

## EXECUTIVE ORDER NO. 13328

Ex. Ord. No. 13328, Feb. 6, 2004, 69 F.R. 6901, which established the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, was revoked by Ex. Ord. No. 13385, §3(a), Sept. 29, 2005, 70 F.R. 57990, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

**§ 2302. Definitions**

In this chapter:

(1) The term “weapon of mass destruction” means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

- (A) toxic or poisonous chemicals or their precursors;
- (B) a disease organism; or
- (C) radiation or radioactivity.

(2) The term “independent states of the former Soviet Union” has the meaning given that term in section 5801 of title 22.

(3) The term “highly enriched uranium” means uranium enriched to 20 percent or more in the isotope U-235.

(Pub. L. 104–201, div. A, title XIV, §1403, Sept. 23, 1996, 110 Stat. 2717.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title XIV of div. A of Pub. L. 104–201, Sept. 23, 1996, 110 Stat. 2714, which is classified principally to this chapter. For complete classification of title XIV to the Code, see Short Title note set out under section 2301 of this title and Tables.

SUBCHAPTER I—DOMESTIC  
PREPAREDNESS**§ 2311. Response to threats of terrorist use of weapons of mass destruction****(a) Enhanced response capability**

In light of the potential for terrorist use of weapons of mass destruction against the United States, the President shall take immediate action—

(1) to enhance the capability of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction; and

(2) to provide enhanced support to improve the capabilities of State and local emergency response agencies to prevent and respond to such incidents at both the national and the local level.

**(b) Report required**

Not later than January 31, 1997, the President shall transmit to Congress a report containing—

(1) an assessment of the capabilities of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction and to support State and local prevention and response efforts;

(2) requirements for improvements in those capabilities; and

(3) the measures that should be taken to achieve such improvements, including addi-

tional resources and legislative authorities that would be required.

(Pub. L. 104–201, div. A, title XIV, §1411, Sept. 23, 1996, 110 Stat. 2717.)

**§ 2312. Repealed. Pub. L. 109–163, div. A, title X, § 1034, Jan. 6, 2006, 119 Stat. 3429**

Section, Pub. L. 104–201, div. A, title XIV, §1412, Sept. 23, 1996, 110 Stat. 2718; Pub. L. 107–107, div. A, title XV, §1513, Dec. 28, 2001, 115 Stat. 1273, related to emergency response assistance for civilian personnel in case of use or threatened use of weapons of mass destruction.

**§ 2313. Nuclear, chemical, and biological emergency response****(a) Department of Defense**

The Assistant Secretary of Defense for Homeland Defense is responsible for the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving nuclear, radiological, biological, chemical weapons, or high-yield explosives or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear, radiological, biological, chemical weapons, and high-yield explosives and related materials and technologies.

**(b) Department of Energy**

The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear, chemical, and biological weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department’s responsibilities under subsection (a).

**(c) Funding**

Of the total amount authorized to be appropriated under section 301,<sup>1</sup> \$15,000,000 is available for providing assistance described in subsection (a).

(Pub. L. 104–201, div. A, title XIV, §1413, Sept. 23, 1996, 110 Stat. 2719; Pub. L. 109–163, div. A, title X, § 1031, Jan. 6, 2006, 119 Stat. 3428.)

## REFERENCES IN TEXT

Section 301, referred to in subsec. (c), 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.

## AMENDMENTS

2006—Subsec. (a). Pub. L. 109–163 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for—

“(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, includ-

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

ing assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

“(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department’s responsibilities under subsection (b).”

TRANSFER OF TECHNOLOGY ITEMS AND EQUIPMENT IN SUPPORT OF HOMELAND SECURITY

Pub. L. 107-314, div. A, title XIV, §1401, Dec. 2, 2002, 116 Stat. 2674, provided that:

“(a) RESPONSIBLE SENIOR OFFICIAL.—The Secretary of Defense shall designate a senior official of the Department of Defense to coordinate all Department of Defense efforts to identify, evaluate, deploy, and transfer to Federal, State, and local first responders technology items and equipment in support of homeland security.

“(b) DUTIES.—The official designated pursuant to subsection (a) shall—

“(1) identify technology items and equipment developed or being developed by Department of Defense components that have the potential to enhance public safety and improve homeland security;

“(2) cooperate with appropriate Federal Government officials outside the Department of Defense to evaluate whether such technology items and equipment would be useful to first responders;

“(3) facilitate the timely transfer, through identification of appropriate private sector manufacturers, of appropriate technology items and equipment to Federal, State, and local first responders, in coordination with appropriate Federal Government officials outside the Department of Defense;

“(4) identify and eliminate redundant and unnecessary research efforts within the Department of Defense with respect to technologies to be deployed to first responders;

“(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 502(6)<sup>1</sup> of the Homeland Security Act of 2002 (6 U.S.C. 312(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.)

REFERENCES IN TEXT

Section 502(6) of the Homeland Security Act of 2002, referred to in subsec. (b), probably should be a reference to section 504(a)(6) of that Act, which is classified to section 314(a)(6) of Title 6, Domestic Security. Section 502 of the Act was renumbered section 504 and par. (6) of that section was redesignated subsec. (a)(6) by Pub. L. 109-295, title VI, §611(8), (12)(B), Oct. 4, 2006, 120 Stat. 1395, 1398.

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.

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