

104TH CONGRESS
2D SESSION

H. R. 3729

To provide for the detection and interception of weapons of mass destruction delivered by unconventional means.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1996

Ms. HARMAN (for herself, Mr. SPRATT, and Mr. TAYLOR of Mississippi) introduced the following bill; which was referred to the Committee on National Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the detection and interception of weapons of mass destruction delivered by unconventional means.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defend America
5 Against Weapons of Mass Destruction Act of 1996”.

6 **SEC. 2. FINDINGS AND DEFINITION.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

1 (1) Although the United States possesses the
2 technological means to develop and deploy defensive
3 systems that would be highly effective in countering
4 limited ballistic missile threats to its territory, its
5 ability to detect and intercept weapons of mass de-
6 struction delivered by unconventional means is lim-
7 ited.

8 (2) It is axiomatic that the incentive for the un-
9 conventional delivery of weapons of mass destruction
10 will increase in direct proportion to the perceived ef-
11 fectiveness of theater missile and other regular mili-
12 tary defense systems.

13 (3) The target of weapons of mass destruction
14 may not be military in the usual sense of the term
15 and, as such, the threat that is posed to the citizens
16 of the United States by chemical and biological
17 weapons delivered by nonconventional means is sig-
18 nificant and growing.

19 (4) Several countries that are hostile to the
20 United States, including Iraq, Libya, and Iran, have
21 demonstrated an interest in acquiring the technology
22 necessary to manufacture weapons of mass destruc-
23 tion.

24 (5) In addition, the acquisition or the develop-
25 ment and use of weapons of mass destruction is well

1 within the capability of many extremist and terrorist
2 movements, acting independently or as proxies, and
3 states can transfer weapons to or otherwise aid such
4 movements indirectly and with plausible deniability.

5 (6) Covert or unconventional means of delivery,
6 which may be preferable to both States and non-
7 State organizations, include cargo ships, passenger
8 aircraft, commercial and private vehicles and vessels,
9 or commercial cargo shipments routed through mul-
10 tiple destinations.

11 (7) Traditional arms control efforts assume
12 large state efforts with detectable manufacturing
13 and weaponization programs in peacetime but are
14 ineffective in monitoring and controlling the develop-
15 ment of a capability to manufacture suddenly chemi-
16 cal, biological, or nuclear weapons with little or no
17 warning and with nothing but commercial supplies
18 and equipment. Such efforts are also incapable of
19 predicting and tracking transfers of capabilities re-
20 lating to weapons of mass destruction.

21 (8) Because of the dire consequences to the citi-
22 zens of the United States posed by weapons of mass
23 destruction, and because traditional arms control ef-
24 forts are inadequate, it is prudent to commence a
25 coordinated effort among local, State, and Federal

1 emergency response organizations to develop tech-
2 nologies and capabilities to detect and intercept
3 weapons of mass destruction, to equip and protect
4 those emergency response organizations who are
5 first on the scene, and, where necessary, to decon-
6 taminate areas where such weapons are manufac-
7 tured or detonated.

8 (9) Congress has repeatedly expressed concern
9 about the use of weapons of mass destruction, stat-
10 ing in November 1993 (in section 1704 of the Na-
11 tional Defense Authorization Act For Fiscal Year
12 1994 (Public Law 103–160; 50 U.S.C. 1522 note))
13 that “the President should strengthen Federal inter-
14 agency emergency planning by the Federal Emer-
15 gency Management Agency and other appropriate
16 Federal, State, and local agencies for development of
17 a capability for early detection and warning of and
18 response to—

19 “(1) potential terrorist use of chemical or bio-
20 logical agents or weapons; and

21 “(2) emergencies or natural disasters involving
22 industrial chemicals or the widespread outbreak of
23 disease.”.

24 (b) WEAPONS OF MASS DESTRUCTION DEFINED.—

25 For purposes of this Act, the term “weapons of mass de-

1 struction” means chemical, biological, and nuclear weap-
2 ons (whether militarized or improvised) that are designed
3 to spread their contents through explosions or other dis-
4 semination means.

5 **SEC. 3. DEPARTMENT OF DEFENSE RESEARCH AND DEVEL-**
6 **OPMENT PROGRAM.**

7 (a) IN GENERAL.—Chapter 139 of title 10, United
8 States Code, is amended by adding at the end the follow-
9 ing new section:

10 **“§ 2375. Weapons of mass destruction: threat from at-**
11 **tack by unconventional means**

12 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
13 of Defense shall carry out a research and development pro-
14 gram to enhance the capabilities of the United States re-
15 lating to the threat to the United States of an attack in-
16 side the United States by unconventional means involving
17 weapons of mass destruction. In carrying out such pro-
18 gram, the Secretary shall take into consideration relevant
19 assessments and recommendations of any interagency task
20 force or committee.

21 “(b) ACTIVITIES TO BE INCLUDED IN THE PRO-
22 GRAM.—The activities to be carried out by the Secretary
23 under the program shall include the following:

24 “(1) Research, development, test, and evalua-
25 tion of technologies relating to any of the following:

1 “(A) Detection of chemical, biological, and
2 nuclear weapons.

3 “(B) Interception of such weapons.

4 “(C) Protection against such weapons.

5 “(D) Assistance to other Federal depart-
6 ments and agencies and State and local agen-
7 cies in responding to an attack made using such
8 weapons, including casualty treatment.

9 “(E) Decontamination of areas affected by
10 an attack using such weapons.

11 “(2) Training of personnel for the activities
12 specified in subparagraphs (A) through (E) of para-
13 graph (1).

14 “(3) Identification of Federal equipment and
15 technologies that can be transferred, and training
16 that can be provided, from one Federal agency to
17 another agency or to State and local agencies con-
18 sistent with the purposes of the program under this
19 section.

20 “(c) CONSULTATION WITH STATE AND LOCAL AU-
21 THORITIES.—In carrying out the program under this sec-
22 tion, the Secretary shall consult regularly with, and shall
23 seek the views of, representatives of—

24 “(1) State and local government law enforce-
25 ment authorities; and

1 “(2) State and local government emergency
2 planning authorities.”.

3 (b) **CLERICAL AMENDMENT.**—The table of sections
4 at the beginning of such chapter is amended by adding
5 at the end the following new item:

 “2375. Weapons of mass destruction: threat from attack by unconventional
 means.”.

6 **SEC. 4. PRE-EVENT PLANNING ASSISTANCE UNDER STAFF-**
7 **FORD ACT.**

8 Section 201(b) of the Robert T. Stafford Disaster Re-
9 lief and Emergency Assistance Act (42 U.S.C. 5131(b))
10 is amended by adding at the end the following new sen-
11 tence: “In the case of preparation by the States against
12 major disasters involving weapons of mass destruction (as
13 defined in section 2(b) of the Defend America Against
14 Weapons of Mass Destruction Act of 1996), technical as-
15 sistance under the preceding sentence in developing com-
16 prehensive plans and practicable programs for preparation
17 against such disasters may be provided through any de-
18 partment or agency of the United States designated by
19 the President for such purpose.”.

20 **SEC. 5. REPORT TO CONGRESS.**

21 Not later than one year after the date of the enact-
22 ment of this Act, the President shall submit to Congress
23 a report describing the actions taken, and planned to be
24 taken, to carry out section 2375 of title 10, United States

1 Code, as added by section 3, and the sentence in section
2 201(b) of the Robert T. Stafford Disaster Relief and
3 Emergency Assistance Act added by section 4. The report
4 shall include a statement of the costs of such actions.

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