

TITLE XIV--DEFENSE <<NOTE: Defense Against Weapons of Mass Destruction Act of 1996.>> AGAINST WEAPONS OF MASS DESTRUCTION

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SEC. 1401. <<NOTE: 50 USC 2301 note.>> SHORT TITLE.

This title may be cited as the ``Defense Against Weapons of Mass Destruction Act of 1996''.

SEC. 1402. <<NOTE: 50 USC 2301 note.>> FINDINGS.

Congress makes the following findings:

- (1) Weapons of mass destruction and related materials and technologies are increasingly available from worldwide sources. Technical information relating to such weapons is readily available on the Internet, and raw materials for chemical, biological, and radiological weapons are widely available for legitimate commercial purposes.
- (2) The former Soviet Union produced and maintained a vast array of nuclear, biological, and chemical weapons of mass destruction.
- (3) Many of the states of the former Soviet Union retain the facilities, materials, and technologies capable of producing additional quantities of weapons of mass destruction.
- (4) The disintegration of the former Soviet Union was accompanied by disruptions of command and control systems, deficiencies in accountability for weapons, weapons-related materials and technologies, economic hardships, and significant gaps in border control among the states of the former Soviet Union. The problems of organized crime and corruption in the states of the former Soviet Union increase the potential for proliferation of nuclear, radiological, biological, and chemical weapons and related materials.
- (5) The conditions described in paragraph (4) have substantially increased the ability of potentially hostile nations, terrorist groups, and individuals to acquire weapons of mass destruction and related materials and technologies from within the states of the former Soviet Union and from unemployed scientists who worked on those programs.
- (6) As a result of such conditions, the capability of

potentially hostile nations and terrorist groups to acquire nuclear, radiological, biological, and chemical weapons is greater than at any time in history.

(7) The President has identified North Korea, Iraq, Iran, and Libya as hostile states which already possess some weapons of mass destruction and are developing others.

(8) The acquisition or the development and use of weapons of mass destruction is well within the capability of many extremist and terrorist movements, acting independently or as proxies for foreign states.

(9) Foreign states can transfer weapons to or otherwise aid extremist and terrorist movements indirectly and with plausible deniability.

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(10) Terrorist groups have already conducted chemical attacks against civilian targets in the United States and Japan, and a radiological attack in Russia.

(11) The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken seriously.

(12) There is a significant and growing threat of attack by weapons of mass destruction on targets that are not military targets in the usual sense of the term.

(13) Concomitantly, the threat posed to the citizens of the United States by nuclear, radiological, biological, and chemical weapons delivered by unconventional means is significant and growing.

(14) Mass terror may result from terrorist incidents involving nuclear, radiological, biological, or chemical materials.

(15) Facilities required for production of radiological, biological, and chemical weapons are much smaller and harder to detect than nuclear weapons facilities, and biological and chemical weapons can be deployed by alternative delivery means other than long-range ballistic missiles.

(16) Covert or unconventional means of delivery of nuclear, radiological, biological, and chemical weapons include cargo ships, passenger aircraft, commercial and private vehicles and vessels, and commercial cargo shipments routed through multiple destinations.

(17) Traditional arms control efforts assume large state efforts with detectable manufacturing programs and weapons production programs, but are ineffective in monitoring and controlling smaller, though potentially more dangerous, unconventional proliferation efforts.

(18) Conventional counterproliferation efforts would do little to detect or prevent the rapid development of a capability to suddenly manufacture several hundred chemical or

biological weapons with nothing but commercial supplies and equipment.

(19) The United States lacks adequate planning and countermeasures to address the threat of nuclear, radiological, biological, and chemical terrorism.

(20) The Department of Energy has established a Nuclear Emergency Response Team which is available in case of nuclear or radiological emergencies, but no comparable units exist to deal with emergencies involving biological or chemical weapons or related materials.

(21) State and local emergency response personnel are not adequately prepared or trained for incidents involving nuclear, radiological, biological, or chemical materials.

(22) Exercises of the Federal, State, and local response to nuclear, radiological, biological, or chemical terrorism have revealed serious deficiencies in preparedness and severe problems of coordination.

(23) The development of, and allocation of responsibilities for, effective countermeasures to nuclear, radiological, biological, or chemical terrorism in the United States requires well-coordinated participation of many Federal agencies, and careful planning by the Federal Government and State and local governments.

(24) Training and exercises can significantly improve the preparedness of State and local emergency response personnel

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for emergencies involving nuclear, radiological, biological, or chemical weapons or related materials.

(25) Sharing of the expertise and capabilities of the Department of Defense, which traditionally has provided assistance to Federal, State, and local officials in neutralizing, dismantling, and disposing of explosive ordnance, as well as radiological, biological, and chemical materials, can be a vital

contribution to the development and deployment of countermeasures against nuclear, biological, and chemical weapons of mass destruction.

(26) The United States lacks effective policy coordination regarding the threat posed by the proliferation of weapons of mass destruction.

SEC. 1403. <<NOTE: 50 USC 2302.>> DEFINITIONS.

In this title:

(1) The term "weapon of mass destruction" means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people

through the release, dissemination, or impact of--

- (A) toxic or poisonous chemicals or their precursors;
- (B) a disease organism; or
- (C) radiation or radioactivity.

(2) The term "independent states of the former Soviet Union" has the meaning given that term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(3) The term "highly enriched uranium" means uranium enriched to 20 percent or more in the isotope U-235.

Subtitle A--Domestic Preparedness

SEC. 1411. RESPONSE <<NOTE: President. 50 USC 2311.>> TO THREATS OF TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.

(a) Enhanced Response Capability.--In light of the potential for terrorist use of weapons of mass destruction against the United States, the President shall take immediate action--

- (1) to enhance the capability of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction; and
- (2) to provide enhanced support to improve the capabilities of State and local emergency response agencies to prevent and respond to such incidents at both the national and the local level.

(b) Report Required.--Not later than January 31, 1997, the President shall transmit to Congress a report containing--

- (1) an assessment of the capabilities of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction and to support State and local prevention and response efforts;
- (2) requirements for improvements in those capabilities; and
- (3) the measures that should be taken to achieve such improvements, including additional resources and legislative authorities that would be required.

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SEC. 1412. <<NOTE: 50 USC 2312.>> EMERGENCY RESPONSE ASSISTANCE PROGRAM.

(a) Program Required.--(1) The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(2) The President may designate the head of an agency other than the Department of Defense to assume the responsibility for carrying out the program on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(3) In this section, the official responsible for carrying out the program is referred to as the "lead official".

(b) Coordination.--In carrying out the program, the lead official shall coordinate with each of the following officials who is not serving as the lead official:

- (1) The Director of the Federal Emergency Management Agency.
- (2) The Secretary of Energy.
- (3) The Secretary of Defense.
- (4) The heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergency responses described in subsection (a)(1).

(c) Eligible Participants.--The civilian personnel eligible to receive assistance under the program are civilian personnel of Federal, State, and local agencies who have emergency preparedness responsibilities.

(d) Involvement of Other Federal Agencies.--(1) The lead official may use personnel and capabilities of Federal agencies outside the agency of the lead official to provide training and expert advice under the program.

(2)(A) Personnel used under paragraph (1) shall be personnel who have special skills relevant to the particular assistance that the personnel are to provide.

(B) Capabilities used under paragraph (1) shall be capabilities that are especially relevant to the particular assistance for which the capabilities are used.

(3) If the lead official is not the Secretary of Defense, and requests assistance from the Department of Defense that, in the judgment of the Secretary of Defense would affect military readiness or adversely affect national security, the Secretary of Defense may appeal the request for Department of Defense assistance by the lead official to the President.

(e) Available Assistance.--Assistance available under this program shall include the following:

- (1) Training in the use, operation, and maintenance of equipment for--
 - (A) detecting a chemical or biological agent or nuclear radiation;
 - (B) monitoring the presence of such an agent or radiation;
 - (C) protecting emergency personnel and the public; and
 - (D) decontamination.

(2) Establishment of a designated telephonic link (commonly referred to as a "hot line") to a designated source of

relevant data and expert advice for the use of State or local

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officials responding to emergencies involving a weapon of mass destruction or related materials.

(3) Use of the National Guard and other reserve components for purposes authorized under this section that are specified by the lead official (with the concurrence of the Secretary of Defense if the Secretary is not the lead official).

(4) Loan of appropriate equipment.

(f) Limitations on Department of Defense Assistance to Law Enforcement Agencies.--Assistance provided by the Department of Defense to law enforcement agencies under this section shall be provided under the authority of, and subject to the restrictions provided in, chapter 18 of title 10, United States Code.

(g) Administration of Department of Defense Assistance.--The Secretary of Defense shall designate an official within the Department of Defense to serve as the executive agent of the Secretary for the coordination of the provision of Department of Defense assistance under this section.

(h) Funding.--(1) Of the total amount authorized to be appropriated under section 301, \$35,000,000 is available for the program required under this section.

(2) Of the amount available for the program pursuant to paragraph (1), \$10,500,000 is available for use by the Secretary of Defense to assist the Secretary of Health and Human Services in the establishment of metropolitan emergency medical response teams (commonly referred to as "Metropolitan Medical Strike Force Teams") to provide medical services that are necessary or potentially necessary by reason of a use or threatened use of a weapon of mass destruction.

(3) The amount available for the program under paragraph (1) is in addition to any other amounts authorized to be appropriated for the program under section 301.

SEC. 1413. NUCLEAR, <<NOTE: 50 USC 2313.>> CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

(a) Department of Defense.--The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for--

(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department's responsibilities under subsection (b).

(b) Department of Energy.--The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for--

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear, chemical, and biological weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

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(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under subsection (a).

(c) Funding.--Of the total amount authorized to be appropriated under section 301, \$15,000,000 is available for providing assistance described in subsection (a).

SEC. 1414. CHEMICAL-BIOLOGICAL <<NOTE: 50 USC 2314.>> EMERGENCY RESPONSE TEAM.

(a) Department of Defense Rapid Response Team.--The Secretary of Defense shall develop and maintain at least one domestic terrorism rapid response team composed of members of the Armed Forces and employees of the Department of Defense who are capable of aiding Federal, State, and local officials in the detection, neutralization, containment, dismantlement, and disposal of weapons of mass destruction containing chemical, biological, or related materials.

(b) Addition to Federal Response Plan.--Not later than December 31, 1997, the Director of the Federal Emergency Management Agency shall develop and incorporate into existing Federal emergency response plans and programs prepared under section 611(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(b)) guidance on the use and deployment of the rapid response teams established under this section to respond to emergencies involving weapons of mass destruction. The Director shall carry out this subsection in consultation with the Secretary of Defense and the heads of other Federal agencies involved with the emergency response plans.

SEC. 1415. TESTING <<NOTE: 50 USC 2315.>> OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.

(a) Emergencies Involving Chemical or Biological Weapons.--(1) The Secretary of Defense shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving biological weapons and related materials and emergencies involving chemical weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Energy, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(b) Emergencies Involving Nuclear and Radiological Weapons.--(1) The Secretary of Energy shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving nuclear and radiological weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Defense, and the heads of any other Federal, State, and local government agencies that have an exper

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tise or responsibilities relevant to emergencies described in paragraph (1).

(c) Annual Revisions of Programs.--The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program not later than June 1 in each fiscal year covered by the program. The revisions shall include adjustments that the official determines necessary or appropriate on the basis of the lessons learned from the exercise or exercises carried out under the program in the fiscal year, including lessons learned regarding coordination problems and equipment deficiencies.

(d) Option To Transfer Responsibility.--(1) The President may designate the head of an agency outside the Department of Defense to assume the responsibility for carrying out the program developed under subsection (a) beginning on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(2) The President may designate the head of an agency outside the Department of Energy to assume the responsibility for carrying out the program developed under subsection (b) beginning on or after October 1, 1999, and relieve the Secretary of Energy of that responsibility upon the assumption of the responsibility by the designated official.

(e) Funding.--Of the total amount authorized to be appropriated under section 301, \$15,000,000 is available for the development and execution of the programs required by this section, including the participation of State and local agencies in exercises carried out under the programs.

SEC. 1416. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT

OFFICIALS IN EMERGENCY SITUATIONS
INVOLVING BIOLOGICAL OR CHEMICAL
WEAPONS.

(a) Assistance Authorized.--(1) Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:
`Sec. 382. Emergency situations involving chemical or biological weapons of mass destruction

`(a) In General.--The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of section 175 or 2332c of title 18 during an emergency situation involving a biological or chemical weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if--

- `(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and
- `(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

`(b) Emergency Situations Covered.--In this section, the term 'emergency situation involving a biological or chemical weapon of mass destruction' means a circumstance involving a biological or chemical weapon of mass destruction--

- `(1) that poses a serious threat to the interests of the United States; and
- `(2) in which--

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`(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;

`(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and

`(C) enforcement of section 175 or 2332c of title 18 would be seriously impaired if the Department of Defense assistance were not provided.

`(c) Forms of Assistance.--The assistance referred to in subsection (a) includes the operation of equipment (including equipment made available under section 372 of this title) to monitor, contain, disable, or dispose of the weapon involved or elements of the weapon.

`(d) Regulations.--(1) The Secretary of Defense and the Attorney General shall jointly prescribe regulations concerning the types of assistance that may be provided under this section. Such regulations

shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

“(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:

- “(i) Arrest.
- “(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175 or 2332c of title 18.
- “(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

“(B) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

- “(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.
- “(ii) The action is otherwise authorized under subsection (c) or under otherwise applicable law.

“(e) Reimbursements.--The Secretary of Defense shall require reimbursement as a condition for providing assistance under this section to the extent required under section 377 of this title.

“(f) Delegations of Authority.--(1) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this section. The Secretary of Defense may delegate the Secretary's authority under this section only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

“(2) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this section. The Attorney General may delegate that authority only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

“(g) Relationship to Other Authority.--Nothing in this section shall be construed to restrict any executive branch authority

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regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

``382. Emergency situations involving chemical or biological weapons of mass destruction.".

(b) Conforming Amendment to Condition for Providing Equipment and Facilities.--Section 372(b)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: ``The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.".

(c) Conforming Amendments Relating to Authority To Request Assistance.--(1)(A) Chapter 10 of title 18, United States Code, is amended by inserting after section 175 the following new section:
``Sec. 175a. Requests for military assistance to enforce prohibition in certain emergencies

``The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 175 the following new item:

``175a. Requests for military assistance to enforce prohibition in certain emergencies.".

(2)(A) The chapter 133B of title 18, United States Code, that relates to terrorism is amended by inserting after section 2332c the following new section:

``Sec. 2332d. Requests for military assistance to enforce prohibition in certain emergencies

``The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332c of this title during an emergency situation involving a chemical weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2332c the following new item:

2332d. Requests for military assistance to enforce prohibition in certain emergencies."

(d) Civilian <<NOTE: President. 50 USC 2316.>> Expertise.--The President shall take reasonable measures to reduce the reliance of civilian law enforcement officials on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons

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of mass destruction within the United States. The measures shall include--

- (1) actions to increase civilian law enforcement expertise to counter such a threat; and
- (2) actions to improve coordination between civilian law enforcement officials and other civilian sources of expertise, within and outside the Federal Government, to counter such a threat.

(e) Reports.--The <<NOTE: 50 USC 2316.>> President shall submit to Congress the following reports:

- (1) Not later than 90 days after the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.
- (2) Not later than one year after such date, a report describing--
 - (A) the actions planned to be taken to carry out subsection (d); and
 - (B) the costs of such actions.
- (3) Not later than three years after such date, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d).

SEC. 1417. <<NOTE: 50 USC 2317.>> RAPID RESPONSE INFORMATION SYSTEM.

(a) Inventory of Rapid Response Assets.--(1) The head of each Federal Response Plan agency shall develop and maintain an inventory of physical equipment and assets under the jurisdiction of that agency that could be made available to aid State and local officials in search and rescue and other disaster management and mitigation efforts associated with an emergency involving weapons of mass destruction. The agency head shall submit a copy of the inventory, and any updates of the inventory, to the Director of the Federal Emergency Management Agency for inclusion in the master inventory required under subsection (b).

- (2) Each inventory shall include a separate listing of any equipment

that is excess to the needs of that agency and could be considered for disposal as excess or surplus property for use for response and training with regard to emergencies involving weapons of mass destruction.

(b) Master Inventory.--The Director of the Federal Emergency Management Agency shall compile and maintain a comprehensive listing of all inventories prepared under subsection (a). The first such master list shall be completed not later than December 31, 1997, and shall be updated annually thereafter.

(c) Addition to Federal Response Plan.--Not later than December 31, 1997, the Director of the Federal Emergency Management Agency shall develop and incorporate into existing Federal emergency response plans and programs prepared under section 611(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(b)) guidance on accessing and using the physical equipment and assets included in the master list developed under subsection to respond to emergencies involving weapons of mass destruction.

(d) Database on Chemical and Biological Materials.--The Director of the Federal Emergency Management Agency, in con

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sultation with the Secretary of Defense, shall prepare a database on chemical and biological agents and munitions characteristics and safety precautions for civilian use. The initial design and compilation of the database shall be completed not later than December 31, 1997.

(e) Access to Inventory and Database.--The Director of the Federal Emergency Management Agency shall design and maintain a system to give Federal, State, and local officials access to the inventory listing and database maintained under this section in the event of an emergency involving weapons of mass destruction or to prepare and train to respond to such an emergency. The system shall include a secure but accessible emergency response hotline to access information and request assistance.

Subtitle B--Interdiction of Weapons of Mass Destruction and Related Materials

SEC. 1421. PROCUREMENT <<NOTE: 50 USC 2331.>> OF DETECTION EQUIPMENT UNITED STATES BORDER SECURITY.

Of the amount authorized to be appropriated by section 301, \$15,000,000 is available for the procurement of--

- (1) equipment capable of detecting the movement of weapons of mass destruction and related materials into the United States;
- (2) equipment capable of interdicting the movement of weapons of mass destruction and related materials into the United States; and
- (3) materials and technologies related to use of equipment described in paragraph (1) or (2).

SEC. 1422. EXTENSION OF COVERAGE OF INTERNATIONAL EMERGENCY
ECONOMIC POWERS ACT.

Section 206 of the International Emergency Economic Powers Act (50
U.S.C. 1705) is amended--

- (1) in subsection (a), by inserting `` , or attempts to
violate," after ``violates"; and
- (2) in subsection (b), by inserting `` , or willfully
attempts to violate," after ``violates".

SEC. 1423. <<NOTE: 50 USC 2332.>> SENSE OF CONGRESS CONCERNING
CRIMINAL
PENALTIES.

(a) Sense of Congress Concerning Inadequacy of Sentencing
Guidelines.--It is the sense of Congress that the sentencing guidelines
prescribed by the United States Sentencing Commission for the offenses
of importation, attempted importation, exportation, and attempted
exportation of nuclear, biological, and chemical weapons materials
constitute inadequate punishment for such offenses.

(b) Urging of Revision to Guidelines.--Congress urges the United
States Sentencing Commission to revise the relevant sentencing
guidelines to provide for increased penalties for offenses relating to
importation, attempted importation, exportation, and attempted
exportation of nuclear, biological, or chemical weapons or related
materials or technologies under the following provisions of law:

- (1) Section 11 of the Export Administration Act of 1979 (50
U.S.C. App. 2410).

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- (2) Sections 38 and 40 of the Arms Export Control Act (22
U.S.C. 2778 and 2780).

- (3) The International Emergency Economic Powers Act
(50 U.S.C. 1701 et seq.).

- (4) Section 309(c) of the Nuclear Non-Proliferation Act of
1978 (22 U.S.C. 2156a(c)).

SEC. 1424. <<NOTE: 50 USC 2333.>> INTERNATIONAL BORDER SECURITY.

(a) Secretary of Defense Responsibility.--The Secretary of Defense,
in consultation and cooperation with the Commissioner of Customs, shall
carry out programs for assisting customs officials and border guard
officials in the independent states of the former Soviet Union, the
Baltic states, and other countries of Eastern Europe in preventing
unauthorized transfer and transportation of nuclear, biological, and
chemical weapons and related materials. Training, expert advice,
maintenance of equipment, loan of equipment, and audits may be provided
under or in connection with the programs.

- (b) Funding.--Of the total amount authorized to be appropriated by

section 301, \$15,000,000 is available for carrying out the programs referred to in subsection (a).

(c) Assistance to States of the Former Soviet Union.--Assistance under programs referred to in subsection (a) may (notwithstanding any provision of law prohibiting the extension of foreign assistance to any of the newly independent states of the former Soviet Union) be extended to include an independent state of the former Soviet Union if the President certifies to Congress that it is in the national interest of the United States to extend assistance under this section to that state.

Subtitle C--Control and Disposition of Weapons of Mass Destruction and Related Materials Threatening the United States

SEC. 1431. COVERAGE OF WEAPONS-USABLE FISSILE MATERIALS IN COOPERATIVE THREAT REDUCTION PROGRAMS ON ELIMINATION OR TRANSPORTATION OF NUCLEAR WEAPONS.

Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 469; 22 U.S.C. 5955 note) is amended by inserting `` , fissile material suitable for use in nuclear weapons," after ``other weapons".

SEC. 1432. <<NOTE: 50 USC 2341.>> ELIMINATION OF PLUTONIUM PRODUCTION.

(a) Replacement Program.--The Secretary of Energy, in consultation with the Secretary of Defense, shall develop a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium by modifying or replacing the reactor cores at Tomsk-7 and Krasnoyarsk-26 with reactor cores that are less suitable for the production of weapons-grade plutonium.

(b) Program Requirements.--(1) The program shall be designed to achieve completion of the modifications or replacements of the reactor cores within three years after the modification or replacement activities under the program are begun.

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(2) The plan for the program shall--

(A) specify--

(i) successive steps for the modification or replacement of the reactor cores; and

(ii) clearly defined milestones to be achieved; and

(B) include estimates of the costs of the program.

(c) Submission of Program Plan to Congress.--Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense

shall submit to Congress--

- (1) a plan for the program under subsection (a);
- (2) an estimate of the United States funding that is necessary for carrying out the activities under the program for each fiscal year covered by the program; and
- (3) a comparison of the benefits of the program with the benefits of other nonproliferation programs.

Subtitle D--Coordination of Policy and Countermeasures Against Proliferation of Weapons of Mass Destruction

SEC. 1441. <<NOTE: 50 USC 2351.>> NATIONAL COORDINATOR ON NONPROLIFERATION.

(a) Designation <<NOTE: President.>> of Position.--The President shall designate an individual to serve in the Executive Office of the President as the National Coordinator for Nonproliferation Matters.

(b) Duties.--The Coordinator, under the direction of the National Security Council, shall advise and assist the President by--

- (1) advising the President on nonproliferation of weapons of mass destruction, including issues related to terrorism, arms control, and international organized crime;
- (2) chairing the Committee on Nonproliferation established under section 1342; and
- (3) taking such actions as are necessary to ensure that there is appropriate emphasis in, cooperation on, and coordination of, nonproliferation research efforts of the United States, including activities of Federal agencies as well as activities of contractors funded by the Federal Government.

(c) Allocation of Funds.--Of the total amount authorized to be appropriated under section 301, \$2,000,000 is available to the Department of Defense for carrying out research referred to in subsection (b)(3).

SEC. 1442. NATIONAL <<NOTE: 50 USC 2352.>> SECURITY COUNCIL COMMITTEE ON NONPROLIFERATION.

(a) Establishment.--The Committee on Nonproliferation (in this section referred to as the ``Committee'') is established as a committee of the National Security Council.

(b) Membership.--(1) The Committee shall be composed of representatives of the following:

- (A) The Secretary of State.
- (B) The Secretary of Defense.
- (C) The Director of Central Intelligence.
- (D) The Attorney General.
- (E) The Secretary of Energy.

(F) The Administrator of the Federal Emergency Management Agency.

(G) The Secretary of the Treasury.

(H) The Secretary of Commerce.

(I) Such other members as the President may designate.

(2) The National Coordinator for Nonproliferation Matters shall chair the Committee on Nonproliferation.

(c) Responsibilities.--The Committee has the following responsibilities:

(1) To review and coordinate Federal programs, policies, and directives relating to the proliferation of weapons of mass destruction and related materials and technologies, including matters relating to terrorism and international organized crime.

(2) To make recommendations through the National Security Council to the President regarding the following:

(A) Integrated national policies for countering the threats posed by weapons of mass destruction.

(B) Options for integrating Federal agency budgets for countering such threats.

(C) Means to ensure that Federal, State, and local governments have adequate capabilities to manage crises involving nuclear, radiological, biological, or chemical weapons or related materials or technologies, and to manage the consequences of a use of such weapon or related materials or technologies, and that use of those capabilities is coordinated.

(D) Means to ensure appropriate cooperation on, and coordination of, the following:

(i) Preventing the smuggling of weapons of mass destruction and related materials and technologies.

(ii) Promoting domestic and international law enforcement efforts against proliferation-related efforts.

(iii) Countering the involvement of organized crime groups in proliferation-related activities.

(iv) Safeguarding weapons of mass destruction materials and related technologies.

(v) Improving coordination and cooperation among intelligence activities, law enforcement, and the Departments of Defense, State, Commerce, and Energy in support of nonproliferation and counterproliferation efforts.

(vi) Improving export controls over materials and technologies that can contribute to the acquisition of weapons of mass destruction.

(vii) Reducing proliferation of weapons of

mass destruction and related materials and technologies.

SEC. 1443. <<NOTE: President. 50 USC 2353.>> COMPREHENSIVE PREPAREDNESS PROGRAM.

(a) Program Required.--The President, acting through the Committee on Nonproliferation established under section 1442, shall develop a comprehensive program for carrying out this title.

(b) Content of Program.--The program set forth in the report shall include specific plans as follows:

(1) Plans for countering proliferation of weapons of mass destruction and related materials and technologies.

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(2) Plans for training and equipping Federal, State, and local officials for managing a crisis involving a use or threatened use of a weapon of mass destruction, including the consequences of the use of such a weapon.

(3) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies.

(4) Plans for training and equipping law enforcement units, customs services, and border security personnel to counter the smuggling of weapons of mass destruction and related materials and technologies.

(5) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(6) Plans for establishing in the United States appropriate legal controls and authorities relating to the exporting of nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(7) Plans for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(8) Plans for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(9) Plans for reducing United States and Russian stockpiles of excess plutonium, reflecting--

(A) consideration of the desirability and feasibility of a United States-Russian agreement governing fissile material disposition and the specific technologies and approaches to be used for disposition of excess plutonium; and

(B) an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(10) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terroristic or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) Report.--(1) At the same time that the President submits the budget for fiscal year 1998 to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under subsection (a).

(2) The report shall include the following:

(A) The specific plans for the program that are required under subsection (b).

(B) Estimates of the funds necessary, by agency or department, for carrying out such plans in fiscal year 1998 and the following five fiscal years.

(3) The report shall be in an unclassified form. If there is a classified version of the report, the President shall submit the classified version at the same time.

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SEC. 1444. <<NOTE: 50 USC 2354.>> TERMINATION.

After September 30, 1999, the President--

(1) is not required to maintain a National Coordinator for Nonproliferation Matters under section 1341; and

(2) may terminate the Committee on Nonproliferation established under section 1342.

Subtitle E--Miscellaneous

SEC. 1451. <<NOTE: 50 USC 2361.>> SENSE OF CONGRESS CONCERNING CONTRACTING POLICY.

It is the sense of Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State, to the extent authorized by law, should--

(1) contract directly with suppliers in independent states of the former Soviet Union when such action would--

(A) result in significant savings of the programs referred to in subtitle C; and

(B) substantially expedite completion of the programs referred to in subtitle C; and

(2) seek means to use innovative contracting approaches to

avoid delay and increase the effectiveness of such programs and of the exercise of such authorities.

SEC. 1452. TRANSFERS <<NOTE: 50 USC 2362.>> OF ALLOCATIONS AMONG

COOPERATIVE THREAT REDUCTION PROGRAMS.

Congress finds that--

(1) the various Cooperative Threat Reduction programs are being carried out at different rates in the various countries covered by such programs; and

(2) it is necessary to authorize transfers of funding allocations among the various programs in order to maximize the effectiveness of United States efforts under such programs.

SEC. 1453. SENSE <<NOTE: 50 USC 2363.>> OF CONGRESS CONCERNING ASSISTANCE TO STATES OF FORMER SOVIET UNION.

It is the sense of Congress that--

(1) the Cooperative Threat Reduction programs and other United States programs authorized in the National Defense Authorization Act for Fiscal Years 1993 and 1994 should be expanded by offering assistance under those programs to other independent states of the former Soviet Union in addition to Russia, Ukraine, Kazakstan, and Belarus; and

(2) the President should offer assistance to additional independent states of the former Soviet Union in each case in which the participation of such states would benefit national security interests of the United States by improving border controls and safeguards over materials and technology associated with weapons of mass destruction.

SEC. 1454. PURCHASE <<NOTE: 50 USC 2364.>> OF LOW-ENRICHED URANIUM

DERIVED FROM RUSSIAN HIGHLY ENRICHED URANIUM.

(a) Sense of Congress.--It is the sense of Congress that the allies of the United States and other nations should participate in efforts to ensure that stockpiles of weapons-grade nuclear material are reduced.

(b) Actions by the Secretary of State.--Congress urges the Secretary of State to encourage, in consultation with the Sec

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retary of Energy, other countries to purchase low-enriched uranium that is derived from highly enriched uranium extracted from Russian nuclear weapons.

SEC. 1455. SENSE <<NOTE: 50 USC 2365.>> OF CONGRESS CONCERNING PURCHASE, PACKAGING, AND TRANSPORTATION OF FISSILE MATERIALS AT RISK OF THEFT.

It is the sense of Congress that--

(1) the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State should purchase, package, and transport to secure locations weapons-grade nuclear materials from a stockpile of such materials if such officials determine that--

(A) there is a significant risk of theft of such materials; and

(B) there is no reasonable and economically feasible alternative for securing such materials; and

(2) if it is necessary to do so in order to secure the materials, the materials should be imported into the United States, subject to the laws and regulations that are applicable to the importation of such materials into the United States.