

(c) Publication of rewards for terrorism-related information

For the purpose of notifying the public, the Secretary of State shall publish the availability of United States Government rewards for information on international terrorist-related activities, including rewards available under section 2708(a)¹ of this title and chapter 204 of title 18. To the extent appropriate and feasible, notices making such publication shall be posted and prominently displayed domestically and abroad in international airports.

(d) Sense of Congress

It is the sense of Congress that the Secretary of Transportation should take appropriate measures to utilize and train properly the officers and employees of other United States Government agencies who have functions at international airports in the United States and abroad in the detection of explosives and firearms which could be a threat to international civil aviation.

(Pub. L. 101-604, title II, §214, Nov. 16, 1990, 104 Stat. 3087.)

REFERENCES IN TEXT

Section 2708 of this title, referred to in subsec. (c), was amended generally by Pub. L. 105-323, title I, §101, Oct. 30, 1998, 112 Stat. 3029, and, as so amended, provisions authorizing awards, formerly contained in section 2708(a), are now contained in section 2708(b).

§ 5513. Proposal for consideration by International Civil Aviation Organization

Not later than 60 days after November 16, 1990, the Secretary of State, in consultation with the Secretary of Transportation, shall propose to the International Civil Aviation Organization the establishment of a comprehensive aviation security program which shall include (1) training for airport security personnel, (2) grants for security equipment acquisition for certain nations, and (3) expansion of the appropriate utilization of canine teams in the detection of explosive devices in all airport areas, including use in passenger screening areas and nonpublic baggage assembly and processing areas.

(Pub. L. 101-604, title II, §215, Nov. 16, 1990, 104 Stat. 3087.)

CHAPTER 65—CONTROL AND ELIMINATION OF CHEMICAL AND BIOLOGICAL WEAPONS

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PRIOR PROVISIONS

A prior chapter 65, enacted by Pub. L. 102-138, title V, Oct. 28, 1991, 105 Stat. 722, contained provisions substantially identical to those enacted by Pub. L. 102-182, title III, Dec. 4, 1991, 105 Stat. 1245, prior to repeal by Pub. L. 102-182, title III, §309(a), Dec. 4, 1991, 105 Stat. 1258.

¹ See References in Text note below.

§ 5601. Purposes

The purposes of this chapter are—

(1) to mandate United States sanctions, and to encourage international sanctions, against countries that use chemical or biological weapons in violation of international law or use lethal chemical or biological weapons against their own nationals, and to impose sanctions against companies that aid in the proliferation of chemical and biological weapons;

(2) to support multilaterally coordinated efforts to control the proliferation of chemical and biological weapons;

(3) to urge continued close cooperation with the Australia Group and cooperation with other supplier nations to devise ever more effective controls on the transfer of materials, equipment, and technology applicable to chemical or biological weapons production; and

(4) to require Presidential reports on efforts that threaten United States interests or regional stability by Iran, Iraq, Syria, Libya, and others to acquire the materials and technology to develop, produce, stockpile, deliver, transfer, or use chemical or biological weapons.

(Pub. L. 102-182, title III, §302, Dec. 4, 1991, 105 Stat. 1245.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title III of Pub. L. 102-182, Dec. 4, 1991, 105 Stat. 1245, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Pub. L. 102-182, title III, §301, Dec. 4, 1991, 105 Stat. 1245, provided that: “This title [enacting this chapter, section 2798 of this title, and section 4613 of Title 50, War and National Defense, amending sections 2798 and 5604 of this title and sections 4605 and 4613 of Title 50, and repealing provisions which enacted this chapter, section 2798 of this title, and section 4613 of Title 50, and which amended section 4605 of Title 50] may be cited as the ‘Chemical and Biological Weapons Control and Warfare Elimination Act of 1991’.”

Pub. L. 102-138, title V, §501, Oct. 28, 1991, 105 Stat. 722, which provided that title V of Pub. L. 102-138, which enacted this chapter, section 2798 of this title, and section 4613 of Title 50, War and National Defense, and amended section 4605 of Title 50, was to be cited as the “Chemical and Biological Weapons Control and Warfare Elimination Act of 1991”, was repealed by Pub. L. 102-182, title III, §309(a), Dec. 4, 1991, 105 Stat. 1258.

MATTERS RELATING TO THE CONTROL OF BIOLOGICAL WEAPONS

Pub. L. 106-113, div. B, §1000(a)(7) [div. B, title XI, chapter 2], Nov. 29, 1999, 113 Stat. 1536, 1501A-490, provided that:

“SEC. 1121. SHORT TITLE.

“This chapter may be cited as the ‘National Security and Corporate Fairness under the Biological Weapons Convention Act’.

“SEC. 1122. DEFINITIONS.

“In this chapter:

“(1) BIOLOGICAL WEAPONS CONVENTION.—The term ‘Biological Weapons Convention’ means the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

“(2) COMPLIANCE PROTOCOL.—The term ‘compliance protocol’ means that segment of a bilateral or multilateral agreement that enables investigation of questions of compliance entailing written data or visits to facilities to monitor compliance.

“(3) INDUSTRY.—The term ‘industry’ means any corporate or private sector entity engaged in the research, development, production, import, and export of peaceful pharmaceuticals and bio-technological and related products.

“SEC. 1123. FINDINGS.

“Congress makes the following findings:

“(1) The threat of biological weapons and their proliferation is one of the greatest national security threats facing the United States.

“(2) The threat of biological weapons and materials represents a serious and increasing danger to people around the world.

“(3) Biological weapons are relatively inexpensive to produce, can be made with readily available expertise and equipment, do not require much space to make and can therefore be readily concealed, do not require unusual raw materials or materials not readily available for legitimate purposes, do not require the maintenance of stockpiles, or can be delivered with low-technology mechanisms, and can effect widespread casualties even in small quantities.

“(4) Unlike other weapons of mass destruction, biological materials capable of use as weapons can occur naturally in the environment and are also used for medicinal or other beneficial purposes.

“(5) Biological weapons are morally reprehensible, prompting the United States Government to halt its offensive biological weapons program in 1969, subsequently destroy its entire biological weapons arsenal, and maintain henceforth only a robust defensive capacity.

“(6) The Senate gave its advice and consent to ratification of the Biological Weapons Convention in 1974.

“(7) The Director of the Arms Control and Disarmament Agency explained, at the time of the Senate’s consideration of the Biological Weapons Convention, that the treaty contained no verification provisions because verification would be ‘difficult’.

“(8) A compliance protocol has now been proposed to strengthen the 1972 Biological Weapons Convention.

“(9) The resources needed to produce, stockpile, and store biological weapons are the same as those used in peaceful industry facilities to discover, develop, and produce medicines.

“(10) The raw materials of biological agents are difficult to use as an indicator of an offensive military program because the same materials occur in nature or can be used to produce a wide variety of products.

“(11) Some biological products are genetically manipulated to develop new commercial products, optimizing production and ensuring the integrity of the product, making it difficult to distinguish between legitimate commercial activities and offensive military activities.

“(12) Only a small culture of a biological agent and some growth medium are needed to produce a large amount of biological agents with the potential for offensive purposes.

“(13) The United States pharmaceutical and biotechnology industries are a national asset and resource that contribute to the health and well-being of the American public as well as citizens around the world.

“(14) One bacterium strain can represent a large proportion of a company’s investment in a pharmaceutical product and thus its potential loss during an arms control monitoring activity could conceivably be worth billions of dollars.

“(15) Biological products contain proprietary genetic information.

“(16) The proposed compliance regime for the Biological Weapons Convention entails new data reporting and investigation requirements for industry.

“(17) A compliance regime which contributes to the control of biological weapons and materials must have a reasonable chance of success in reducing the risk of production, stockpiling, or use of biological weapons while protecting the reputations, intellectual property, and confidential business information of legitimate companies.

“SEC. 1124. TRIAL INVESTIGATIONS AND TRIAL VISITS.

“(a) NATIONAL SECURITY TRIAL INVESTIGATIONS AND TRIAL VISITS.—The President shall conduct a series of national security trial investigations and trial visits, both during and following negotiations to develop a compliance protocol to the Biological Weapons Convention, with the objective of ensuring that the compliance procedures of the protocol are effective and adequately protect the national security of the United States. These trial investigations and trial visits shall be conducted at such sites as United States Government facilities, installations, and national laboratories.

“(b) UNITED STATES INDUSTRY TRIAL INVESTIGATIONS AND TRIAL VISITS.—The President shall take all appropriate steps to conduct or sponsor a series of United States industry trial investigations and trial visits, both during and following negotiations to develop a compliance protocol to the Biological Weapons Convention, with the objective of ensuring that the compliance procedures of the protocol are effective and adequately protect the national security and the concerns of affected United States industries and research institutions. These trial investigations and trial visits shall be conducted at such sites as academic institutions, vaccine production facilities, and pharmaceutical and biotechnology firms in the United States.

“(c) PARTICIPATION BY DEFENSE DEPARTMENT AND OTHER APPROPRIATE PERSONNEL.—The Secretary of Defense and, as appropriate, the Director of the Federal Bureau of Investigation shall make available specialized personnel to participate—

“(1) in each trial investigation or trial visit conducted pursuant to subsection (a); and

“(2) in each trial investigation or trial visit conducted pursuant to subsection (b), except for any investigation or visit in which the host facility requests that such personnel not participate,

for the purpose of assessing the information security implications of such investigation or visit. The Secretary of Defense, in coordination with the Director of the Federal Bureau of Investigation, shall add to the report required by subsection (d)(2) a classified annex containing an assessment of the risk to proprietary and classified information posed by any investigation or visit procedures in the compliance protocol.

“(d) STUDY.—

“(1) IN GENERAL.—The President shall conduct a study on the need for investigations and visits under the compliance protocol to the Biological Weapons Convention, including—

“(A) an assessment of risks to national security and United States industry and research institutions of such on-site activities; and

“(B) an assessment of the monitoring results that can be expected from such investigations and visits.

“(2) REPORT.—Not later than the date on which a compliance protocol to the Biological Weapons Convention is submitted to the Senate for its advice and consent to ratification, the President shall submit to the Committee on Foreign Relations of the Senate a report, in both unclassified and classified form, setting forth—

“(A) the findings of the study conducted pursuant to paragraph (1); and

“(B) the results of trial investigations and trial visits conducted pursuant to subsections (a) and (b).”

§ 5602. Multilateral efforts**(a) Multilateral controls on proliferation**

It is the policy of the United States to seek multilaterally coordinated efforts with other countries to control the proliferation of chemical and biological weapons. In furtherance of this policy, the United States shall—

(1) promote agreements banning the transfer of missiles suitable for armament with chemical or biological warheads;

(2) set as a top priority the early conclusion of a comprehensive global agreement banning the use, development, production, and stockpiling of chemical weapons;

(3) seek and support effective international means of monitoring and reporting regularly on commerce in equipment, materials, and technology applicable to the attainment of a chemical or biological weapons capability; and

(4) pursue and give full support to multilateral sanctions pursuant to United Nations Security Council Resolution 620, which declared the intention of the Security Council to give immediate consideration to imposing “appropriate and effective” sanctions against any country which uses chemical weapons in violation of international law.

(b) Multilateral controls on chemical agents, precursors, and equipment

It is also the policy of the United States to strengthen efforts to control chemical agents, precursors, and equipment by taking all appropriate multilateral diplomatic measures—

(1) to continue to seek a verifiable global ban on chemical weapons at the 40 nation Conference on Disarmament in Geneva;

(2) to support the Australia Group’s objective to support the norms and restraints against the spread and the use of chemical warfare, to advance the negotiation of a comprehensive ban on chemical warfare by taking appropriate measures, and to protect the Australia Group’s domestic industries against inadvertent association with supply of feedstock chemical equipment that could be misused to produce chemical weapons;

(3) to implement paragraph (2) by proposing steps complementary to, and not mutually exclusive of, existing multilateral efforts seeking a verifiable ban on chemical weapons, such as the establishment of—

(A) a harmonized list of export control rules and regulations to prevent relative commercial advantage and disadvantages accruing to Australia Group members,

(B) liaison officers to the Australia Group’s coordinating entity from within the diplomatic missions,

(C) a close working relationship between the Australia Group and industry,

(D) a public unclassified warning list of controlled chemical agents, precursors, and equipment,

(E) information-exchange channels of suspected proliferants,

(F) a “denial” list of firms and individuals who violate the Australia Group’s export control provisions, and

(G) broader cooperation between the Australia Group and other countries whose po-

litical commitment to stem the proliferation of chemical weapons is similar to that of the Australia Group; and

(4) to adopt the imposition of stricter controls on the export of chemical agents, precursors, and equipment and to adopt tougher multilateral sanctions against firms and individuals who violate these controls or against countries that use chemical weapons.

(Pub. L. 102-182, title III, §303, Dec. 4, 1991, 105 Stat. 1245.)

§ 5603. United States export controls

The President shall—

(1) use the authorities of the Arms Export Control Act [22 U.S.C. 2751 et seq.] to control the export of those defense articles and defense services, and

(2) use the authorities of the Export Administration Act of 1979 [50 U.S.C. 4601 et seq.] to control the export of those goods and technology,

that the President determines would assist the government of any foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use chemical or biological weapons.

(Pub. L. 102-182, title III, §304(a), Dec. 4, 1991, 105 Stat. 1246.)

REFERENCES IN TEXT

The Arms Export Control Act, referred to in par. (1), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Export Administration Act of 1979, referred to in par. (2), is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, which is classified principally to chapter 56 (§4601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

§ 5604. Determinations regarding use of chemical or biological weapons**(a) Determination by President****(1) When determination required; nature of determination**

Whenever persuasive information becomes available to the executive branch indicating the substantial possibility that, on or after October 28, 1991, the government of a foreign country has made substantial preparation to use or has used chemical or biological weapons, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after October 28, 1991, has used chemical or biological weapons in violation of international law or has used lethal chemical or biological weapons against its own nationals. Section 5605 of this title applies if the President determines that that government has so used chemical or biological weapons.

(2) Matters to be considered

In making the determination under paragraph (1), the President shall consider the following:

(A) All physical and circumstantial evidence available bearing on the possible use of such weapons.