S. chemical facilities from

the tedious drill of coping with more

inspections than necessary. However,

this view is short-sighted and will

hinder the inspectorate’s ability to

identify cheaters. Again, other countries

will follow the U.S. lead.

Should inspectors come across suspicious

evidence in another country

and desire more information to clarify

the activities at a foreign facility, the

only option at that point would be to

wait a year OR invoke a challenge inspection.

A lot of deadly chemicals can

be produced in a year.

In addition, challenge inspections

were thought to be necessary to unearth

undeclared clandestine activities.

In all likelihood, invoking a challenge

inspection will be fraught with

tension. Do we want to escalate every

unclear circumstance at any facility in

any country to the level of a challenge

inspection, when the original provisions

of the CWC provide the means

necessary to avoid this?

(3) One last provision within this legislation

requires adjustment. I remind

you, once again, CWC was carefully

crafted to provide measures for stringent

and comprehensive verification.

The redefinition found in the implementing

legislation would undoubtedly

narrow the number of U.S. facilities required

to make declarations. Please

bear in mind, the U.S. cannot hold

other countries to standards that we

ourselves are not willing to meet.

Most commercial products have a

mixture of chemicals in them. For example,

a ballpoint pen contains a

chemical that could be extracted and

used to make poison mustard gas.

Under CWC provisions, chemical manufacturers

are required to include in

their initial and annual declarations

the production of mixtures with a low

concentration in so-called Schedule 3

chemicals. U.S. chemical industry representatives

and U.S. government officials

agreed that 30% or less of a

Schedule 3 chemical in a mixture constitutes

a low concentration.

The U.S. implementing legislation

changes that figure to 80%. In other

words, substantially fewer U.S. facilities

will be subject to completing annual

declarations or inspections. The

same will hold true for other countries

that follow our example of assuming

that 80% is a low concentration. We

thereby increase the likelihood that

proliferators will use industrial facilities

to mask chemical weapons activities,

averting detection.

The Chemical Manufacturers Association

was extensively involved in designing

the CWC verification measures.

Chemical Manufacturers in this country

were a strong and vocal group in

support of this treaty. They consistently

urged that stringent and comprehensive

verification provisions be

included in the treaty. The U.S. chemical

industry did not ask for these provisions

to protect their interests so

who, then, do these provisions protect?

The answer is simple: The provisions in

the U.S. implementing legislation protect

those who want to cheat on this

treaty.

These restrictions on routine and

challenge inspections will inevitably

backfire on U.S. security interests.

Keeping in mind that the U.S. is setting

an example with its implementation

of the treaty’s provisions, these

restrictions provide a great deal more

latitude within which a rogue nation

can maneuver to hide a chemical weapons

program.

Intelligence sources repeatedly identify

over two dozen states that either

already have or are attempting to attain

chemical weapons capability. In

its first year, the CWC has begun to reverse

that trend. In view of our most

recent experience in Iraq, there is little

reason to assume that lax verification

measures for detecting or deterring

weapons of mass destruction designs or

capabilities will serve U.S. interests.

At this time, the U.S. itself is already

in violation of the CWC, because

it has failed to pass implementing legislation

and commence with declarations

and inspections. The U.S. Administration

has come under intense pressure

from Japan, China, Australia and

the European Union to proceed.

The U.S. chemical industry is confronting

pressures from their trading

partners overseas, because it has not

yet been subject to inspection. States

that are complying fully with the

CWC’s reporting and inspection requirements

are threatening to stop inspections

on their territory if the

United States, which has the world’s

largest chemical industry, does not

soon allow inspections of that industry

to proceed.

Due to these pressures, the U.S.

chemical industry and the Administration

want action now. However, we

cannot allow these pressures to distract

us from the fundamental problems

with this implementing legislation.

Short-sightedness on issues of

U.S. and international security can be

very dangerous over the long haul.

Proliferation of weapons of mass destruction

and the means to deliver

them are the most serious threat to

U.S. security today. The aims of the

Iran Missile Proliferation Sanctions

Act are laudable and I fully support

them. I supported the Chemical Weapons

Convention last year, and I would

wholeheartedly support passage of reasonable

and effective implementing

legislation for that treaty. Due to the

pressures that our chemical industry is

confronting and our current violation

of the Convention, I will also support

this legislation.

However, I will not do so without

pointing to the hypocrisy of sanctioning

entities who proliferate missile

technology to Iran, and, at the same

time, passing implementing legislation

that opens the door for chemical weapons

proliferators.

It is essential that we impede the

flow of missile technologies to Iran. It

is also critical that we pass implementing

legislation and join the international

community in eliminating

chemical weapons and detecting defectors.

However, it is critical that we do

it right. This CWC legislation is all

wrong. I would like to work with my

colleagues to improve this implementation

regime in the near future. Otherwise,

our overzealous desire to shield

ourselves will ultimately be used by

those we would like to protect ourselves

against.