

“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) 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)” for “The official responsible for carrying out a program developed under subsection (a) or (b) 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); 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).

(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 (now 282) of Title 10, Armed Forces, and sections 175a and 2332d of Title 18, Crimes and Criminal Procedure, and amended section 372 of Title 10.