

# ADVISORY PANEL ENABLING LEGISLATION

## Section 1082, National Defense Authorization Act for Fiscal Year 2008<sup>1</sup> (as modified by Section 1034,\* National Defense Authorization Act for Fiscal Year 2010<sup>2</sup>)

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### SEC. 1082. ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) In General- The Secretary of Defense shall establish an advisory panel to carry out an assessment of the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident.

(b) Panel Matters-

(1) IN GENERAL- The advisory panel required by subsection (a) shall consist of individuals appointed by the Secretary of Defense (in consultation with the chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives) from among private citizens of the United States with expertise in the legal, operational, and organizational aspects of the management of the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(2) DEADLINE FOR APPOINTMENT- All members of the advisory panel shall be appointed under this subsection not later than 30 days after the date on which the Secretary enters into the contract required by subsection (c).

(3) INITIAL MEETING- The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the panel have been made under this subsection.

(4) PROCEDURES- The advisory panel shall carry out its duties under this section under procedures established under subsection (c) by the federally funded research and development center with which the Secretary contracts under that subsection. Such procedures shall include procedures for the selection of a chairman of the advisory panel from among its members.

(c) Support of Federally Funded Research and Development Center-

(1) IN GENERAL- The Secretary of Defense shall enter into a contract with a federally funded research and development center for the provision of support and assistance to the advisory panel required by subsection (a) in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (b)(4).

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<sup>1</sup> Public Law 110-181, January 26, 2008.

<sup>2</sup> Public Law 111-84, October 28, 2009.

(2) DEADLINE FOR CONTRACT- The Secretary shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(d) Duties of Panel- The advisory panel required by subsection (a) shall--

(1) evaluate the authorities and capabilities of the Department of Defense to conduct operations **to provide support** to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident, including the authorities and capabilities of the military departments, the Defense Agencies, the combatant commands, any supporting commands, and the reserve components of the Armed Forces (including the National Guard in a Federal and non-Federal status);

(2) assess the adequacy of existing plans and programs of the Department of Defense for training and equipping dedicated, special, and general **purpose** forces for conducting operations described in paragraph (1) across a broad spectrum of scenarios, including current National Planning Scenarios as applicable;

(3) assess policies, directives, and plans of the Department of Defense in support of civilian authorities in managing the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident;

(4) assess the adequacy of policies and structures of the Department of Defense for coordination with other **departments** and agencies of the Federal Government, especially the Department of Homeland Security, the Department of Energy, the Department of Justice, and the Department of Health and Human Services, in the provision of support described in paragraph (1);

(5) assess the adequacy and currency of information available to the Department of Defense, whether directly or through other departments and agencies of the Federal Government, from State and local governments in circumstances where the Department provides support described in paragraph (1) because State and local response capabilities are not fully adequate for a comprehensive response;

(6) assess the equipment capabilities and needs of the Department of Defense to provide support described in paragraph (1);

**(7) assess the adequacy of the process and methodology by which the Department of Defense establishes and maintains dedicated, special, and general purpose forces for conducting operations described in paragraph (1);**

**(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);**

(9) develop recommendations for modifying the capabilities, plans, policies, equipment, and structures evaluated or assessed under this subsection in order

to improve the provision by the Department of Defense of the support described in paragraph (1); and

(10) assess and make recommendations on--

(A) whether there should be any additional Weapons of Mass Destruction Civil Support Teams, beyond the 55 already authorized and, if so, how many additional Civil Support Teams, and where they should be located; and

(B) what criteria and considerations are appropriate to determine whether additional Civil Support Teams are needed and, if so, where they should be located.

(e) Cooperation of Other Agencies-

(1) IN GENERAL- The advisory panel required by subsection (a) may secure directly from the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Justice, the Department of Health and Human Services, and any other department or agency of the Federal Government information that the panel considers necessary for the panel to carry out its duties.

(2) COOPERATION- The Secretary of Defense, the Secretary of Homeland Secretary, the Secretary of Energy, the Attorney General, the Secretary of Health and Human Services, and any other official of the United States shall provide the advisory panel with full and timely cooperation in carrying out its duties under this section.

(f) Report- Not later than 12 months after the date of the initial meeting of the advisory panel required by subsection (a), the advisory panel shall submit to the Secretary of Defense, and to the Committees on Armed Services of the Senate and the House of Representatives, a report on activities under this section. The report shall set forth--

(1) the findings, conclusions, and recommendations of the advisory panel for improving the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident; and

(2) such other findings, conclusions, and recommendations for improving the capabilities of the Department for homeland defense as the advisory panel considers appropriate.

## ENDNOTE

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\* The 2009 modifications are highlighted above in **bold**. The complete text of section 1034 follows:

***SEC. 1034. ADDITIONAL DUTIES FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.***

*(a) Additional Duties- Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 337) is amended—*

*(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and*

*(2) by inserting after paragraph (6) the following new paragraphs:*

*`(7) assess the adequacy of the process and methodology by which the Department of Defense establishes and maintains dedicated, special, and general purpose forces for conducting operations described in paragraph (1);*

*`(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);'*

*(b) Technical Amendments- Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 337) is further amended--*

*(1) in paragraph (1), by striking `in support to' and inserting `to provide support to';*

*(2) in paragraph (2), by striking `purposes' and inserting `purpose'; and*

*(3) in paragraph (4), by striking `other department' and inserting `other departments'.*