

(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 subsection<sup>1</sup> to respond to emergencies involving weapons of mass destruction.

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

#### (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 such an emergency. The system shall include a secure but accessible emergency response hotline to access information and request assistance.

(Pub. L. 104-201, div. A, title XIV, § 1417, Sept. 23, 1996, 110 Stat. 2724; Pub. L. 109-295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410.)

#### CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” wherever appearing in text 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.

### SUBCHAPTER II—INTERDICTION OF WEAPONS OF MASS DESTRUCTION AND RELATED MATERIALS

#### § 2331. Procurement of detection equipment for United States border security

Of the amount authorized to be appropriated by section 301,<sup>1</sup> \$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).

(Pub. L. 104-201, div. A, title XIV, § 1421, Sept. 23, 1996, 110 Stat. 2725.)

#### REFERENCES IN TEXT

Section 301, referred to in text, is section 301 of Pub. L. 104-201, div. A, title III, Sept. 23, 1996, 110 Stat. 2475, which is not classified to the Code.

<sup>1</sup> See References in Text note below.

**§ 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 4610 of this title.
- (2) Sections 2778 and 2780 of title 22.
- (3) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).
- (4) Section 2139a(c) of title 42.

(Pub. L. 104–201, div. A, title XIV, §1423, Sept. 23, 1996, 110 Stat. 2725; Pub. L. 105–261, div. A, title X, §1069(c)(1), Oct. 17, 1998, 112 Stat. 2136.)

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b)(3), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

CODIFICATION

Section is comprised of section 1423 of Pub. L. 104–201 which also enacted provisions listed in a table of sentencing guidelines set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1998—Subsec. (b)(4). Pub. L. 105–261 made technical amendment to reference in original act which appears in text as reference to section 2139a(c) of title 42.

**§ 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) Other countries**

The Secretary of Defense may carry out programs under subsection (a) of this section in a country other than a country specified in that subsection if the Secretary determines that there exists in that country a significant threat of the unauthorized transfer and transportation

of nuclear, biological, or chemical weapons or related materials.

**(c) Assistance to states of former Soviet Union**

Assistance under programs referred to in subsection (a) of this section 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.

(Pub. L. 104–201, div. A, title XIV, §1424, Sept. 23, 1996, 110 Stat. 2726; Pub. L. 108–375, div. A, title XII, §1211(a), Oct. 28, 2004, 118 Stat. 2087.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–375 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “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) of this section.”

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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.

DELEGATION OF AUTHORITY

Memorandum of President of the United States, July 24, 1997, 62 F.R. 40727, provided:

Memorandum for the Secretary of Defense

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to you, in consultation with the Secretary of State, the authority vested in the President under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) [50 U.S.C. 2333(c)].

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

**§ 2334. Training program**

The Secretary of Defense may participate in a training program carried out jointly by the Secretary of Defense and the Director of the Federal Bureau of Investigation in order to expand and improve United States efforts to deter the possible proliferation and acquisition of weapons of mass destruction by organized crime organizations in Eastern Europe, the Baltic countries, states of the former Soviet Union, and in other countries in which, as determined by the Secretary of Defense, there exists a significant threat of such proliferation and acquisition.

(Pub. L. 103–337, div. A, title XV, §1504(e)(3)(A), Oct. 5, 1994, 108 Stat. 2918; Pub. L. 108–375, div. A, title XII, §1211(b), Oct. 28, 2004, 118 Stat. 2087.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1995, and not as part