

§ 1520. Repealed. Pub. L. 105–85, div. A, title X, § 1078(g), Nov. 18, 1997, 111 Stat. 1916, and Pub. L. 105–277, div. I, title VI, § 601, Oct. 21, 1998, 112 Stat. 2681–886

Section, Pub. L. 95–79, title VIII, § 808, July 30, 1977, 91 Stat. 334; Pub. L. 97–375, title II, § 203(a)(1), Dec. 21, 1982, 96 Stat. 1822, related to use by the Department of Defense of human subjects for testing of chemical or biological agents, accounting to congressional committees with respect to experiments and studies, and notification of local civilian officials.

§ 1520a. Restrictions on use of human subjects for testing of chemical or biological agents

(a) Prohibited activities

The Secretary of Defense may not conduct (directly or by contract)—

- (1) any test or experiment involving the use of a chemical agent or biological agent on a civilian population; or
- (2) any other testing of a chemical agent or biological agent on human subjects.

(b) Exceptions

Subject to subsections (c), (d), and (e) of this section, the prohibition in subsection (a) of this section does not apply to a test or experiment carried out for any of the following purposes:

- (1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, or research activity.
- (2) Any purpose that is directly related to protection against toxic chemicals or biological weapons and agents.
- (3) Any law enforcement purpose, including any purpose related to riot control.

(c) Informed consent required

The Secretary of Defense may conduct a test or experiment described in subsection (b) of this section only if informed consent to the testing was obtained from each human subject in advance of the testing on that subject.

(d) Prior notice to Congress

Not later than 30 days after the date of final approval within the Department of Defense of plans for any experiment or study to be conducted by the Department of Defense (whether directly or under contract) involving the use of human subjects for the testing of a chemical agent or a biological agent, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth a full accounting of those plans, and the experiment or study may then be conducted only after the end of the 30-day period beginning on the date such report is received by those committees.

(e) “Biological agent” defined

In this section, the term “biological agent” means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing—

- (1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

- (2) deterioration of food, water, equipment, supplies, or materials of any kind; or
- (3) deleterious alteration of the environment.

(Pub. L. 105–85, div. A, title X, § 1078, Nov. 18, 1997, 111 Stat. 1915; Pub. L. 106–65, div. A, title X, § 1067(4), Oct. 5, 1999, 113 Stat. 774.)

CODIFICATION

Section is comprised of section 1078 of Pub. L. 105–85. Subsec. (f) of section 1078 of Pub. L. 105–85 amended section 1523(b) of this title. Subsec. (g) of section 1078 of Pub. L. 105–85 repealed section 1520 of this title.

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1998, and not as part of Pub. L. 91–121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

AMENDMENTS

1999—Subsec. (d). Pub. L. 106–65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

§ 1521. 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, 2023.

(c) 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.