

**Assembled Chemical Weapons Alternatives (nee Assessment)
Program Legislation
1985 through 2014**

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Legislation

I. Public Law 99-145 - DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1986

Library of Congress Summary of Legislation (Full text of Public Law 99-145 not available in electronic form)

Title XIV: General Provisions

Part B: Chemical Weapons - Prohibits the use of FY 1986 funds for the procurement, assembly, or production facilities for binary chemical munitions unless: (1) the President certifies to the Congress that an appropriate plan has been developed for the proper deployment of such weapons; and (2) NATO-member countries have been consulted on such plan. Specifies conditions for the final assembly of such weapons. Expresses the sense of the Congress that existing unitary chemical munitions currently stored in the United States and in European NATO-member nations should be replaced by modern, safer binary chemical munitions. Directs the President, no later than October 1, 1986, to report to the Congress describing the results of consultations among NATO-member nations concerning NATO's chemical deterrent posture. Outlines information to be included in such report.

Directs the Secretary of Defense to carry out the destruction of the existing stockpile of lethal chemical agents and munitions, such destruction to be completed by September 30, 1994. Authorizes the deferral of such weapons destruction if war, national emergency, or other exigent circumstances occur. Requires the Secretary to notify the Congress of any such deferral. Requires the Secretary to provide maximum protection to the environment during any such destruction of chemical weapons. Directs the Secretary to develop a comprehensive plan for destruction of such weapons without environmental damage and transmit such plan to the Congress no later than March 15, 1986. Directs the Secretary to establish within the Department of the Army a management organization to carry out such plan. Requires such organization to be established by May 1, 1986. Directs the Secretary to submit to the Congress an annual report, on December 15 of each year beginning with 1985, on activities carried out under such plan. Outlines information to be included in such reports.

Prohibits, except in limited circumstances necessary for national security, any agency of the Federal Government from developing or acquiring lethal chemical agents or munitions after the date of enactment of this Act. Expresses the sense of the Congress that the President should reaffirm the U.S. policy of renouncing the first use of chemical agents and munitions under any circumstances.

Directs the Secretary, within 90 days after the enactment of this Act, to report to the Senate and House Armed Services Committees concerning the testing of chemical warfare agents.

II. Public Law 100-456 - NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989

Extends through April 30, 1997, the deadline for completion of the chemical demilitarization program (the destruction of lethal chemical weapons) under the Department of Defense Authorization Act, 1986. Directs the Secretary to notify the defense committees of any delays in meeting such deadline.

III. Public Law 101-510 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

Sec. 171. Annual Report on Safety of Chemical Weapons Stockpile.

(a) Additional Items for Annual Report on Chemical Weapons Demilitarization Program- Subsection (g)(3) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) is amended—

(1) by striking out `and' at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof `; and'; and

(3) by adding at the end the following:

`(C) an assessment of the safety status and the integrity of the stockpile of lethal chemical agents and munitions subject to this section, including—

(i) an estimate on how much longer that stockpile can continue to be stored safely;

(ii) a site-by-site assessment of the safety of those agents and munitions; and

(iii) a description of the steps taken (to the date of the report) to monitor the safety status of the stockpile and to mitigate any further deterioration of that status.'

(b) Technical Amendments- Subsections (a)(1) and (h)(1) of such section are amended by striking out `the date of the enactment of this Act' and inserting in lieu thereof `November 8, 1985'.

Sec. 172. Funding Clarification for Chemical Weapons Stockpile Disposal Program.

Subsection (c) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) is amended by adding at the end the following paragraph:

(3) In order to carry out subparagraph (A) of paragraph (1), the Secretary may make grants to State and local governments (either directly or through the Federal Emergency Management Agency) to assist those governments in carrying out functions relating to emergency preparedness and response in connection with the disposal of the lethal chemical agents and munitions referred to in subsection (a). Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants.'

Sec. 173. Chemical Weapons Stockpile Safety Contingency Plan.

(a) Development of Plan- The Secretary of Defense shall develop a plan setting forth the steps the Department of Defense would take if the chemical weapons stockpile of the United States began an accelerated rate of deterioration (or experienced any other event which called into question its continued safe storage) before a comprehensive full-scale chemical weapons disposal capability is developed. The plan shall address—

- (1) the schedule that would have to be followed to put the plan into effect;
- (2) the level of funding that would be required to put the plan into effect;
- (3) the equipment and other resources that would be required to put the plan into effect; and
- (4) an assessment of how quickly the plan could be placed into effect in the event of an emergency.

(b) Updates- The Secretary shall periodically update the plan developed pursuant to subsection (a) as needed.

(c) Submission to Congress- The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a copy of the plan developed pursuant to subsection (a). The submission shall be made not later than 180 days after the date of the enactment of this Act.

IV. Public Law 102-484 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Subtitle G--Chemical Demilitarization Program

Sec. 171. Change in Chemical Weapons Stockpile Elimination Deadline.

Section 1412(b)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521 (b)(5)), is amended by striking out "July 31, 1999" and inserting in lieu thereof "December 31, 2004".

Sec. 172. Chemical Demilitarization Citizens' Advisory Commissions.

(a) Establishment.—

(1) The Secretary of the Army shall establish a citizens' commission for each State in which there is a low-volume site (as defined in section 180). Each such commission shall be known as the "Chemical Demilitarization Citizens' Advisory Commission" for that State.

(2) The Secretary shall also establish a Chemical Demilitarization Citizens' Advisory Commission for any State in which there is located a chemical weapons storage site other than a low-volume site, if the establishment of such a commission for such State is requested by the Governor of that State.

(b) Functions.—The Secretary of the Army shall provide for a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) to meet with each commission under this section to receive citizen and State concerns regarding the ongoing program of the Army for the disposal of the lethal chemical agents and munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)) at each of the sites with respect to which a commission is established pursuant to subsection (a).

(c) Membership.—

(1) Each commission established for a State pursuant to subsection (a) shall be composed of nine members appointed by the Governor of the State. Seven of such members shall be citizens from the local affected areas in the State; the other two shall be representatives of State government who have direct responsibilities related to the chemical demilitarization program.

(2) For purposes of paragraph (1), affected areas are those areas located within a 50-mile radius of a chemical weapons storage site.

(d) Conflicts of Interest.—For a period of five years after the termination of any commission, no corporation, partnership, or other organization in which a member of that commission, a spouse of a member of that commission, or a natural or adopted child of a member of that commission has an ownership interest may be awarded—

(1) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)); or

(2) a subcontract under such a contract.

(e) Chairman.—The members of each commission shall designate the chairman of the commission from among the members of the commission.

(f) Meetings.—Each commission shall meet with a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) upon joint agreement between the chairman of the commission and that representative. The two parties shall meet not less often than twice a year and may meet more often at their discretion.

(g) Pay and Expenses.—Members of each commission shall receive no pay or compensation for their involvement in their activities of the commission.

(h) Termination of Commissions.—Each commission shall be terminated after the stockpile located in that commission's State has been destroyed.

Sec. 173. Evaluation of Alternative Technologies.

(a) Report.—Not later than December 31, 1993, the Secretary of the Army shall submit to Congress a report on the potential alternatives to the use of the Army's baseline

disassembly and incineration process for the disposal of lethal chemical agents and munitions. The report shall include the following:

(1) An analysis of the report of the Committee on Alternative Chemical Demilitarization Technologies of the National Research Council of the National Academy of Sciences.

(2) Any recommendations that the National Academy of Sciences makes to the Army regarding the report of that committee, together with the Secretary's evaluation of those recommendations.

(3) A comparison of the baseline disassembly and incineration process with each alternative technology evaluated in the report of such committee that the National Academy of Sciences recommends for use in the Army Chemical Stockpile Disposal Program, taking into consideration each of the following factors:

(A) Safety.

(B) Environmental protection.

(C) Cost effectiveness.

(4) For each alternative technology recommended by the National Academy of Sciences, the date by which the Army could reasonably be expected to systematize, construct, and test the technology, obtain all necessary environmental and other permits necessary for using that technology for the disposal of lethal chemical agents and munitions, and have the technology available for full-scale chemical weapons destruction and demilitarization operations.

(5) A description of alternatives to incineration that are being developed by Russia for use in its chemical demilitarization program and an assessment of the extent to which such alternatives could be used to destroy lethal chemical weapons in the United States inventory of such weapons.

(6) Consideration of appropriate concerns arising from meetings of the Chemical Demilitarization Citizens' Advisory Commissions established pursuant to section 172.

(7) In any case in which the criteria specified in section 174 are met, notification that the Secretary intends to implement an alternative technology disposal process at a low-volume site.

(b) Limitation.—

(1) Except as provided in paragraphs (2) and (3), the Secretary of the Army may not commence site preparation for, or construction of, a facility for disassembly and incineration of chemical agents until the report required under subsection (a) is submitted to Congress.

(2) The limitation in paragraph (1) does not apply to any facility for disassembly and incineration of chemical agents (of the eight such facilities identified in the Army

Chemical Stockpile Disposal Program) at which site preparation or construction has commenced before the date of the enactment of this Act.

(3) Except as provided in section 175, the limitation in paragraph (1) does not apply to the following:

(A) Facility design activities.

(B) The obtaining of environmental permits.

(C) Project planning.

(D) Procurement of equipment for installation in a facility.

(E) Dual purpose depot support construction projects which are needed to ensure the continuing safe storage of chemical weapons stocks and their ultimate disposal regardless of the technology employed.

Sec. 174. Alternative Disposal Process for Low-Volume Sites.

(a) Requirements for Alternative Process.—If the date by which chemical weapons destruction and demilitarization operations can be completed at a low-volume site using an alternative technology process evaluated by the Secretary of the Army falls within the deadline established by the amendment made by section 171 and the Secretary determines that the use of that alternative technology process for the destruction of chemical weapons at that site is significantly safer and equally or more cost-effective than the use of the baseline disassembly and incineration process, then the Secretary of the Army, as part of the requirement of section 1412(a) of Public Law 99-145, shall carry out the disposal of chemical weapons at sites other than low-volume sites using an alternative technology process (rather than the baseline process) after notifying Congress of the Secretary's intent to do so.

(b) Applicability of Certain Provisions of Section 1412.—Subsections (c), (e), (f), and (g) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) shall apply to this section and to activities under this section in the same manner as if this section were part of that section 1412.

Sec. 175. Revised Chemical Weapons Disposal Concept Plan.

(a) Revised Plan.—If, pursuant to section 174, the Secretary of the Army is required to implement an alternative technology process for destruction of chemical weapons at any low-volume site, the Secretary shall submit to Congress a revised chemical weapons disposal concept plan incorporating the alternative technology process and reflecting the revised stockpile disposal schedule developed under section 1412(b) of Public Law 99-145 (50 U.S.C. 1521(b)), as amended by section 171. In developing the revised concept plan, the Secretary should consider, to the maximum extent practicable, revisions to the program and program schedule that capitalize on the changes to the chemical demilitarization schedule resulting from the revised stockpile elimination deadline by reducing cost and decreasing program risk.

(b) Matters to be Included.—The revised concept plan should include—

(1) life-cycle cost estimates and schedules; and

(2) a description of the facilities and operating procedures to be employed using the alternative technology process.

(c) Applicability of Certain Provisions of Section 1412.—Subsection (c) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) shall apply to the revised concept plan in the same manner as if this section were part of that section 1412.

(d) Submission of Revised Plan.—If the Secretary is required to submit a revised concept plan under this section, the Secretary shall submit the revised concept plan not later than 180 days after the date on which the Secretary submits the report required under section 173.

(e) Limitation.—If the Secretary is required to submit a revised concept plan under this section, no funds may be obligated for procurement of equipment or for facilities planning and design activities (other than for those preliminary planning and design activities required to comply with Subsection(b)(2)) for a chemical weapons disposal facility at any low volume site at which the Secretary intends to implement an alternative technology process until the Secretary submits the revised concept plan.

**V. Public Law 103-337 - NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 1995**

Sec. 143. Transportation of Chemical Munitions.

(a) Prohibition of Transportation Across State Lines.— The Secretary of Defense may not transport any chemical munition that constitutes part of the chemical weapons stockpile out of the State in which that munition is located on the date of the enactment of this Act and, in the case of any such chemical munition not located in a State on the date of the enactment of this Act, may not transport any such munition into a State.

(b) Transportation of Chemical Munitions Not in Chemical Weapons Stockpile.—In the case of any chemical munitions that are discovered or otherwise come within the control of the Department of Defense and that do not constitute part of the chemical weapons stockpile, the Secretary of Defense may transport such munitions to the nearest chemical munitions stockpile storage facility that has necessary permits for receiving and storing such items if the transportation of such munitions to that facility—

(1) is considered by the Secretary of Defense to be necessary; and

(2) can be accomplished while protecting public health and safety.

**VI. Public Law 104-106 - NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 1996**

Sec. 152. Destruction of Existing Stockpile of Lethal Chemical Agents and Munitions.

(a) In General.—The Secretary of Defense shall proceed with the program for destruction of the chemical munitions stockpile of the Department of Defense while maintaining the maximum protection of the environment, the general public, and the personnel involved in the actual destruction of the munitions. In carrying out such program, the Secretary shall use technologies and procedures that will minimize the risk to the public at each site.

(b) Initiation of Demilitarization Operations.—The Secretary of Defense may not initiate destruction of the chemical munitions stockpile stored at a site until the following support measures are in place:

(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

(c) Assessment of Alternatives.

(1) The Secretary of Defense shall conduct an assessment of the current chemical demilitarization program and of measures that could be taken to reduce significantly the total cost of the program, while ensuring maximum protection of the general public, the personnel involved in the demilitarization program, and the environment. The measures considered shall be limited to those that would minimize the risk to the public. The assessment shall be conducted without regard to any limitation that would otherwise apply to the conduct of such an assessment under any provision of law.

(2) The assessment shall be conducted in coordination with the National Research Council.

(3) Based on the results of the assessment, the Secretary shall develop appropriate recommendations for revision of the chemical demilitarization program.

(4) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees an interim report assessing the current status of the chemical stockpile demilitarization program, including the results of the Army's analysis of the physical and chemical integrity of the stockpile and implications for the chemical demilitarization program, and providing recommendations for revisions to that program that have been included in the budget request of the Department of Defense for fiscal year 1997. The Secretary shall submit to the congressional defense committees with the submission of the budget request of the Department of Defense for fiscal year 1998 a final report on the assessment conducted in accordance with paragraph (1) and recommendations for revision to the program, including an assessment of alternative

demilitarization technologies and processes to the baseline incineration process and potential reconfiguration of the stockpile that should be incorporated in the program.

(d) Assistance for Chemical Weapons Stockpile Communities Affected by Base Closure.

(1) The Secretary of Defense shall review and evaluate issues associated with closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations.

(2) The review shall include the following:

(A) An analysis of the economic impacts on these communities and the unique reuse problems facing local communities associated with ongoing chemical weapons programs.

(B) Recommendations of the Secretary on methods for expeditious and cost-effective transfer or lease of these facilities to local communities for reuse by those communities.

(3) The Secretary shall submit to the congressional defense committees a report on the review and evaluation under this subsection. The report shall be submitted not later than 90 days after the date of the enactment of this Act.

Sec. 153. Administration of Chemical Demilitarization Program.

(a) Travel Funding for Members of Chemical Demilitarization Citizens' Advisory Commissions.—Section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note) is amended to read as follows:

“(g) Pay and Expenses.—Members of each commission shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel costs for Citizens' Advisory Commissioners, when such travel is conducted at the invitation of the Assistant Secretary of the Army (Research, Development, and Acquisition).”.

(b) Quarterly Report Concerning Travel Funding for Citizens' Advisory Commissioners.—Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)), is amended—

(1) by striking out “(g) Annual Report.—” and inserting in lieu thereof “(g) Periodic Reports.—”;

(2) in paragraph (2)—

(A) by striking out “Each such report shall contain—” and inserting in lieu thereof “Each annual report shall contain—”

(B) in subparagraph (B)—

(i) by striking out “and” at the end of clause (iv);

(ii) by striking out the period at the end of clause (v) and inserting in lieu thereof “; and”; and

(iii) by adding at the end the following: “(vi) travel and associated travel costs for Citizens’ Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note).”;

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) The Secretary shall transmit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a quarterly report containing an accounting of all funds expended (during the quarter covered by the report) for travel and associated travel costs for Citizens’ Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note). The quarterly report for the final quarter of the period covered by a report under paragraph (1) may be included in that report.”;

and

(5) in paragraph (4), as redesignated by paragraph (3)—

(A) by striking out “this subsection” and inserting in lieu thereof “paragraph (1)”; and

(B) by adding at the end the following: “No quarterly report is required under paragraph (3) after the transmittal of the final report under paragraph (1).”.

(c) Director of Program.—Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)), is amended by inserting “or civilian equivalent” after “general officer”.

VII. Public Law 104-201 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Sec. 142. Destruction of Existing Stockpile of Lethal Chemical Agents and Munitions.

Section 152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521 note) is amended by adding at the end the following new subsections:

“(e) Assessment of Alternatives Technologies for Demilitarization of Assembled Chemical Munitions.—(1) In addition to the assessment required by subsection (c), the Secretary of Defense shall conduct an assessment of the chemical demilitarization program for destruction of assembled chemical munitions and of the alternative demilitarization technologies and processes (other than

incineration) that could be used for the destruction of the lethal chemical agents that are associated with these munitions, while ensuring maximum protection for the general public, the personnel involved in the demilitarization program, and the environment. The measures considered shall be limited to those that would minimize the risk to the public and reduce the total cost of the chemical agents and munitions destruction program. The assessment shall be conducted without regard to any limitation that would otherwise apply to the conduct of such assessment under any provision of law.

“(2) The assessment shall be conducted in coordination with the National Research Council.

“(3) Among the alternatives, the assessment shall include a determination of the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site (other than Tooele Army Depot or Johnston Atoll), and transporting the neutralized remains and all munitions parts to a treatment, storage, and disposal facility within the United States that has the necessary environmental permits to undertake incineration of the material.

“(4) Based on the results of the assessment, the Secretary shall develop appropriate recommendations for revision of the chemical demilitarization program.

“(5) Not later than December 31, 1997, the Secretary of Defense shall submit to Congress a report on the assessment conducted in accordance with paragraph (1) and any recommendations for revision of the chemical demilitarization program, including the continued development of alternative demilitarization technologies and processes other than incineration that could be used for the destruction of the lethal chemical agents that are associated with these assembled chemical munitions and the chemical munitions demilitarization sites for which the selected technologies should be developed.

“(f) Pilot Program for Demilitarization of Chemical Agents for Assembled Munitions.—

“(1) If the Secretary of Defense makes a decision to continue the development of an alternative demilitarization technology or process (other than incineration) that could be used for the destruction of the lethal chemical agents that are associated with assembled chemical munitions, \$25,000,000 shall be available from the funds authorized to be appropriated in section 107 of the National Defense Authorization Act for Fiscal Year 1997 for the chemical agents and munitions destruction program, in order to initiate a pilot program using the selected alternative technology or process for the destruction of chemical agents that are stored at these sites.

“(2) Not less than 30 days before using funds to initiate the pilot program under paragraph (1), the Secretary shall submit notice in writing to Congress of the Secretary’s intent to do so.

“(3) The pilot program shall be conducted at the selected chemical agent and munitions stockpile storage site for which the alternative technology or process is recommended.”.

Sec. 1073. Correction to Statutory References to Certain Department of Defense Organizations.

(sub-paragraphs (a) through (c) omitted)

(d) Chemical Demilitarization Citizens’ Advisory Commissions.— Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2341; 50 U.S.C.1521 note) is amended by striking out “Assistant Secretary of the Army (Installations, Logistics, and Environment)” in subsections (b) and (f) and inserting in lieu thereof “Assistant Secretary of the Army (Research, Development and Acquisition)”.

Sec. 1076. Chemical Stockpile Emergency Preparedness Program.

(a) Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report assessing the implementation and success of the establishment of site-specific Integrated Product and Process Teams as a management tool for the Chemical Stockpile Emergency Preparedness Program.

(b) Contingent Mandated Reforms.—If at the end of the 120-day period beginning on the date of the enactment of this Act the Secretary of the Army and the Director of the Federal Emergency Management Agency have been unsuccessful in implementing a site-specific Integrated Product and Process Team with each of the affected States, the Secretary of the Army shall—

(1) assume full control and responsibility for the Chemical Stockpile Emergency Preparedness Program (eliminating the role of the Director of the Federal Emergency Management Agency as joint manager of the program);

(2) establish programmatic agreement with each of the affected States regarding program requirements, implementation schedules, training and exercise requirements, and funding (to include direct grants for program support);

(3) clearly define the goals of the program; and

(4) establish fiscal constraints for the program.

VIII. Public Law 104-208 - OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

Department of Defense Appropriations Act, 1997

Sec. 8065. Notwithstanding section 142 of H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, as passed by the Senate on September 10, 1996, of the funds provided in title VI of this Act, under the heading ``Chemical Agents and Munitions Destruction, Defense'', \$40,000,000 shall only be available for the conduct of a pilot program to identify and demonstrate not less than two alternatives to the baseline incineration process for the demilitarization of assembled chemical munitions:

Provided, That the Under Secretary of Defense for Acquisition and Technology shall, not later than December 1, 1996, designate a program manager who is not, nor has been, in direct or immediate control of the baseline reverse assembly incineration demilitarization program to carry out the pilot program:

Provided further, That the Under Secretary of Defense for Acquisition and Technology shall evaluate the effectiveness of each alternative chemical munitions demilitarization technology identified and demonstrated under the pilot program to demilitarize munitions and assembled chemical munitions while meeting all applicable Federal and State environmental and safety requirements:

Provided further, That the Under Secretary of Defense for Acquisition and Technology shall transmit, by December 15 of each year, a report to the congressional defense committees on the activities carried out under the pilot program during the preceding fiscal year in which the report is to be made:

Provided further, That section 142(f)(3) of H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, as passed by the Senate on September 10, 1996, is repealed:

Provided further, That no funds may be obligated for the construction of a baseline incineration facility at the Lexington Blue Grass Army Depot or the Pueblo Depot activity until 180 days after the Secretary of Defense has submitted to the congressional defense committees a report detailing the effectiveness of each alternative chemical munitions demilitarization technology identified and demonstrated under the pilot program and its ability to meet the applicable safety and environmental requirements:

Provided further, That none of the funds in this or any other Act may be obligated for the preparation of studies, assessments, or planning of the removal and transportation of stockpile assembled unitary chemical weapons or neutralized chemical agent to any of the eight chemical weapons storage sites within the continental United States.

**IX. Public Law 105-261 - STROM THURMOND NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 1999**

Sec. 141. Chemical Stockpile Emergency Preparedness Program.

(a) Assistance to State and Local Governments.—Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521), is amended by adding at the end of subsection (c) the following:

“(4)(A) In coordination with the Secretary of the Army and in accordance with agreements between the Secretary of the Army and the Director of the Federal Emergency Management Agency, the Director shall carry out a program to provide assistance to State and local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

“(i) the storage of lethal chemical agents and munitions referred to in subsection (a) at military installations in the continental United States; or

“(ii) the destruction of such agents and munitions at facilities referred to in paragraph (1)(B).

“(B) No assistance may be provided under this paragraph after the completion of the destruction of the United States’ stockpile of lethal chemical agents and munitions.

“(C) Not later than December 15 of each year, the Director shall transmit a report to Congress on the activities carried out under this paragraph during the fiscal year preceding the fiscal year in which the report is submitted.”

(b) Program Funding.—Section 1412(f) of such Act (51 U.S.C. 1521(f)) is amended—

(1) by striking out “Identification of Funds.—Funds” and inserting in lieu thereof “Identification of Funds.—(1) Funds”; and

(2) by adding at the end the following new paragraph:

“(2) Amounts appropriated to the Secretary for the purpose of carrying out subsection (c)(4) shall be promptly made available to the Director of the Federal Emergency Management Agency.”

(c) Periodic Reports.—Section 1412(g) of such Act (50 U.S.C. 1521(g)) is amended—

(1) in paragraph (2)(B)—

(A) by striking out “and” at the end of clause (v);

(B) by striking out the period at the end of clause (vi) and inserting in lieu thereof “; and”; and

(C) by adding at the end the following new clause:

“(vii) grants to State and local governments to assist those governments in carrying out functions relating to emergency preparedness and response in accordance with subsection (c)(3).”;

(2) by redesignating subparagraph (B) (as amended by paragraph (1)) and subparagraph (C) of paragraph (2) as subparagraphs (C) and (D), respectively; and

(3) by inserting after paragraph (2)(A) the following new subparagraph (B):

“(B) A site-by-site description of actions taken to assist State and local governments (either directly or through the Federal Emergency Management Agency) in carrying out functions relating to emergency preparedness and response in accordance with subsection (c)(3).”.

Sec. 142. Alternative Technologies for Destruction of Assembled Chemical Weapons.

(a) Program Management.--The program manager for the Assembled Chemical Weapons Assessment shall continue to manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program. In performing such management, the program manager shall act independently of the program manager for Chemical Demilitarization and shall report to the Under Secretary of Defense for Acquisition and Technology.

(b) Post-Demonstration Activities.—

(1) The program manager for the Assembled Chemical Weapons Assessment may carry out those activities necessary to ensure that an alternative technology for the destruction of lethal chemical munitions can be implemented immediately after—

(A) the technology has been demonstrated to be successful; and

(B) the Under Secretary of Defense for Acquisition and Technology has submitted a report on the demonstration to Congress that includes a decision to proceed with the pilot-scale facility phase for an alternative technology.

(2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

(D) Identify and prepare to meet public outreach and public participation requirements.

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999.

(c) Independent Evaluation.--The Under Secretary of Defense for Acquisition and Technology shall provide for an independent evaluation of the cost and schedule of the

Assembled Chemical Weapons Assessment, which shall be performed and submitted to the Under Secretary not later than September 30, 1999. The evaluation shall be performed by a nongovernmental organization qualified to make such an evaluation.

(d) Pilot Facilities Contracts.—

(1) The Under Secretary of Defense for Acquisition and Technology shall determine whether to proceed with pilot-scale testing of a technology referred to in paragraph (2) in time to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999. If the Under Secretary determines to proceed with such testing, the Under Secretary shall (exercising the acquisition authority of the Secretary of Defense) so award a contract not later than such date.

(2) Paragraph (1) applies to an alternative technology for the destruction of lethal chemical munitions, other than incineration, that the Under Secretary—

(A) certifies in writing to Congress is—

(i) as safe and cost effective for disposing of assembled chemical munitions as is incineration of such munitions; and

(ii) is capable of completing the destruction of such munitions on or before the later of the date by which the destruction of the munitions would be completed if incineration were used or the deadline date for completing the destruction of the munitions under the Chemical Weapons Convention; and

(B) determines as satisfying the Federal and State environmental and safety laws that are applicable to the use of the technology and to the design, construction, and operation of a pilot facility for use of the technology.

(3) The Under Secretary shall consult with the National Research Council in making determinations and certifications for the purpose of paragraph (2).

(4) In this subsection, the term "Chemical Weapons Convention" means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature on January 13, 1993, together with related annexes and associated documents.

(e) Plan for Pilot Program.—If the Secretary of Defense proceeds with a pilot program under section 152(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 214; 50 U.S.C. 1521(f)), the Secretary shall prepare a plan for the pilot program and shall submit to Congress a report on such plan (including information on the cost of, and schedule for, implementing the pilot program).

(f) Funding.—

(1) Of the amount authorized to be appropriated under section 107, funds shall be available for the program manager for the Assembled Chemical Weapons Assessment for the following:

(A) Demonstrations of alternative technologies under the Assembled Chemical Weapons Assessment.

(B) Planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, including planning and preparation for--

(i) continued development of the technology leading to deployment of the technology for use;

(ii) satisfaction of requirements for environmental permits;

(iii) demonstration, testing, and evaluation;

(iv) initiation of actions to design a pilot plant;

(v) provision of support at the field office or depot level for deployment of the technology for use; and

(vi) educational outreach to the public to engender support for the deployment.

(C) The independent evaluation of cost and schedule required under subsection (c).

(2) Funds authorized to be appropriated under section 107(1) are authorized to be used for awarding contracts in accordance with subsection (d) and for taking any other action authorized in this section.

(f) Assembled Chemical Weapons Assessment Defined.--In this section, the term ``Assembled Chemical Weapons Assessment" means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104-208; 110 Stat. 3009-101; 50 U.S.C. 1521 note).

X. Public Law 106-52 - MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2000

Sec. 131. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended for any purpose relating to the construction at Bluegrass Army Depot, Kentucky, of any facility employing a specific technology for the demilitarization of assembled chemical munitions until the date on which the Secretary of Defense certifies to the Committees on Appropriations that the Department of Defense will complete a demonstration of the six alternatives to baseline incineration for the destruction of chemical agents and munitions as identified by the Program Evaluation Team of the Assembled Chemical Weapons Assessment program.

XI. Public Law 106-65 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Subtitle E—Chemical Stockpile Destruction Program

Sec. 141. Destruction of Existing Stockpile of Lethal Chemical Agents and Munitions.

(a) Program Assessment.—

(1) The Secretary of Defense shall conduct an assessment of the current program for destruction of the United States' stockpile of chemical agents and munitions, including the Assembled Chemical Weapons Assessment, for the purpose of reducing significantly the cost of such program and ensuring completion of such program in accordance with the obligations of the United States under the Chemical Weapons Convention while maintaining maximum protection of the general public, the personnel involved in the demilitarization program, and the environment.

(2) Based on the results of the assessment conducted under paragraph (1), the Secretary may take those actions identified in the assessment that may be accomplished under existing law to achieve the purposes of such assessment and the chemical agents and munitions stockpile destruction program.

(3) Not later than March 1, 2000, the Secretary shall submit to Congress a report on—

(A) those actions taken, or planned to be taken, under paragraph (2); and

(B) any recommendations for additional legislation that may be required to achieve the purposes of the assessment conducted under paragraph (1) and of the chemical agents and munitions stockpile destruction program.

(b) Changes and Clarifications Regarding Program.—Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended—

(1) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

“(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.”;

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) (as amended by subparagraph (A)) the following new paragraph:

“(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985. “(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense

as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.”; (2) in subsection (f)(2), by striking “(c)(4)” and inserting “(c)(5)”;

and (3) in subsection (g)(2)(B), by striking “(c)(3)” and inserting “(c)(4)”.

(c) Comptroller General Assessment and Report.—

(1) Not later than March 1, 2000, the Comptroller General of the United States shall review and assess the program for destruction of the United States stockpile of chemical agents and munitions and report the results of the assessment to the congressional defense committees.

(2) The assessment conducted under paragraph (1) shall include a review of the program execution and financial management of each of the elements of the program, including—

- (A) the chemical stockpile disposal project;
- (B) the nonstockpile chemical materiel project;
- (C) the alternative technologies and approaches project;
- (D) the chemical stockpile emergency preparedness program; and
- (E) the assembled chemical weapons assessment program.

(d) Definitions.—As used in this section:

(1) The term “Assembled Chemical Weapons Assessment” means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

(2) The term “Chemical Weapons Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

Sec. 142. Comptroller General Report on Anticipated Effects of Proposed Changes in Operation of Storage Sites for Lethal Chemical Agents and Munitions.

(a) Report Required.—Not later than March 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the proposal in the latest quadrennial defense review to reduce the Federal civilian workforce involved in the operation of the eight storage sites for lethal chemical agents and munitions in the continental United States and to convert to contractor operation of the storage sites. The workforce reductions addressed in the report shall include those that are to be effectuated by fiscal year 2002.

(b) Content of Report.—The report shall include the following:

(1) For each site, a description of the assigned chemical storage, chemical demilitarization, and industrial missions.

(2) A description of the criteria and reporting systems applied to ensure that the storage sites and the workforce operating the storage sites have—

(A) the capabilities necessary to respond effectively to emergencies involving chemical accidents; and

(B) the industrial capabilities necessary to meet replenishment and surge requirements.

(3) The risks associated with the proposed workforce reductions and contractor performance, particularly regarding chemical accidents, incident response capabilities, community-wide emergency preparedness programs, and current or planned chemical demilitarization programs.

(4) The effects of the proposed workforce reductions and contractor performance on the capability to satisfy permit requirements regarding environmental protection that are applicable to the performance of current and future chemical demilitarization and industrial missions.

(5) The effects of the proposed workforce reductions and contractor performance on the capability to perform assigned industrial missions, particularly the materiel replenishment missions for chemical or biological defense or for chemical munitions.

(6) Recommendations for mitigating the risks and adverse effects identified in the report.

XII. Public Law 106-79 - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

Sec. 8077.

(a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

Sec. 8159.

(a) Report Required.— Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the management of the chemical weapons demilitarization program.

(b) Report Elements.—The report under subsection (a) shall include the following:

(1) A description and assessment of the current management structure of the chemical weapons demilitarization program, including the management of the assembled chemical weapons assessment (ACWA) program.

(2) An assessment of the feasibility and advisability for the management of the chemical weapons demilitarization program of the assignment of a panel for oversight of the management of program, which panel would—

(A) consist of officials of the Department of Defense and of other departments and agencies of the Federal Government having an interest in the safe and timely demilitarization of chemical weapons; and

(B) prepare annual reports on the schedule, cost, and effectiveness of the program.

(3) Any other matters relating to the management of the chemical weapons demilitarization program, including the improvement of the management of the program, that the Secretary considers appropriate.

House Report 106–371 Making Appropriations for the Department of Defense for the Fiscal Year Ending September 30, 2000, and for Other Purposes – Conference Report to Accompany H.R. 2561

Page 257. Chemical Munitions Destruction, Army

The conferees concur with the decision of the Department of Defense to conduct evaluations of three additional alternative technologies under the Assembled Chemical Weapons Assessment (ACWA) Program. The conferees direct that \$40,000,000 of the funds made available for Chemical Agents and Munitions Destruction, Army are only to conduct the additional ACWA evaluations. The conferees direct that the ACWA program is to proceed under the same guidelines as contained in Public Law 104–208, and continue to use the Dialogue process and Citizens Advisory Technical Teams and their consultants.

The conferees agree that the current budget execution rates for the Chemical Agents and Munitions Destruction program are unacceptable and hopes that the Army improves the budget execution rates in fiscal year 2000. In the event that program budget execution rates improve during the fiscal year, and additional funds are required to sustain the establishment and operation of the nine chemical demilitarization facilities, the conferees expect the Army to submit a reprogramming request subject to normal, prior approval reprogramming procedures.

The conferees disagree with the House direction with regard to an Inspector General report on the Chemical Agents and Munitions Destruction Program, Army. The conferees agree with House language directing the General Accounting Office to submit a report on the budget activities and management of the program.

**XIII. Public Law 106-398 - FLOYD D. SPENCE NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2001**

Sec. 151. Pueblo Chemical Depot Chemical Agent and Munitions Destruction Technologies.

(a) Limitation.--In determining the technologies to be used for the destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, whether under the assessment required by section 141(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 537; 50 U.S.C. 1521 note), the Assembled Chemical Weapons Assessment, or any other assessment, the Secretary of Defense may consider only the following technologies:

(1) Incineration.

(2) Any technologies demonstrated under the Assembled Chemical Weapons Assessment on or before May 1, 2000.

(b) Assembled Chemical Weapons Assessment Defined.--As used in subsection (a), the term "Assembled Chemical Weapons Assessment" means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104-208; 110 Stat. 3009-101; 50 U.S.C. 1521 note).

Sec. 152. Report on Assessment of Need for Federal Economic Assistance for Communities Impacted by Chemical Demilitarization Activities.

(a) Report Required.—Not later than April 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the impact of the Department of Defense chemical agents and munitions destruction program on the communities in the vicinity of the chemical weapons stockpile storage sites and associated chemical agent demilitarization activities at the following facilities:

- (1) Anniston Chemical Activity, Alabama.
- (2) Blue Grass Chemical Activity, Kentucky.
- (3) Deseret Chemical Depot, Utah.
- (4) Edgewood Chemical Activity, Maryland.
- (5) Newport Chemical Activity, Indiana.
- (6) Pine Bluff Chemical Activity, Arkansas.
- (7) Pueblo Chemical Activity, Colorado.
- (8) Umatilla Chemical Depot, Oregon.

(b) Recommendation.—The Secretary shall include in the report a recommendation regarding whether Federal economic assistance for any or all of those communities to assist in meeting the impact of that program is needed and appropriate. If the Secretary’s recommendation is that such economic assistance is needed and appropriate for any or all of such communities, the Secretary shall include in the report criteria for determining the amount of such economic assistance.

(c) Matters to be Considered in Assessing Impact.—In assessing the impact of the program referred to in subsection (a) for purposes of preparing the report required by that subsection and the recommendation required by subsection (b), the Secretary shall consider the following:

(1) The impact that any change in population as a result of chemical agent demilitarization activities would have on the community.

(2) The possible temporary nature of such a change in population and the long-range financial impact of such a change in population on the permanent residents of the community.

(3) The initial capitalization required for the services, facilities, or infrastructure to support any increase in population.

(4) The operating costs for sustaining or upgrading the services, facilities, or infrastructure to support any increase in population.

(5) The costs incurred by local government entities for improvements to emergency evacuation routes required by the chemical demilitarization activities.

(6) Such other factors as the Secretary considers appropriate.

Sec. 153. Prohibition Against Disposal of Non-Stockpile Chemical Warfare Material at Anniston Chemical Stockpile Facility.

No funds authorized to be made available under this or any other Act may be used to facilitate the disposal using the chemical stockpile disposal facility at Anniston, Alabama, of any non-stockpile chemical warfare material that is not stored (as of the date of the enactment of this Act) at the Anniston Army Depot.

XIV. Public Law 107-248 - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2003

Sec. 8122.

(a) Management of Chemical Demilitarization Activities at Bluegrass Army Depot, Kentucky.--If a technology other than the baseline incineration program is selected for the destruction of lethal chemical munitions pursuant to section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1521 note), the program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at

Bluegrass Army Depot, Kentucky, including management of the pilot-scale facility phase of the alternative technology.

(b) Management of Chemical Demilitarization Activities at Pueblo Depot, Colorado.-The program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions.

**XV. Public Law 109-364 - JOHN WARNER NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2007**

Sec. 921. Sense of Congress on Completion of Destruction of United States Chemical Weapons Stockpile.

(a) Findings.—Congress makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the “Chemical Weapons Convention”), requires that destruction of the entire United States chemical weapons stockpile be completed by no later than the extended deadline of April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile.

(3) Destroying existing chemical weapons is a homeland security imperative and an arms control priority and is required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the United States is committed to making every effort to safely dispose of its entire chemical weapons stockpile by the Chemical Weapons Convention extended deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under that Convention;

(2) to prevent further delays in completing the destruction of the United States chemical weapons stockpile, the Secretary of Defense should prepare a comprehensive schedule for the safe destruction of such stockpile and should annually submit that schedule (as currently in effect) to the congressional defense committees, either separately or as part of another required report, until such destruction is completed;

(3) the Secretary of Defense should make every effort to ensure adequate funding to complete the elimination of the United States chemical weapons stockpile in the

shortest time possible, consistent with the requirement to protect public health, safety, and the environment; and

(4) when selecting a site for the treatment or disposal of neutralized chemical agent at a location remote from the location where the agent is stored, the Secretary of Defense should propose a credible process that seeks to gain the support of affected communities.

Sec. 922. Comptroller General Review of Cost-Benefit Analysis of Off-Site Versus On-Site Treatment and Disposal of Hydrolysate Derived from Neutralization of VX Nerve Gas at Newport Chemical Depot, Indiana.

(Omitted)

Sec. 923. Incentives Clauses in Chemical Demilitarization Contracts.

(a) In General.—

(1) Authority to Include Clauses in Contracts.—The Secretary of Defense may, for the purpose specified in paragraph (2), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(2) Purpose.—The purpose of a clause referred to in paragraph (1) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

(b) Incentives Clauses.—

(1) In General.—An incentives clause under this section shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

(2) Limitation on Incentive Payments.—The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed amounts as follows:

(A) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, \$110,000,000.

(B) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, \$55,000,000.

(3) Target Ranges.—An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and

facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

(4) Calculation of Incentive Payments.—The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this section shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

(5) Consistency with Existing Obligations.—The provisions of any incentives clause under this section shall be consistent with the obligation of the Secretary of Defense under section 1412(c)(1)(A) of the Department of Defense Authorization Act, 1986, to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

(6) Additional Terms and Conditions.—In negotiating the inclusion of an incentives clause in a contract under this section, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

(c) Additional Limitation on Payments.—

(1) Payment Conditional on Performance.—No payment may be made under an incentives clause under this section unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(2) Payment Contingent on Appropriations.—An incentives clause under this section shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this section.

Sec. 924. Chemical Demilitarization Program Contracting Authority.

(a) Multiyear Contracting Authority.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) Availability of Funds.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

XVI. Public Law 110-116 - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

Sec. 8119.

(a) Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(b) Report.—

(1) Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this section.

(2) The parties referred to in paragraph (1) are the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(3) Each report submitted under paragraph (1) shall include the updated and projected annual funding levels necessary to achieve full compliance with this section. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(c) In this section, the term “Chemical Weapons Convention” means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

XVII. Public Law 110-181 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Sec. 922. Sense of Congress on Completion of Destruction of United States Chemical Weapons Stockpile.

(a) Findings.— Congress makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the “Chemical Weapons Convention”), requires that destruction of the entire United States chemical weapons stockpile be completed by not later than April 29, 2007.

(2) In 2006, under the terms of the Chemical Weapons Convention, the United States requested and received a onetime, 5-year extension of its chemical weapons destruction deadline to April 29, 2012.

(3) On April 10, 2006, the Secretary of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile, but would “continue working diligently to minimize the time to complete destruction without sacrificing safety and security” and would also “continue requesting resources needed to complete destruction as close to April 2012 as practicable”.

(4) The United States chemical demilitarization program has met its one percent, 20 percent, and extended 45 percent destruction deadlines under the Chemical Weapons Convention.

(5) Destroying the remaining stockpile of United States chemical weapons is imperative for public safety and homeland security, and doing so by April 2012, in accordance with the current destruction deadline provided under the Chemical Weapons Convention, is required by United States law.

(6) The elimination of chemical weapons anywhere they exist in the world, and the prevention of their proliferation, is of utmost importance to the national security of the United States.

(7) Section 921(b)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2359) contained a sense of Congress urging the Secretary of Defense to ensure the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

(8) Section 921(b)(4) of that Act contained a sense of Congress urging the Secretary of Defense to propose a credible treatment and disposal process with the support of affected communities. In this regard, any such process should provide for sufficient communication and consultation between representatives of the Department of Defense and representatives of affected States and communities.

(b) Sense of Congress.— It is the sense of Congress that—

(1) the United States is, and must remain, committed to making every effort to safely dispose of its entire chemical weapons stockpile by April 2012, the current destruction deadline provided under the Chemical Weapons Convention, or as soon thereafter as possible, and must carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should make every effort to plan for, and to request in the annual budget of the President submitted to Congress adequate funding to complete, the elimination of the United States chemical weapons stockpile in accordance with United States obligations under the Chemical Weapons Convention and in a manner that will protect public health, safety, and the environment, as required by law.

(c) Reports Required.—

(1) In General.—Not later than March 15, 2008, and every 180 days thereafter until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

(2) Elements.—Each report under paragraph (1) shall include the following:

(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the destruction deadline of April 29, 2012, currently provided by the Chemical Weapons Convention, and by December 31, 2017.

(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B), and a detailed life-cycle cost estimate for each of the affected facilities included in each such funding profile.

(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current destruction deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

(3) Members and Committees of Congress.—The members and committees of Congress referred to in this paragraph are—

(A) the majority leader of the Senate, the minority leader of the Senate, and the Committees on Armed Services and Appropriations of the Senate; and

(B) the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committees on Armed Services and Appropriations of the House of Representatives.

XVIII. Public Law 110-417 - DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Sec. 921. Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended--

(1) by re-designating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) Colorado and Kentucky Chemical Demilitarization Citizens' Advisory Commissions.--(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense

Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

“(2) In carrying out the responsibilities transferred under paragraph (1), the Program Manager for Assembled Chemical Weapons Alternatives shall take appropriate actions to ensure that each Commission referred to in paragraph (1) retains the capacity to receive citizen and State concerns regarding the ongoing chemical demilitarization program in the State concerned.

“(3) A representative of the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with each Commission referred to in paragraph (1) not less often than twice a year.

“(4) Funds appropriated for the Assembled Chemical Weapons Alternatives Program shall be available for travel and associated travel costs for Commissioners on the Commissions referred to in paragraph (1) when such travel is conducted at the invitation of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs of the Department of Defense.”.

Sec. 922. Cost-Benefit Analysis of Future Treatment of Hydrolysate at Pueblo Chemical Depot, Colorado.

(a) Findings.--Congress makes the following findings:

(1) The Pueblo Chemical Agent Destruction Pilot Plant, Colorado, is not planned to begin chemical agent destruction operations until 2015.

(2) There will be no hydrolysate byproduct of chemical agent neutralization at the Pueblo Chemical Depot, Colorado, until after chemical agent destruction operations begin.

(3) The Department of Defense has no plans to produce, treat, store, or transport hydrolysate at the Pueblo Chemical Depot, Colorado, during fiscal year 2009.

(4) A January 10, 2007, Department of Defense Acquisition Decision Memorandum requires the Program Manager for the Assembled Chemical Weapons Alternatives to continue to pursue off-site treatment and disposal of hydrolysate as long as doing so would be safe, efficient, and economically beneficial.

(b) Cost-Benefit Analysis.--The Secretary of Defense shall perform a cost-benefit analysis of future on-site and off-site options for treatment and disposal of hydrolysate expected to be produced at the Pueblo Chemical Depot, Colorado.

(c) Report.--Together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the cost-benefit analysis required by subsection (b).

(d) Notice and Wait.--After the submission of the report required by subsection (c), if the Secretary of Defense decides to transport hydrolysate from Pueblo Chemical Depot, Colorado, to an off-site location during fiscal year 2009, the Department shall not commence such transport until 60 days after the Secretary provides written notice to the congressional defense committees of the Department's intent to conduct such transport.

XIX. Public Law 111-84 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Sec. 1403. Chemical Agents and Munitions Destruction, Defense

(a) Authorization of Appropriations.--Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of \$1,560,760,000, of which—

- (1) \$1,146,802,000 is for Operations and Maintenance;
- (2) \$401,269,000 is for Research, Development, Test, and Evaluation; and
- (3) \$12,689,000 is for Procurement.

(b) Use.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

Sec. 2411. Authorization of Appropriations, Chemical Demilitarization Construction, Defense-wide

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of \$151,541,000 as follows:

(1) For the construction of phase 11 of a chemical munitions demilitarization facility at Pueblo Chemical Activity (sic), Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003

(division B of Public Law 107-314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4697), \$92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4697), \$59,041,000.

Sec. 4401. Other Authorizations

**OTHER AUTHORIZATION
(In Thousands of Dollars)**

Program Title	FY 2010 Request	Conference Authorized
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M.....	\$1,146,802	\$1,146,802
CHEM DEMILITARIZATION—RDT&E.....	\$401,269	\$401,269
CHEM DEMILITARIZATION—PROC.....	\$12,689	\$12,689
Total Chemical Agents and Munitions Destruction	\$1,560,760	\$1,560,760

Sec. 4501. Military Construction

**MILITARY CONSTRUCTION
(In Thousands of Dollars)**

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph. XI	\$92,500	\$92,500
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph. X	\$54,041	\$54,041
Chem Demil	Blue Grass Army Depot	Blue Grass Army Depot Chem Demil Project		\$5,000

XX. Public Law 111-118 - DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

Title VI. Other Department of Defense Programs

Chemical Agents and Munitions Destruction, Defense

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,560,760,000, of which \$1,146,802,000 shall be for operation and maintenance, of which no less than \$84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$34,905,000 for activities on military installations and \$49,934,000, to remain available until September 30, 2011, to assist State and local governments; \$12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than \$12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$401,269,000, to remain available until September 30, 2011, shall be for research, development, test and evaluation, of which \$398,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

XXI. Public Law 111-383 - IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Title XIV—Other Authorizations

Sec. 1406. Chemical Agents And Munitions Destruction, Defense.

(a) Authorization Of Appropriations.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of \$1,467,307,000, of which—

- (1) \$1,067,364,000 is for Operation and Maintenance;
- (2) \$392,811,000 is for Research, Development, Test, and Evaluation; and
- (3) \$7,132,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

- (1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), as amended by section 1421 of this Act; and
- (2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

Subtitle C—Chemical Demilitarization Matters

Sec. 1421. Consolidation And Reorganization Of Statutory Authority For Destruction Of United States Stockpile Of Lethal Chemical Agents And Munitions.

- (a) Restatement Of Statutory Authority With Consolidation And Reorganization. — Section 1412 of the National Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended to read as follows:

“Sec. 1412. Destruction Of Existing Stockpile Of Lethal Chemical Agents And Munitions.

“(a) IN GENERAL.—The Secretary of Defense shall, in accordance with the provisions of this section, carry out the destruction of the United States’ stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

“(b) DATE FOR COMPLETION.—

“(1) The destruction of such stockpile shall be completed by the stockpile elimination deadline.

“(2) If the Secretary of Defense determines at any time that there will be a delay in meeting the requirement in paragraph (1) for the completion of the destruction of chemical weapons by the stockpile elimination deadline, the Secretary shall immediately notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of that projected delay.

“(3) For purposes of this section, the term ‘stockpile elimination deadline’ means the deadline established by the Chemical Weapons Convention, but not later than December 31, 2017.

“(c) INITIATION OF DEMILITARIZATION OPERATIONS.—The Secretary of Defense may not initiate destruction of the chemical H. R. 6523—277 munitions stockpile stored at a site until the following support measures are in place:

“(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

“(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

“(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

“(d) ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.—

“(1) In carrying out the requirement of subsection (a), the Secretary of Defense shall provide for—

“(A) maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions referred to in subsection (a), including but not limited to the use of technologies and procedures that will minimize risk to the public at each site; and

“(B) adequate and safe facilities designed solely for the destruction of lethal chemical agents and munitions.

“(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.

“(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

“(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.

“(e) GRANTS AND COOPERATIVE AGREEMENTS.—

(1)(A) In order to carry out subsection (d)(1)(A), the Secretary of Defense may make grants to State and local governments and to tribal organizations (either directly or through the Federal Emergency Management Agency) to assist those governments and tribal organizations in carrying out functions relating to emergency preparedness and response in connection with the disposal of the lethal chemical agents and munitions referred to in subsection (a). Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants.

“(B) Additionally, the Secretary may provide funds through cooperative agreements with State and local governments, and with tribal organizations, for the purpose of assisting them in processing, approving, and overseeing permits and licenses necessary for the construction and operation of facilities to carry out this section. The Secretary shall ensure that funds provided through such a cooperative agreement are used only for the purpose set forth in the preceding sentence. H. R. 6523—278

“(C) In this paragraph, the term ‘tribal organization’ has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

“(2)(A) In coordination with the Secretary of the Army and in accordance with agreements between the Secretary of the Army and the Administrator of the Federal Emergency Management Agency, the Administrator shall carry out a program to provide assistance to State and local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

“(i) the storage of lethal chemical agents and munitions referred to in subsection (a) at military installations in the continental United States; or “(ii) the destruction of such agents and munitions at facilities referred to in subsection (d)(1)(B).

“(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

“(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

“(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.

“(C) Not later than December 15 of each year, the Administrator shall transmit a report to Congress on the activities carried out under this paragraph during the fiscal year preceding the fiscal year in which the report is submitted.

“(f) REQUIREMENT FOR STRATEGIC PLAN.—(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of the Army shall jointly prepare, and from time to time shall update as appropriate, a strategic plan for future activities for destruction of the United States’ stockpile of lethal chemical agents and munitions.

“(2) The plan shall include, at a minimum, the following considerations:

“(A) Realistic budgeting for stockpile destruction and related support programs.

“(B) Contingency planning for foreseeable or anticipated problems.

“(C) A management approach and associated actions that address compliance with the obligations of the United States under the Chemical Weapons Convention and that take full advantage of opportunities to accelerate destruction of the stockpile.

“(3) The Secretary of Defense shall each year submit to the Committee on the Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the strategic plan as most recently prepared and updated under paragraph (1). Such submission shall be made each year at the time of the submission to the Congress that year of the President’s budget for the next fiscal year.

“(g) MANAGEMENT ORGANIZATION.—(1) In carrying out this section, the Secretary of Defense shall provide for a management organization within the Department of the Army. The Secretary of the Army shall be responsible for management of the destruction of agents and munitions at all sites except Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado [SIC]

“(2) The program manager for the Assembled Chemical Weapons Alternative Program shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Blue Grass Army Depot, Kentucky, and Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions. In performing such management, the program manager shall act independently of the Army program manager for Chemical Demilitarization and shall report to the Under Secretary of Defense for Acquisition, Technology, and Logistics

“(3) The Secretary of Defense shall designate a general officer or civilian equivalent as the director of the management organization established under paragraph (1). Such officer shall have—

“(A) experience in the acquisition, storage, and destruction of chemical agents and munitions; and

“(B) outstanding qualifications regarding safety in handling chemical agents and munitions.

“(h) IDENTIFICATION OF FUNDS.—(1) Funds for carrying out this section, including funds for military construction projects necessary to carry out this section, shall be set forth in the budget of

the Department of Defense for any fiscal year as a separate account. Such funds shall not be included in the budget accounts for any military department.

“(2) Amounts appropriated to the Secretary of Defense for the purpose of carrying out subsection (e) shall be promptly made available to the Administrator of the Federal Emergency Management Agency.

“(i) ANNUAL REPORTS.—(1) Except as provided by paragraph (3), the Secretary of Defense shall transmit, by December 15 each year, a report to Congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.

“(2) Each annual report shall include the following:

“(A) A site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation.

“(B) A site-by-site description of actions taken to assist State and local governments (either directly or through the Federal Emergency Management Agency) in carrying out functions relating to emergency preparedness and response in accordance with subsection (e).

“(C) An accounting of all funds expended (during such fiscal year) for activities carried out under this section, with a separate accounting for amounts expended for—

“(i) the construction of and equipment for facilities used for the destruction of agents and munitions;

“(ii) the operation of such facilities;

“(iii) the dismantling or other closure of such facilities;

“(iv) research and development;

“(v) program management;

“(vi) travel and associated travel costs for Citizens’ Advisory Commissioners under subsection (m)(7); and

“(vii) grants to State and local governments to assist those governments in carrying out functions relating to emergency preparedness and response in accordance with subsection (e).

“(D) An assessment of the safety status and the integrity of the stockpile of lethal chemical agents and munitions subject to this section, including—

“(i) an estimate on how much longer that stockpile can continue to be stored safely;

“(ii) a site-by-site assessment of the safety of those agents and munitions; and

“(iii) a description of the steps taken (to the date of the report) to monitor the safety status of the stockpile and to mitigate any further deterioration of that status.

“(3) The Secretary shall transmit the final report under paragraph (1) not later than 120 days following the completion of activities under this section.

“(j) Semiannual Reports.—(1) Not later than March 1 and September 1 each year until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

“(2) Each report under paragraph (1) shall include the following:

“(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

“(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the stockpile elimination deadline.

“(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B), and a detailed life-cycle cost estimate for each of the affected facilities included in each such funding profile.

“(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current

stockpile elimination deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

“(3) The members and committees of Congress referred to in this paragraph are—

“(A) the majority leader and the minority leader of the Senate and the Committee on Armed Services and the Committee on Appropriations of the Senate; and

“(B) the Speaker of the House of Representatives, the majority leader and the minority leader of the House of Representatives, and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

“(k) Authorized Use Of Toxic Chemicals.—Consistent with United States obligations under the Chemical Weapons Convention, the Secretary of Defense may develop, produce, otherwise acquire, retain, transfer, and use toxic chemicals and their precursors for purposes not prohibited by the Chemical Weapons Convention if the types and quantities of such chemicals and precursors are consistent with such purposes, including for protective purposes such as protection against toxic chemicals and protection against chemical weapons.

“(1) Surveillance And Assessment Program.—The Secretary of Defense shall conduct an ongoing comprehensive program of—

“(1) surveillance of the existing United States stockpile of chemical weapons; and

“(2) assessment of the condition of the stockpile.

“(m) Chemical Demilitarization Citizens’ Advisory Commissions.—(1)(A) The Secretary of the Army shall establish a citizens’ commission for each State in which there is a chemical demilitarization facility under Army management.

“(B) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall establish a chemical demilitarization citizens’ commission in Colorado and in Kentucky.

“(C) Each commission under this subsection shall be known as the ‘Chemical Demilitarization Citizens’ Advisory Commission’ for the State concerned.

“(2)(A) The Secretary of the Army, or the Department of Defense with respect to Colorado and Kentucky, shall provide for a representative to meet with each commission established under this subsection to receive citizen and State concerns regarding the ongoing program for the disposal of the lethal chemical agents and munitions in

the stockpile referred to in subsection (a) at each of the sites with respect to which a commission is established pursuant to paragraph (1).

“(B) The Secretary of the Army shall provide for a representative from the Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) to meet with each commission under Army management.

“(C) The Department of Defense shall provide for a representative from the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs to meet with the commissions in Colorado and Kentucky.

“(3)(A) Each commission under this subsection shall be composed of nine members appointed by the Governor of the State. Seven of such members shall be citizens from the local affected areas in the State. The other two shall be representatives of State government who have direct responsibilities related to the chemical demilitarization program.

“(B) For purposes of this paragraph, affected areas are those areas located within a 50-mile radius of a chemical weapons storage site.

“(4) For a period of five years after the termination of any commission under this subsection, no corporation, partnership, or other organization in which a member of that commission, a spouse of a member of that commission, or a natural or adopted child of a member of that commission has an ownership interest may be awarded—

“(A) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in subsection (a); or

“(B) a subcontract under such a contract.

“(5) The members of each commission under this subsection shall designate the chair of such commission from among the members of such commission.

“(6) Each commission under this subsection shall meet with a representative from the Army, or the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs with respect to the commissions in Colorado and Kentucky, upon joint agreement between the chair of such commission and that representative. The two parties shall meet not less often than twice a year and may meet more often at their discretion.

“(7) Members of each commission under this subsection shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel costs for commissioners of commissions under this subsection when such travel is conducted at the invitation of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) or the invitation of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs for the commissions in Colorado and Kentucky.

“(8) Each commission under this subsection shall be terminated after the closure activities required pursuant to regulations prescribed by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) have been completed for the chemical agent destruction facility in such commission’s State, or upon the request of the Governor of such commission’s State, whichever occurs first.

“(n) Incentive Clauses In Chemical Demilitarization Contracts.—(1)(A) The Secretary of Defense may, for the purpose specified in paragraph (B), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to subsection (a).

“(B) The purpose of a clause referred to in subparagraph (A) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

“(2)(A) An incentives clause under this subsection shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

“(B) The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed the following amounts:

“(i) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, \$110,000,000.

“(ii) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, \$55,000,000.

“(C) An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

“(D) The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this subsection shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

“(E) The provisions of any incentives clause under this subsection shall be consistent with the obligation of the Secretary of Defense under subsection (d)(1)(A), to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

“(F) In negotiating the inclusion of an incentives clause in a contract under this subsection, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

“(3)(A) No payment may be made under an incentives clause under this subsection unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

“(B) An incentives clause under this subsection shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this subsection.

“(o) Definitions.—In this section:

“(1) The term ‘chemical agent and munition’ means an agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings, except that such term does

not include riot control agents, chemical herbicides, smoke and other obscuration materials.

“(2) The term ‘Chemical Weapons Convention’ means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

“(3) The term ‘lethal chemical agent and munition’ means a chemical agent or munition that is designed to cause death, through its chemical properties, to human beings in field concentrations.

“(4) The term ‘destruction’ means, with respect to chemical munitions or agents—

“(A) the demolition of such munitions or agents by incineration or by any other means; or

“(B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes and harmless to human beings under normal circumstances.”

(b) Repeal Of Laws Restated In Section 1412 And Obsolete Provisions Of Law.—
The following provisions of law are repealed:

(1) Section 125 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1043; 50 U.S.C. 1521 note).

(2) Sections 172, 174, 175, and 180 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2341; 50 U.S.C. 1521 note).

(3) Section 152 of the National Defense Authorization Act for Fiscal Year 1996 (50 U.S.C. 1521 note).

(4) Section 8065 of the Omnibus Consolidated Appropriations Act, 1997 (50 U.S.C. 1521 note).

(5) Section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note).

(6) Section 141 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 537; 50 U.S.C. 1521 note).

(7) Section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note).

(8) Section 923 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2360; 50 U.S.C. 1521 note).

(9) Section 8119 of the Department of Defense Appropriations Act, 2008 (Public Law 110–116; 121 Stat. 1340; 50 U.S.C. 1521 note).

(10) Section 922(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 283; 50 U.S.C. 1521 note).

XXII. Public Law 112-74 - CONSOLIDATED APPROPRIATIONS ACT, 2012

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

TITLE VI--OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,554,422,000, of which \$1,147,691,000 shall be for operation and maintenance, of which no less than \$71,211,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$19,211,000 for activities on military installations and \$52,000,000, to remain available until September 30, 2013, to assist State and local governments and \$406,731,000, to remain available until September 30, 2013, shall be for research, development, test and evaluation, of which \$401,768,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DIVISION H—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

TITLE I--DEPARTMENT OF DEFENSE

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$75,312,000, to remain available until September 30, 2016, which shall be only for the Assembled Chemical Weapons Alternatives program.

XXIII. Public Law 112-81 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

**TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION
Subtitle B—Chemical Demilitarization Authorizations**

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)

Program Title	FY 2012 Request	Conference Authorized
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	1,147,691	1,147,691
CHEM DEMILITARIZATION—RDT&E	406,731	406,731
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION.....	1,554,422	1,554,422

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

Account State/Country and Installation Project Title	Budget Request	Conference Agreement
<u>Colorado</u>		
Chem Demil Pueblo Depot Ammunition Demilitarization Facility, Ph XIII.....	15,338	15,338

Kentucky

Chem Demil Blue Grass Army Depot
Ammunition Demilitarization Ph XII 59,974 59,974

Total Chemical Demilitarization
Construction, Defense.....75,312 75,312

**XXIV. Public Law 112-175 - CONTINUING APPROPRIATIONS RESOLUTION,
2013**

Sec. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2012 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2012, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(3) The Department of Defense Appropriations Act, 2012 (division A of Public Law 112-74).

**XXV. Public Law 112-239 - NATIONAL DEFENSE AUTHORIZATION ACT FOR
FISCAL YEAR 2013**

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

**SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
DEFENSE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501. (see page 4 of this Extract)

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

Subtitle C—Chemical Demilitarization Matters

**SEC. 1421. SUPPLEMENTAL CHEMICAL AGENT AND MUNITIONS
DESTRUCTION TECHNOLOGIES AT PUEBLO CHEMICAL DEPOT,
COLORADO, AND BLUE GRASS ARMY DEPOT, KENTUCKY.**

(a) SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.—Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended—

(1) in subsection (i)(2), by adding at the end the following new subparagraph:

“(E) A description of any supplemental chemical agent and munitions destruction technologies used at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, during the period covered by the report, including explosive destruction technologies and any technologies developed for the treatment and disposal of energetic or agent hydrolystates.”;

(2) in subsection (j)(2), by adding at the end the following new subparagraph:

“(E) A description and justification for the use of any supplemental chemical agent and munitions destruction technologies used at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, during the period covered by the report, including explosive destruction technologies and any technologies developed for the treatment and disposal of energetic or agent hydrolystates. Such description and justification shall outline—

“(i) the need for the use of supplemental destruction technologies and technologies developed for the treatment and disposal of energetic or agent hydrolystates;

“(ii) site-by-site descriptions of the problematic aspects of the stockpile requiring the use of supplemental technologies;

“(iii) the type of supplemental destruction technologies used at each site; and

“(iv) any planned future use of other supplemental destruction technologies for each site.”;

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following new subsection (o):

“(o) SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.—In determining the technologies to supplement the neutralization destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, the Secretary of Defense may consider the following:

“(1) Explosive Destruction Technologies.

“(2) Any technologies developed for treatment and disposal of agent or energetic hydrolysates, if problems with the current on-site treatment of hydrolysates are encountered.”.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 151 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–30) is repealed.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

(a) AUTHORIZATION OF APPROPRIATIONS.— Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601. (see page 4 of this Extract)

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.— Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under subsection (a) and the project described in paragraph (2) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) \$158,969,000 (the balance of the amount authorized for ammunition demilitarization at Blue Grass, Kentucky, by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as most recently amended by section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B Public Law 111–383; 124 Stat. 4450).

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is further amended—

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking “\$484,000,000” in the amount column and inserting “\$520,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$866,454,000”.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking “\$484,000,000” and inserting “\$520,000,000”.

TITLE XLV—OTHER AUTHORIZATIONS

**SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)**

Program Title	FY 2013 Request	Conference Authorized
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	635,843.....	635,843
RDT&E	647,351.....	647,351
PROCUREMENT	18,592.....	18,592
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION.....	1,301,786.....	1,301,786

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

**SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)**

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Chem Demil	Colorado Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiv.	36,000	36,000
Chem Demil	Kentucky Blue Grass Army Depot	Ammunition Demilitarization		

Facility, Ph Xiii 115,000 115,000

Total Chemical Demilitarization

Construction, Defense.....151,000.....151,000

**XXVI. Public Law 113-6 – CONSOLIDATED AND FURTHER CONTINUING
APPROPRIATIONS ACT, 2013**

DIVISION C – DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

TITLE VI – OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,301,786,000, of which \$635,843,000 shall be for operation and maintenance, of which no less than \$53,948,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$22,214,000 for activities on military installations and \$31,734,000, to remain available until September 30, 2014, to assist State and local governments; \$18,592,000 shall be for procurement, to remain available until September 30, 2015, of which \$1,823,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$647,351,000, to remain available until September 30, 2014, shall be for research, development, test and evaluation, of which \$627,705,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

**DIVISION E – MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2013**

TITLE I – DEPARTMENT OF DEFENSE

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$151,000,000, to remain available until September 30, 2017, which shall be only for the Assembled Chemical Weapons Alternatives program.

**XXVII. Public Law 113-46 – CONTINUING APPROPRIATIONS ACT FOR
FISCAL YEAR 2014**

DIVISION A

Sec. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2013 and under the authority and

conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2013, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(3) The Department of Defense Appropriations Act, 2013 (division C of Public Law 113-6).

(5) The Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2013 (division E of Public Law 113-6).

(6) The Full-Year Continuing Appropriations Act, 2013 (division F of Public Law 113-6).

XXVIII. Public Law 113-66 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

(a) Authorization of Appropriations.--Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2014 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) Use.--Amounts authorized to be appropriated under sub-section (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATION, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

(a) Authorization of Appropriations.--Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2013, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

(b) Limitation on Total Cost of Construction Projects.--Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other

cost variation authorized by law, the total cost of all projects carried out under subsection (a) and the project described in paragraph (2) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) \$36,433,000 (the balance of the amount authorized for ammunition demilitarization at Blue Grass Army Depot, Kentucky, by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as most recently amended by section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B Public Law 111-383; 124 Stat. 4450).

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)

Program Title	FY 2014 Request	Agreement Authorized
CHEM AGENTS & MUNITIONS DESTRUCTION		
Operation & Maintenance	451,572	451,572
RDT&E	604,183	604,183
Procurement	1,368	1,368
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION.....	1,057,123.....	1,057,123

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2014 Request	Agreement Authorized
Chem Demil	Kentucky Blue Grass Army Depot	Ammunition Demilitarization Facility, Ph Xiv	122,536	122,536
Total Chemical Demilitarization Construction, Defense.....			122,536.....	122,536

**XXIX. Public Law 113-76 – CONSOLIDATED APPROPRIATIONS ACT FOR
FISCAL YEAR 2014**

**TITLE VI
OTHER DEPARTMENT OF DEFENSE PROGRAMS**

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,004,123,000, of which \$398,572,000 shall be for operation and maintenance, of which no less than \$51,217,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$21,489,000 for activities on military installations and \$29,728,000, to remain available until September 30, 2015, to assist State and local governments; \$1,368,000 shall be for procurement, to remain available until September 30, 2016, of which \$1,368,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$604,183,000, to remain available until September 30, 2015, shall be for research, development, test and evaluation, of which \$584,238,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

**DIVISION J—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2014**

**TITLE I
DEPARTMENT OF DEFENSE**

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$122,536,000, to remain available until September 30, 2018, which shall be only for the Assembled Chemical Weapons Alternatives program.