

“(5) expedite the advancement of high priority Department of Defense projects from research through implementation of initial manufacturing; and

“(6) participate in outreach programs established by appropriate Federal Government officials outside the Department of Defense to communicate with first responders and to facilitate awareness of available technology items and equipment to support responses to crises.

“(c) SUPPORT AGREEMENT.—The official designated pursuant to subsection (a) shall enter into an appropriate agreement with a nongovernment entity for such entity to assist the official designated under subsection (a) in carrying out that official’s duties under this section. Any such agreement shall be entered into using competitive procedures in compliance with applicable requirements of law and regulation.

“(d) REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 2, 2002], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the actions taken to carry out this section. The report shall include the following:

“(1) Identification of the senior official designated pursuant to subsection (a).

“(2) A summary of the actions taken or planned to be taken to implement subsection (b), including a schedule for planned actions.

“(3) An initial list of technology items and equipment identified pursuant to subsection (b)(1), together with a summary of any program schedule for the development, deployment, or transfer of such items and equipment.

“(4) A description of any agreement entered into pursuant to subsection (c).”

§ 2314. Chemical, biological, radiological, nuclear, and high-yield explosives 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, radiological, nuclear, and high-yield explosives.

(b) Addition to Federal response plans

The Secretary of Homeland Security shall incorporate into the National Response Plan prepared pursuant to section 312(6) of title 6, other existing Federal emergency response plans, and programs prepared under section 5196(b) of title 42 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 Secretary of Homeland Security shall carry out this subsection in coordination with the Secretary of Defense and the heads of other Federal agencies involved with the emergency response plans.

(Pub. L. 104–201, div. A, title XIV, § 1414, Sept. 23, 1996, 110 Stat. 2720; Pub. L. 109–163, div. A, title X, § 1033, Jan. 6, 2006, 119 Stat. 3429.)

AMENDMENTS

2006—Pub. L. 109–163, § 1033(1), substituted “Chemical, biological, radiological, nuclear, and high-yield explosives response team” for “Chemical-biological emergency response team” in section catchline.

Subsec. (a). Pub. L. 109–163, § 1033(2), substituted “radiological, nuclear, and high-yield explosives” for “or related materials”.

Subsec. (b). Pub. L. 109–163, § 1033(3), in heading, substituted “plans” for “plan” and, in text, substituted “The Secretary of Homeland Security shall incorporate into the National Response Plan prepared pursuant to section 312(6) of title 6, other existing Federal emergency response plans, and” for “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” in first sentence and “Secretary of Homeland Security” for “Director” and “coordination” for “consultation” in second sentence.

§ 2315. Testing of preparedness for emergencies involving nuclear, radiological, chemical, and biological weapons

(a) Emergencies involving nuclear, radiological, chemical, or biological weapons

(1) The Secretary of Homeland Security shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving nuclear, radiological, biological, and chemical weapons and related materials.

(2) The program shall include exercises to be carried out in accordance with sections 112(c) and 238(c)(1) of title 6.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Secretary of Defense, the Director of the Federal Bureau of Investigation, 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) Annual revisions of programs

The Secretary of Homeland Security shall revise the program developed under subsection (a) of this section not later than June 1 in each fiscal year covered by the program. The revisions shall include adjustments that the Secretary 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.

(Pub. L. 104–201, div. A, title XIV, § 1415, Sept. 23, 1996, 110 Stat. 2720; Pub. L. 107–314, div. C, title XXXI, § 3154(a), Dec. 2, 2002, 116 Stat. 2738; Pub. L. 109–163, div. A, title X, § 1032, Jan. 6, 2006, 119 Stat. 3428.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–163, § 1032(a)(1), substituted “nuclear, radiological, chemical, or” for “chemical or” in heading.

Subsec. (a)(1). Pub. L. 109–163, § 1032(a)(2), substituted “Secretary of Homeland Security” for “Secretary of Defense” and “nuclear, radiological, biological, and” for “biological weapons and related materials and emergencies involving”.

Subsec. (a)(2). Pub. L. 109–163, § 1032(a)(3), substituted “in accordance with sections 112(c) and 238(c)(1) of title 6” for “during each of fiscal years 1997 through 2013”.

Subsec. (a)(3). Pub. L. 109–163, § 1032(a)(4), inserted “the Secretary of Defense,” before “the Director of the Federal Bureau of Investigation” and struck out “the Director of the Federal Emergency Management Agency,” before “the Secretary of Energy.”

Subsecs. (b), (c). Pub. L. 109–163, § 1032(b), (c), redesignated subsec. (c) as (b), substituted “The Secretary of Homeland Security shall revise the program developed under subsection (a) of this section” for “The official

responsible for carrying out a program developed under subsection (a) or (b) of this section shall revise the program” in first sentence and “the Secretary” for “the official” in second sentence, and struck out heading and text of former subsec. (b) which related to emergencies involving nuclear and radiological weapons.

Subsecs. (d), (e). Pub. L. 109-163, §1032(d), struck out heading and text of subsecs. (d) and (e) which related to option to transfer responsibility for programs under this section and to funding, respectively.

2002—Subsecs. (a)(2), (b)(2). Pub. L. 107-314 substituted “of fiscal years 1997 through 2013” for “of five successive fiscal years beginning with fiscal year 1997”.

CONSTRUCTION OF EXTENSION WITH DESIGNATION OF ATTORNEY GENERAL AS LEAD OFFICIAL

Pub. L. 107-314, div. C, title XXXI, §3154(b), Dec. 2, 2002, 116 Stat. 2738, provided that: “The amendments made by subsection (a) [amending this section] may not be construed as modifying the designation of the President titled ‘Designation of the Attorney General as the Lead Official for the Emergency Response Assistance Program Under Sections 1412 and 1415 of the National Defense Authorization Act for Fiscal Year 1997’, dated April 6, 2000, designating the Attorney General to assume programmatic and funding responsibilities for the Emergency Response Assistance Program under sections 1412 [former 50 U.S.C. 2312] and 1415 [50 U.S.C. 2315] of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of the National Defense Authorization Act for Fiscal Year 1997).”

§ 2316. Actions to increase civilian expertise

(a) to (c) Omitted

(d) Civilian 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 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 President shall submit to Congress the following reports:

(1) Not later than 90 days after September 23, 1996, 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 September 23, 1996, a report describing—

- (A) the actions planned to be taken to carry out subsection (d) of this section; and
(B) the costs of such actions.

(3) Not later than three years after September 23, 1996, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d) of this section.

(Pub. L. 104-201, div. A, title XIV, §1416, Sept. 23, 1996, 110 Stat. 2721.)

CODIFICATION

Section is comprised of subsecs. (d) and (e) of section 1416 of Pub. L. 104-201. Subsecs. (a) to (c) of section 1416 enacted section 382 of Title 10, Armed Forces, and sections 175a and 2332d of Title 18, Crimes and Criminal Procedure, and amended section 372 of Title 10.

§ 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 Administrator of the Federal Emergency Management Agency for inclusion in the master inventory required under subsection (b) of this section.

(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 Administrator of the Federal Emergency Management Agency shall compile and maintain a comprehensive listing of all inventories prepared under subsection (a) of this section. 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 Administrator of the Federal Emergency Management Agency shall develop and incorporate into existing Federal emergency response plans and programs prepared under section 5196(b) of title 42 guidance on accessing and using the physical equipment and assets included in the master list developed under subsection¹ to respond to emergencies involving weapons of mass destruction.

(d) Database on chemical and biological materials

The Administrator of the Federal Emergency Management Agency, in consultation 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 Administrator 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

¹ So in original. Probably should be “subsection (b) of this section”.