-CITE-

 50 USC CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE

 PROGRAM 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-MISC1-

 Sec.

 1511. Repealed.

 1512. Transportation, open air testing, and disposal;

 Presidential determination; report to Congress;

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 1524. Agreements to provide support to vaccination programs

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 1525. Assistance for facilities subject to inspection under

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 1526. Effective use of resources for nonproliferation

 programs.

-End-

-CITE-

 50 USC Sec. 1511 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

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-HEAD-

 Sec. 1511. Repealed.

-MISC1-

 Sec. 1511. Repealed. Pub. L. 104-106, div. A, title X, Sec.

 1061(k), Feb. 10, 1996, 110 Stat. 443.

 Section, Pub. L. 91-121, title IV, Sec. 409(a), Nov. 19, 1969, 83

 Stat. 209; Pub. L. 93-608, Sec. 2(4), Jan. 2, 1975, 88 Stat. 1971;

 Pub. L. 97-375, title II, Sec. 203(a)(2), Dec. 21, 1982, 96 Stat.

 1822, directed Secretary of Defense to submit an annual report to

 Congress on expenditures for research, development, test, and

 evaluation of all lethal and nonlethal chemical and biological

 agents.

-End-

-CITE-

 50 USC Sec. 1512 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1512. Transportation, open air testing, and disposal;

 Presidential determination; report to Congress; notice to

 Congress and State Governors

-STATUTE-

 None of the funds authorized to be appropriated by this Act or

 any other Act may be used for the transportation of any lethal

 chemical or any biological warfare agent to or from any military

 installation in the United States, or the open air testing of any

 such agent within the United States, or the disposal of any such

 agent within the United States until the following procedures have

 been implemented:

 (1) the Secretary of Defense (hereafter referred to in this

 chapter as the "Secretary") has determined that the

 transportation or testing proposed to be made is necessary in the

 interests of national security;

 (2) the Secretary has brought the particulars of the proposed

 transportation, testing, or disposal to the attention of the

 Secretary of Health and Human Services, who in turn may direct

 the Surgeon General of the Public Health Service and other

 qualified persons to review such particulars with respect to any

 hazards to public health and safety which such transportation,

 testing, or disposal may pose and to recommend what precautionary

 measures are necessary to protect the public health and safety;

 (3) the Secretary has implemented any precautionary measures

 recommended in accordance with paragraph (2) above (including,

 where practicable, the detoxification of any such agent, if such

 agent is to be transported to or from a military installation for

 disposal): Provided, however, That in the event the Secretary

 finds the recommendation submitted by the Surgeon General would

 have the effect of preventing the proposed transportation,

 testing, or disposal, the President may determine that overriding

 considerations of national security require such transportation,

 testing, or disposal be conducted. Any transportation, testing,

 or disposal conducted pursuant to such a Presidential

 determination shall be carried out in the safest practicable

 manner, and the President shall report his determination and an

 explanation thereof to the President of the Senate and the

 Speaker of the House of Representatives as far in advance as

 practicable; and

 (4) the Secretary has provided notification that the

 transportation, testing, or disposal will take place, except

 where a Presidential determination has been made: (A) to the

 President of the Senate and the Speaker of the House of

 Representatives at least 10 days before any such transportation

 will be commenced and at least 30 days before any such testing or

 disposal will be commenced; (B) to the Governor of any State

 through which such agents will be transported, such notification

 to be provided appropriately in advance of any such

 transportation.

-SOURCE-

 (Pub. L. 91-121, title IV, Sec. 409(b), Nov. 19, 1969, 83 Stat.

 209; Pub. L. 91-441, title V, Sec. 506(b)(1), Oct. 7, 1970, 84

 Stat. 912; Pub. L. 96-88, title V, Sec. 509(b), Oct. 17, 1979, 93

 Stat. 695.)

-REFTEXT-

 REFERENCES IN TEXT

 This Act, referred to in provision preceding par. (1), means Pub.

 L. 91-121, Nov. 19, 1969, 83 Stat. 204, as amended. Provisions

 authorizing the appropriation of funds are not classified to the

 Code. For complete classification of this Act to the Code, see

 Tables.

-MISC1-

 AMENDMENTS

 1970 - Pub. L. 91-441 inserted reference to the disposal of

 lethal chemical or biological warfare agents in the United States.

-CHANGE-

 CHANGE OF NAME

 "Secretary of Health and Human Services" substituted for

 "Secretary of Health, Education, and Welfare" in par. (2), pursuant

 to section 509(b) of Pub. L. 96-88 which is classified to section

 3508(b) of Title 20, Education.

-MISC2-

 RIOT CONTROL AGENTS

 Pub. L. 109-163, div. A, title XII, Sec. 1232, Jan. 6, 2006, 119

 Stat. 3468, provided that:

 "(a) Restatement of Policy. - It is the policy of the United

 States that riot control agents are not chemical weapons and that

 the President may authorize their use as legitimate, legal, and non-

 lethal alternatives to the use of force that, as provided in

 Executive Order No. 11850 (40 Fed. Reg. 16187) [set out below] and

 consistent with the resolution of ratification of the Chemical

 Weapons Convention, may be employed by members of the Armed Forces

 in war in defensive military modes to save lives, including the

 illustrative purposes cited in Executive Order No. 11850.

 "(b) Report Required. -

 "(1) In general. - Not later than 180 days after the date of

 the enactment of this Act [Jan. 6, 2006], the President shall

 submit to Congress a report on the use of riot control agents by

 members of the Armed Forces.

 "(2) Content. - The report required by paragraph (1) shall

 include -

 "(A) a description of all regulations, doctrines, training

 materials, and any other information related to the use of riot

 control agents by members of the Armed Forces;

 "(B) a description of how the material described in

 subparagraph (A) is consistent with United States policy on the

 use of riot control agents;

 "(C) a description of the availability of riot control

 agents, and the means to use them, to members of the Armed

 Forces, including members of the Armed Forces deployed in Iraq

 and Afghanistan;

 "(D) a description of the frequency and circumstances of the

 use of riot control agents by members of the Armed Forces since

 January 1, 1992, and a summary of views held by commanders of

 United States combatant commands as to the utility of the use

 of riot control agents by members of the Armed Forces when

 compared with alternatives;

 "(E) a general description of steps taken or planned to be

 taken by the Department of Defense to clarify the circumstances

 under which riot control agents may be used by members of the

 Armed Forces; and

 "(F) a brief explanation of the continuing validity of

 Executive Order No. 11850 [set out below] under United States

 law.

 "(3) Form. - The report required by paragraph (1) shall be

 submitted in unclassified form, but may include a classified

 annex.

 "(c) Definitions. - In this section:

 "(1) Chemical weapons convention. - The term 'Chemical Weapons

 Convention' means the Convention on the Prohibitions of

 Development, Production, Stockpiling and Use of Chemical Weapons

 and on Their Destruction, with annexes, done at Paris, January

 13, 1993, and entered into force April 29, 1997 (T. Doc. 103-21).

 "(2) Resolution of ratification of the chemical weapons

 convention. - The term 'resolution of ratification of the

 Chemical Weapons Convention' means S. Res. 75, 105th Congress,

 agreed to April 24, 1997, advising and consenting to the

 ratification of the Chemical Weapons Convention."

 CHEMICAL MUNITIONS TRANSPORTATION FROM OKINAWA TO THE UNITED STATES

 Pub. L. 91-672, Sec. 13, Jan. 12, 1971, 84 Stat. 2055, provided

 that: "No funds authorized or appropriated pursuant to this or any

 other law may be used to transport chemical munitions from the

 Island of Okinawa to the United States. Such funds as are necessary

 for the detoxification or destruction of the above described

 chemical munitions are hereby authorized and shall be used for the

 detoxification or destruction of chemical munitions only outside

 the United States. For purposes of this section, the term 'United

 States' means the several States and the District of Columbia."

-EXEC-

 EX ORD. NO. 11850. RENUNCIATION OF CERTAIN USES IN WAR OF CHEMICAL

 HERBICIDES AND RIOT CONTROL AGENTS

 Ex. Ord. No. 11850, Apr. 8, 1975, 40 F.R. 16187, provided:

 The United States renounces, as a matter of national policy,

 first use of herbicides in war except use, under regulations

 applicable to their domestic use, for control of vegetation within

 U.S. bases and installations or around their immediate defensive

 perimeters, and first use of riot control agents in war except in

 defensive military modes to save lives such as:

 (a) Use of riot control agents in riot control situations in

 areas under direct and distinct U.S. military control, to include

 controlling rioting prisoners of war.

 (b) Use of riot control agents in situations in which civilians

 are used to mask or screen attacks and civilian casualties can be

 reduced or avoided.

 (c) Use of riot control agents in rescue missions in remotely

 isolated areas, of downed aircrews and passengers, and escaping

 prisoners.

 (d) Use of riot control agents in rear echelon areas outside the

 zone of immediate combat to protect convoys from civil

 disturbances, terrorists and paramilitary organizations.

 I have determined that the provisions and procedures prescribed

 by this Order are necessary to ensure proper implementation and

 observance of such national policy.

 NOW, THEREFORE, by virtue of the authority vested in me as

 President of the United States of America by the Constitution and

 laws of the United States and as Commander-in-Chief of the Armed

 Forces of the United States, it is hereby ordered as follows:

 Section 1. The Secretary of Defense shall take all necessary

 measures to ensure that the use by the Armed Forces of the United

 States of any riot control agents and chemical herbicides in war is

 prohibited unless such use has Presidential approval, in advance.

 Sec. 2. The Secretary of Defense shall prescribe the rules and

 regulations he deems necessary to ensure that the national policy

 herein announced shall be observed by the Armed Forces of the

 United States.

 Gerald R. Ford.

-End-

-CITE-

 50 USC Sec. 1512a 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1512a. Transportation of chemical munitions

-STATUTE-

 (a) Prohibition of transportation across State lines

 The Secretary of Defense may not transport any chemical munition

 that constitutes part of the chemical weapons stockpile out of the

 State in which that munition is located on October 5, 1994, and, in

 the case of any such chemical munition not located in a State on

 October 5, 1994, may not transport any such munition into a State.

 (b) Transportation of chemical munitions not in chemical weapons

 stockpile

 In the case of any chemical munitions that are discovered or

 otherwise come within the control of the Department of Defense and

 that do not constitute part of the chemical weapons stockpile, the

 Secretary of Defense may transport such munitions to the nearest

 chemical munitions stockpile storage facility that has necessary

 permits for receiving and storing such items if the transportation

 of such munitions to that facility -

 (1) is considered by the Secretary of Defense to be necessary;

 and

 (2) can be accomplished while protecting public health and

 safety.

-SOURCE-

 (Pub. L. 103-337, div. A, title I, Sec. 143, Oct. 5, 1994, 108

 Stat. 2689.)

-COD-

 CODIFICATION

 Section was enacted as part of the National Defense Authorization

 Act for Fiscal Year 1995, and not as part of Pub. L. 91-121, title

 IV, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this

 chapter.

-End-

-CITE-

 50 USC Sec. 1513 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1513. Deployment, storage, and disposal; notification to host

 country and Congress; international law violations; reports to

 Congress and international organizations

-STATUTE-

 (1) None of the funds authorized to be appropriated by this Act

 or any other Act may be used for the future deployment, storage, or

 disposal, at any place outside the United States of -

 (A) any lethal chemical or any biological warfare agent, or

 (B) any delivery system specifically designed to disseminate

 any such agent,

 unless prior notice of such deployment, storage, or disposal has

 been given to the country exercising jurisdiction over such place.

 In the case of any place outside the United States which is under

 the jurisdiction or control of the United States Government, no

 such action may be taken unless the Secretary gives prior notice of

 such action to the President of the Senate and the Speaker of the

 House of Representatives. As used in this paragraph, the term

 "United States" means the several States and the District of

 Columbia.

 (2) None of the funds authorized by this Act or any other Act

 shall be used for the future testing, development, transportation,

 storage, or disposal of any lethal chemical or any biological

 warfare agent outside the United States, or for the disposal of any

 munitions in international waters, if the Secretary of State, after

 appropriate notice by the Secretary whenever any such action is

 contemplated, determines that such testing, development,

 transportation, storage, or disposal will violate international

 law. The Secretary of State shall report all determinations made by

 him under this paragraph to the President of the Senate and the

 Speaker of the House of Representatives, and to all appropriate

 international organizations, or organs thereof, in the event such

 report is required by treaty or other international agreement.

-SOURCE-

 (Pub. L. 91-121, title IV, Sec. 409(c), Nov. 19, 1969, 83 Stat.

 210; Pub. L. 91-441, title V, Sec. 506(b)(2), (3), Oct. 7, 1970, 84

 Stat. 912.)

-REFTEXT-

 REFERENCES IN TEXT

 This Act, referred to in pars. (1) and (2), means Pub. L. 91-121,

 Nov. 19, 1969, 83 Stat. 204, as amended. Provisions authorizing the

 appropriation of funds are not classified to the Code. For complete

 classification of this Act to the Code, see Tables.

-MISC1-

 AMENDMENTS

 1970 - Par. (1). Pub. L. 91-441, Sec. 506(b)(2), inserted

 reference to disposal of lethal chemical or biological warfare

 agents or delivery systems for such agents.

 Par. (2). Pub. L. 91-441, Sec. 506(b)(3), inserted reference to

 disposal of munitions in international waters.

 WITHDRAWAL OF EUROPEAN CHEMICAL STOCKPILE

 Pub. L. 100-180, div. A, title I, Sec. 126, Dec. 4, 1987, 101

 Stat. 1044, provided that: "Chemical munitions of the United States

 stored in Europe on the date of the enactment of this Act [Dec. 4,

 1987] should not be removed from Europe unless such munitions are

 replaced contemporaneously with binary chemical munitions stationed

 on the soil of at least one European member nation of the North

 Atlantic Treaty Organization."

-End-

-CITE-

 50 USC Sec. 1514 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1514. "United States" defined

-STATUTE-

 Unless otherwise indicated, as used in this chapter the term

 "United States" means the several States the District of Columbia,

 and the territories and possessions of the United States.

-SOURCE-

 (Pub. L. 91-121, title IV, Sec. 409(d), Nov. 19, 1969, 83 Stat.

 210.)

-End-

-CITE-

 50 USC Sec. 1515 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1515. Suspension; Presidential authorization

-STATUTE-

 After November 19, 1969, the operation of this chapter, or any

 portion thereof, may be suspended by the President during the

 period of any war declared by Congress and during the period of any

 national emergency declared by Congress or by the President.

-SOURCE-

 (Pub. L. 91-121, title IV, Sec. 409(e), Nov. 19, 1969, 83 Stat.

 210.)

-End-

-CITE-

 50 USC Sec. 1516 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1516. Delivery systems

-STATUTE-

 None of the funds authorized to be appropriated by this Act shall

 be used for the procurement of delivery systems specifically

 designed to disseminate lethal chemical or any biological warfare

 agents, or for the procurement of delivery system parts or

 components specifically designed for such purpose, unless the

 President shall certify to the Congress that such procurement is

 essential to the safety and security of the United States.

-SOURCE-

 (Pub. L. 91-441, title V, Sec. 506(a), Oct. 7, 1970, 84 Stat. 912.)

-REFTEXT-

 REFERENCES IN TEXT

 This Act, referred to in text, means Pub. L. 91-441, Oct. 7,

 1970, 84 Stat. 912. Provisions authorizing the appropriation of

 funds are not classified to the Code. For complete classification

 of this Act to the Code, see Tables.

-COD-

 CODIFICATION

 Section was not enacted as part of Pub. L. 91-121, title IV, Sec.

 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

 Section is from the Armed Forces-Military Procurement, 1971 act,

 Pub. L. 91-441. Provisions similar to those in this section were

 contained in Pub. L. 91-121, title IV, Sec. 409(f), Nov. 19, 1969,

 83 Stat. 210.

-End-

-CITE-

 50 USC Sec. 1517 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1517. Immediate disposal when health or safety are endangered

-STATUTE-

 Nothing contained in this chapter shall be deemed to restrict the

 transportation or disposal of research quantities of any lethal

 chemical or any biological warfare agent, or to delay or prevent,

 in emergency situations either within or outside the United States,

 the immediate disposal together with any necessary associated

 transportation, of any lethal chemical or any biological warfare

 agent when compliance with the procedures and requirements of this

 chapter would clearly endanger the health or safety of any person.

-SOURCE-

 (Pub. L. 91-121, title IV, Sec. 409(g), as added Pub. L. 91-441,

 title V, Sec. 506(b)(4), Oct. 7, 1970, 84 Stat. 912.)

-End-

-CITE-

 50 USC Sec. 1518 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1518. Disposal; detoxification; report to Congress;

 emergencies

-STATUTE-

 On and after October 7, 1970, no chemical or biological warfare

 agent shall be disposed of within or outside the United States

 unless such agent has been detoxified or made harmless to man and

 his environment unless immediate disposal is clearly necessary, in

 an emergency, to safeguard human life. An immediate report should

 be made to Congress in the event of such disposal.

-SOURCE-

 (Pub. L. 91-441, title V, Sec. 506(d), Oct. 7, 1970, 84 Stat. 913.)

-COD-

 CODIFICATION

 Section was not enacted as part of Pub. L. 91-121, title IV, Sec.

 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

-End-

-CITE-

 50 USC Sec. 1519 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1519. Lethal binary chemical munitions

-STATUTE-

 (a) Notwithstanding any other provision of law, none of the funds

 authorized to be appropriated by this or any other Act shall be

 used for the purpose of production of lethal binary chemical

 munitions unless the President certifies to Congress that the

 production of such munitions is essential to the national interest

 and submits a full report thereon to the President of the Senate

 and the Speaker of the House of Representatives as far in advance

 of the production of such munitions as is practicable.

 (b) For purposes of this section the term "lethal binary chemical

 munitions" means (1) any toxic chemical (solid, liquid, or gas)

 which, through its chemical properties, is intended to be used to

 produce injury or death to human beings, and (2) any unique device,

 instrument, apparatus, or contrivance, including any components or

 accessories thereof, intended to be used to disperse or otherwise

 disseminate any such toxic chemical.

-SOURCE-

 (Pub. L. 94-106, title VIII, Sec. 818, Oct. 7, 1975, 89 Stat. 544.)

-REFTEXT-

 REFERENCES IN TEXT

 This Act, referred to in text, is Pub. L. 94-106, Oct. 7, 1975,

 89 Stat. 531, as amended, known as the Department of Defense

 Appropriation Authorization Act, 1976. Provisions authorizing the

 appropriation of funds are not classified to the Code. For complete

 classification of this Act to the Code, see Tables.

-COD-

 CODIFICATION

 Section was not enacted as part of Pub. L. 91-121, title IV, Sec.

 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

-End-

-CITE-

 50 USC Sec. 1519a 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1519a. Limitation on procurement of binary chemical weapons

-STATUTE-

 (a) Notwithstanding any other provision of law, no funds may be

 obligated or expended after September 24, 1983, for the production

 of binary chemical weapons unless the President certifies to the

 Congress that for each 155-millimeter binary artillery shell or

 aircraft-delivered binary aerial bomb produced a serviceable

 unitary artillery shell from the existing arsenal shall be rendered

 permanently useless for military purposes.

 (b)(1) Funds appropriated pursuant to the authorization of

 appropriations for the Army in section 101 of this Act may be used

 for the establishment of a production base for binary chemical

 munitions and for the procurement of components for 155-millimeter

 binary chemical artillery projectiles, but such funds may not be

 used for the actual production of binary chemical munitions before

 October 1, 1985.

 (2) Notwithstanding the provisions of paragraph (1), before the

 production of binary chemical munitions may begin after September

 30, 1985, the President must certify to Congress in writing that,

 in light of circumstances prevailing at the time the certification

 is made, the production of such munitions is essential to the

 national interest.

 (3) For purposes of this subsection, "production of binary

 chemical munitions" means the final assembly of weapon components

 and the filling or loading of components with binary chemicals.

-SOURCE-

 (Pub. L. 98-94, title XII, Sec. 1233, Sept. 24, 1983, 97 Stat.

 695.)

-REFTEXT-

 REFERENCES IN TEXT

 Section 101 of this Act, referred to in subsec. (b)(1), is

 section 101 of Pub. L. 98-94, title I, Sept. 24, 1983, 97 Stat.

 618, which was not classified to the Code.

-COD-

 CODIFICATION

 Section was enacted as part of the Department of Defense

 Authorization Act, 1984, and not as part of Pub. L. 91-121, title

 IV, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this

 chapter.

-End-

-CITE-

 50 USC Sec. 1520 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

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-HEAD-

 Sec. 1520. Repealed.

-MISC1-

 Sec. 1520. Repealed. Pub. L. 105-85, div. A, title X, Sec. 1078(g),

 Nov. 18, 1997, 111 Stat. 1916, and Pub. L. 105-277, div. I, title

 VI, Sec. 601, Oct. 21, 1998, 112 Stat. 2681-886.

 Section, Pub. L. 95-79, title VIII, Sec. 808, July 30, 1977, 91

 Stat. 334; Pub. L. 97-375, title II, Sec. 203(a)(1), Dec. 21, 1982,

 96 Stat. 1822, related to use by the Department of Defense of human

 subjects for testing of chemical or biological agents, accounting

 to congressional committees with respect to experiments and

 studies, and notification of local civilian officials.

-End-

-CITE-

 50 USC Sec. 1520a 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1520a. Restrictions on use of human subjects for testing of

 chemical or biological agents

-STATUTE-

 (a) Prohibited activities

 The Secretary of Defense may not conduct (directly or by

 contract) -

 (1) any test or experiment involving the use of a chemical

 agent or biological agent on a civilian population; or

 (2) any other testing of a chemical agent or biological agent

 on human subjects.

 (b) Exceptions

 Subject to subsections (c), (d), and (e) of this section, the

 prohibition in subsection (a) of this section does not apply to a

 test or experiment carried out for any of the following purposes:

 (1) Any peaceful purpose that is related to a medical,

 therapeutic, pharmaceutical, agricultural, industrial, or

 research activity.

 (2) Any purpose that is directly related to protection against

 toxic chemicals or biological weapons and agents.

 (3) Any law enforcement purpose, including any purpose related

 to riot control.

 (c) Informed consent required

 The Secretary of Defense may conduct a test or experiment

 described in subsection (b) of this section only if informed

 consent to the testing was obtained from each human subject in

 advance of the testing on that subject.

 (d) Prior notice to Congress

 Not later than 30 days after the date of final approval within

 the Department of Defense of plans for any experiment or study to

 be conducted by the Department of Defense (whether directly or

 under contract) involving the use of human subjects for the testing

 of a chemical agent or a biological agent, the Secretary of Defense

 shall submit to the Committee on Armed Services of the Senate and

 the Committee on Armed Services of the House of Representatives a

 report setting forth a full accounting of those plans, and the

 experiment or study may then be conducted only after the end of the

 30-day period beginning on the date such report is received by

 those committees.

 (e) "Biological agent" defined

 In this section, the term "biological agent" means any micro-

 organism (including bacteria, viruses, fungi, rickettsiac, or

 protozoa), pathogen, or infectious substance, and any naturally

 occurring, bioengineered, or synthesized component of any such

 micro-organism, pathogen, or infectious substance, whatever its

 origin or method of production, that is capable of causing -

 (1) death, disease, or other biological malfunction in a human,

 an animal, a plant, or another living organism;

 (2) deterioration of food, water, equipment, supplies, or

 materials of any kind; or

 (3) deleterious alteration of the environment.

-SOURCE-

 (Pub. L. 105-85, div. A, title X, Sec. 1078, Nov. 18, 1997, 111

 Stat. 1915; Pub. L. 106-65, div. A, title X, Sec. 1067(4), Oct. 5,

 1999, 113 Stat. 774.)

-COD-

 CODIFICATION

 Section is comprised of section 1078 of Pub. L. 105-85. Subsec.

 (f) of section 1078 of Pub. L. 105-85 amended section 1523(b) of

 this title. Subsec. (g) of section 1078 of Pub. L. 105-85 repealed

 section 1520 of this title.

 Section was enacted as part of the National Defense Authorization

 Act for Fiscal Year 1998, and not as part of Pub. L. 91-121, title

 IV, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this

 chapter.

-MISC1-

 AMENDMENTS

 1999 - Subsec. (d). Pub. L. 106-65 substituted "and the Committee

 on Armed Services" for "and the Committee on National Security".

-End-

-CITE-

 50 USC Sec. 1521 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1521. Destruction of existing stockpile of lethal chemical

 agents and munitions

-STATUTE-

 (a) In general

 Notwithstanding any other provision of law, the Secretary of

 Defense (hereinafter in this section referred to as the

 "Secretary") shall, in accordance with the provisions of this

 section, carry out the destruction of the United States' stockpile

 of lethal chemical agents and munitions that exists on November 8,

 1985.

 (b) Date for completion

 (1) Except as provided by paragraphs (2) and (3), the destruction

 of such stockpile shall be completed by the stockpile elimination

 deadline.

 (2) If a treaty banning the possession of chemical agents and

 munitions is ratified by the United States, the date for completing

 the destruction of the United States' stockpile of such agents and

 munitions shall be the date established by such treaty.

 (3)(A) In the event of a declaration of war by the Congress or of

 a national emergency by the President or the Congress or if the

 Secretary of Defense determines that there has been a significant

 delay in the acquisition of an adequate number of binary chemical

 weapons to meet the requirements of the Armed Forces (as defined by

 the Joint Chiefs of Staff as of September 30, 1985), the Secretary

 may defer, beyond the stockpile elimination deadline, the

 destruction of not more than 10 percent of the stockpile described

 in subsection (a)(1) of this section.

 (B) The Secretary shall transmit written notice to the Congress

 of any deferral made under subparagraph (A) not later than the

 earlier of (A) 30 days after the date on which the decision to

 defer is made, or (B) 30 days before the stockpile elimination

 deadline.

 (4) If the Secretary determines at any time that there will be a

 delay in meeting the requirement in paragraph (1) for the

 completion of the destruction of chemical weapons by the stockpile

 elimination deadline, the Secretary shall immediately notify the

 Committee on Armed Services of the Senate and the Committee on

 Armed Services of the House of Representatives of that projected

 delay.

 (5) For purposes of this section, the term "stockpile elimination

 deadline" means December 31, 2004.

 (c) Environmental protection and use of facilities

 (1) In carrying out the requirement of subsection (a) of this

 section, the Secretary shall provide for -

 (A) maximum protection for the environment, the general public,

 and the personnel who are involved in the destruction of the

 lethal chemical agents and munitions referred to in subsection

 (a) of this section; and

 (B) adequate and safe facilities designed solely for the

 destruction of lethal chemical agents and munitions.

 (2) Facilities constructed to carry out this section shall, when

 no longer needed for the purposes for which they were constructed,

 be disposed of in accordance with applicable laws and regulations

 and mutual agreements between the Secretary of the Army and the

 Governor of the State in which the facility is located.

 (3)(A) Facilities constructed to carry out this section may not

 be used for a purpose other than the destruction of the stockpile

 of lethal chemical agents and munitions that exists on November 8,

 1985.

 (B) The prohibition in subparagraph (A) shall not apply with

 respect to items designated by the Secretary of Defense as lethal

 chemical agents, munitions, or related materials after November 8,

 1985, if the State in which a destruction facility is located

 issues the appropriate permit or permits for the destruction of

 such items at the facility.

 (4)(A) In order to carry out subparagraph (A) of paragraph (1),

 the Secretary may make grants to State and local governments and to

 tribal organizations (either directly or through the Federal

 Emergency Management Agency) to assist those governments and tribal

 organizations in carrying out functions relating to emergency

 preparedness and response in connection with the disposal of the

 lethal chemical agents and munitions referred to in subsection (a)

 of this section. Funds available to the Department of Defense for

 the purpose of carrying out this section may be used for such

 grants.

 (B) Additionally, the Secretary may provide funds through

 cooperative agreements with State and local governments, and with

 tribal organizations, for the purpose of assisting them in

 processing, approving, and overseeing permits and licenses

 necessary for the construction and operation of facilities to carry

 out this section. The Secretary shall ensure that funds provided

 through such a cooperative agreement are used only for the purpose

 set forth in the preceding sentence.

 (C) In this paragraph, the term "tribal organization" has the

 meaning given that term in section 450b(l) of title 25.

 (5)(A) In coordination with the Secretary of the Army and in

 accordance with agreements between the Secretary of the Army and

 the Administrator of the Federal Emergency Management Agency, the

 Administrator shall carry out a program to provide assistance to

 State and local governments in developing capabilities to respond

 to emergencies involving risks to the public health or safety

 within their jurisdictions that are identified by the Secretary as

 being risks resulting from -

 (i) the storage of lethal chemical agents and munitions

 referred to in subsection (a) of this section at military

 installations in the continental United States; or

 (ii) the destruction of such agents and munitions at facilities

 referred to in paragraph (1)(B).

 (B) Assistance may be provided under this paragraph for

 capabilities to respond to emergencies involving an installation or

 facility as described in subparagraph (A) until the earlier of the

 following:

 (i) The date of the completion of all grants and cooperative

 agreements with respect to the installation or facility for

 purposes of this paragraph between the Federal Emergency

 Management Agency and the State and local governments concerned.

 (ii) The date that is 180 days after the date of the completion

 of the destruction of lethal chemical agents and munitions at the

 installation or facility.

 (C) Not later than December 15 of each year, the Administrator

 shall transmit a report to Congress on the activities carried out

 under this paragraph during the fiscal year preceding the fiscal

 year in which the report is submitted.

 (d) Requirement for strategic plan

 (1) The Under Secretary of Defense for Acquisition, Technology,

 and Logistics and the Secretary of the Army shall jointly prepare,

 and from time to time shall update as appropriate, a strategic plan

 for future activities for destruction of the United States'

 stockpile of lethal chemical agents and munitions.

 (2) The plan shall include, at a minimum, the following

 considerations:

 (A) Realistic budgeting for stockpile destruction and related

 support programs.

 (B) Contingency planning for foreseeable or anticipated

 problems.

 (C) A management approach and associated actions that address

 compliance with the obligations of the United States under the

 Chemical Weapons Convention treaty and that take full advantage

 of opportunities to accelerate destruction of the stockpile.

 (3) The Secretary of Defense shall each year submit to the

 Committee on the Armed Services of the Senate and the Committee on

 Armed Services of the House of Representatives the strategic plan

 as most recently prepared and updated under paragraph (1). Such

 submission shall be made each year at the time of the submission to

 the Congress that year of the President's budget for the next

 fiscal year.

 (e) Management organization

 (1) In carrying out this section, the Secretary shall provide for

 the establishment, not later than May 1, 1986, of a management

 organization within the Department of the Army.

 (2) Such organization shall be responsible for management of the

 destruction of agents and munitions under this section.

 (3) The Secretary shall designate a general officer or civilian

 equivalent as the director of the management organization

 established under paragraph (1). Such officer shall have -

 (A) experience in the acquisition, storage, and destruction of

 chemical agents and munitions; and

 (B) outstanding qualifications regarding safety in handling

 chemical agents and munitions.

 (f) Identification of funds

 (1) Funds for carrying out this section, including funds for

 military construction projects necessary to carry out this section,

 shall be set forth in the budget of the Department of Defense for

 any fiscal year as a separate account. Such funds shall not be

 included in the budget accounts for any military department.

 (2) Amounts appropriated to the Secretary for the purpose of

 carrying out subsection (c)(5) of this section shall be promptly

 made available to the Administrator of the Federal Emergency

 Management Agency.

 (g) Periodic reports

 (1) Except as provided by paragraph (3), the Secretary shall

 transmit, by December 15 of each year, a report to the Congress on

 the activities carried out under this section during the fiscal

 year ending on September 30 of the calendar year in which the

 report is to be made.

 (2) Each annual report shall include the following:

 (A) A site-by-site description of the construction, equipment,

 operation, and dismantling of facilities (during the fiscal year

 for which the report is made) used to carry out the destruction

 of agents and munitions under this section, including any

 accidents or other unplanned occurrences associated with such

 construction and operation.

 (B) A site-by-site description of actions taken to assist State

 and local governments (either directly or through the Federal

 Emergency Management Agency) in carrying out functions relating

 to emergency preparedness and response in accordance with

 subsection (c)(4) of this section.

 (C) An accounting of all funds expended (during such fiscal

 year) for activities carried out under this section, with a

 separate accounting for amounts expended for -

 (i) the construction of and equipment for facilities used for

 the destruction of agents and munitions;

 (ii) the operation of such facilities;

 (iii) the dismantling or other closure of such facilities;

 (iv) research and development;

 (v) program management;

 (vi) travel and associated travel costs for Citizens'

 Advisory Commissioners under section 172(g) of Public Law 102-

 484 (50 U.S.C. 1521 note); and

 (vii) grants to State and local governments to assist those

 governments in carrying out functions relating to emergency

 preparedness and response in accordance with subsection (c)(4)

 of this section.

 (D) An assessment of the safety status and the integrity of the

 stockpile of lethal chemical agents and munitions subject to this

 section, including -

 (i) an estimate on how much longer that stockpile can

 continue to be stored safely;

 (ii) a site-by-site assessment of the safety of those agents

 and munitions; and

 (iii) a description of the steps taken (to the date of the

 report) to monitor the safety status of the stockpile and to

 mitigate any further deterioration of that status.

 (3) The Secretary shall transmit the final report under paragraph

 (1) not later than 120 days following the completion of activities

 under this section.

 (h) Prohibition on acquiring certain lethal chemical agents and

 munitions

 (1) Except as provided in paragraph (2), no agency of the Federal

 Government may, after November 8, 1985, develop or acquire lethal

 chemical agents or munitions other than binary chemical weapons.

 (2)(A) The Secretary of Defense may acquire any chemical agent or

 munition at any time for purposes of intelligence analysis.

 (B) Chemical agents and munitions may be acquired for research,

 development, test, and evaluation purposes at any time, but only in

 quantities needed for such purposes and not in production

 quantities.

 (i) Reaffirmation of United States position on first use of

 chemical agents and munitions

 It is the sense of Congress that the President should publicly

 reaffirm the position of the United States as set out in the Geneva

 Protocol of 1925, which the United States ratified with

 reservations in 1975.

 (j) Definitions

 For purposes of this section:

 (1) The term "chemical agent and munition" means an agent or

 munition that, through its chemical properties, produces lethal

 or other damaging effects on human beings, except that such term

 does not include riot control agents, chemical herbicides, smoke

 and other obscuration materials.

 (2) The term "lethal chemical agent and munition" means a

 chemical agent or munition that is designed to cause death,

 through its chemical properties, to human beings in field

 concentrations.

 (3) The term "destruction" means, with respect to chemical

 munitions or agents -

 (A) the demolishment of such munitions or agents by

 incineration or by any other means; or

 (B) the dismantling or other disposal of such munitions or

 agents so as to make them useless for military purposes and

 harmless to human beings under normal circumstances.

 (k) Operational verification

 (1) Until the Secretary of the Army successfully completes

 (through the prove-out work to be conducted at Johnston Atoll)

 operational verification of the technology to be used for the

 destruction of live chemical agents and munitions under this

 section, the Secretary may not conduct any activity for equipment

 prove out and systems test before live chemical agents are

 introduced at a facility (other than the Johnston Atoll facility)

 at which the destruction of chemical agent (!1) and munitions

 weapons is to take place under this section. The limitation in the

 preceding sentence shall not apply with respect to the Chemical

 Agent Munition Disposal System in Tooele, Utah.

 (2) Upon the successful completion of the prove out of the

 equipment and facility at Johnston Atoll, the Secretary of Defense

 shall submit to the Committee on Armed Services of the Senate and

 the Committee on Armed Services of the House of Representatives a

 report certifying that the prove out is completed.

 (3) If the Secretary determines at any time that there will be a

 delay in meeting the deadline of December 31, 1990, scheduled by

 the Department of Defense for completion of the operational

 verification at Johnston Atoll referred to in paragraph (1), the

 Secretary shall immediately notify the Committees of that projected

 delay.

-SOURCE-

 (Pub. L. 99-145, title XIV, Sec. 1412, Nov. 8, 1985, 99 Stat. 747;

 Pub. L. 100-456, div. A, title I, Sec. 118, Sept. 29, 1988, 102

 Stat. 1934; Pub. L. 101-510, div. A, title I, Secs. 171, 172, Nov.

 5, 1990, 104 Stat. 1507; Pub. L. 102-190, div. A, title I, Sec.

 151, Dec. 5, 1991, 105 Stat. 1313; Pub. L. 102-484, div. A, title

 I, Secs. 171, 179, Oct. 23, 1992, 106 Stat. 2341, 2347; Pub. L. 103-

 160, div. A, title I, Sec. 107(c), Nov. 30, 1993, 107 Stat. 1564;

 Pub. L. 103-337, div. A, title I, Sec. 142, Oct. 5, 1994, 108 Stat.

 2689; Pub. L. 104-106, div. A, title I, Sec. 153(b), (c), title XV,

 Sec. 1502(c)(6), Feb. 10, 1996, 110 Stat. 216, 508; Pub. L. 104-

 201, div. A, title X, Sec. 1074(d)(2), Sept. 23, 1996, 110 Stat.

 2661; Pub. L. 105-85, div. A, title X, Sec. 1041(d), Nov. 18, 1997,

 111 Stat. 1885; Pub. L. 105-261, div. A, title I, Sec. 141, Oct.

 17, 1998, 112 Stat. 1942; Pub. L. 106-65, div. A, title I, Sec.

 141(b), title X, Sec. 1067(11), Oct. 5, 1999, 113 Stat. 537, 775;

 Pub. L. 107-107, div. A, title X, Sec. 1048(i)(4), Dec. 28, 2001,

 115 Stat. 1229; Pub. L. 108-375, div. A, title IX, Sec. 931, Oct.

 28, 2004, 118 Stat. 2031; Pub. L. 109-163, div. A, title IX, Sec.

 921(a), Jan. 6, 2006, 119 Stat. 3410; Pub. L. 109-295, title VI,

 Sec. 612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 110-181, div. A,

 title IX, Secs. 923, 924, Jan. 28, 2008, 122 Stat. 284.)

-COD-

 CODIFICATION

 Pub. L. 109-163, Sec. 921, which directed amendment of subsec.

 (c)(4) of this section effective Dec. 5, 1991, and applicable with

 respect to any cooperative agreement entered into on or after that

 date, was executed to subsec. (c)(4) of this section as in effect

 on the date of enactment of Pub. L. 109-163, to reflect the

 probable intent of Congress. This section did not contain a subsec.

 (c)(4) on Dec. 5, 1991. See 2006 Amendment note and Effective Date

 of 2006 Amendment note below.

 Section was enacted as part of the Department of Defense

 Authorization Act, 1986, and not as part of Pub. L. 91-121, title

 IV, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this

 chapter.

-MISC1-

 AMENDMENTS

 2008 - Subsec. (c)(5)(B). Pub. L. 110-181, Sec. 924, amended

 subpar. (B) generally. Prior to amendment, subpar. (B) read as

 follows: "No assistance may be provided under this paragraph after

 the completion of the destruction of the United States' stockpile

 of lethal chemical agents and munitions."

 Subsec. (e)(3). Pub. L. 110-181, Sec. 923, inserted "and" at end

 of subpar. (A), redesignated subpar. (C) as (B), and struck out

 former subpar. (B) which read as follows: "training in chemical

 warfare defense operations; and".

 2006 - Subsec. (c)(4). Pub. L. 109-163 designated first two

 sentences as subpar. (A) and inserted "and to tribal organizations"

 after "to State and local governments" and "and tribal

 organizations" after "assist those governments", designated third

 and fourth sentences as subpar. (B) and inserted ", and with tribal

 organizations," after "with State and local governments", and added

 subpar. (C). See Codification note above.

 2004 - Subsec. (d). Pub. L. 108-375 amended heading and text of

 subsec. (d) generally. Prior to amendment, text required the

 Secretary of Defense to develop and submit to Congress by Mar. 15,

 1986, a comprehensive plan to carry out this section.

 2001 - Subsec. (g)(2)(C)(vii). Pub. L. 107-107 substituted

 "(c)(4)" for "(c)(3)".

 1999 - Subsec. (b)(4). Pub. L. 106-65, Sec. 1067(11), substituted

 "and the Committee on Armed Services" for "and the Committee on

 National Security".

 Subsec. (c)(2). Pub. L. 106-65, Sec. 141(b)(1)(A), added par. (2)

 and struck out former par. (2) which read as follows: "Facilities

 constructed to carry out this section may not be used for any

 purpose other than the destruction of lethal chemical weapons and

 munitions, and when no longer needed to carry out this section,

 such facilities shall be cleaned, dismantled, and disposed of in

 accordance with applicable laws and regulations."

 Subsec. (c)(3) to (5). Pub. L. 106-65, Sec. 141(b)(1)(B), (C),

 added par. (3) and redesignated former pars. (3) and (4) as (4) and

 (5), respectively.

 Subsec. (f)(2). Pub. L. 106-65, Sec. 141(b)(2), substituted

 "(c)(5)" for "(c)(4)".

 Subsec. (g)(2)(B). Pub. L. 106-65, Sec. 141(b)(3), substituted

 "(c)(4)" for "(c)(3)".

 Subsec. (k)(2). Pub. L. 106-65, Sec. 1067(11), substituted "and

 the Committee on Armed Services" for "and the Committee on National

 Security".

 1998 - Subsec. (c)(4). Pub. L. 105-261, Sec. 141(a), added par.

 (4).

 Subsec. (f). Pub. L. 105-261, Sec. 141(b), designated existing

 provisions as par. (1) and added par. (2).

 Subsec. (g)(2)(B). Pub. L. 105-261, Sec. 141(c)(3), added subpar.

 (B). Former subpar. (B) redesignated (C).

 Subsec. (g)(2)(B)(vii). Pub. L. 105-261, Sec. 141(c)(1), added

 cl. (vii).

 Subsec. (g)(2)(C), (D). Pub. L. 105-261, Sec. 141(c)(2),

 redesignated subpars. (B) and (C) as (C) and (D), respectively.

 1997 - Subsec. (g)(3), (4). Pub. L. 105-85 struck out "No

 quarterly report is required under paragraph (3) after the

 transmittal of the final report under paragraph (1)." at end of

 par. (4), redesignated par. (4) as (3), and struck out former par.

 (3) which read as follows: "The Secretary shall transmit to the

 Committee on Armed Services and the Committee on Appropriations of

 the Senate and the Committee on National Security and the Committee

 on Appropriations of the House of Representatives a quarterly

 report containing an accounting of all funds expended (during the

 quarter covered by the report) for travel and associated travel

 costs for Citizens' Advisory Commissioners under section 172(g) of

 Public Law 102-484 (50 U.S.C. 1521 note). The quarterly report for

 the final quarter of the period covered by a report under paragraph

 (1) may be included in that report."

 1996 - Subsec. (b)(4). Pub. L. 104-106, Sec. 1502(c)(6),

 substituted "Committee on Armed Services of the Senate and the

 Committee on National Security of the House of Representatives" for

 "Committees on Armed Services of the Senate and House of

 Representatives".

 Subsec. (e)(3). Pub. L. 104-106, Sec. 153(c), inserted "or

 civilian equivalent" after "general officer" in introductory

 provisions.

 Subsec. (g). Pub. L. 104-106, Sec. 153(b)(1), substituted

 "Periodic reports" for "Annual report" in heading.

 Subsec. (g)(2). Pub. L. 104-201, Sec. 1074(d)(2)(A), substituted

 "shall include the following:" for "shall contain - " in

 introductory provisions.

 Pub. L. 104-106, Sec. 153(b)(2)(A), substituted "Each annual

 report shall contain - " for "Each such report shall contain - " in

 introductory provisions.

 Subsec. (g)(2)(A). Pub. L. 104-201, Sec. 1074(d)(2)(B),

 substituted "A site-by-site" for "a site-by-site" and "and

 operation." for "and operation;".

 Subsec. (g)(2)(B). Pub. L. 104-201, Sec. 1074(d)(2)(C),

 substituted "An accounting" for "an accounting" in introductory

 provisions.

 Subsec. (g)(2)(B)(iv). Pub. L. 104-106, Sec. 153(b)(2)(B)(i),

 struck out "and" after "development;".

 Subsec. (g)(2)(B)(v). Pub. L. 104-106, Sec. 153(b)(2)(B)(ii),

 which directed substitution of "; and" for period at end of cl.

 (v), could not be executed because cl. (v) ended with "; and" and

 not with a period.

 Subsec. (g)(2)(B)(vi). Pub. L. 104-106, Sec. 153(b)(2)(B)(iii),

 added cl. (vi).

 Subsec. (g)(2)(C). Pub. L. 104-201, Sec. 1074(d)(2)(C),

 substituted "An assessment" for "an assessment" in introductory

 provisions.

 Subsec. (g)(3). Pub. L. 104-106, Sec. 153(b)(4), added par. (3).

 Former par. (3) redesignated (4).

 Subsec. (g)(4). Pub. L. 104-106, Sec. 153(b)(5), substituted

 "paragraph (1) not later" for "this subsection not later" and

 inserted at end "No quarterly report is required under paragraph

 (3) after the transmittal of the final report under paragraph (1)."

 Pub. L. 104-106, Sec. 153(b)(3), redesignated par. (3) as (4).

 Subsec. (k)(2). Pub. L. 104-106, Sec. 1502(c)(6), substituted

 "Committee on Armed Services of the Senate and the Committee on

 National Security of the House of Representatives" for "Committees

 on Armed Services of the Senate and House of Representatives".

 1994 - Subsec. (f). Pub. L. 103-337 inserted ", including funds

 for military construction projects necessary to carry out this

 section," after "carrying out this section" and struck out at end

 "Funds for military construction projects necessary to carry out

 this section may be set out in the annual military construction

 budget separately from other funds for such project."

 1993 - Subsec. (c)(3). Pub. L. 103-160 substituted "processing,

 approving, and overseeing" for "processing and approving".

 1992 - Subsec. (a). Pub. L. 102-484, Sec. 179(1), struck out par.

 (1) designation before "Notwithstanding" and struck out par. (2)

 which read as follows: "Such destruction shall be carried out in

 conjunction with the acquisition of binary chemical weapons for use

 by the Armed Forces."

 Subsec. (b)(5). Pub. L. 102-484, Sec. 171, substituted "December

 31, 2004" for "July 31, 1999".

 Subsec. (c)(1). Pub. L. 102-484, Sec. 179(2), substituted

 "subsection (a)" for "subsection (a)(1)" in introductory

 provisions.

 Subsec. (g)(1). Pub. L. 102-484, Sec. 179(3)(A), substituted

 "paragraph (3)" for "paragraph (4)".

 Subsec. (g)(2). Pub. L. 102-484, Sec. 179(3)(B), (C),

 redesignated par. (3) as (2), substituted "such report" for "report

 other than the first one" in introductory provisions, and struck

 out former par. (2) which read as follows: "The first such report

 shall be transmitted by December 15, 1985, and shall contain -

 "(A) an accounting of the United States' stockpile of lethal

 chemical agents and munitions on November 8, 1985; and

 "(B) a schedule of the activities planned to be carried out

 under this section during fiscal year 1986."

 Subsec. (g)(3), (4). Pub. L. 102-484, Sec. 179(3)(D),

 redesignated par. (4) as (3). Former par. (3) redesignated (2).

 1991 - Subsec. (b)(5). Pub. L. 102-190, Sec. 151(a), substituted

 "July 31, 1999" for "April 30, 1997".

 Subsec. (c)(3). Pub. L. 102-190, Sec. 151(b), inserted at end

 "Additionally, the Secretary may provide funds through cooperative

 agreements with State and local governments for the purpose of

 assisting them in processing and approving permits and licenses

 necessary for the construction and operation of facilities to carry

 out this section. The Secretary shall ensure that funds provided

 through such a cooperative agreement are used only for the purpose

 set forth in the preceding sentence."

 1990 - Subsec. (a)(1). Pub. L. 101-510, Sec. 171(b), substituted

 "November 8, 1985" for "the date of the enactment of this Act".

 Subsec. (c)(3). Pub. L. 101-510, Sec. 172, added par. (3).

 Subsec. (g)(3)(C). Pub. L. 101-510, Sec. 171(a), added subpar.

 (C).

 Subsec. (h)(1). Pub. L. 101-510, Sec. 171(b), substituted

 "November 8, 1985" for "the date of the enactment of this Act".

 1988 - Subsec. (b)(1), (3)(A). Pub. L. 100-456, Sec. 118(a)(1),

 substituted "the stockpile elimination deadline" for "September 30,

 1994".

 Subsec. (b)(3)(B). Pub. L. 100-456, Sec. 118(a)(2), substituted

 "not later than the earlier of (A) 30 days after the date on which

 the decision to defer is made, or (B) 30 days before the stockpile

 elimination deadline" for "within 30 days after the date on which

 the determination to defer is made or by August 31, 1994, whichever

 is earlier".

 Subsec. (b)(4), (5). Pub. L. 100-456, Sec. 118(a)(3), added pars.

 (4) and (5).

 Subsec. (k). Pub. L. 100-456, Sec. 118(b), amended subsec. (k)

 generally. Prior to amendment, subsec. (k) read as follows: "The

 provisions of this section shall take effect on October 1, 1985."

-CHANGE-

 CHANGE OF NAME

 "Administrator of the Federal Emergency Management Agency" and

 "Administrator" substituted for "Director of the Federal Emergency

 Management Agency" and "Director", respectively, in subsecs. (c)(5)

 and (f)(2) on authority of section 612(c) of Pub. L. 109-295, set

 out as a note under section 313 of Title 6, Domestic Security. Any

 reference to the Administrator of the Federal Emergency Management

 Agency in title VI of Pub. L. 109-295 or an amendment by title VI

 to be considered to refer and apply to the Director of the Federal

 Emergency Management Agency until Mar. 31, 2007, see section

 612(f)(2) of Pub. L. 109-295, set out as a note under section 313

 of Title 6.

-MISC2-

 EFFECTIVE DATE OF 2006 AMENDMENT

 Pub. L. 109-163, div. A, title IX, Sec. 921(b), Jan. 6, 2006, 119

 Stat. 3410, provided that: "The amendments made by subsection (a)

 [amending this section] -

 "(1) take effect as of December 5, 1991; and

 "(2) apply with respect to any cooperative agreement entered

 into on or after that date."

-TRANS-

 TRANSFER OF FUNCTIONS

 For transfer of all functions, personnel, assets, components,

 authorities, grant programs, and liabilities of the Federal

 Emergency Management Agency, including the functions of the Under

 Secretary for Federal Emergency Management relating thereto, to the

 Federal Emergency Management Agency, see section 315(a)(1) of Title

 6, Domestic Security.

 For transfer of functions, personnel, assets, and liabilities of

 the Federal Emergency Management Agency, including the functions of

 the Director of the Federal Emergency Management Agency relating

 thereto, to the Secretary of Homeland Security, and for treatment

 of related references, see former section 313(1) and sections

 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.

-MISC3-

 SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES

 CHEMICAL WEAPONS STOCKPILE

 Pub. L. 110-181, div. A, title IX, Sec. 922, Jan. 28, 2008, 122

 Stat. 282, provided that:

 "(a) Findings. - Congress makes the following findings:

 "(1) The Convention on the Prohibition of the Development,

 Production, Stockpiling and Use of Chemical Weapons and on Their

 Destruction, done at Paris on January 13, 1993 (commonly referred

 to as the 'Chemical Weapons Convention'), requires that

 destruction of the entire United States chemical weapons

 stockpile be completed by not later than April 29, 2007.

 "(2) In 2006, under the terms of the Chemical Weapons

 Convention, the United States requested and received a one-time,

 5-year extension of its chemical weapons destruction deadline to

 April 29, 2012.

 "(3) On April 10, 2006, the Secretary of Defense notified

 Congress that the United States would not meet even the extended

 deadline under the Chemical Weapons Convention for destruction of

 the United States chemical weapons stockpile, but would 'continue

 working diligently to minimize the time to complete destruction

 without sacrificing safety and security' and would also 'continue

 requesting resources needed to complete destruction as close to

 April 2012 as practicable'.

 "(4) The United States chemical demilitarization program has

 met its one percent, 20 percent, and extended 45 percent

 destruction deadlines under the Chemical Weapons Convention.

 "(5) Destroying the remaining stockpile of United States

 chemical weapons is imperative for public safety and homeland

 security, and doing so by April 2012, in accordance with the

 current destruction deadline provided under the Chemical Weapons

 Convention, is required by United States law.

 "(6) The elimination of chemical weapons anywhere they exist in

 the world, and the prevention of their proliferation, is of

 utmost importance to the national security of the United States.

 "(7) Section 921(b)(3) of the John Warner National Defense

 Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120

 Stat. 2359) contained a sense of Congress urging the Secretary of

 Defense to ensure the elimination of the United States chemical

 weapons stockpile in the shortest time possible, consistent with

 the requirement to protect public health, safety, and the

 environment.

 "(8) Section 921(b)(4) of that Act contained a sense of

 Congress urging the Secretary of Defense to propose a credible

 treatment and disposal process with the support of affected

 communities. In this regard, any such process should provide for

 sufficient communication and consultation between representatives

 of the Department of Defense and representatives of affected

 States and communities.

 "(b) Sense of Congress. - It is the sense of Congress that -

 "(1) the United States is, and must remain, committed to making

 every effort to safely dispose of its entire chemical weapons

 stockpile by April 2012, the current destruction deadline

 provided under the Chemical Weapons Convention, or as soon

 thereafter as possible, and must carry out all of its other

 obligations under the Convention; and

 "(2) the Secretary of Defense should make every effort to plan

 for, and to request in the annual budget of the President

 submitted to Congress adequate funding to complete, the

 elimination of the United States chemical weapons stockpile in

 accordance with United States obligations under the Chemical

 Weapons Convention and in a manner that will protect public

 health, safety, and the environment, as required by law.

 "(c) Reports Required. -

 "(1) In general. - Not later than March 15, 2008, and every 180

 days thereafter until the year in which the United States

 completes the destruction of its entire stockpile of chemical

 weapons under the terms of the Chemical Weapons Convention, the

 Secretary of Defense shall submit to the members and committees

 of Congress referred to in paragraph (3) a report on the

 implementation by the United States of its chemical weapons

 destruction obligations under the Chemical Weapons Convention.

 "(2) Elements. - Each report under paragraph (1) shall include

 the following:

 "(A) The anticipated schedule at the time of such report for

 the completion of destruction of chemical agents, munitions,

 and materiel at each chemical weapons demilitarization facility

 in the United States.

 "(B) A description of the options and alternatives for

 accelerating the completion of chemical weapons destruction at

 each such facility, particularly in time to meet the

 destruction deadline of April 29, 2012, currently provided by

 the Chemical Weapons Convention, and by December 31, 2017.

 "(C) A description of the funding required to achieve each of

 the options for destruction described under subparagraph (B),

 and a detailed life-cycle cost estimate for each of the

 affected facilities included in each such funding profile.

 "(D) A description of all actions being taken by the United

 States to accelerate the destruction of its entire stockpile of

 chemical weapons, agents, and materiel in order to meet the

 current destruction deadline under the Chemical Weapons

 Convention of April 29, 2012, or as soon thereafter as

 possible.

 "(3) Members and committees of congress. - The members and

 committees of Congress referred to in this paragraph are -

 "(A) the majority leader of the Senate, the minority leader

 of the Senate, and the Committees on Armed Services and

 Appropriations of the Senate; and

 "(B) the Speaker of the House of Representatives, the

 majority leader of the House of Representatives, the minority

 leader of the House of Representatives, and the Committees on

 Armed Services and Appropriations of the House of

 Representatives."

 DEADLINE FOR DESTRUCTION OF STOCKPILE OF LETHAL CHEMICAL AGENTS AND

 MUNITIONS

 Pub. L. 110-116, div. A, title VIII, Sec. 8119, Nov. 13, 2007,

 121 Stat. 1340, provided that:

 "(a) Notwithstanding any other provision of law, the Department

 of Defense shall complete work on the destruction of the United

 States stockpile of lethal chemical agents and munitions, including

 those stored at Blue Grass Army Depot, Kentucky, and Pueblo

 Chemical Depot, Colorado, by the deadline established by the

 Chemical Weapons Convention, and in no circumstances later than

 December 31, 2017.

 "(b) Report. -

 "(1) Not later than December 31, 2007, and every 180 days

 thereafter, the Secretary of Defense shall submit to the parties

 described in paragraph (2) a report on the progress of the

 Department of Defense toward compliance with this section.

 "(2) The parties referred to in paragraph (1) are the Speaker

 of the House of Representatives, the Majority and Minority

 Leaders of the House of Representatives, the Majority and

 Minority Leaders of the Senate, and the congressional defense

 committees [Armed Services Committee of the House of

 Representatives, the Armed Services Committee of the Senate, the

 Subcommittee on Defense of the Committee on Appropriations of the

 Senate, and the Subcommittee on Defense of the Committee on

 Appropriations of the House of Representatives].

 "(3) Each report submitted under paragraph (1) shall include

 the updated and projected annual funding levels necessary to

 achieve full compliance with this section. The projected funding

 levels for each report shall include a detailed accounting of the

 complete life-cycle costs for each of the chemical disposal

 projects.

 "(c) In this section, the term 'Chemical Weapons Convention'

 means the Convention on the Prohibition of Development, Production,

 Stockpiling and Use of Chemical Weapons and on Their Destruction,

 with annexes, done at Paris, January 13, 1993, and entered into

 force April 29, 1997 (T. Doc. 103-21)."

 INCENTIVES CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS

 Pub. L. 109-364, div. A, title IX, Sec. 923, Oct. 17, 2006, 120

 Stat. 2360, provided that:

 "(a) In General. -

 "(1) Authority to include clauses in contracts. - The Secretary

 of Defense may, for the purpose specified in paragraph (2),

 authorize the inclusion of an incentives clause in any contract

 for the destruction of the United States stockpile of lethal

 chemical agents and munitions carried out pursuant to section

 1412 of the Department of Defense Authorization Act, 1986 (50

 U.S.C. 1521).

 "(2) Purpose. - The purpose of a clause referred to in

 paragraph (1) is to provide the contractor for a chemical

 demilitarization facility an incentive to accelerate the safe

 elimination of the United States chemical weapons stockpile and

 to reduce the total cost of the Chemical Demilitarization Program

 by providing incentive payments for the early completion of

 destruction operations and the closure of such facility.

 "(b) Incentives Clauses. -

 "(1) In general. - An incentives clause under this section

 shall permit the contractor for the chemical demilitarization

 facility concerned the opportunity to earn incentive payments for

 the completion of destruction operations and facility closure

 activities within target incentive ranges specified in such

 clause.

 "(2) Limitation on incentive payments. - The maximum incentive

 payment under an incentives clause with respect to a chemical

 demilitarization facility may not exceed amounts as follows:

 "(A) In the case of an incentive payment for the completion

 of destruction operations within the target incentive range

 specified in such clause, $110,000,000.

 "(B) In the case of an incentive payment for the completion

 of facility closure activities within the target incentive

 range specified in such clause, $55,000,000.

 "(3) Target ranges. - An incentives clause in a contract under

 this section shall specify the target incentive ranges of costs

 for completion of destruction operations and facility closure

 activities, respectively, as jointly agreed upon by the

 contracting officer and the contractor concerned. An incentives

 clause shall require a proportionate reduction in the maximum

 incentive payment amounts in the event that the contractor

 exceeds an agreed-upon target cost if such excess costs are the

 responsibility of the contractor.

 "(4) Calculation of incentive payments. - The amount of the

 incentive payment earned by a contractor for a chemical

 demilitarization facility under an incentives clause under this

 section shall be based upon a determination by the Secretary on

 how early in the target incentive range specified in such clause

 destruction operations or facility closure activities, as the

 case may be, are completed.

 "(5) Consistency with existing obligations. - The provisions of

 any incentives clause under this section shall be consistent with

 the obligation of the Secretary of Defense under section

 1412(c)(1)(A) of the Department of Defense Authorization Act,

 1986 [50 U.S.C. 1521(c)(1)(A)], to provide for maximum protection

 for the environment, the general public, and the personnel who

 are involved in the destruction of the lethal chemical agents and

 munitions.

 "(6) Additional terms and conditions. - In negotiating the

 inclusion of an incentives clause in a contract under this

 section, the Secretary may include in such clause such additional

 terms and conditions as the Secretary considers appropriate.

 "(c) Additional Limitation on Payments. -

 "(1) Payment conditional on performance. - No payment may be

 made under an incentives clause under this section unless the

 Secretary determines that the contractor concerned has

 satisfactorily performed its duties under such incentives clause.

 "(2) Payment contingent on appropriations. - An incentives

 clause under this section shall specify that the obligation of

 the Government to make payment under such incentives clause is

 subject to the availability of appropriations for that purpose.

 Amounts appropriated for Chemical Agents and Munitions

 Destruction, Defense, shall be available for payments under

 incentives clauses under this section."

 MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT BLUEGRASS

 ARMY DEPOT, KENTUCKY AND PUEBLO ARMY DEPOT, COLORADO

 Pub. L. 107-248, title VIII, Sec. 8122, Oct. 23, 2002, 116 Stat.

 1566, provided that:

 "(a) Management of Chemical Demilitarization Activities at

 Bluegrass Army Depot, Kentucky. - If a technology other than the

 baseline incineration program is selected for the destruction of

 lethal chemical munitions pursuant to section 142 of the Strom

 Thurmond National Defense Authorization Act for Fiscal Year 1999

 (Public Law 105-261; 50 U.S.C. 1521 note), the program manager for

 the Assembled Chemical Weapons Assessment shall be responsible for

 management of the construction, operation, and closure, and any

 contracting relating thereto, of chemical demilitarization

 activities at Bluegrass Army Depot, Kentucky, including management

 of the pilot-scale facility phase of the alternative technology.

 "(b) Management of Chemical Demilitarization Activities at Pueblo

 Depot, Colorado. - The program manager for the Assembled Chemical

 Weapons Assessment shall be responsible for management of the

 construction, operation, and closure, and any contracting relating

 thereto, of chemical demilitarization activities at Pueblo Army

 Depot, Colorado, including management of the pilot-scale facility

 phase of the alternative technology selected for the destruction of

 lethal chemical munitions."

 ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL

 WEAPONS

 Pub. L. 105-261, div. A, title I, Sec. 142, Oct. 17, 1998, 112

 Stat. 1943, as amended by Pub. L. 106-65, div. A, title IX, Sec.

 911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub. L. 106-398, Sec. 1

 [[div. A], title X, Sec. 1087(d)(1)], Oct. 30, 2000, 114 Stat.

 1654, 1654A-292, provided that:

 "(a) Program Management. - The program manager for the Assembled

 Chemical Weapons Assessment shall continue to manage the

 development and testing (including demonstration and pilot-scale

 testing) of technologies for the destruction of lethal chemical

 munitions that are potential or demonstrated alternatives to the

 baseline incineration program. In performing such management, the

 program manager shall act independently of the program manager for

 Chemical Demilitarization and shall report to the Under Secretary

 of Defense for Acquisition, Technology, and Logistics.

 "(b) Post-Demonstration Activities. - (1) The program manager for

 the Assembled Chemical Weapons Assessment may carry out those

 activities necessary to ensure that an alternative technology for

 the destruction of lethal chemical munitions can be implemented

 immediately after -

 "(A) the technology has been demonstrated to be successful; and

 "(B) the Under Secretary of Defense for Acquisition,

 Technology, and Logistics has submitted a report on the

 demonstration to Congress that includes a decision to proceed

 with the pilot-scale facility phase for an alternative

 technology.

 "(2) To prepare for the immediate implementation of any such

 technology, the program manager may, during fiscal years 1998 and

 1999, take the following actions:

 "(A) Establish program requirements.

 "(B) Prepare procurement documentation.

 "(C) Develop environmental documentation.

 "(D) Identify and prepare to meet public outreach and public

 participation requirements.

 "(E) Prepare to award a contract for the design, construction,

 and operation of a pilot facility for the technology to the

 provider team for the technology not later than December 30,

 1999.

 "(c) Independent Evaluation. - The Under Secretary of Defense for

 Acquisition, Technology, and Logistics shall provide for an

 independent evaluation of the cost and schedule of the Assembled

 Chemical Weapons Assessment, which shall be performed and submitted

 to the Under Secretary not later than September 30, 1999. The

 evaluation shall be performed by a nongovernmental organization

 qualified to make such an evaluation.

 "(d) Pilot Facilities Contracts. - (1) The Under Secretary of

 Defense for Acquisition, Technology, and Logistics shall determine

 whether to proceed with pilot-scale testing of a technology

 referred to in paragraph (2) in time to award a contract for the

 design, construction, and operation of a pilot facility for the

 technology to the provider team for the technology not later than

 December 30, 1999. If the Under Secretary determines to proceed

 with such testing, the Under Secretary shall (exercising the

 acquisition authority of the Secretary of Defense) so award a

 contract not later than such date.

 "(2) Paragraph (1) applies to an alternative technology for the

 destruction of lethal chemical munitions, other than incineration,

 that the Under Secretary -

 "(A) certifies in writing to Congress is -

 "(i) as safe and cost effective for disposing of assembled

 chemical munitions as is incineration of such munitions; and

 "(ii) is capable of completing the destruction of such

 munitions on or before the later of the date by which the

 destruction of the munitions would be completed if incineration

 were used or the deadline date for completing the destruction

 of the munitions under the Chemical Weapons Convention; and

 "(B) determines as satisfying the Federal and State

 environmental and safety laws that are applicable to the use of

 the technology and to the design, construction, and operation of

 a pilot facility for use of the technology.

 "(3) The Under Secretary shall consult with the National Research

 Council in making determinations and certifications for the purpose

 of paragraph (2).

 "(4) In this subsection, the term 'Chemical Weapons Convention'

 means the Convention on the Prohibition of Development, Production,

 Stockpiling and Use of Chemical Weapons and on their Destruction,

 opened for signature on January 13, 1993, together with related

 annexes and associated documents.

 "(e) Plan for Pilot Program. - If the Secretary of Defense

 proceeds with a pilot program under section 152(f) of the National

 Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106;

 110 Stat. 214; 50 U.S.C. 1521 note), the Secretary shall prepare a

 plan for the pilot program and shall submit to Congress a report on

 such plan (including information on the cost of, and schedule for,

 implementing the pilot program).

 "(f) Funding. - (1) Of the amount authorized to be appropriated

 under section 107 [112 Stat. 1937], funds shall be available for

 the program manager for the Assembled Chemical Weapons Assessment

 for the following:

 "(A) Demonstrations of alternative technologies under the

 Assembled Chemical Weapons Assessment.

 "(B) Planning and preparation to proceed from demonstration of

 an alternative technology immediately into the development of a

 pilot-scale facility for the technology, including planning and

 preparation for -

 "(i) continued development of the technology leading to

 deployment of the technology for use;

 "(ii) satisfaction of requirements for environmental permits;

 "(iii) demonstration, testing, and evaluation;

 "(iv) initiation of actions to design a pilot plant;

 "(v) provision of support at the field office or depot level

 for deployment of the technology for use; and

 "(vi) educational outreach to the public to engender support

 for the deployment.

 "(C) The independent evaluation of cost and schedule required

 under subsection (c).

 "(2) Funds authorized to be appropriated under section 107(1) are

 authorized to be used for awarding contracts in accordance with

 subsection (d) and for taking any other action authorized in this

 section.

 "(g) Assembled Chemical Weapons Assessment Defined. - In this

 section, the term 'Assembled Chemical Weapons Assessment' means the

 pilot program carried out under section 8065 of the Department of

 Defense Appropriations Act, 1997 (section 101(b) of Public Law 104-

 208; 110 Stat. 3009-101; 50 U.S.C. 1521 note)."

 PILOT PROGRAM FOR DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS

 Pub. L. 104-208, div. A, title I, Sec. 101(b) [title VIII, Sec.

 8065], Sept. 30, 1996, 110 Stat. 3009-71, 3009-101, as amended by

 Pub. L. 106-65, div. A, title IX, Sec. 911(a)(1), Oct. 5, 1999, 113

 Stat. 717, provided that: "Notwithstanding section 142 of H.R.

 3230, the National Defense Authorization Act for Fiscal Year 1997,

 as passed by the Senate on September 10, 1996 [section 142 of Pub.

 L. 104-201, which amended section 152 of Pub. L. 104-106, set out

 below], of the funds provided in title VI of this Act [Pub. L. 104-

 208, div. A, title I, Sec. 101(b) [title VI], Sept. 30, 1996, 110

 Stat. 3009-71, 3009-85], under the heading 'Chemical Agents and

 Munitions Destruction, Defense', $40,000,000 shall only be

 available for the conduct of a pilot program to identify and

 demonstrate not less than two alternatives to the baseline

 incineration process for the demilitarization of assembled chemical

 munitions: Provided, That the Under Secretary of Defense for

 Acquisition, Technology, and Logistics shall, not later than

 December 1, 1996, designate a program manager who is not, nor has

 been, in direct or immediate control of the baseline reverse

 assembly incineration demilitarization program to carry out the

 pilot program: Provided further, That the Under Secretary of

 Defense for Acquisition, Technology, and Logistics shall evaluate

 the effectiveness of each alternative chemical munitions

 demilitarization technology identified and demonstrated under the

 pilot program to demilitarize munitions and assembled chemical

 munitions while meeting all applicable Federal and State

 environmental and safety requirements: Provided further, That the

 Under Secretary of Defense for Acquisition, Technology, and

 Logistics shall transmit, by December 15 of each year, a report to

 the congressional defense committees on the activities carried out

 under the pilot program during the preceding fiscal year in which

 the report is to be made: Provided further, That section 142(f)(3)

 of H.R. 3230, the National Defense Authorization Act for Fiscal

 Year 1997, as passed by the Senate on September 10, 1996 [probably

 means section 152(f)(3) of Pub. L. 104-106, set out below], is

 repealed: Provided further, That no funds may be obligated for the

 construction of a baseline incineration facility at the Lexington

 Blue Grass Army Depot or the Pueblo Depot activity until 180 days

 after the Secretary of Defense has submitted to the congressional

 defense committees a report detailing the effectiveness of each

 alternative chemical munitions demilitarization technology

 identified and demonstrated under the pilot program and its ability

 to meet the applicable safety and environmental requirements:

 Provided further, That none of the funds in this or any other Act

 may be obligated for the preparation of studies, assessments, or

 planning of the removal and transportation of stockpile assembled

 unitary chemical weapons or neutralized chemical agent to any of

 the eight chemical weapons storage sites within the continental

 United States."

 DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND

 MUNITIONS

 Pub. L. 106-65, div. A, title I, Sec. 141, Oct. 5, 1999, 113

 Stat. 537, provided that:

 "(a) Program Assessment. - (1) The Secretary of Defense shall

 conduct an assessment of the current program for destruction of the

 United States' stockpile of chemical agents and munitions,

 including the Assembled Chemical Weapons Assessment, for the

 purpose of reducing significantly the cost of such program and

 ensuring completion of such program in accordance with the

 obligations of the United States under the Chemical Weapons

 Convention while maintaining maximum protection of the general

 public, the personnel involved in the demilitarization program, and

 the environment.

 "(2) Based on the results of the assessment conducted under

 paragraph (1), the Secretary may take those actions identified in

 the assessment that may be accomplished under existing law to

 achieve the purposes of such assessment and the chemical agents and

 munitions stockpile destruction program.

 "(3) Not later than March 1, 2000, the Secretary shall submit to

 Congress a report on -

 "(A) those actions taken, or planned to be taken, under

 paragraph (2); and

 "(B) any recommendations for additional legislation that may be

 required to achieve the purposes of the assessment conducted

 under paragraph (1) and of the chemical agents and munitions

 stockpile destruction program.

 "(b) Changes and Clarifications Regarding Program. - [Amended

 this section.]

 "(c) Comptroller General Assessment and Report. - (1) Not later

 than March 1, 2000, the Comptroller General of the United States

 shall review and assess the program for destruction of the United

 States stockpile of chemical agents and munitions and report the

 results of the assessment to the congressional defense committees.

 "(2) The assessment conducted under paragraph (1) shall include a

 review of the program execution and financial management of each of

 the elements of the program, including -

 "(A) the chemical stockpile disposal project;

 "(B) the nonstockpile chemical materiel project;

 "(C) the alternative technologies and approaches project;

 "(D) the chemical stockpile emergency preparedness program; and

 "(E) the assembled chemical weapons assessment program.

 "(d) Definitions. - As used in this section:

 "(1) The term 'Assembled Chemical Weapons Assessment' means the

 pilot program carried out under section 8065 of the Department of

 Defense Appropriations Act, 1997 (section 101(b) of Public Law

 104-208; 110 Stat. 3009-101; 50 U.S.C. 1521 note).

 "(2) The term 'Chemical Weapons Convention' means the

 Convention on the Prohibition of the Development, Production,

 Stockpiling and Use of Chemical Weapons and on Their Destruction,

 ratified by the United States on April 25, 1997, and entered into

 force on April 29, 1997."

 Section 152 of Pub. L. 104-106, as amended by Pub. L. 104-201,

 div. A, title I, Sec. 142, Sept. 23, 1996, 110 Stat. 2448; Pub. L.

 104-208, div. A, title I, Sec. 101(b) [title VIII, Sec. 8065],

 Sept. 30, 1996, 110 Stat. 3009-71, 3009-102, provided that:

 "(a) In General. - The Secretary of Defense shall proceed with

 the program for destruction of the chemical munitions stockpile of

 the Department of Defense while maintaining the maximum protection

 of the environment, the general public, and the personnel involved

 in the actual destruction of the munitions. In carrying out such

 program, the Secretary shall use technologies and procedures that

 will minimize the risk to the public at each site.

 "(b) Initiation of Demilitarization Operations. - The Secretary

 of Defense may not initiate destruction of the chemical munitions

 stockpile stored at a site until the following support measures are

 in place:

 "(1) Support measures that are required by Department of

 Defense and Army chemical surety and security program

 regulations.

 "(2) Support measures that are required by the general and site

 chemical munitions demilitarization plans specific to that

 installation.

 "(3) Support measures that are required by the permits required

 by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the

 Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions

 demilitarization operations at that installation, as approved by

 the appropriate State regulatory agencies.

 "(c) Assessment of Alternatives. - (1) The Secretary of Defense

 shall conduct an assessment of the current chemical

 demilitarization program and of measures that could be taken to

 reduce significantly the total cost of the program, while ensuring

 maximum protection of the general public, the personnel involved in

 the demilitarization program, and the environment. The measures

 considered shall be limited to those that would minimize the risk

 to the public. The assessment shall be conducted without regard to

 any limitation that would otherwise apply to the conduct of such an

 assessment under any provision of law.

 "(2) The assessment shall be conducted in coordination with the

 National Research Council.

 "(3) Based on the results of the assessment, the Secretary shall

 develop appropriate recommendations for revision of the chemical

 demilitarization program.

 "(4) Not later than March 1, 1996, the Secretary of Defense shall

 submit to the congressional defense committees [Committees on Armed

 Services and on Appropriations of the Senate and House of

 Representatives] an interim report assessing the current status of

 the chemical stockpile demilitarization program, including the

 results of the Army's analysis of the physical and chemical

 integrity of the stockpile and implications for the chemical

 demilitarization program, and providing recommendations for

 revisions to that program that have been included in the budget

 request of the Department of Defense for fiscal year 1997. The

 Secretary shall submit to the congressional defense committees with

 the submission of the budget request of the Department of Defense

 for fiscal year 1998 a final report on the assessment conducted in

 accordance with paragraph (1) and recommendations for revision to

 the program, including an assessment of alternative

 demilitarization technologies and processes to the baseline

 incineration process and potential reconfiguration of the stockpile

 that should be incorporated in the program.

 "(d) Assistance for Chemical Weapons Stockpile Communities

 Affected by Base Closure. - (1) The Secretary of Defense shall

 review and evaluate issues associated with closure and

 reutilization of Department of Defense facilities co-located with

 continuing chemical stockpile and chemical demilitarization

 operations.

 "(2) The review shall include the following:

 "(A) An analysis of the economic impacts on these communities

 and the unique reuse problems facing local communities associated

 with ongoing chemical weapons programs.

 "(B) Recommendations of the Secretary on methods for

 expeditious and cost-effective transfer or lease of these

 facilities to local communities for reuse by those communities.

 "(3) The Secretary shall submit to the congressional defense

 committees a report on the review and evaluation under this

 subsection. The report shall be submitted not later than 90 days

 after the date of the enactment of this Act [Feb. 10, 1996].

 "(e) Assessment of Alternative Technologies for Demilitarization

 of Assembled Chemical Munitions. - (1) In addition to the

 assessment required by subsection (c), the Secretary of Defense

 shall conduct an assessment of the chemical demilitarization

 program for destruction of assembled chemical munitions and of the

 alternative demilitarization technologies and processes (other than

 incineration) that could be used for the destruction of the lethal

 chemical agents that are associated with these munitions, while

 ensuring maximum protection for the general public, the personnel

 involved in the demilitarization program, and the environment. The

 measures considered shall be limited to those that would minimize

 the risk to the public and reduce the total cost of the chemical

 agents and munitions destruction program. The assessment shall be

 conducted without regard to any limitation that would otherwise

 apply to the conduct of such assessment under any provision of law.

 "(2) The assessment shall be conducted in coordination with the

 National Research Council.

 "(3) Among the alternatives, the assessment shall include a

 determination of the cost of incineration of the current chemical

 munitions stockpile by building incinerators at each existing

 facility compared to the proposed cost of dismantling those same

 munitions, neutralizing them at each storage site (other than

 Tooele Army Depot or Johnston Atoll), and transporting the

 neutralized remains and all munitions parts to a treatment,

 storage, and disposal facility within the United States that has

 the necessary environmental permits to undertake incineration of

 the material.

 "(4) Based on the results of the assessment, the Secretary shall

 develop appropriate recommendations for revision of the chemical

 demilitarization program.

 "(5) Not later than December 31, 1997, the Secretary of Defense

 shall submit to Congress a report on the assessment conducted in

 accordance with paragraph (1) and any recommendations for revision

 of the chemical demilitarization program, including the continued

 development of alternative demilitarization technologies and

 processes other than incineration that could be used for the

 destruction of the lethal chemical agents that are associated with

 these assembled chemical munitions and the chemical munitions

 demilitarization sites for which the selected technologies should

 be developed.

 "(f) Pilot Program for Demilitarization of Chemical Agents for

 Assembled Munitions. - (1) If the Secretary of Defense makes a

 decision to continue the development of an alternative

 demilitarization technology or process (other than incineration)

 that could be used for the destruction of the lethal chemical

 agents that are associated with assembled chemical munitions,

 $25,000,000 shall be available from the funds authorized to be

 appropriated in section 107 of the National Defense Authorization

 Act for Fiscal Year 1997 [Pub. L. 104-201, 110 Stat. 2440] for the

 chemical agents and munitions destruction program, in order to

 initiate a pilot program using the selected alternative technology

 or process for the destruction of chemical agents that are stored

 at these sites.

 "(2) Not less than 30 days before using funds to initiate the

 pilot program under paragraph (1), the Secretary shall submit

 notice in writing to Congress of the Secretary's intent to do so.

 "[(3) Repealed. Pub. L. 104-208, div. A, title I, Sec. 101(b)

 [title VIII, Sec. 8065], Sept. 30, 1996, 110 Stat. 3009-71, 3009-

 102.]"

 CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS

 Pub. L. 102-484, div. A, title I, Sec. 172, Oct. 23, 1992, 106

 Stat. 2341, as amended by Pub. L. 104-106, div. A, title I, Sec.

 153(a), Feb. 10, 1996, 110 Stat. 215; Pub. L. 104-201, div. A,

 title X, Sec. 1073(d), Sept. 23, 1996, 110 Stat. 2658; Pub. L. 110-

 181, div. A, title IX, Sec. 921, Jan. 28, 2008, 122 Stat. 282;

 Pub. L. 110-417, [div. A], title IX, Sec. 921, Oct. 14, 2008, 122

 Stat. 4573, provided that:

 "(a) Establishment. - (1) The Secretary of the Army shall

 establish a citizens' commission for each State in which there is a

 low-volume site (as defined in section 180 [set out below]). Each

 such commission shall be known as the 'Chemical Demilitarization

 Citizens' Advisory Commission' for that State.

 "(2) The Secretary shall also establish a Chemical

 Demilitarization Citizens' Advisory Commission for any State in

 which there is located a chemical weapons storage site other than a

 low-volume site, if the establishment of such a commission for such

 State is requested by the Governor of that State.

 "(b) Functions. - The Secretary of the Army shall provide for a

 representative from the Office of the Assistant Secretary of the

 Army (Acquisition, Logistics, and Technology) to meet with each

 commission under this section to receive citizen and State concerns

 regarding the ongoing program of the Army for the disposal of the

 lethal chemical agents and munitions in the stockpile referred to

 in section 1412(a)(1) of the Department of Defense Authorization

 Act, 1986 (50 U.S.C. 1521(a)(1)) at each of the sites with respect

 to which a commission is established pursuant to subsection (a).

 "(c) Membership. - (1) Each commission established for a State

 pursuant to subsection (a) shall be composed of nine members

 appointed by the Governor of the State. Seven of such members shall

 be citizens from the local affected areas in the State; the other

 two shall be representatives of State government who have direct

 responsibilities related to the chemical demilitarization program.

 "(2) For purposes of paragraph (1), affected areas are those

 areas located within a 50-mile radius of a chemical weapons storage

 site.

 "(d) Conflicts of Interest. - For a period of five years after

 the termination of any commission, no corporation, partnership, or

 other organization in which a member of that commission, a spouse

 of a member of that commission, or a natural or adopted child of a

 member of that commission has an ownership interest may be awarded -

 "(1) a contract related to the disposal of lethal chemical

 agents or munitions in the stockpile referred to in section

 1412(a)(1) of the Department of Defense Authorization Act, 1986

 (50 U.S.C. 1521(a)(1)); or

 "(2) a subcontract under such a contract.

 "(e) Chairman. - The members of each commission shall designate

 the chairman of the commission from among the members of the

 commission.

 "(f) Colorado and Kentucky Chemical Demilitarization Citizens'

 Advisory Commissions. - (1) Notwithstanding subsections (b), (g),

 and (h), and consistent with section 142 of the Strom Thurmond

 National Defense Authorization Act for Fiscal Year 1999 [Pub. L.

 105-261] (50 U.S.C. 1521 note) and section 8122 of the Department

 of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat.

 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall

 transfer responsibilities for the Chemical Demilitarization

 Citizens' Advisory Commissions in Colorado and Kentucky to the

 Program Manager for Assembled Chemical Weapons Alternatives.

 "(2) In carrying out the responsibilities transferred under

 paragraph (1), the Program Manager for Assembled Chemical Weapons

 Alternatives shall take appropriate actions to ensure that each

 Commission referred to in paragraph (1) retains the capacity to

 receive citizen and State concerns regarding the ongoing chemical

 demilitarization program in the State concerned.

 "(3) A representative of the Office of the Assistant to the

 Secretary of Defense for Nuclear, Chemical, and Biological Defense

 Programs shall meet with each Commission referred to in paragraph

 (1) not less often than twice a year.

 "(4) Funds appropriated for the Assembled Chemical Weapons

 Alternatives Program shall be available for travel and associated

 travel costs for Commissioners on the Commissions referred to in

 paragraph (1) when such travel is conducted at the invitation of

 the Special Assistant for Chemical and Biological Defense and

 Chemical Demilitarization Programs of the Department of Defense.

 "(g) Meetings. - Each commission shall meet with a representative

 from the Office of the Assistant Secretary of the Army

 (Acquisition, Logistics, and Technology) upon joint agreement

 between the chairman of the commission and that representative. The

 two parties shall meet not less often than twice a year and may

 meet more often at their discretion.

 "(h) Pay and Expenses. - Members of each commission shall receive

 no pay for their involvement in the activities of their

 commissions. Funds appropriated for the Chemical Stockpile

 Demilitarization Program may be used for travel and associated

 travel costs for Citizens' Advisory Commissioners, when such travel

 is conducted at the invitation of the Assistant Secretary of the

 Army (Acquisition, Logistics, and Technology).

 "(h) [(i)] Termination of Commissions. - Each commission shall be

 terminated after the closure activities required pursuant to

 regulations promulgated by the Administrator of the Environmental

 Protection Agency pursuant to the Solid Waste Disposal Act (42

 U.S.C. 6901 et seq.) have been completed for the chemical agent

 destruction facility in the commission's State, or upon the request

 of the Governor of the commission's State, whichever occurs first."

 ALTERNATIVE DISPOSAL PROCESS FOR LOW-VOLUME SITES; REVISED DISPOSAL

 CONCEPT PLAN

 Sections 174 and 175 of Pub. L. 102-484, as amended by Pub. L.

 103-160, div. A, title I, Sec. 155(b), Nov. 30, 1993, 107 Stat.

 1579, provided that:

 "SEC. 174. ALTERNATIVE DISPOSAL PROCESS FOR LOW-VOLUME SITES.

 "(a) Requirement for Alternative Process. - If the date by which

 chemical weapons destruction and demilitarization operations can be

 completed at a low-volume site using an alternative technology

 process evaluated by the Secretary of the Army falls within the

 deadline established by the amendment made by section 171 [amending

 this section] and the Secretary determines that the use of that

 alternative technology process for the destruction of chemical

 weapons at that site is significantly safer and equally or more

 cost-effective than the use of the baseline disassembly and

 incineration process, then the Secretary of the Army, as part of

 the requirement of section 1412(a) of Public Law 99-145 [subsec.

 (a) of this section], shall carry out the disposal of chemical

 weapons at that site using such alternative technology process. In

 addition, the Secretary may carry out the disposal of chemical

 weapons at sites other than low-volume sites using an alternative

 technology process (rather than the baseline process) after

 notifying Congress of the Secretary's intent to do so.

 "(b) Applicability of Certain Provisions of Section 1412. -

 Subsections (c), (e), (f), and (g) of section 1412 of Public Law 99-

 145 (50 U.S.C. 1521) shall apply to this section and to activities

 under this section in the same manner as if this section were part

 of that section 1412.

 "SEC. 175. REVISED CHEMICAL WEAPONS DISPOSAL CONCEPT PLAN.

 "(a) Revised Plan. - If, pursuant to section 174, the Secretary

 of the Army is required to implement an alternative technology

 process for destruction of chemical weapons at any low-volume site,

 the Secretary shall submit to Congress a revised chemical weapons

 disposal concept plan incorporating the alternative technology

 process and reflecting the revised stockpile disposal schedule

 developed under section 1412(b) of Public Law 99-145 (50 U.S.C.

 1521(b)), as amended by section 171. In developing the revised

 concept plan, the Secretary should consider, to the maximum extent

 practicable, revisions to the program and program schedule that

 capitalize on the changes to the chemical demilitarization schedule

 resulting from the revised stockpile elimination deadline by

 reducing cost and decreasing program risk.

 "(b) Matters To Be Included. - The revised concept plan should

 include -

 "(1) life-cycle cost estimates and schedules; and

 "(2) a description of the facilities and operating procedures

 to be employed using the alternative technology process.

 "(c) Applicability of Certain Provisions of Section 1412. -

 Subsection (c) of section 1412 of Public Law 99-145 (50 U.S.C.

 1521) shall apply to the revised concept plan in the same manner as

 if this section were part of that section 1412.

 "(d) Submission of Revised Plan. - If the Secretary is required

 to submit a revised concept plan under this section, the Secretary

 shall submit the revised concept plan during the 120-day period

 beginning at the end of 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 (Secs. 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, Sec. 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."

-FOOTNOTE-

 (!1) So in original. Probably should be "agents".

-End-

-CITE-

 50 USC Sec. 1521a 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1521a. Destruction of existing stockpile of lethal chemical

 agents and munitions

-STATUTE-

 (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.

-SOURCE-

 (Pub. L. 107-314, div. A, title I, Sec. 141, Dec. 2, 2002, 116

 Stat. 2477.)

-COD-

 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, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which

 comprises this chapter.

-CROSS-

 "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.

 See note under section 101 of Title 10, Armed Forces.

-End-

-CITE-

 50 USC Sec. 1522 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1522. Conduct of chemical and biological defense program

-STATUTE-

 (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 biological 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 Department 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.

-SOURCE-

 (Pub. L. 103-160, div. A, title XVII, Sec. 1701, Nov. 30, 1993, 107

 Stat. 1853; Pub. L. 104-201, div. A, title II, Sec. 228, Sept. 23,

 1996, 110 Stat. 2460.)

-COD-

 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, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this

 chapter.

-MISC1-

 AMENDMENTS

 1996 - Subsec. (c). Pub. L. 104-201, Sec. 228(a), designated

 existing provisions as par. (1) and added par. (2).

 Subsec. (d)(1). Pub. L. 104-201, Sec. 228(b)(1), substituted

 "program for the Department of Defense" for "program for the

 military departments".

 Subsec. (d)(2). Pub. L. 104-201, Sec. 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, Sec. 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, Sec. 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, Sec. 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, Sec. 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."

-End-

-CITE-

 50 USC Sec. 1523 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1523. Annual report on chemical and biological warfare defense

-STATUTE-

 (a) Report required

 The Secretary of Defense shall include in the annual report of

 the Secretary under section 113(c) of title 10 a report on chemical

 and biological warfare defense. The report shall assess -

 (1) the overall readiness of the Armed Forces to fight in a

 chemical-biological warfare environment and shall describe steps

 taken and planned to be taken to improve such readiness; and

 (2) requirements for the chemical and biological warfare

 defense program, including requirements for training, detection,

 and protective equipment, for medical prophylaxis, and for

 treatment of casualties resulting from use of chemical or

 biological weapons.

 (b) Matters to be included

 The report shall include information on the following:

 (1) The quantities, characteristics, and capabilities of

 fielded chemical and biological defense equipment to meet wartime

 and peacetime requirements for support of the Armed Forces,

 including individual protective items.

 (2) The status of research and development programs, and

 acquisition programs, for required improvements in chemical and

 biological defense equipment and medical treatment, including an

 assessment of the ability of the Department of Defense and the

 industrial base to meet those requirements.

 (3) Measures taken to ensure the integration of requirements

 for chemical and biological defense equipment and material among

 the Armed Forces.

 (4) The status of nuclear, biological, and chemical (NBC)

 warfare defense training and readiness among the Armed Forces and

 measures being taken to include realistic nuclear, biological,

 and chemical warfare simulations in war games, battle

 simulations, and training exercises.

 (5) Measures taken to improve overall management and

 coordination of the chemical and biological defense program.

 (6) Problems encountered in the chemical and biological warfare

 defense program during the past year and recommended solutions to

 those problems for which additional resources or actions by the

 Congress are required.

 (7) A description of the chemical warfare defense preparations

 that have been and are being undertaken by the Department of

 Defense to address needs which may arise under article X of the

 Chemical Weapons Convention.

 (8) A summary of other preparations undertaken by the

 Department of Defense and the On-Site Inspection Agency to

 prepare for and to assist in the implementation of the

 convention, including activities such as training for inspectors,

 preparation of defense installations for inspections under the

 convention using the Defense Treaty Inspection Readiness Program,

 provision of chemical weapons detection equipment, and assistance

 in the safe transportation, storage, and destruction of chemical

 weapons in other signatory nations to the convention.

 (9) A description of any program involving the testing of

 biological or chemical agents on human subjects that was carried

 out by the Department of Defense during the period covered by the

 report, together with -

 (A) a detailed justification for the testing;

 (B) a detailed explanation of the purposes of the testing;

 (C) a description of each chemical or biological agent

 tested; and

 (D) the Secretary's certification that informed consent to

 the testing was obtained from each human subject in advance of

 the testing on that subject.

 (10) A description of the coordination and integration of the

 program of the Defense Advanced Research Projects Agency (DARPA)

 on basic and applied research and advanced technology development

 on chemical and biological warfare defense technologies and

 systems under section 1522(c)(2) of this title with the overall

 program of the Department of Defense on chemical and biological

 warfare defense, including -

 (A) an assessment of the degree to which the DARPA program is

 coordinated and integrated with, and supports the objectives

 and requirements of, the overall program of the Department of

 Defense; and

 (B) the means by which the Department determines the level of

 such coordination and support.

-SOURCE-

 (Pub. L. 103-160, div. A, title XVII, Sec. 1703, Nov. 30, 1993, 107

 Stat. 1854; Pub. L. 105-85, div. A, title X, Sec. 1078(f), Nov. 18,

 1997, 111 Stat. 1915; Pub. L. 109-364, div. A, title X, Sec. 1041,

 Oct. 17, 2006, 120 Stat. 2390.)

-COD-

 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, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this

 chapter.

-MISC1-

 AMENDMENTS

 2006 - Subsec. (b)(10). Pub. L. 109-364 added par. (10).

 1997 - Subsec. (b)(9). Pub. L. 105-85 added par. (9).

-End-

-CITE-

 50 USC Sec. 1524 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1524. Agreements to provide support to vaccination programs of

 Department of Health and Human Services

-STATUTE-

 (a) Agreements authorized

 The Secretary of Defense may enter into agreements with the

 Secretary of Health and Human Services to provide support for

 vaccination programs of the Secretary of Health and Human Services

 in the United States through use of the excess peacetime biological

 weapons defense capability of the Department of Defense.

 (b) Report

 Not later than February 1, 1994, the Secretary of Defense shall

 submit to the congressional defense committees a report on the

 feasibility of providing Department of Defense support for

 vaccination programs under subsection (a) of this section and shall

 identify resource requirements that are not within the Department's

 capability.

-SOURCE-

 (Pub. L. 103-160, div. A, title XVII, Sec. 1705, Nov. 30, 1993, 107

 Stat. 1856.)

-COD-

 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, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this

 chapter.

-CROSS-

 "CONGRESSIONAL DEFENSE COMMITTEES" DEFINED

 Congressional defense committees means the Committees on Armed

 Services and the Committees on Appropriations of the Senate and

 House of Representatives, see section 3 of Pub. L. 103-160, 107

 Stat. 1562. See note under section 101 of Title 10, Armed Forces.

-End-

-CITE-

 50 USC Sec. 1525 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1525. Assistance for facilities subject to inspection under

 Chemical Weapons Convention

-STATUTE-

 (a) Assistance authorized

 Upon the request of the owner or operator of a facility that is

 subject to a routine inspection or a challenge inspection under the

 Chemical Weapons Convention, the Secretary of Defense may provide

 technical assistance to that owner or operator related to

 compliance of that facility with the Convention. Any such

 assistance shall be provided through the On-Site Inspection Agency

 of the Department of Defense.

 (b) Reimbursement requirement

 The Secretary may provide assistance under subsection (a) of this

 section only to the extent that the Secretary determines that the

 Department of Defense will be reimbursed for costs incurred in

 providing the assistance. The United States National Authority may

 provide such reimbursement from amounts available to it. Any such

 reimbursement shall be credited to amounts available for the On-

 Site Inspection Agency.

 (c) Definitions

 In this section:

 (1) The terms "Chemical Weapons Convention" and "Convention"

 mean the Convention on the Prohibition of the Development,

 Production, Stockpiling and Use of Chemical Weapons and on Their

 Destruction, ratified by the United States on April 25, 1997, and

 entered into force on April 29, 1997.

 (2) The term "facility that is subject to a routine inspection"

 means a declared facility, as defined in paragraph 15 of part X

 of the Annex on Implementation and Verification of the

 Convention.

 (3) The term "challenge inspection" means an inspection

 conducted under Article IX of the Convention.

 (4) The term "United States National Authority" means the

 United States National Authority established or designated

 pursuant to Article VII, paragraph 4, of the Convention.

-SOURCE-

 (Pub. L. 105-85, div. A, title XIII, Sec. 1303, Nov. 18, 1997, 111

 Stat. 1951.)

-COD-

 CODIFICATION

 Section was enacted as part of the National Defense Authorization

 Act for Fiscal Year 1998, and not as part of Pub. L. 91-121, title

 IV, Sec. 409, Nov. 19, 1969, 83 Stat. 209, which comprises this

 chapter.

-End-

-CITE-

 50 USC Sec. 1526 01/05/2009

-EXPCITE-

 TITLE 50 - WAR AND NATIONAL DEFENSE

 CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-HEAD-

 Sec. 1526. Effective use of resources for nonproliferation programs

-STATUTE-

 (a) Prohibition

 Except as provided in subsection (b) of this section, no

 assistance may be provided by the United States Government to any

 person who is involved in the research, development, design,

 testing, or evaluation of chemical or biological weapons for

 offensive purposes.

 (b) Exception

 The prohibition contained in subsection (a) of this section shall

 not apply to any activity conducted pursuant to title V of the

 National Security Act of 1947 (50 U.S.C. 413 et seq.).

-SOURCE-

 (Pub. L. 106-113, div. B, Sec. 1000(a)(7) [div. B, title XI, Sec.

 1132], Nov. 29, 1999, 113 Stat. 1536, 1501A-493).

-REFTEXT-

 REFERENCES IN TEXT

 The National Security Act of 1947, referred to in subsec. (b), is

 act July 26, 1947, ch. 343, 61 Stat. 495, as amended. Title V of

 the Act is classified generally to subchapter III (Sec. 413 et

 seq.) of chapter 15 of this title. For complete classification of

 this Act to the Code, see Short Title note set out under section

 401 of this title and Tables.

-COD-

 CODIFICATION

 Section was enacted as part of the Arms Control and

 Nonproliferation Act of 1999, and also as part of the Arms Control,

 Nonproliferation, and Security Assistance Act of 1999, and the

 Admiral James W. Nance and Meg Donovan Foreign Relations

 Authorization Act, Fiscal Years, 2000 and 2001, and not as part of

 Pub. L. 91-121, title IV, Sec. 409, Nov. 19, 1969, 83 Stat. 209,

 which comprises this chapter.

-End-