

104TH CONGRESS
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H. R. 3730

To take measures to protect the security of the United States from
proliferation and use of weapons of mass destruction.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1996

Mr. SPRATT (for himself and Mr. MCCOLLUM) introduced the following bill;
which was referred to the Committee on National Security, and in addition to the Committees on International Relations, and the Judiciary, 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 take measures to protect the security of the United States
from proliferation and use of weapons of mass destruction.

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 “Defense Against Weap-
5 ons of Mass Destruction Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Weapons of mass destruction and related
2 materials and technologies are increasingly available
3 from worldwide sources. Technical information relat-
4 ing to such weapons is readily available on the
5 Internet, and raw materials for chemical, biological,
6 and radiological weapons are widely available for le-
7 gitimate commercial purposes.

8 (2) The former Soviet Union produced and
9 maintained a vast array of nuclear, biological, and
10 chemical weapons of mass destruction.

11 (3) Many of the states of the former Soviet
12 Union retain the facilities, materials, and tech-
13 nologies capable of producing additional quantities
14 of weapons of mass destruction.

15 (4) The disintegration of the former Soviet
16 Union was accompanied by disruptions of command
17 and control systems, deficiencies in accountability
18 for weapons, weapons-related materials and tech-
19 nologies, economic hardships, and significant gaps in
20 border control among the states of the former Soviet
21 Union. The problems of organized crime and corrup-
22 tion in the states of the former Soviet Union in-
23 crease the potential for proliferation of nuclear, radi-
24 ological, biological, and chemical weapons and relat-
25 ed materials.

1 (5) The conditions described in paragraph (4)
2 have substantially increased the ability of potentially
3 hostile nations, terrorist groups, and individuals to
4 acquire weapons of mass destruction and related
5 materials and technologies from within the states of
6 the former Soviet Union and from unemployed sci-
7 entists who worked on those programs.

8 (6) As a result of such conditions, the capability
9 of potentially hostile nations and terrorist groups to
10 acquire nuclear, radiological, biological, and chemical
11 weapons is greater than any time in history.

12 (7) The President has identified North Korea,
13 Iraq, Iran, and Libya as hostile states which already
14 possess some weapons of mass destruction and are
15 developing others.

16 (8) The acquisition or the development and use
17 of weapons of mass destruction is well within the ca-
18 pability of many extremist and terrorist movements,
19 acting independently or as proxies for foreign states.

20 (9) Foreign states can transfer weapons to or
21 otherwise aid extremist and terrorist movements in-
22 directly and with plausible deniability.

23 (10) Terrorist groups have already conducted
24 chemical attacks against civilian targets in the Unit-

1 ed States and Japan, and a radiological attack in
2 Russia.

3 (11) The potential for the national security of
4 the United States to be threatened by nuclear, radio-
5 logical, chemical, or biological terrorism must be
6 taken as seriously as the risk of an attack by long-
7 range ballistic missiles carrying nuclear weapons.

8 (12) There is a significant and growing threat
9 of attack by weapons of mass destruction on targets
10 that are not military targets in the usual sense of
11 the term.

12 (13) Concomitantly, the threat posed to the citi-
13 zens of the United States by nuclear, radiological,
14 biological, and chemical weapons delivered by uncon-
15 ventional means is significant and growing.

16 (14) Mass terror may result from terrorist inci-
17 dents involving nuclear, radiological, biological, or
18 chemical materials, even if such materials are not
19 configured as military weapons.

20 (15) Facilities required for production of radio-
21 logical, biological, and chemical weapons are much
22 smaller and harder to detect than nuclear weapons
23 facilities, and biological, and chemical weapons can
24 be deployed by alternative delivery means that are

1 much harder to detect than long-range ballistic mis-
2 siles.

3 (16) Such delivery systems have no assignment
4 of responsibility, unlike ballistic missiles, for which
5 a launch location would be unambiguously known.

6 (17) Covert or unconventional means of delivery
7 of nuclear, radiological, biological, and chemical
8 weapons, which might be preferable to foreign states
9 and nonstate organizations, include cargo ships, pas-
10 senger aircraft, commercial and private vehicles and
11 vessels, and commercial cargo shipments routed
12 through multiple destinations.

13 (18) Traditional arms control efforts assume
14 large state efforts with detectable manufacturing
15 programs and weapons production programs, but are
16 ineffective in monitoring and controlling smaller,
17 though potentially more dangerous, unconventional
18 proliferation efforts.

19 (19) Conventional counterproliferation efforts
20 would do little to detect or prevent the rapid devel-
21 opment of a capability to suddenly manufacture sev-
22 eral hundred chemical or biological weapons with
23 nothing but commercial supplies and equipment.

1 (20) The United States lacks adequate planning
2 and countermeasures to address the threat of nu-
3 clear, radiological, biological, and chemical terrorism.

4 (21) The Department of Energy has established
5 a Nuclear Emergency Response Team which is avail-
6 able in case of nuclear or radiological emergencies,
7 but no comparable units exist to deal with emer-
8 gencies involving biological, or chemical weapons or
9 related materials.

10 (22) State and local emergency response per-
11 sonnel are not adequately prepared or trained for in-
12 cidents involving nuclear, radiological, biological, or
13 chemical materials.

14 (23) Exercises of the Federal, State, and local
15 response to nuclear, radiological, biological, or chem-
16 ical terrorism have revealed serious deficiencies in
17 preparedness and severe problems of coordination.

18 (24) The development of, and allocation of re-
19 sponsibilities for, effective countermeasures to nu-
20 clear, radiological, biological, or chemical terrorism
21 in the United States requires well-coordinated par-
22 ticipation of many Federal agencies, and careful
23 planning by the Federal Government and State and
24 local governments.

1 (25) Training and exercises can significantly
2 improve the preparedness of State and local emer-
3 gency response personnel for emergencies involving
4 nuclear, radiological, biological, or chemical weapons
5 or related materials.

6 (26) Sharing of the expertise and capabilities of
7 the Department of Defense, which traditionally has
8 provided assistance to Federal, State, and local offi-
9 cials in neutralizing, dismantling, and disposing of
10 explosive ordnance, as well as radiological, biological,
11 and chemical materials, can be a vital contribution
12 to the development and deployment of counter-
13 measures against nuclear, biological, and chemical
14 weapons of mass destruction.

15 (27) The United States lacks effective policy co-
16 ordination regarding the threat posed by the pro-
17 liferation of weapons of mass destruction.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

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

1 (A) toxic or poisonous chemicals or their
2 precursors;

3 (B) a disease organism; or

4 (C) radiation or radioactivity.

5 (2) The term “independent states of the former
6 Soviet Union” has the meaning given the term in
7 section 3 of the FREEDOM Support Act (22 U.S.C.
8 5801).

9 (3) The term “highly enriched uranium” means
10 uranium enriched to 20 percent or more in the iso-
11 tope U-235.

12 **TITLE I—DOMESTIC** 13 **PREPAREDNESS**

14 **SEC. 101. EMERGENCY RESPONSE ASSISTANCE PROGRAM.**

15 (a) PROGRAM REQUIRED.—(1) The Secretary of De-
16 fense shall carry out a program to provide civilian person-
17 nel of Federal, State, and local agencies with training and
18 expert advice regarding emergency responses to a use or
19 threatened use of a weapon of mass destruction or related
20 materials.

21 (2) The President may designate the head of an agen-
22 cy other than the Department of Defense to assume the
23 responsibility for carrying out the program on or after Oc-
24 tober 1, 1999, and relieve the Secretary of Defense of that

1 responsibility upon the assumption of the responsibility by
2 the designated official.

3 (3) Hereafter in this section, the official responsible
4 for carrying out the program is referred to as the “lead
5 official”.

6 (b) COORDINATION.—In carrying out the program,
7 the lead official shall coordinate with each of the following
8 officials who is not serving as the lead official:

9 (1) The Director of the Federal Emergency
10 Management Agency.

11 (2) The Secretary of Energy.

12 (3) The Secretary of Defense.

13 (4) The heads of any other Federal, State, and
14 local government agencies that have an expertise or
15 responsibilities relevant to emergency responses de-
16 scribed in subsection (a)(1).

17 (c) ELIGIBLE PARTICIPANTS.—The civilian personnel
18 eligible to receive assistance under the program are civil-
19 ian personnel of Federal, State, and local agencies who
20 have emergency preparedness responsibilities.

21 (d) INVOLVEMENT OF OTHER FEDERAL AGEN-
22 CIES.—(1) The lead official may use personnel and capa-
23 bilities of Federal agencies outside the agency of the lead
24 official to provide training and expert advice under the
25 program.

1 (2)(A) Personnel used under paragraph (1) shall be
2 personnel who have special skills relevant to the particular
3 assistance that the personnel are to provide.

4 (B) Capabilities used under paragraph (1) shall be
5 capabilities that are especially relevant to the particular
6 assistance for which the capabilities are used.

7 (e) AVAILABLE ASSISTANCE.—Assistance available
8 under this program shall include the following:

9 (1) Training in the use, operation, and maintenance of equipment for—

11 (A) detecting a chemical or biological agent
12 or nuclear radiation;

13 (B) monitoring the presence of such an
14 agent or radiation;

15 (C) protecting emergency personnel and
16 the public; and

17 (D) decontamination.

18 (2) Establishment of a designated telephonic
19 link (commonly referred to as a “hot line”) to a designated source of relevant data and expert advice for
20 the use of State or local officials responding to emergencies involving a weapon of mass destruction or
21 related materials.
22
23

24 (3) Use of the National Guard and other reserve components for purposes authorized under this
25

1 section that are specified by the lead official (with
2 the concurrence of the Secretary of Defense if the
3 Secretary is not the lead official).

4 (4) Loan of appropriate equipment.

5 (f) LIMITATIONS ON DEPARTMENT OF DEFENSE AS-
6 SISTANCE TO LAW ENFORCEMENT AGENCIES.—Assist-
7 ance provided by the Department of Defense to law en-
8 forcement agencies under this section shall be provided
9 under the authority of, and subject to the restrictions pro-
10 vided in, chapter 18 of title 10, United States Code.

11 (g) ADMINISTRATION OF DEPARTMENT OF DEFENSE
12 ASSISTANCE.—The Secretary of Defense shall designate
13 an official within the Department of Defense to serve as
14 the executive agent of the Secretary for the coordination
15 of the provision of Department of Defense assistance
16 under this section.

17 (h) FUNDING.—(1) Of the total amount authorized
18 to be appropriated for the Department of Defense for op-
19 eration and maintenance for fiscal year 1997,
20 \$35,000,000 is available for the program required under
21 this section.

22 (2) Of the amount available for the program pursu-
23 ant to paragraph (1), \$10,500,000 is available for use by
24 the Secretary of Defense to assist the Surgeon General
25 of the United States in the establishment of metropolitan

1 emergency medical response teams (commonly referred to
2 as “Metropolitan Medical Strike Force Teams”) to provide
3 medical services that are necessary or potentially nec-
4 essary by reason of a use or threatened use of a weapon
5 of mass destruction.

6 (3) The amount available for the program under
7 paragraph (1) is in addition to any other amount author-
8 ized to be appropriated for the program under any other
9 provision of law.

10 **SEC. 102. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMER-**
11 **GENCY RESPONSE.**

12 (a) DEPARTMENT OF DEFENSE.—The Secretary of
13 Defense shall designate an official within the Department
14 of Defense as the executive agent for—

15 (1) the coordination of Department of Defense
16 assistance to Federal, State, and local officials in re-
17 sponding to threats involving biological or chemical
18 weapons or related materials or technologies, includ-
19 ing assistance in identifying, neutralizing, disman-
20 tling, and disposing of biological and chemical weap-
21 ons and related materials and technologies; and

22 (2) the coordination of Department of Defense
23 assistance to the Department of Energy in carrying
24 out that department’s responsibilities under sub-
25 section (b).

1 (b) DEPARTMENT OF ENERGY.—The Secretary of
2 Energy shall designate an official within the Department
3 of Energy as the executive agent for—

4 (1) the coordination of Department of Energy
5 assistance to Federal, State, and local officials in re-
6 sponding to threats involving nuclear weapons or re-
7 lated materials or technologies, including assistance
8 in identifying, neutralizing, dismantling, and dispos-
9 ing of nuclear weapons and related materials and
10 technologies; and

11 (2) the coordination of Department of Energy
12 assistance to the Department of Defense in carrying
13 out that department's responsibilities under sub-
14 section (a).

15 (c) FUNDING.—(1)(A) Of the total amount author-
16 ized to be appropriated for the Department of Defense for
17 operation and maintenance for fiscal year 1997,
18 \$15,000,000 is available for providing assistance described
19 in subsection (a).

20 (B) The amount available under subparagraph (A)
21 for providing assistance described in subsection (a) is in
22 addition to any other amount authorized to be appro-
23 priated by any other provision of law for that purpose.

24 (2)(A) Of the total amount authorized to be appro-
25 priated for national defense programs of the Department

1 of Energy for fiscal year 1997, \$15,000,000 is available
 2 for providing assistance described in subsection (b).

3 (B) The amount available under subparagraph (A)
 4 for providing assistance is in addition to any other amount
 5 authorized to be appropriated under any other provision
 6 of law for that purpose.

7 **SEC. 103. MILITARY ASSISTANCE TO CIVILIAN LAW EN-**
 8 **FORCEMENT OFFICIALS IN EMERGENCY SIT-**
 9 **UATIONS INVOLVING BIOLOGICAL OR CHEMI-**
 10 **CAL WEAPONS.**

11 (a) ASSISTANCE AUTHORIZED.—(1) Chapter 18 of
 12 title 10, United States Code, is amended by adding at the
 13 end the following new section:

14 **“§ 382. Emergency situations involving chemical or**
 15 **biological weapons of mass destruction**

16 “(a) IN GENERAL.— The Secretary of Defense, upon
 17 the request of the Attorney General, may provide assist-
 18 ance in support of Department of Justice activities relat-
 19 ing to the enforcement of section 175 or 2332c of title
 20 18 during an emergency situation involving a biological
 21 or chemical weapon of mass destruction. Department of
 22 Defense resources, including personnel of the Department
 23 of Defense, may be used to provide such assistance if—

1 “(1) the Secretary of Defense and the Attorney
2 General jointly determine that an emergency situa-
3 tion exists; and

4 “(2) the Secretary of Defense determines that
5 the provision of such assistance will not adversely af-
6 fect the military preparedness of the United States.

7 “(b) EMERGENCY SITUATIONS COVERED.—In this
8 section, the term ‘emergency situation involving a biologi-
9 cal or chemical weapon of mass destruction’ means a cir-
10 cumstance involving a biological or chemical weapon of
11 mass destruction—

12 “(1) that poses a serious threat to the interests
13 of the United States; and

14 “(2) in which—

15 “(A) civilian expertise and capabilities are
16 not readily available to provide the required as-
17 sistance to counter the threat immediately
18 posed by the weapon involved;

19 “(B) special capabilities and expertise of
20 the Department of Defense are necessary and
21 critical to counter the threat posed by the weap-
22 on involved; and

23 “(C) enforcement of section 175 or 2332c
24 of title 18 would be seriously impaired if the

1 Department of Defense assistance were not pro-
2 vided.

3 “(c) FORMS OF ASSISTANCE.—The assistance re-
4 ferred to in subsection (a) includes the operation of equip-
5 ment (including equipment made available under section
6 372 of this title) to monitor, contain, disable, or dispose
7 of the weapon involved or elements of the weapon.

8 “(d) REGULATIONS.—(1) The Secretary of Defense
9 and the Attorney General shall jointly issue regulations
10 concerning the types of assistance that may be provided
11 under this section. Such regulations shall also describe the
12 actions that Department of Defense personnel may take
13 in circumstances incident to the provision of assistance
14 under this section.

15 “(2)(A) Except as provided in subparagraph (B), the
16 regulations may not authorize the following actions:

17 “(i) Arrest.

18 “(ii) Any direct participation in conducting a
19 search for or seizure of evidence related to a viola-
20 tion of section 175 or 2332c of title 18.

21 “(iii) Any direct participation in the collection
22 of intelligence for law enforcement purposes.

23 “(B) The regulations may authorize an action de-
24 scribed in subparagraph (A) to be taken under the follow-
25 ing conditions:

1 “(i) The action is considered necessary for the
2 immediate protection of human life, and civilian law
3 enforcement officials are not capable of taking the
4 action.

5 “(ii) The action is otherwise authorized under
6 subsection (c) or under otherwise applicable law.

7 “(e) REIMBURSEMENTS.—The Secretary of Defense
8 shall require reimbursement as a condition for providing
9 assistance under this section to the extent required under
10 section 377 of this title.

11 “(f) DELEGATIONS OF AUTHORITY.—(1) Except to
12 the extent otherwise provided by the Secretary of Defense,
13 the Deputy Secretary of Defense may exercise the author-
14 ity of the Secretary of Defense under this section. The
15 Secretary of Defense may delegate the Secretary’s author-
16 ity under this section only to an Under Secretary of De-
17 fense or an Assistant Secretary of Defense and only if the
18 Under Secretary or Assistant Secretary to whom delegated
19 has been designated by the Secretary to act for, and to
20 exercise the general powers of, the Secretary.

21 “(2) Except to the extent otherwise provided by the
22 Attorney General, the Deputy Attorney General may exer-
23 cise the authority of the Attorney General under this sec-
24 tion. The Attorney General may delegate that authority
25 only to the Associate Attorney General or an Assistant At-

1 torney General and only if the Associate Attorney General
 2 or Assistant Attorney General to whom delegated has been
 3 designated by the Attorney General to act for, and to exer-
 4 cise the general powers of, the Attorney General.

5 “(g) RELATIONSHIP TO OTHER AUTHORITY.—Noth-
 6 ing in this section shall be construed to restrict any execu-
 7 tive branch authority regarding use of members of the
 8 armed forces or equipment of the Department of Defense
 9 that was in effect before the date of the enactment of the
 10 Defense Against Weapons of Mass Destruction Act of
 11 1996.”.

12 (2) The table of sections at the beginning of such
 13 chapter is amended by adding at the end the following
 14 new item:

“382. Emergency situations involving chemical or biological weapons of mass de-
 struction.”.

15 (b) CONFORMING AMENDMENT TO CONDITION FOR
 16 PROVIDING EQUIPMENT AND FACILITIES.—Section
 17 372(b)(1) of title 10, United States Code, is amended by
 18 adding at the end the following new sentence: “The re-
 19 quirement for a determination that an item is not reason-
 20 ably available from another source does not apply to as-
 21 sistance provided under section 382 of this title pursuant
 22 to a request of the Attorney General for the assistance.”.

23 (c) CONFORMING AMENDMENTS RELATING TO AU-
 24 THORITY TO REQUEST ASSISTANCE.—(1)(A) Chapter 10

1 of title 18, United States Code, is amended by inserting
 2 after section 175 the following new section:

3 **“§ 175a. Requests for military assistance to enforce**
 4 **prohibition in certain emergencies**

5 “The Attorney General may request the Secretary of
 6 Defense to provide assistance under section 382 of title
 7 10 in support of Department of Justice activities relating
 8 to the enforcement of section 175 of this title in an emer-
 9 gency situation involving a biological weapon of mass de-
 10 struction. The authority to make such a request may be
 11 exercised by another official of the Department of Justice
 12 in accordance with section 382(f)(2) of title 10.”.

13 (B) The table of sections at the beginning of such
 14 chapter is amended by inserting after the item relating
 15 to section 175 the following new item:

“175a. Requests for military assistance to enforce prohibition in certain emer-
 gencies.”.

16 (2)(A) The chapter 133B of title 18, United States
 17 Code, that relates to terrorism is amended by inserting
 18 after section 2332c the following new section:

19 **“§ 2332d. Requests for military assistance to enforce**
 20 **prohibition in certain emergencies**

21 “The Attorney General may request the Secretary of
 22 Defense to provide assistance under section 382 of title
 23 10 in support of Department of Justice activities relating
 24 to the enforcement of section 2332c of this title during

1 an emergency situation involving a chemical weapon of
 2 mass destruction. The authority to make such a request
 3 may be exercised by another official of the Department
 4 of Justice in accordance with section 382(f)(2) of title
 5 10.”.

6 (B) The table of sections at the beginning of such
 7 chapter is amended by inserting after the item relating
 8 to section 2332c the following new item:

“2332d. Requests for military assistance to enforce prohibition in certain emer-
 gencies.”.

9 (d) CIVILIAN EXPERTISE.—The President shall take
 10 reasonable measures to reduce the reliance of civilian law
 11 enforcement officials on Department of Defense resources
 12 to counter the threat posed by the use or potential use
 13 of biological and chemical weapons of mass destruction
 14 within the United States. The measures shall include—

15 (1) actions to increase civilian law enforcement
 16 expertise to counter such a threat; and

17 (2) actions to improve coordination between ci-
 18 vilian law enforcement officials and other civilian
 19 sources of expertise, within and outside the Federal
 20 Government, to counter such a threat.

21 (e) REPORTS.—The President shall submit to Con-
 22 gress the following reports:

23 (1) Not later than 90 days after the date of the
 24 enactment of this Act, a report describing the re-

1 spective policy functions and operational roles of
2 Federal agencies in countering the threat posed by
3 the use or potential use of biological and chemical
4 weapons of mass destruction within the United
5 States.

6 (2) Not later than one year after such date, a
7 report describing—

8 (A) the actions planned to be taken to
9 carry out subsection (d); and

10 (B) the costs of such actions.

11 (3) Not later than three years after such date,
12 a report updating the information provided in the
13 reports submitted pursuant to paragraphs (1) and
14 (2), including the measures taken pursuant to sub-
15 section (d).

16 **SEC. 104. TESTING OF PREPAREDNESS FOR EMERGENCIES**
17 **INVOLVING NUCLEAR, RADIOLOGICAL, CHEM-**
18 **ICAL, AND BIOLOGICAL WEAPONS.**

19 (a) EMERGENCIES INVOLVING CHEMICAL OR BIO-
20 LOGICAL WEAPONS.—(1) The Secretary of Defense shall
21 develop and carry out a program for testing and improving
22 the responses of Federal, State, and local agencies to
23 emergencies involving biological weapons and related ma-
24 terials and emergencies involving chemical weapons and
25 related materials.

1 (2) The program shall include exercises to be carried
2 out during each of five successive fiscal years beginning
3 with fiscal year 1997.

4 (3) In developing and carrying out the program, the
5 Secretary shall coordinate with the Director of the Federal
6 Bureau of Investigation, the Director of the Federal
7 Emergency Management Agency, the Secretary of Energy,
8 and the heads of any other Federal, State, and local gov-
9 ernment agencies that have an expertise or responsibilities
10 relevant to emergencies described in paragraph (1).

11 (b) EMERGENCIES INVOLVING NUCLEAR AND RADIO-
12 LOGICAL WEAPONS.—(1) The Secretary of Energy shall
13 develop and carry out a program for testing and improving
14 the responses of Federal, State, and local agencies to
15 emergencies involving nuclear and radiological weapons
16 and related materials.

17 (2) The program shall include exercises to be carried
18 out during each of five successive fiscal years beginning
19 with fiscal year 1997.

20 (3) In developing and carrying out the program, the
21 Secretary shall coordinate with the Director of the Federal
22 Bureau of Investigation, the Director of the Federal
23 Emergency Management Agency, the Secretary of De-
24 fense, and the heads of any other Federal, State, and local

1 government agencies that have an expertise or responsibil-
2 ities relevant to emergencies described in paragraph (1).

3 (c) ANNUAL REVISIONS OF PROGRAMS.—The official
4 responsible for carrying out a program developed under
5 subsection (a) or (b) shall revise the program not later
6 than June 1 in each fiscal year covered by the program.
7 The revisions shall include adjustments that the official
8 determines necessary or appropriate on the basis of the
9 lessons learned from the exercise or exercises carried out
10 under the program in the fiscal year, including lessons
11 learned regarding coordination problems and equipment
12 deficiencies.

13 (d) OPTION TO TRANSFER RESPONSIBILITY.—(1)
14 The President may designate the head of an agency out-
15 side the Department of Defense to assume the responsibil-
16 ity for carrying out the program developed under sub-
17 section (a) beginning on or after October 1, 1999, and
18 relieve the Secretary of Defense of that responsibility upon
19 the assumption of the responsibility by the designated offi-
20 cial.

21 (2) The President may designate the head of an agen-
22 cy outside the Department of Energy to assume the re-
23 sponsibility for carrying out the program developed under
24 subsection (b) beginning on or after October 1, 1999, and
25 relieve the Secretary of Energy of that responsibility upon

1 the assumption of the responsibility by the designated offi-
2 cial.

3 (e) FUNDING.—(1) Of the total amount authorized
4 to be appropriated for the Department of Defense for op-
5 eration and maintenance for fiscal year 1997,
6 \$15,000,000 is available for the development and execu-
7 tion of the programs required by this section, including
8 the participation of State and local agencies in exercises
9 carried out under the programs.

10 (2) The amount available under paragraph (1) for the
11 development and execution of programs referred to in that
12 paragraph is in addition to any other amount authorized
13 to be appropriated under any other provision of law for
14 such purposes.

15 **TITLE II—INTERDICTION OF**
16 **WEAPONS OF MASS DESTRUC-**
17 **TION AND RELATED MATE-**
18 **RIALS**

19 **SEC. 201. UNITED STATES BORDER SECURITY.**

20 (a) PROCUREMENT OF DETECTION EQUIPMENT.—
21 (1) Of the total amount authorized to be appropriated for
22 the Department of Defense for operation and maintenance
23 for fiscal year 1997, \$15,000,000 is available for the pro-
24 curement of—

1 (A) equipment capable of detecting the move-
2 ment of weapons of mass destruction and related
3 materials into the United States;

4 (B) equipment capable of interdicting the move-
5 ment of weapons of mass destruction and related
6 materials into the United States; and

7 (C) materials and technologies related to use of
8 equipment described in subparagraph (A) or (B).

9 (2) The amount available under paragraph (1) for the
10 procurement of items referred to in that paragraph is in
11 addition to any other amount authorized to be appro-
12 priated under any other provision of law for such purpose.

13 (b) AVAILABILITY OF EQUIPMENT TO COMMISSIONER
14 OF CUSTOMS.—To the extent authorized under chapter 18
15 of title 10, United States Code, the Secretary of Defense
16 may make equipment of the Department of Defense de-
17 scribed in subsection (a), and related materials and tech-
18 nologies, available to the Commissioner of Customs for use
19 in detecting and interdicting the movement of weapons of
20 mass destruction into the United States.

21 **SEC. 202. NONPROLIFERATION AND COUNTER-PROLIFERA-**
22 **TION RESEARCH AND DEVELOPMENT.**

23 (a) BIOLOGICAL AND CHEMICAL WEAPONS.—The
24 Secretary of Defense shall be the lead official of the Fed-
25 eral Government for coordinating the research and devel-

1 opment activities of the Federal Government on technical
2 means for detecting the presence of, the illegal transpor-
3 tation of, the illegal production of, and the illegal use of
4 materials and technologies that may be used to make a
5 biological or chemical weapon and materials (including
6 precursors) and technologies that are suitable for use in
7 making such a weapon.

8 (b) NUCLEAR AND RADIOLOGICAL WEAPONS.—The
9 Secretary of Energy shall be the lead official of the Fed-
10 eral Government for coordinating the research and devel-
11 opment activities of the Federal Government on technical
12 means for detecting the presence of, the illegal transpor-
13 tation of, the illegal production of, and the illegal use of
14 materials and technologies that may be used to make a
15 nuclear or radiological weapon and materials and tech-
16 nologies that are suitable for use in making a nuclear or
17 radiological weapon.

18 (c) CONSULTATION REQUIREMENT.—In carrying out
19 research and development activities under subsection (a)
20 or (b), the Secretary of Defense or the Secretary of En-
21 ergy, respectively, shall consult with each other and the
22 following officials:

- 23 (1) The Director of Central Intelligence.
- 24 (2) The Director of the Federal Bureau of In-
- 25 vestigation.

1 (3) The Commissioner of Customs.

2 (d) FUNDING.—(1)(A) There is authorized to be ap-
3 propriated for fiscal year 1997 \$10,000,000 for research
4 and development coordinated by the Secretary of Defense
5 under subsection (a).

6 (B) The amount authorized to be appropriated for
7 research and development under subparagraph (A) is in
8 addition any other amounts that are authorized to be ap-
9 propriated for the Department of Defense for fiscal year
10 1997 for such research and development, including funds
11 authorized to be appropriated for research and develop-
12 ment relating to nonproliferation of weapons of mass de-
13 struction.

14 (2)(A) Of the total amount authorized to be appro-
15 priated for national defense programs of the Department
16 of Energy for fiscal year 1997, \$19,000,000 is available
17 for research and development coordinated by the Secretary
18 of Energy under subsection (b).

19 (B) The amount available under subparagraph (B)
20 is in addition to any other amount authorized to be appro-
21 priated under any other provision of law for such research
22 and development.

1 **SEC. 203. INTERNATIONAL EMERGENCY ECONOMIC POW-**
2 **ERS ACT.**

3 Section 203 of the International Emergency Eco-
4 nomic Powers Act (50 U.S.C. 1702) is amended—

5 (1) in subsection (a)(1)(B), by striking out “im-
6 portation or exportation of,” and inserting in lieu
7 thereof “importation, exportation, or attempted im-
8 portation or exportation of,”; and

9 (2) in subsection (b)(3), by striking out “impor-
10 tation from any country, or the exportation” and in-
11 serting in lieu thereof “importation or attempted im-
12 portation from any country, or the exportation or at-
13 tempted exportation”.

14 **SEC. 204. CRIMINAL PENALTIES.**

15 It is the sense of Congress that—

16 (1) the sentencing guidelines prescribed by the
17 United States Sentencing Commission for the of-
18 fenses of importation, attempted importation, expor-
19 tation, and attempted exportation of nuclear, biologi-
20 cal, and chemical weapons materials constitute inad-
21 equate punishment for such offenses; and

22 (2) Congress urges the United States Sentenc-
23 ing Commission to revise the relevant sentencing
24 guidelines to provide for increased penalties for of-
25 fenses relating to importation, attempted importa-
26 tion, exportation, and attempted exportation of nu-

1 clear, biological, or chemical weapons or related ma-
 2 terials or technologies under—

3 (A) section 11 of the Export Administra-
 4 tion Act of 1979 (50 U.S.C. App. 2410);

5 (B) sections 38 and 40 the Arms Export
 6 Control Act (22 U.S.C. 2778 and 2780);

7 (C) the International Emergency Economic
 8 Powers Act (50 U.S.C. 1701 et seq.); and

9 (D) section 309(c) of the Nuclear Non-
 10 Proliferation Act of 1978 (22 U.S.C. 2156a(c)).

11 **SEC. 205. INTERNATIONAL BORDER SECURITY.**

12 (a) SECRETARY OF DEFENSE RESPONSIBILITY.—

13 The Secretary of Defense, in consultation and cooperation
 14 with the Commissioner of Customs, shall carry out pro-
 15 grams for assisting customs officials and border guard of-
 16 ficials in the independent states of the former Soviet
 17 Union, the Baltic states, and other countries of Eastern
 18 Europe in preventing unauthorized transfer and transpor-
 19 tation of nuclear, biological, and chemical weapons and re-
 20 lated materials. Training, expert advice, maintenance of
 21 equipment, loan of equipment, and audits may be provided
 22 under or in connection with the programs.

23 (b) FUNDING.—(1) Of the total amount authorized
 24 to be appropriated for the Department of Defense for op-
 25 eration and maintenance for fiscal year 1997,

1 \$15,000,000 is available for carrying out the programs re-
2 ferred to in subsection (a).

3 (2) The amount available under paragraph (1) for
4 programs referred to in that paragraph is in addition to
5 any other amount authorized to be appropriated under any
6 other provision of law for such programs.

7 **TITLE III—CONTROL AND DIS-**
8 **POSITION OF WEAPONS OF**
9 **MASS DESTRUCTION AND RE-**
10 **LATED MATERIALS THREAT-**
11 **ENING THE UNITED STATES**

12 **SEC. 301. PROTECTION AND CONTROL OF MATERIALS CON-**
13 **STITUTING A THREAT TO THE UNITED**
14 **STATES.**

15 (a) DEPARTMENT OF ENERGY PROGRAM.—Subject
16 to subsection (c)(1), the Secretary of Energy may, under
17 materials protection, control, and accounting assistance of
18 the Department of Energy, provide assistance for securing
19 from theft or other unauthorized disposition nuclear mate-
20 rials that are not so secured and are located at any site
21 within the former Soviet Union where effective controls
22 for securing such materials are not in place.

23 (b) DEPARTMENT OF DEFENSE PROGRAM.—Subject
24 to subsection (c)(2), the Secretary of Defense may provide
25 materials protection, control, and accounting assistance

1 under the Cooperative Threat Reduction Programs of the
2 Department of Defense for securing from theft or other
3 unauthorized disposition, or for destroying, nuclear, radio-
4 logical, biological, or chemical weapons (or related mate-
5 rials) that are not so secure and are located at any site
6 within the former Soviet Union where effective controls
7 for securing such weapons are not in place.

8 (c) FUNDING.—(1)(A) Of the total amount author-
9 ized to be appropriated for national defense programs of
10 the Department of Energy for fiscal year 1997,
11 \$15,000,000 is available for materials protection, control,
12 and accounting assistance of the Department of Energy
13 for providing assistance under subsection (a).

14 (B) The amount available under subparagraph (A)
15 is in addition to any other amount authorized to be appro-
16 priated under any other provision of law materials protec-
17 tion, control, and accounting assistance of the Department
18 of Energy.

19 (2)(A) Of the total amount authorized to be appro-
20 priated for the Department of Defense for operation and
21 maintenance for fiscal year 1997, \$10,000,000 is available
22 for the Cooperative Threat Reduction Programs of the De-
23 partment of Defense for providing materials protection,
24 control, and accounting assistance under subsection (b).

1 (B) The amount available under subparagraph (A)
 2 is in addition to any other amount authorized to be appro-
 3 priated under any other provision of law for materials pro-
 4 tection, control, and accounting assistance of the Depart-
 5 ment of Defense.

6 **SEC. 302. VERIFICATION OF DISMANTLEMENT AND CON-**
 7 **VERSION OF WEAPONS AND MATERIALS.**

8 (a) **FUNDING FOR COOPERATIVE ACTIVITIES FOR**
 9 **DEVELOPMENT OF TECHNOLOGIES.**—Of the total amount
 10 authorized to be appropriated for national defense pro-
 11 grams of the Department of Energy for fiscal year 1997,
 12 \$10,000,000 is available for continuing and expediting co-
 13 operative activities with the Government of Russia to de-
 14 velop and deploy—

15 (1) technologies for improving verification of
 16 nuclear warhead dismantlement;

17 (2) technologies for converting plutonium from
 18 weapons into forms that—

19 (A) are better suited for long-term storage
 20 than are the forms from which converted;

21 (B) facilitate verification; and

22 (C) are suitable for nonweapons use; and

23 (3) technologies that promote openness in Rus-
 24 sian production, storage, use, and final and interim
 25 disposition of weapon-usable fissible material, includ-

1 ing at tritium/isotope production reactors, uranium
 2 enrichment plants, chemical separation plants, and
 3 fabrication facilities associated with naval and civil
 4 research reactors.

5 (b) WEAPONS-USABLE FISSILE MATERIALS TO BE
 6 COVERED BY COOPERATIVE THREAT REDUCTION PRO-
 7 GRAMS ON ELIMINATION OR TRANSPORTATION OF NU-
 8 CLEAR WEAPONS.—Section 1201(b)(1) of the National
 9 Defense Authorization Act for Fiscal Year 1996 (Public
 10 Law 104–106; 110 Stat. 469; 22 U.S.C. 5955 note) is
 11 amended by inserting “, fissile material suitable for use
 12 in nuclear weapons,” after “other weapons”.

13 **SEC. 303. ELIMINATION OF PLUTONIUM PRODUCTION.**

14 (a) REPLACEMENT PROGRAM.—The Secretary of De-
 15 fense, in consultation with the Secretary of Energy, shall
 16 develop a cooperative program with the Government of
 17 Russia to eliminate the production of weapons grade plu-
 18 tonium by modifying or replacing the reactor cores at
 19 Tomsk–7 and Krasnoyarsk–26 with reactor cores that are
 20 less suitable for the production of weapons-grade pluto-
 21 nium.

22 (b) PROGRAM REQUIREMENTS.—(1) The program
 23 shall be designed to achieve completion of the modifica-
 24 tions or replacements of the reactor cores within three

1 years after the modification or replacement activities
2 under the program are begun.

3 (2) The plan for the program shall—

4 (A) specify—

5 (i) successive steps for the modification or
6 replacement of the reactor cores; and

7 (ii) clearly defined milestones to be
8 achieved; and

9 (B) include estimates of the costs of the pro-
10 gram.

11 (c) SUBMISSION OF PROGRAM PLAN TO CON-
12 GRESS.—Not later than 180 days after the date of the
13 enactment of this Act, the Secretary of Defense shall sub-
14 mit to Congress—

15 (1) a plan for the program under subsection
16 (a);

17 (2) an estimate of the United States funding
18 that is necessary for carrying out the activities
19 under the program for each fiscal year covered by
20 the program; and

21 (3) a comparison of the benefits of the program
22 with the benefits of other nonproliferation programs.

23 (d) FUNDING FOR INITIAL PHASE.—(1) Of the total
24 amount authorized to be appropriated for the Department
25 of Defense for operation and maintenance for fiscal year

1 1997 other than for Cooperative Threat Reduction pro-
2 grams, \$16,000,000 is available for the initial phase of
3 the program under subsection (a).

4 (2) The amount available for the initial phase of the
5 reactor modification or replacement program under para-
6 graph (1) is in addition to amounts authorized to be ap-
7 propriated for Cooperative Threat Reduction programs
8 under any other provision of law.

9 **SEC. 304. INDUSTRIAL PARTNERSHIP PROGRAMS TO DE-**
10 **MILITARIZE WEAPONS OF MASS DESTRUC-**
11 **TION PRODUCTION FACILITIES.**

12 (a) DEPARTMENT OF ENERGY PROGRAM.—The Sec-
13 retary of Energy shall expand the Industrial Partnership
14 Program of the Department of Energy to include coverage
15 of all of the independent states of the former Soviet Union.

16 (b) DEPARTMENT OF DEFENSE PROGRAM.—The
17 Secretary of Defense shall establish a program to support
18 the dismantlement or conversion of the biological and
19 chemical weapons facilities in the independent states of
20 the former Soviet Union to uses for nondefense purposes.
21 The Secretary may carry out such program in conjunction
22 with, or separately from, the organization designated as
23 the Defense Enterprise Fund (formerly designated as the
24 “Demilitarization Enterprise Fund” under section 1204

1 of the National Defense Authorization Act for Fiscal Year
2 1994 (Public Law 103–160; 22 U.S.C. 5953)).

3 (c) FUNDING FOR DEPARTMENT OF DEFENSE PRO-
4 GRAM.—(1)(A) Of the total amount authorized to be ap-
5 propriated for the Department of Defense for operation
6 and maintenance for fiscal year 1997, \$15,000,000 is
7 available for the program under subsection (b).

8 (B) The amount available under subparagraph (A)
9 for the industrial partnership program of the Department
10 of Defense established pursuant to subsection (b) is in ad-
11 dition to any amount authorized to be appropriated for
12 Cooperative Threat Reduction programs under any other
13 provision of law.

14 (2) It is the sense of Congress that the Secretary of
15 Defense should transfer to the Defense Enterprise Fund,
16 \$20,000,000 out of the funds appropriated for Coopera-
17 tive Threat Reduction programs for fiscal years before fis-
18 cal year 1997 that remain available for obligation.

19 **SEC. 305. LAB-TO-LAB PROGRAM TO IMPROVE THE SAFETY**
20 **AND SECURITY OF NUCLEAR MATERIALS.**

21 (a) PROGRAM EXPANSION AUTHORIZED.—The Sec-
22 retary of Energy is authorized to expand the Lab-to-Lab
23 program of the Department of Energy to improve the safe-
24 ty and security of nuclear materials in the independent
25 states of the former Soviet Union where the Lab-to-Lab

1 program is not being carried out on the date of the enact-
2 ment of this Act.

3 (b) FUNDING.—(1) Of the total amount authorized
4 to be appropriated for national defense programs of the
5 Department of Energy for fiscal year 1997, \$20,000,000
6 is available for expanding the Lab-to-Lab program as au-
7 thorized under subsection (a).

8 (2) The amount available under paragraph (1) is in
9 addition to any other amount otherwise available for the
10 Lab-to-Lab program.

11 **SEC. 306. COOPERATIVE ACTIVITIES ON SECURITY OF**
12 **HIGHLY ENRICHED URANIUM USED FOR PRO-**
13 **PULSION OF RUSSIAN SHIPS.**

14 (a) RESPONSIBLE UNITED STATES OFFICIAL.—The
15 Secretary of Energy shall be responsible for carrying out
16 United States cooperative activities with the Government
17 of the Russian Federation on improving the security of
18 highly enriched uranium that is used for propulsion of
19 Russian military and civilian ships.

20 (b) PLAN REQUIRED.—(1) The Secretary shall de-
21 velop and periodically update a plan for the cooperative
22 activities referred to in subsection (a).

23 (2) The Secretary shall coordinate the development
24 and updating of the plan with the Secretary of Defense.

1 The Secretary of Defense shall involve the Joint Chiefs
2 of Staff in the coordination.

3 (c) FUNDING.—(1) Of the total amount authorized
4 to be appropriated for national defense programs of the
5 Department of Energy for fiscal year 1997, \$6,000,000
6 is available for materials protection, control, and account-
7 ing program of the Department of Energy for the coopera-
8 tive activities referred to in subsection (a).

9 (2) The amount available for the Department of En-
10 ergy for materials protection, control, and accounting pro-
11 gram under paragraph (1) is in addition to any other
12 amount authorized to be appropriated by any other provi-
13 sion of law for such program.

14 **SEC. 307. MILITARY-TO-MILITARY RELATIONS.**

15 (a) FUNDING.—Of the total amount authorized to be
16 appropriated for the Department of Defense for operation
17 and maintenance for fiscal year 1997, \$2,000,000 is avail-
18 able for expanding military-to-military programs of the
19 United States that focus on countering the threats of pro-
20 liferation of weapons of mass destruction so as to include
21 the security forces of independent states of the former So-
22 viet Union, particularly states in the Caucasus region and
23 Central Asia.

24 (b) RELATIONSHIP TO OTHER FUNDING AUTHOR-
25 ITY.—Any amount available for expanding military-to-

1 military programs under subsection (a) is in addition to
2 the amount authorized to be appropriated for Cooperative
3 Threat Reduction programs under any other provision of
4 law.

5 **SEC. 308. TRANSFER AUTHORITY.**

6 (a) SECRETARY OF DEFENSE.—(1) To the extent
7 provided in appropriations Acts, the Secretary of Defense
8 may transfer amounts appropriated pursuant to this title
9 for the Department of Defense for programs and authori-
10 ties under this title to appropriations available for pro-
11 grams authorized under title I.

12 (2) Amounts so transferred shall be merged with the
13 appropriations to which transferred and shall be available
14 for the programs for which the amounts are transferred.

15 (3) The transfer authority under paragraph (1) is in
16 addition to any other transfer authority provided by this
17 Act.

18 (b) SECRETARY OF ENERGY.—(1) To the extent pro-
19 vided in appropriations Acts, the Secretary of Energy may
20 transfer amounts appropriated pursuant to this title for
21 the Department of Energy for programs and authorities
22 under this subtitle to appropriations available for pro-
23 grams authorized under title I.

1 (2) Amounts so transferred shall be merged with the
 2 appropriations to which transferred and shall be available
 3 for the programs for which the amounts are transferred.

4 (3) The transfer authority under paragraph (1) is in
 5 addition to any other transfer authority provided by this
 6 Act.

7 **TITLE IV—COORDINATION OF**
 8 **POLICY AND COUNTER-**
 9 **MEASURES AGAINST PRO-**
 10 **LIFERATION OF WEAPONS OF**
 11 **MASS DESTRUCTION**

12 **SEC. 401. NATIONAL COORDINATOR ON NONPROLIFERA-**
 13 **TION.**

14 (a) DESIGNATION OF POSITION.—The President
 15 shall designate an individual to serve in the Executive Of-
 16 fice of the President as the National Coordinator for Non-
 17 proliferation Matters.

18 (b) DUTIES.—The Coordinator shall have the follow-
 19 ing responsibilities:

20 (1) To be the principal adviser to the President
 21 on nonproliferation of weapons of mass destruction,
 22 including issues related to terrorism, arms control,
 23 and international organized crime.

24 (2) To chair the Committee on Nonproliferation
 25 established under section 402.

1 (3) To take such actions as are necessary to en-
2 sure that there is appropriate emphasis in, coopera-
3 tion on, and coordination of, nonproliferation re-
4 search efforts of the United States, including activi-
5 ties of Federal agencies as well as activities of con-
6 tractors funded by the Federal Government.

7 (c) RELATIONSHIP TO CERTAIN SENIOR DIRECTORS
8 OF NATIONAL SECURITY COUNCIL.—(1) The senior direc-
9 tors of the National Security Council report to the Coordi-
10 nator regarding the following matters:

11 (A) Nonproliferation of weapons of mass de-
12 struction and related issues.

13 (B) Management of crises involving use or
14 threatened use of weapons of mass destruction, and
15 on management of the consequences of the use or
16 threatened use of such a weapon.

17 (C) Terrorism, arms control, and organized
18 crime issues that relate to the threat of proliferation
19 of weapons of mass destruction.

20 (2) Nothing in paragraph (1) shall be construed to
21 affect the reporting relationship between a senior director
22 and the Assistant to the President for National Security
23 Affairs or any other supervisor regarding matters other
24 than matters described in paragraph (1).

1 (d) ALLOCATION OF FUNDS.—Of the total amount
 2 authorized to be appropriated for research, test, develop-
 3 ment, and evaluation for the Department of Defense for
 4 fiscal year 1997, \$2,000,000 is available for carrying out
 5 research referred to in subsection (b)(3). Such amount is
 6 in addition to any other amount authorized to be appro-
 7 priated under any other provision of law for such purpose.

8 **SEC. 402. NATIONAL SECURITY COUNCIL COMMITTEE ON**
 9 **NONPROLIFERATION.**

10 (a) ESTABLISHMENT.—The Committee on Non-
 11 proliferation (in this section referred to as the “Commit-
 12 tee”) is established as a committee of the National Secu-
 13 rity Council.

14 (b) MEMBERSHIP.—(1) The Committee shall be com-
 15 posed of the following:

- 16 (A) The Secretary of State.
- 17 (B) The Secretary of Defense.
- 18 (C) The Director of Central Intelligence.
- 19 (D) The Attorney General.
- 20 (E) The Secretary of Energy.
- 21 (F) The Administrator of the Federal Emer-
 22 gency Management Agency.
- 23 (G) The Secretary of the Treasury.
- 24 (H) The Secretary of Commerce.

1 (I) Such other members as the President may
2 designate.

3 (2) The National Coordinator for Nonproliferation
4 Matters shall chair the Committee on Nonproliferation.

5 (c) RESPONSIBILITIES.—The Committee has the fol-
6 lowing responsibilities:

7 (1) To review and coordinate Federal programs,
8 policies, and directives relating to the proliferation of
9 weapons of mass destruction and related materials
10 and technologies, including matters relating to ter-
11 rorism and international organized crime.

12 (2) To make recommendations to the President
13 regarding the following:

14 (A) Integrated national policies for coun-
15 tering the threats posed by weapons of mass de-
16 struction.

17 (B) Options for integrating Federal agency
18 budgets for countering such threats.

19 (C) Means to ensure that the Federal,
20 State, and local governments have adequate ca-
21 pabilities to manage crises involving nuclear, ra-
22 diological, biological, or chemical weapons or re-
23 lated materials or technologies, and to manage
24 the consequences of a use of such a weapon or

1 related materials or technologies, and that use
2 of those capabilities is coordinated.

3 (D) Means to ensure appropriate coopera-
4 tion on, and coordination of, the following:

5 (i) Preventing the smuggling of weap-
6 ons of mass destruction and related mate-
7 rials and technologies.

8 (ii) Promoting domestic and inter-
9 national law enforcement efforts against
10 proliferation-related efforts.

11 (iii) Countering the involvement of or-
12 ganized crime groups in proliferation-relat-
13 ed activities.

14 (iv) Safeguarding weapons of mass
15 destruction materials and related tech-
16 nologies.

17 (v) Improving coordination and co-
18 operation among intelligence activities, law
19 enforcement, and the Departments of De-
20 fense, State, Commerce, and Energy in
21 support of nonproliferation and
22 counterproliferation efforts.

23 (vi) Ensuring the continuation of ef-
24 fective export controls over materials and

1 technologies that can contribute to the ac-
2 quisition of weapons of mass destruction.

3 (vii) Reducing proliferation of weap-
4 ons of mass destruction and related mate-
5 rials and technologies.

6 **SEC. 403. COMPREHENSIVE PREPAREDNESS PROGRAM.**

7 (a) PROGRAM REQUIRED.—The President, acting
8 through the Committee on Nonproliferation established
9 under section 402, shall develop a comprehensive program
10 for carrying out this Act.

11 (b) CONTENT OF PROGRAM.—The program set forth
12 in the report shall include specific plans as follows:

13 (1) Plans for countering proliferation of weap-
14 ons of mass destruction and related materials and
15 technologies.

16 (2) Plans for training and equipping Federal,
17 State, and local officials for managing a crisis in-
18 volving a use or threatened use of a weapon of mass
19 destruction, including the consequences of the use of
20 such a weapon.

21 (3) Plans for providing for regular sharing of
22 information among intelligence, law enforcement,
23 and customs agencies.

24 (4) Plans for training and equipping law en-
25 forcement units, customs services, and border secu-

1 rity personnel to counter the smuggling of weapons
2 of mass destruction and related materials and tech-
3 nologies.

4 (5) Plans for establishing appropriate centers
5 for analyzing seized nuclear, radiological, biological,
6 and chemical weapons, and related materials and
7 technologies.

8 (6) Plans for establishing in the United States
9 appropriate legal controls and authorities relating to
10 the exporting of nuclear, radiological, biological, and
11 chemical weapons, and related materials and tech-
12 nologies.

13 (7) Plans for encouraging and assisting govern-
14 ments of foreign countries to implement and enforce
15 laws that set forth appropriate penalties for offenses
16 regarding the smuggling of weapons of mass de-
17 struction and related materials and technologies.

18 (8) Plans for building the confidence of the
19 United States and Russia in each other's controls
20 over United States and Russian nuclear weapons
21 and fissile materials, including plans for verifying
22 the dismantlement of nuclear weapons.

23 (9) Plans for reducing United States and Rus-
24 sian stockpiles of excess plutonium, reflecting—

1 (A) consideration of the desirability and
2 feasibility of a United States-Russian agree-
3 ment governing fissile material disposition and
4 the specific technologies and approaches to be
5 used for disposition of excess plutonium; and

6 (B) an assessment of the options for Unit-
7 ed States cooperation with Russia in the dis-
8 position of Russian plutonium.

9 (10) Plans for studying the merits and costs of
10 establishing a global network of means for detecting
11 and responding to terroristic or other criminal use of
12 biological agents against people or other forms of life
13 in the United States or any foreign country.

14 (c) REPORT.—(1) At the same time that the Presi-
15 dent submits the budget for fiscal year 1998 to Congress
16 pursuant to section 1105(a) of title 31, United States
17 Code, the President shall submit to Congress a report that
18 sets forth the comprehensive program developed under
19 subsection (a).

20 (2) The report shall include the following:

21 (A) The specific plans for the program that are
22 required under subsection (b).

23 (B) Estimates of the funds necessary for carry-
24 ing out such plans in fiscal year 1998.

1 (3) The report shall be in an unclassified form. If
2 there is a classified version of the report, the President
3 shall submit the classified version at the same time.

4 **SEC. 404. TERMINATION.**

5 After September 30, 1999, the President—

6 (1) is not required to maintain a National Coor-
7 dinator for Nonproliferation Matters under section
8 401; and

9 (2) may terminate the Committee on Non-
10 proliferation established under section 402.

11 **TITLE V—MISCELLANEOUS**

12 **SEC. 501. CONTRACTING POLICY.**

13 It is the sense of Congress that the Secretary of De-
14 fense, the Secretary of Energy, the Secretary of the Treas-
15 ury, and the Secretary of State—

16 (1) in the administration of funds available to
17 such officials in accordance with this Act, should (to
18 the extent possible under law) contract directly with
19 suppliers in independent states of the former Soviet
20 Union to facilitate the purchase of goods and serv-
21 ices necessary to carry out effectively the programs
22 and authorities provided or referred to in title III;
23 and

24 (2) should, in order to facilitate such purchases,
25 seek means, consistent with law, to use innovative

1 contracting approaches to avoid delay and increase
2 the effectiveness of the programs, and of the exercise
3 of the authorities, provided or referred to in title III.

4 **SEC. 502. TRANSFERS OF ALLOCATIONS AMONG COOPERA-**
5 **TIVE THREAT REDUCTION PROGRAMS.**

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

8 (1) The various Cooperative Threat Reduction
9 programs are being carried out at different rates in
10 the various countries covered by such programs.

11 (2) It is necessary to authorize transfers of
12 funding allocations among the various programs in
13 order to maximize the effectiveness of United States
14 efforts under such programs.

15 (b) TRANSFERS AUTHORIZED.—Funds appropriated
16 for the purposes set forth in subsection (a) of section 1202
17 of the National Defense Authorization Act for Fiscal Year
18 1996 (Public Law 104–106; 110 Stat. 409) may be used
19 for any such purpose without regard to the allocation set
20 forth in that section and without regard to subsection (b)
21 of such section.

22 **SEC. 503. ADDITIONAL CERTIFICATIONS.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) the Cooperative Threat Reduction programs
2 and other United States programs that are derived
3 from programs established under the Former Soviet
4 Union Demilitarization Act of 1992 (title XIV of
5 Public Law 102–484; 22 U.S.C. 2901 et seq.)
6 should be expanded by offering assistance under
7 those programs to other independent states of the
8 former Soviet Union in addition to Russia, Ukraine,
9 Kazakhstan, and Belarus; and

10 (2) the President should offer assistance to ad-
11 ditional independent states of the former Soviet
12 Union in each case in which the participation of
13 such states would benefit national security interests
14 of the United States by improving border controls
15 and safeguards over materials and technology associ-
16 ated with weapons of mass destruction.

17 (b) EXTENSION OF COVERAGE.—Assistance under
18 programs referred to in subsection (a) may, notwithstand-
19 ing any other provision of law, be extended to include an
20 independent state of the former Soviet Union if the Presi-
21 dent certifies to Congress that it is in the national inter-
22 ests of the United States to extend the assistance to that
23 state.

1 **SEC. 504. PURCHASE OF LOW-ENRICHED URANIUM DE-**
2 **RIVED FROM RUSSIAN HIGHLY ENRICHED**
3 **URANIUM.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the allies of the United States and other nations
6 should participate in efforts to ensure that stockpiles of
7 weapons-grade nuclear material are reduced.

8 (b) ACTIONS BY THE SECRETARY OF STATE.—Con-
9 gress urges the Secretary of State to encourage, in con-
10 sultation with the Secretary of Energy, other countries to
11 purchase low-enriched uranium that is derived from highly
12 enriched uranium extracted from Russian nuclear weap-
13 ons.

14 **SEC. 505. PURCHASE, PACKAGING, AND TRANSPORTATION**
15 **OF FISSILE MATERIALS AT RISK OF THEFT.**

16 It is the sense of Congress that—

17 (1) the Secretary of Defense, the Secretary of
18 Energy, the Secretary of the Treasury, and the Sec-
19 retary of State should purchase, package, and trans-
20 port to secure locations weapons-grade nuclear mate-
21 rials from a stockpile of such materials if such offi-
22 cials determine that—

23 (A) there is a significant risk of theft of
24 such materials; and

1 (B) there is no reasonable and economi-
2 cally feasible alternative for securing such mate-
3 rials; and

4 (2) if it is necessary to do so in order to secure
5 the materials, the materials should be imported into
6 the United States, subject to the laws and regula-
7 tions that are applicable to the importation of such
8 materials into the United States.

9 **SEC. 506. REDUCTION IN AUTHORIZATIONS OF APPROPRIA-**
10 **TIONS.**

11 (a) NAVY RDT&E.—(1) The total amount authorized
12 to be appropriated for research, development, test, and
13 evaluation for the Navy for fiscal year 1997 is reduced
14 by \$150,000,000.

15 (2) The reduction in paragraph (1) shall be applied
16 to reduce by \$150,000,000 the amount otherwise author-
17 ized to be appropriated for the Distributed Surveillance
18 System.

19 (b) DEPARTMENT OF ENERGY.—(1) Notwithstanding
20 any other provision of law, the total amount authorized
21 to be appropriated for the Department of Energy for fiscal
22 year 1997 for national defense programs is reduced by
23 \$85,000,000.

- 1 (2) The reduction under paragraph (1) is not directed
- 2 at any particular authorization of appropriations for any
- 3 particular program, project, or activity.

