



# THE MEMPHIS DEPOT TENNESSEE

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## ADMINISTRATIVE RECORD COVER SHEET

AR File Number 197



DEFENSE LOGISTICS AGENCY  
DEFENSE DISTRIBUTION DEPOT MEMPHIS  
2163 AIRWAYS BOULEVARD  
MEMPHIS, TENNESSEE 38114-5210

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IN REPLY  
REFER TO

DDMT-D

November 26, 1996

Kenneth Bradshaw and Doris Bradshaw  
DDMT Concerned Citizens Committee  
1454 East Mallory  
Memphis TN 38106

Dear Kenneth and Doris Bradshaw,

This correspondence is in response to your Freedom of Information Act (FOIA) letter of October 22, 1996, requesting "all files, records, documents, and diagrams relating to the operation and duties of the Chemical Warfare Service from 1942 to 1996." The Defense Distribution Depot Memphis organization included a Chemical Warfare Service (CWS) Section from April 30, 1942, thru March 31, 1961. The primary function of this organization was to receive, store, and ship CWS general supplies to the military services.

Since the opening of the Memphis Depot in 1942, the depot mission has never included receipt, storage, manufacture or shipment of chemical warfare weapons. Chemical agents and munitions are defined in 50 U. S. Code Section 1521 (as amended) (Attachment). The Chemical Warfare Service section at the Memphis Depot included the distribution of CWS general supplies to military services. These supplies included chemical protective material such as gas masks, respirators, decontamination equipment, and protective clothing. It also included hazardous material such as matches, paint, and packaged petroleum. Since 1961, the Defense Depot Memphis has continued to receive, store and issue various types of hazardous materials and chemical protective material, but has not conducted distribution operations for chemical warfare weapons.

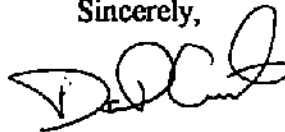
Although no chemical warfare weapons were ever stored at the Memphis Depot, twenty-nine German mustard munitions were disarmed and neutralized at this facility in 1946. These munitions were en route from Mobile, Alabama, to Pine Bluff Arsenal, Arkansas, and were diverted to the Depot because of deterioration of the bomb casings.

The details surrounding the demilitarization of these munitions as well as all available information concerning the Chemical Warfare Service are contained in the Ordnance and Explosive Waste Chemical Warfare Materials Archives Search Report for Memphis Defense Depot, dated January 1995, prepared by the U. S. Army Corps of Engineers, St. Louis District. This report is available in the depot's public information repositories.

In response to your concerns listed in paragraphs two and three of your October 22, 1996, letter, no chemical warfare weapons were ever tested or manufactured at the Memphis Depot. Flamethrowers and associated equipment were stored and tested at our facility through the end of the Korean War; however, flamethrowers are not, nor have they ever been, classified as chemical warfare weapons.

Chemical agent identification sets (CAIS) were received, stored, issued, and disposed of during much of the Depot's fifty-four years of operation. These identification kits contained small amounts of chemical agents such as mustard and Lewisite. The purpose of chemical agent identification sets was to train individuals in the detection of chemical agents. Additionally, according to the above referenced January 1995 report, approximately nine CAIS containers were buried at Dunn Field in the mid-1950s.

Sincerely,



DORIAN P. AMIDO  
Freedom of Information  
Act Officer

Attachment

## 50 § 1521

## WAR AND NATIONAL DEFENSE Ch. 32

**§ 1521. Destruction of existing stockpile of lethal chemical agents and munitions****(a) In general**

(1) Notwithstanding any other provision of law, the Secretary of Defense (hereinafter in this section referred to as the "Secretary") 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.

(2) Such destruction shall be carried out in conjunction with the acquisition of binary chemical weapons for use by the Armed Forces.

**(b) Date for completion**

(1) Except as provided by paragraphs (2) and (3), the destruction of such stockpile shall be completed by the stockpile elimination deadline.

(2) If a treaty banning the possession of chemical agents and munitions is ratified by the United States, the date for completing the destruction of the United States' stockpile of such agents and munitions shall be the date established by such treaty.

(3)(A) In the event of a declaration of war by the Congress or of a national emergency by the President or the Congress or if the Secretary of Defense determines that there has been a significant delay in the acquisition of an adequate number of binary chemical weapons to meet the requirements of the Armed Forces (as defined by the Joint Chiefs of Staff as of September 30, 1985), the Secretary may defer, beyond the stockpile elimination deadline, the destruction of not more than 10 percent of the stockpile described in subsection (a)(1) of this section.

(B) The Secretary shall transmit written notice to the Congress of any deferral made under subparagraph (A) not later than the earlier of (A) 30 days after the date on which the decision to defer is made, or (B) 30 days before the stockpile elimination deadline.

(4) If the Secretary 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 Committees on Armed Services of the Senate and House of Representatives of that projected delay.

stockpile of lethal chemical

(5) For purposes of this section, the term "stockpile elimination deadline" means April 30, 1997.

(c) Environmental protection and use of facilities

Under this law, the Secretary referred to as the "Secretary" in this section, carry out the stockpile of lethal chemical agents by November 8, 1985.

carried out in conjunction with the weapons for use by the Armed Forces

Under this section, the destruction of the stockpile of lethal chemical agents by the stockpile elimination deadline

Under this section, the destruction of chemical agents and munitions by the stockpile elimination deadline, the date for completion of the stockpile of such agents and munitions by such treaty.

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Under this section, the destruction of chemical agents and munitions by the stockpile elimination deadline, the date for completion of the stockpile of such agents and munitions by such treaty.

(1) In carrying out the requirement of subsection (a)(1) of this section, the Secretary 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) of this section; 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 may not be used for any purpose other than the destruction of lethal chemical weapons and munitions, and when no longer needed to carry out this section, such facilities shall be cleaned, dismantled, and disposed of in accordance with applicable laws and regulations.

(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) of this section. Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants.

(d) Plan

(1) The Secretary shall develop a comprehensive plan to carry out this section.

(2) In developing such plan, the Secretary shall consult with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency.

(3) The Secretary shall transmit a copy of such plan to the Congress not later than March 15, 1986.

(4) Such plan shall provide—

(A) an evaluation of the comparison of onsite destruction, regional destruction centers, and a national destruction site both inside and outside of the United States;

(B) for technological advances in techniques used to destroy chemical munitions;

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## WAR AND NATIONAL DEFENSE Ch. 32

(C) for the maintenance of a permanent, written record of the destruction of lethal chemical agents and munitions carried out under this section; and

(D) a description of—

(I) the methods and facilities to be used in the destruction of agents and munitions under this section;

(II) the schedule for carrying out this section; and

(III) the management organization established under subsection (e) of this section.

(e) Management organization

(1) In carrying out this section, the Secretary shall provide for the establishment, not later than May 1, 1986, of a management organization within the Department of the Army.

(2) Such organization shall be responsible for management of the destruction of agents and munitions under this section.

(3) The Secretary shall designate a general officer 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;

(B) training in chemical warfare defense operations; and

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

(f) Identification of funds

Funds for carrying 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. Funds for military construction projects necessary to carry out this section may be set out in the annual military construction budget separately from other funds for such project.

(g) Annual report

(1) Except as provided by paragraph (4), the Secretary shall transmit, by December 15 of each year, a report to the 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) The first such report shall be transmitted by December 15, 1985, and shall contain—

(A) an accounting of the United States' stockpile of lethal chemical agents and munitions on November 8, 1985; and

## Ch. 32 CHEMICAL AND B

(B) a schedule of the activities carried out under this section during the fiscal year.

(3) Each report other than the first shall contain—

(A) a site-by-site description of the construction, operation, and dismantling of the stockpile of agents and munitions, including accidents or other unplanned events during construction and operation;

(B) an accounting of the activities carried out during the year for activities carried out under this section, including—

(I) the construction of the stockpile;

(II) the operation of the stockpile;

(III) the dismantling of the stockpile;

(IV) research and development;

(V) program management;

(C) an assessment of the stockpile of lethal chemical agents and munitions under this section, including—

(I) an estimate on the number of agents and munitions to continue to be stored;

(II) a site-by-site assessment of the stockpile of agents and munitions; and

(III) a description of the activities carried out under this section (including the report) to monitor the stockpile and to mitigate any further damage.

(4) The Secretary shall transmit the report under this section not later than 120 days after the end of the fiscal year.

(h) Prohibition on acquiring certain chemical agents or munitions

(1) Except as provided in paragraph (2), the Secretary of Defense may, after November 8, 1985, acquire chemical agents or munitions for research, development, test, and evaluation only in quantities needed for such purposes.

(2)(A) The Secretary of Defense may, after November 8, 1985, acquire chemical agents or munitions for research, development, test, and evaluation only in quantities needed for such purposes.

(B) Chemical agents and munitions may be acquired for research, development, test, and evaluation only in quantities needed for such purposes.

## CH. 32 CHEMICAL AND BIOLOGICAL WARFARE 50 § 1521

(B) a schedule of the activities planned to be carried out under this section during fiscal year 1986.

(3) Each report other than the first one shall contain—

(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) 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; and

(v) program management; and

(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.

(4) The Secretary shall transmit the final report under this subsection not later than 120 days following the completion of activities under this section.

(b) Prohibition on acquiring certain lethal chemical agents and munitions

(1) Except as provided in paragraph (2), no agency of the Federal Government may, after November 8, 1985, develop or acquire lethal chemical agents or munitions other than binary chemical weapons.

(2)(A) The Secretary of Defense may acquire any chemical agent or munition at any time for purposes of intelligence analysis.

(B) Chemical agents and munitions may be acquired for research, development, test, and evaluation purposes at any time, but only in quantities needed for such purposes and not in production quantities.

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## WAR AND NATIONAL DEFENSE Ch. 32

## (l) Reaffirmation of United States position on first use of chemical agents and munitions

It is the sense of Congress that the President should publicly reaffirm the position of the United States as set out in the Geneva Protocol of 1925, which the United States ratified with reservations in 1975.

## (j) Definitions

For purposes of 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 "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.

(3) 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.

## (k) Operational verification

(1) Until the Secretary of the Army successfully completes (through the prove-out work to be conducted at Johnston Atoll) operational verification of the technology to be used for the destruction of live chemical agents and munitions under this section, the Secretary may not conduct any activity for equipment prove out and systems test before live chemical agents are introduced at a facility (other than the Johnston Atoll facility) at which the destruction of chemical agent<sup>1</sup> and munitions weapons is to take place under this section. The limitation in the preceding sentence shall not apply with respect to the Chemical Agent Munition Disposal System in Tooele, Utah.

(2) Upon the successful completion of the prove out of the equipment and facility at Johnston Atoll, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report certifying that the prove out is completed.

## Ch. 32 CHEMICAL AND BIO

(3) If the Secretary determines that there is a significant delay in meeting the deadline for the Department of Defense location at Johnston Atoll reference shall immediately notify the

(Pub.L. 99-145, Title XIV, § 1100-456, Div. A, Title I, § 118 101-510, Div. A, Title I, §§ 171,

<sup>1</sup> So in original. Probably should

## HISTORICAL A

Revision Notes and Legislative Re- 1985 Act. House Report No. 9 and House Conference Report 99-235, see 1985 U.S. Code Cong. Adm. News, p. 472.

1988 Act. House Conference Re- No. 100-989, see 1988 U.S. Code ( and Adm. News, p. 2503.

1990 Act. House Report No. 101 and House Conference Report 101-923, see 1990 U.S. Code Cong. Adm. News, p. \_\_\_\_

## Codifications

Section was enacted as a part of Department of Defense Authoriz. Act, 1986, and not as a part of Pub. L. 91-121, Title IV, § 409, Nov. 19, 1969, Stat. 209, which comprises this chapter.

## Amendments

1990 Amendment. Subsec. (c)(3). Pub.L. 101-510, § 171(b), substituted "November 8, 1985" for "the date of enactment of this Act", which for purposes of codification had been translated as "November 8, 1985", thus requiring no change in text.

Subsec. (c)(3). Pub.L. 101-510, § 171(a)(3), added par. (3).

Subsec. (g)(3)(C). Pub.L. 101-510, § 171(a)(3), added subparagraph (C).

Subsec. (h)(1). Pub.L. 101-510, § 171(b), substituted "November 8, 1985" for "the date of the enactment of this Act", which for purposes of codification had been translated as "November 8, 1985", thus requiring no change in text.

1988 Amendment. Subsec. (c)(3)(A). Pub.L. 100-456, § 118(a)(1), substituted "the stockpile elimination line" for "September 30, 1994".



## Ch. 32 CHEMICAL AND BIOLOGICAL WARFARE 50 § 1521

(3) If the Secretary determines at any time that there will be a delay in meeting the deadline of December 31, 1990, scheduled by the Department of Defense for completion of the operational verification at Johnston Atoll referred to in paragraph (1), the Secretary shall immediately notify the Committees of that projected delay.

(Pub.L. 99-145, Title XIV, § 1412, Nov. 8, 1985, 99 Stat. 747; Pub.L. 100-456, Div. A, Title I, § 118, Sept. 29, 1988, 102 Stat. 1934; Pub.L. 101-510, Div. A, Title I, §§ 171, 172, Nov. 5, 1990, 104 Stat. 1507.)

<sup>1</sup> So in original. Probably should be "agents".

### HISTORICAL AND STATUTORY NOTES

**Revision Notes and Legislative Reports**  
1985 Act. House Report No. 99-81 and House Conference Report No. 99-235, see 1985 U.S. Code Cong. and Adm. News, p. 472.

1988 Act. House Conference Report No. 100-989, see 1988 U.S. Code Cong. and Adm. News, p. 2503.

1990 Act. House Report No. 101-655 and House Conference Report No. 101-923, see 1990 U.S. Code Cong. and Adm. News, p. —.

#### Codifications

Section was enacted as a part of the Department of Defense Authorization Act, 1986, and not as a part of Pub.L. 91-121, Title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

#### Amendments

1990 Amendment. Subsec. (a)(1). Pub.L. 101-510, § 171(b), substituted "November 8, 1985" for "the date of the enactment of this Act", which for purposes of codification had been translated as "November 8, 1985", thus requiring no change in text.

Subsec. (c)(3). Pub.L. 101-510, § 172, added par. (3).

Subsec. (g)(3)(C). Pub.L. 101-510, § 171(a)(3), added subparagraph (C).

Subsec. (h)(1). Pub.L. 101-510, § 171(b), substituted "November 8, 1985" for "the date of the enactment of this Act", which for purposes of codification had been translated as "November 8, 1985", thus requiring no change in text.

1988 Amendment. Subsec. (b)(1), (3)(A). Pub.L. 100-456, § 118(a)(1), substituted "the stockpile elimination deadline" for "September 30, 1994".

Subsec. (b)(3)(B). Pub.L. 100-456, § 118(a)(2), substituted "not later than the earlier of (A) 30 days after the date on which the decision to defer is made, or (B) 30 days before the stockpile elimination deadline" for "within 30 days after the date on which the determination to defer is made or by August 31, 1994, whichever is earlier".

Subsec. (b)(4), (5). Pub.L. 100-456, § 118(a)(3), added pars. (4) and (5).

Subsec. (k). Pub.L. 100-456, § 118(b), substituted provisions relating to operational verification for provisions which had set Oct. 1, 1985, as the effective date for this section.

#### Revision of Chemical Demilitarization Program

Pub.L. 100-180, Div. A, Title I, § 125, Dec. 4, 1987, 101 Stat. 1043, provided that:

"(a) **Definition.**—For purposes of this section, the term 'chemical stockpile demilitarization program' means the program established by section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) [enacting this section], to provide for the destruction of the United States' stockpile of lethal chemical agents and munitions.

"(b) **Environmental Impact Statement.**—The Secretary of Defense shall issue the final Programmatic Environmental Impact Statement on the chemical stockpile demilitarization program by January 1, 1988. The Environmental Impact Statement shall be prepared in accordance with all applicable laws.

"(c) **Disposal technologies.**—(1) Funds appropriated pursuant to this Act [Pub.L. 100-180, Dec. 4, 1987, 101 Stat. 1019. See Tables for classification.] or otherwise made available for fiscal year

## 50 § 1521

## WAR AND NATIONAL DEFENSE

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

## (g) Annual report

(1) Except as provided by paragraph (3), the Secretary shall transmit, by December 15 of each year, a report to the 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 such report shall contain—

(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) 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; and

(v) program management; and

(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.

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

(4) Redesignated (3).

*(See main volume for text of (h) to (k))*

(As amended Pub.L. 102-190, Div. A, Title I, § 161, Dec. 5, 1991, 106 Stat. 1313; Pub.L. 102-484, Div. A, Title I, §§ 171, 179, Oct. 23, 1992, 106 Stat. 2341, 2347; Pub.L. 103-160, Div. A, Title I, § 107(c), Nov. 30, 1993, 107 Stat. 1564; Pub.L. 103-337, Div. A, Title I, § 142, Oct. 5, 1994, 108 Stat. 2689.)

## HISTORICAL AND STATUTORY NOTES

## Revision Notes and Legislative Reports

1990 Act. House Report No. 101-655 and House Conference Report No. 101-923, see 1990 U.S. Code Cong. and Adm. News, p. 2013.

1991 Act. House Report No. 102-60 and House Conference Report No. 102-311, see 1991 U.S. Code Cong. and Adm. News, p. 918.

1992 Act. House Report No. 102-627 and House Conference Report No. 102-966, see 1992 U.S. Code Cong. and Adm. News, p. 1636.

1993 Act. House Report No. 103-200 and House Conference Report No. 103-357, see 1993 U.S. Code Cong. and Adm. News, p. 2013.

1994 Act. House Report No. 103-499 and House Conference Report No. 103-701, see 1994 U.S. Code Cong. and Adm. News, p. 2091.

## Amendments

1993 Amendments. Subsec. (c)(3). Pub.L. 103-160, § 107(c), substituted "processing, approving, and overseeing permits and licenses" for "processing and approving permits and licenses".

1992 Amendments. Subsec. (a). Pub.L. 102-484, § 179(1), struck out the paragraph designation "(1)" preceding "Notwithstanding" and struck out par. (2) which had directed that destruction of the stockpile of lethal chemical agents and munitions be carried out in conjunction with the acquisition of binary chemical weapons for use by the Armed Forces.

Subsec. (b)(5). Pub.L. 102-484, § 171, substituted deadline of December 31, 2004, for deadline of July 1, 1999.

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ments thereon, without regard to other provisions of law, amendment, or modification of contracts, whenever facilitate the national defense. The authority conferred to obligate the United States in an amount in excess of official at or above the level of an Assistant Secretary and or his deputy, of such department or agency, or by a established therein. The authority conferred by this obligate the United States in any amount in excess of es on Armed Services of the Senate and the House of ed in writing of such proposed obligation and 60 days of ave expired following the date on which such notice was a. For purposes of this section, the continuity of a nly by an adjournment of the Congress sine die at the on which either House is not in session because of an s to a day certain, or because of an adjournment sine die gress, are excluded in the computation of such 60-day

11, § 705(f), Apr. 6, 1991, 106 Stat. 180.)

#### ICAL AND STATUTORY NOTES

ports die" the phrase "at the end of a Congress" and 16, see 1991 after "to a day certain" the phrase "or because of an adjournment sine die other than at the end of a Congress".

§ 705(f)(1). Effective Dates  
e. end pro- 1991 Act. Section 705(f)(1) of Pub.L. 103-25  
cession of provided in part that amendment of third sen-  
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such Com- as of Nov. 6, 1990.  
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#### EXECUTIVE ORDERS

##### EXECUTIVE ORDER NO. 10789

amended by Ex.Ord. No. 11051, Sept. 28, 1962, 27 F.R.  
w. 28, 1967, 32 F.R. 16247; Ex.Ord. No. 11610, July 22,  
No. 12148, July 20, 1979, 44 F.R. 43239; Ex. Ord. No.  
29525.

#### AUTHORITY OF GOVERNMENT AGENCIES IN WITH NATIONAL DEFENSE FUNCTIONS

me by the will facilitate the national defense, it is hereby  
hereinafter ordered as follows:  
resident of  
such action [See main volume for text of Parts I and II]

#### -CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

munitions.	Sec.	
tion across	1522.	Conduct of the chemical and biological defense program.
		(c) Management review and report.
ical muni-	1523.	Annual report on chemical and biological warfare defense.
d weapons		(a) Report required.
		(b) Matters to be included.
biological	1524.	Agreements to provide support to vaccination programs of Department of Health and Human Services.
ht.		(a) Agreements authorized.
ram.		(b) Report.

#### § 1512a. 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 October 6, 1994, and, in the case of any such chemical munition not located in a State on October 6, 1994, 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.

(Pub.L. 103-837, Div. A, Title I, § 143, Oct. 6, 1994, 108 Stat. 2639.)

#### HISTORICAL AND STATUTORY NOTES

##### Revision Notes and Legislative Reports

1994 Acts. House Report No. 103-499 and  
House Conference Report No. 103-701, see 1994  
U.S. Code Cong. and Adm. News, p. 2091.

#### § 1521. Destruction of existing stockpile of lethal chemical agents and munitions

##### (a) In general

Notwithstanding any other provision of law, the Secretary of Defense (hereinafter in this section referred to as the "Secretary") 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

[See main volume for text of (1) to (4)]

(5) For purposes of this section, the term "stockpile elimination deadline" means December 31, 2004.

##### (c) Environmental protection and use of facilities

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

[See main volume for text of (A) and (B), (2)]

(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) of this section. Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants. Additionally, the Secretary may provide funds through cooperative agreements with State and local governments 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.

[See main volume for text of (d) and (e)]

##### (f) Identification of funds

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

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