-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 Repealed.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;

notice to Congress and State Governors.

1512a. Transportation of chemical munitions.

1513. Deployment, storage, and disposal; notification to

host country and Congress; international law

violations; reports to Congress and international

organizations.

1514. "United States" defined.

1515. Suspension; Presidential authorization.

1516. Delivery systems.

1517. Immediate disposal when health or safety are

endangered.

1518. Disposal; detoxification; report to Congress;

emergencies.

1519. Lethal binary chemical munitions.

1519a. Limitation on procurement of binary chemical weapons.

1520. Repealed.

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

chemical or biological agents.

1521. Destruction of existing stockpile of lethal chemical

agents and munitions.

1521a. Destruction of existing stockpile of lethal chemical

agents and munitions.

1522. Conduct of chemical and biological defense program.

1523. Annual report on chemical and biological warfare

defense.

1524. Agreements to provide support to vaccination programs

of Department of Health and Human Services.

1525. Assistance for facilities subject to inspection under

Chemical Weapons Convention.

1526. Effective use of resources for nonproliferation

programs.

-End-

-CITE-

50 USC Sec. 1511 01/05/2009

-EXPCITE-

TITLE 50 - WAR AND NATIONAL DEFENSE

CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-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 Repealed.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 Repealed.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

CHAPTER 32 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

-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-