

the 60-day period following the submission of the report of the Secretary required under section 173 [106 Stat. 2342].

“(e) LIMITATION.—If the Secretary is required to submit a revised concept plan under this section, no funds may be obligated for procurement of equipment or for facilities planning and design activities (other than for those preliminary planning and design activities required to comply with subsection(b)(2)) for a chemical weapons disposal facility at any low-volume site at which the Secretary intends to implement an alternative technology process until the Secretary submits the revised concept plan.”

SENSE OF CONGRESS CONCERNING INTERNATIONAL CONSULTATION AND EXCHANGE PROGRAM

Section 178 of Pub. L. 102-484 provided that: “It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish, with other nations that are anticipated to be signatories to an international agreement or treaty banning chemical weapons, a program under which consultation and exchange concerning chemical weapons disposal technology could be enhanced. Such a program shall be used to facilitate the exchange of technical information and advice concerning the disposal of chemical weapons among signatory nations and to further the development of safer, more cost-effective methods for the disposal of chemical weapons.”

“LOW-VOLUME SITE” DEFINED

Section 180 of Pub. L. 102-484 provided that: “For purposes of this subtitle [subtitle G (§§ 171–180) of title I of div. A of Pub. L. 102-484, amending this section and enacting provisions set out as notes above], the term ‘low-volume site’ means one of the three chemical weapons storage sites in the United States at which there is stored 5 percent or less of the total United States stockpile of unitary chemical weapons.”

REVISION OF CHEMICAL DEMILITARIZATION PROGRAM

Pub. L. 100-180, div. A, title I, §125, Dec. 4, 1987, 101 Stat. 1043, provided that:

“(a) DEFINITION.—For purposes of this section, the term ‘chemical stockpile demilitarization program’ means the program established by section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), to provide for the destruction of the United States’ stockpile of lethal chemical agents and munitions.

“(b) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary of Defense shall issue the final Programmatic Environmental Impact Statement on the chemical stockpile demilitarization program by January 1, 1988. The Environmental Impact Statement shall be prepared in accordance with all applicable laws.

“(c) DISPOSAL TECHNOLOGIES.—(1) Funds appropriated pursuant to this Act [see Tables for classification] or otherwise made available for fiscal year 1988 for the chemical stockpile demilitarization program may not be obligated for procurement or for an Army military construction project at a military installation or facility inside the continental United States until the Secretary of Defense certifies to Congress in writing that the concept plan under the program includes the following:

“(A) Evaluation of alternate technologies for disposal of the existing stockpile and selection of the technology or technologies to be used for such purpose.

“(B) Full-scale operational verification of the technology or technologies selected for such disposal.

“(C) Maximum protection for public health and the environment.

“(2) The limitation in paragraph (1) shall not apply with respect to the obligation of funds for the technology evaluation or development program.

“(d) ALTERNATIVE CONCEPT PLAN.—The Secretary of Defense shall submit to the Committees on Armed

Services of the Senate and House of Representatives an alternative concept plan for the chemical stockpile demilitarization program. The alternative concept plan shall—

“(1) incorporate the requirements of subsections (b) and (c); and

“(2) specify any revised schedule or revised funding requirement necessary to enable the Secretary to meet the requirements of subsections (b) and (c).

The alternative concept plan shall be submitted by March 15, 1988.

“(e) SURVEILLANCE AND ASSESSMENT PROGRAM.—The Secretary of Defense shall conduct an ongoing comprehensive program of—

“(1) surveillance of the existing United States stockpile of chemical weapons; and

“(2) assessment of the condition of the stockpile.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1521a of this title.

§ 1521a. Destruction of existing stockpile of lethal chemical agents and munitions

(a) Program management

The Secretary of Defense shall ensure that the program for destruction of the United States stockpile of lethal chemical agents and munitions is managed as a major defense acquisition program (as defined in section 2430 of title 10) in accordance with the essential elements of such programs as may be determined by the Secretary.

(b) Requirement for Under Secretary of Defense (Comptroller) annual certification

Beginning with respect to the budget request for fiscal year 2004, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees on an annual basis a certification that the budget request for the chemical agents and munitions destruction program has been submitted in accordance with the requirements of section 1521 of this title.

(Pub. L. 107-314, div. A, title I, §141, Dec. 2, 2002, 116 Stat. 2477.)

CODIFICATION

Section was enacted as part of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, and not as part of Pub. L. 91-121, title IV, §409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 107-314, 116 Stat. 2471.

§ 1522. Conduct of chemical and biological defense program

(a) General

The Secretary of Defense shall carry out the chemical and biological defense program of the United States in accordance with the provisions of this section.

(b) Management and oversight

In carrying out his responsibilities under this section, the Secretary of Defense shall do the following:

(1) Assign responsibility for overall coordination and integration of the chemical and bi-

ological warfare defense program and the chemical and biological medical defense program to a single office within the Office of the Secretary of Defense.

(2) Take those actions necessary to ensure close and continuous coordination between (A) the chemical and biological warfare defense program, and (B) the chemical and biological medical defense program.

(3) Exercise oversight over the chemical and biological defense program through the Defense Acquisition Board process.

(c) Coordination of program

(1) The Secretary of Defense shall designate the Army as executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation, and acquisition, requirements of the military departments for chemical and biological warfare defense programs of the Department of Defense.

(2) The Director of the Defense Advanced Research Projects Agency may conduct a program of basic and applied research and advanced technology development on chemical and biological warfare defense technologies and systems. In conducting such program, the Director shall seek to avoid unnecessary duplication of the activities under the program with chemical and biological warfare defense activities of the military departments and defense agencies and shall coordinate the activities under the program with those of the military departments and defense agencies.

(d) Funding

(1) The budget for the Department of Defense for each fiscal year after fiscal year 1994 shall reflect a coordinated and integrated chemical and biological defense program for the Department of Defense.

(2) Funding requests for the program (other than for activities under the program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section) shall be set forth in the budget of the Department of Defense for each fiscal year as a separate account, with a single program element for each of the categories of research, development, test, and evaluation, acquisition, and military construction. Amounts for military construction projects may be set forth in the annual military construction budget. Funds for military construction for the program in the military construction budget shall be set forth separately from other funds for military construction projects. Funding requests for the program may not be included in the budget accounts of the military departments.

(3) The program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section shall be set forth as a separate program element in the budget of that agency.

(4) All funding requirements for the chemical and biological defense program shall be reviewed by the Secretary of the Army as executive agent pursuant to subsection (c) of this section.

(e) Management review and report

(1) The Secretary of Defense shall conduct a review of the management structure of the De-

partment of Defense chemical and biological warfare defense program, including—

- (A) research, development, test, and evaluation;
- (B) procurement;
- (C) doctrine development;
- (D) policy;
- (E) training;
- (F) development of requirements;
- (G) readiness; and
- (H) risk assessment.

(2) Not later than May 1, 1994, the Secretary shall submit to Congress a report that describes the details of measures being taken to improve joint coordination and oversight of the program and ensure a coherent and effective approach to its management.

(Pub. L. 103-160, div. A, title XVII, §1701, Nov. 30, 1993, 107 Stat. 1853; Pub. L. 104-201, div. A, title II, §228, Sept. 23, 1996, 110 Stat. 2460.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1994, and not as part of Pub. L. 91-121, title IV, §409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-201, §228(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (d)(1). Pub. L. 104-201, §228(b)(1), substituted “program for the Department of Defense” for “program for the military departments”.

Subsec. (d)(2). Pub. L. 104-201, §228(b)(2), in first sentence, inserted “(other than for activities under the program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section)” after “requests for the program”.

Subsec. (d)(3), (4). Pub. L. 104-201, §228(b)(3), (4), added par. (3) and redesignated former par. (3) as (4).

NATIONAL BIO-WEAPONS DEFENSE ANALYSIS CENTER

Pub. L. 107-296, title XVII, §1708, Nov. 25, 2002, 116 Stat. 2318, provided that: “There is established in the Department of Defense a National Bio-Weapons Defense Analysis Center, whose mission is to develop countermeasures to potential attacks by terrorists using weapons of mass destruction.”

[For transfer of functions, personnel, assets, and liabilities of the National Bio-Weapons Defense Analysis Center of the Department of Defense, including the functions of the Secretary of Defense related thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 183(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

CHEMICAL WARFARE DEFENSE

Pub. L. 105-261, div. A, title II, §247, Oct. 17, 1998, 112 Stat. 1956, provided that:

“(a) REVIEW AND MODIFICATION OF POLICIES AND DOCTRINES.—The Secretary of Defense shall review the policies and doctrines of the Department of Defense on chemical warfare defense and modify the policies and doctrine as appropriate to achieve the objectives set forth in subsection (b).

“(b) OBJECTIVES.—The objectives for the modification of policies and doctrines of the Department of Defense on chemical warfare defense are as follows:

- “(1) To provide for adequate protection of personnel from any exposure to a chemical warfare agent (including chronic and low-level exposure to a chemical warfare agent) that would endanger the health of exposed personnel because of the deleterious effects of—

“(A) a single exposure to the agent;
 “(B) exposure to the agent concurrently with other dangerous exposures, such as exposures to—
 “(i) other potentially toxic substances in the environment, including pesticides, other insect and vermin control agents, and environmental pollutants;
 “(ii) low-grade nuclear and electromagnetic radiation present in the environment;
 “(iii) preventive medications (that are dangerous when taken concurrently with other dangerous exposures referred to in this paragraph);
 “(iv) diesel fuel, jet fuel, and other hydrocarbon-based fuels; and
 “(v) occupational hazards, including battlefield hazards; and
 “(C) repeated exposures to the agent, or some combination of one or more exposures to the agent and other dangerous exposures referred to in subparagraph (B), over time.

“(2) To provide for—

“(A) the prevention of and protection against, and the detection (including confirmation) of, exposures to a chemical warfare agent (whether intentional or inadvertent) at levels that, even if not sufficient to endanger health immediately, are greater than the level that is recognized under Department of Defense policies as being the maximum safe level of exposure to that agent for the general population; and

“(B) the recording, reporting, coordinating, and retaining of information on possible exposures described in subparagraph (A), including the monitoring of the health effects of exposures on humans and animals, environmental effects, and ecological effects, and the documenting and reporting of those effects specifically by location.

“(3) To provide solutions for the concerns and mission requirements that are specifically applicable for one or more of the Armed Forces in a protracted conflict when exposures to chemical agents could be complex, dynamic, and occurring over an extended period.

“(c) RESEARCH PROGRAM.—The Secretary of Defense shall develop and carry out a plan to establish a research program for determining the effects of exposures to chemical warfare agents of the type described in subsection (b). The research shall be designed to yield results that can guide the Secretary in the evolution of policy and doctrine on exposures to chemical warfare agents and to develop new risk assessment methods and instruments with respect to such exposures. The plan shall state the objectives and scope of the program and include a 5-year funding plan.

“(d) REPORT.—Not later than May 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives [now Committee on Armed Services of the House of Representatives] a report on the results of the review under subsection (a) and on the research program developed under subsection (c). The report shall include the following:

“(1) Each modification of chemical warfare defense policy and doctrine resulting from the review.

“(2) Any recommended legislation regarding chemical warfare defense.

“(3) The plan for the research program.”

STUDY OF FACILITY FOR TRAINING AND EVALUATION OF CHEMICAL OR BIOLOGICAL WEAPONS RESPONSE PERSONNEL

Pub. L. 104-132, title V, § 521(b), Apr. 24, 1996, 110 Stat. 1286, provided that:

“(1) FINDINGS.—The Congress finds that—

“(A) the threat of the use of chemical and biological weapons by Third World countries and by terrorist organizations has increased in recent years and is now a problem of worldwide significance;

“(B) the military and law enforcement agencies in the United States that are responsible for responding

to the use of such weapons require additional testing, training, and evaluation facilities to ensure that the personnel of such agencies discharge their responsibilities effectively; and

“(C) a facility that recreates urban and suburban locations would provide an especially effective environment in which to test, train, and evaluate such personnel for that purpose.

“(2) STUDY OF FACILITY.—

“(A) IN GENERAL.—The President shall establish an interagency task force to determine the feasibility and advisability of establishing a facility that recreates both an urban environment and a suburban environment in such a way as to permit the effective testing, training, and evaluation in such environments of government personnel who are responsible for responding to the use of chemical and biological weapons in the United States.

“(B) DESCRIPTION OF FACILITY.—The facility considered under subparagraph (A) shall include—

“(i) facilities common to urban environments (including a multistory building and an underground rail transit system) and to suburban environments;

“(ii) the capacity to produce controllable releases of chemical and biological agents from a variety of urban and suburban structures, including laboratories, small buildings, and dwellings;

“(iii) the capacity to produce controllable releases of chemical and biological agents into sewage, water, and air management systems common to urban areas and suburban areas;

“(iv) chemical and biocontaminant facilities at the P3 and P4 levels;

“(v) the capacity to test and evaluate the effectiveness of a variety of protective clothing and facilities and survival techniques in urban areas and suburban areas; and

“(vi) the capacity to test and evaluate the effectiveness of variable sensor arrays (including video, audio, meteorological, chemical, and biosensor arrays) in urban areas and suburban areas.

“(C) SENSE OF CONGRESS.—It is the sense of Congress that the facility considered under subparagraph (A) shall, if established—

“(i) be under the jurisdiction of the Secretary of Defense; and

“(ii) be located at a principal facility of the Department of Defense for the testing and evaluation of the use of chemical and biological weapons during any period of armed conflict.”

CONSOLIDATION OF CHEMICAL AND BIOLOGICAL DEFENSE TRAINING ACTIVITIES

Section 1702 of Pub. L. 103-160 provided that: “The Secretary of Defense shall consolidate all chemical and biological warfare defense training activities of the Department of Defense at the United States Army Chemical School.”

SENSE OF CONGRESS CONCERNING FEDERAL EMERGENCY PLANNING FOR RESPONSE TO TERRORIST THREATS

Section 1704 of Pub. L. 103-160 provided that: “It is the sense of Congress that the President should strengthen Federal interagency emergency planning by the Federal Emergency Management Agency and other appropriate Federal, State, and local agencies for development of a capability for early detection and warning of and response to—

“(1) potential terrorist use of chemical or biological agents or weapons; and

“(2) emergencies or natural disasters involving industrial chemicals or the widespread outbreak of disease.”

§ 1523. Annual report on chemical and biological warfare defense

(a) Report required

The Secretary of Defense shall include in the annual report of the Secretary under section