

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). 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.

**(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.

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

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.

**§ 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<sup>1</sup> 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

Section 4610 of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232.

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 sen-

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

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

tencing 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 U.S. Customs and Border Protection, 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) 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) 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; Pub. L. 114-125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

#### 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).”

#### CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in subsec. (a) on authority of section 802(d)(2) of Pub. L. 114-125, set out as a note under section 211 of Title 6, Domestic Security.

#### 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(l), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 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 of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

#### AMENDMENTS

2004—Pub. L. 108-375 substituted “The Secretary of Defense may participate in a” for “The training program referred to in paragraph (1)(B) is a”, inserted “of” after “acquisition”, struck out “and” after “countries,”, and inserted before period at end “, and in other countries in which, as determined by the Secretary of Defense, there exists a significant threat of such proliferation and acquisition”.

#### SUBCHAPTER III—CONTROL AND DISPOSITION OF WEAPONS OF MASS DESTRUCTION AND RELATED MATERIALS THREATENING THE UNITED STATES

### § 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.