Congress of the United States

Washington, DC 20515

May 22, 2003

The Honorable John D. Ashcroft
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Ashcroft:

The threat of terrorism and the use of chemical, biological, or nuclear weapons have become an ever-present danger. Nuclear weapons are, in some sense, a lesser threat because the infrastructure needed is quite extensive and can be monitored remotely or via satellite. Chemical and biological weapons, on the other hand, only require a small infrastructure and can thus be built far more clandestinely. This necessitates a different kind of monitoring system, one that focuses on the supplies needed to make the weapons and the laws that govern the possession and use of these agents.

We strongly support the President's November 2001 call for all nations to strengthen constraints on access to and the creation of biological weapons. In our judgment, every nation should enact legislation to penalize the wrongful use of biology and preparation of biological weapons or devices. Unfortunately, many nations have yet to heed the President's call to strengthen their domestic legislation. For that reason, greater efforts are urgently needed now to achieve more substantial progress.

To the best of our knowledge, there exists no study of national laws to regulate pathogen possession and transfer, bio-facility security, import and export of pathogens and critical equipment, disease surveillance, or dangerous biological research. We believe that American policy cannot be fulfilled without knowing the laws of the nations we seek to encourage to strengthen their domestic legislation.

Recently, we learned of a private initiative involving Americans working with Interpol, the United Nations and other international organizations to explore options

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to limit proliferation of biological and chemical weapons. We applaud this initiative and urge you to consider how the United States government can best promote that program's objectives.

It is imperative to the security of the United States as well as our allies and foreign interests that positive multilateral action is promptly taken to strengthen law enforcement in order to prevent biological terrorism. Reliance on our military capabilities to respond to a threat may be appropriate in a limited number of situations but is altogether inadequate as the foundation for our security from a biological catastrophe.

Accordingly, we respectfully request your assistance in providing prompt responses to the following questions:

1. What steps are you taking and what steps does your department intend to take to implement the President's proposal to strengthen the BWC?

2. What steps are you taking to prepare for the upcoming annual meeting on the BWC, in preparation for the 2006 review?

3. What support can your office lend to the ongoing non-governmental efforts to prepare for the upcoming annual meeting?

4. Has your department begun to compile the study of national laws mentioned above? If so, when do you expect it to be completed? If not, why not?

We thank you for your assistance and cooperation in providing prompt responses to these questions and would appreciate your responses by June 23, 2003. Please have your staff contact Dr. Benn Tannenbaum or Jeffrey Duncan of Congressman Markey's staff at (202) 225-2836 or Jordan Press of Congressman Shays' staff at (202) 225-5541 if you have any questions about this request.

Sincerely,

Ed Markey

Edward J. Markey
Member of Congress

Christopher Shays
Member of Congress