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# Congress of the United States

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### Opening Statement Representative Henry A. Waxman Ranking Member

### Special Investigations Briefing — “The Biological Weapons Convention: Rethinking Our Priorities After September 11”

November 15, 2001

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In 1972, the international community — led by the United States — established the Biological Weapons Convention. In 1982, ten years after this historic event, a group of Russian scientists initiated production in one of the largest biological weapons facilities ever constructed. In total, this Soviet facility produced enough biological weapons to eradicate the world’s entire population eight or nine times over.

Unfortunately, yet another decade passed before the world finally discovered this Soviet program and recognized the massive violation it represented. Our confidence in the Convention was shaken by the public revelation by Boris Yeltsin in 1992 that the Russians had purposely — and with apparent impunity — violated the Convention.

As a result, the United States began work in 1992 on an amendment to allow an international body to inspect potential biological weapons facilities. After several years of negotiations under the Clinton Administration, the signatories pared down various options and developed a comprehensive draft protocol. This draft was presented for the consideration of all signatories last year.

The draft had broad international support, but it was opposed by one major industry: the pharmaceutical industry. The industry expressed concern over the risk of compromising trade secrets, the potential cost of facility inspections, and the risk to corporate reputations should the public become aware that specific facilities were undergoing inspections related to biological weapons.

The Clinton Administration rejected the pharmaceutical industry's objections to inspections. The inspection regime supported by the Clinton Administration was modeled on the successful inspection regime established under the Chemical Weapons Convention. Although chemical companies expressed similar concerns about inspections under that treaty, in fact these problems never materialized. To the contrary, the United States General Accounting Office found that chemical companies were able to protect proprietary information, avoid negative publicity, and keep costs down.

This summer, however, the Bush Administration reversed the United States position and joined the pharmaceutical industry in rejecting further negotiations for a mandatory inspection regime. On July 25, 2001, the State Department issued a statement to the negotiating conference explaining that the protocol "is not, in our view, capable of . . . strengthening confidence in compliance with the Biological Weapons Convention." The State Department further stated that the United States would "therefore be unable to support the current text, even with changes." For this reason, the Bush Administration offered no proposals of its own regarding inspections.

Instead, the Administration has proposed alternatives to inspections, such as a code of ethics and a requirement to pass domestic laws against activity that violates the Convention. The State Department also may propose monitoring disease outbreaks and providing assistance when biological attacks occur. But these provisions are inadequate compared to a mandatory compliance regime. They either rely on the good faith of foreign governments, which has been the flaw of the Convention to date, or they apply only after a bioterrorist incident occurs. The only inspections that the Administration's proposal envisions would be completely voluntary, which defeats the entire purpose of mandatory inspections.

The key meeting of treaty signatories will begin next week in Geneva. At that time, negotiators will consider the draft protocol proposed last year, which proposed mandatory inspections, and determine whether or not to continue negotiations.

In light of the events of September 11 and the subsequent anthrax attacks, I hope the Administration will change course. The idea of bioterrorism is no longer merely a theoretical possibility. We are currently under attack. Without any sort of compliance regime or inspection provisions under the Convention, the current situation allows foreign governments and terrorist groups associated with them to develop biological weapons programs.

Unfortunately, press accounts indicate that the Administration will continue its opposition to further negotiations on mandatory inspections. This is bewildering. It is my understanding that the United States was the only country to oppose the draft

protocol this summer in Geneva. I do not understand why the Administration would be so soft on bioterrorism at this point in our history.

It is in this context that I have asked our presenters to join us today. Because of the drastic changes our nation has undergone in past few weeks, many experts have called for a reevaluation of the issue of mandatory inspections under the Biological Weapons Convention. I have asked today's presenters to provide their impressions of the value of mandatory inspections within a larger compliance regime. They will also offer their opinions about whether, on balance, such inspections would enhance our national and international security.

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