

Authority established or designated pursuant to Article VII, paragraph 4, of the Convention. (Pub. L. 105–85, div. A, title XIII, § 1303, Nov. 18, 1997, 111 Stat. 1951.)

CODIFICATION

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.

**§ 1526. Effective use of resources for non-proliferation programs**

**(a) Prohibition**

Except as provided in subsection (b), no assistance may be provided by the United States Government to any person who is involved in the research, development, design, testing, or evaluation of chemical or biological weapons for offensive purposes.

**(b) Exception**

The prohibition contained in subsection (a) shall not apply to any activity conducted pursuant to title V of the National Security Act of 1947 [50 U.S.C. 3091 et seq.].

(Pub. L. 106–113, div. B, § 1000(a)(7) [div. B, title XI, § 1132], Nov. 29, 1999, 113 Stat. 1536, 1501A–493).

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsection (b), is act July 26, 1947, ch. 343, 61 Stat. 495, which was formerly classified principally to chapter 15 (§ 401 et seq.) of this title, prior to editorial reclassification in chapter 44 (§ 3001 et seq.) of this title. Title V of the Act is now classified generally to subchapter III (§ 3091 et seq.) of chapter 44 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Arms Control and Nonproliferation Act of 1999, and also as part of the Arms Control, Nonproliferation, and Security Assistance Act of 1999, and the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years, 2000 and 2001, and not as part of Pub. L. 91–121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

**§ 1527. Improved biosafety for handling of select agents and toxins**

**(a) Quality control and quality assurance program**

The Secretary of Defense, acting through the executive agent for the biological select agent and toxin biosafety program of the Department of Defense, shall carry out a program to implement certain quality control and quality assurance measures at each covered facility.

**(b) Quality control and quality assurance measures**

Subject to subsection (c), the quality control and quality assurance measures implemented at each covered facility under subsection (a) shall include the following:

- (1) Designation of an external manager to oversee quality assurance and quality control.
- (2) Environmental sampling and inspection.
- (3) Production procedures that prohibit operations where live biological select agents and toxins are used in the same laboratory where viability testing is conducted.

(4) Production procedures that prohibit work on multiple organisms or multiple strains of one organism within the same biosafety cabinet.

(5) A video surveillance program that uses video monitoring as a tool to improve laboratory practices in accordance with regulatory requirements.

(6) Formal, recurring data reviews of production in an effort to identify data trends and nonconformance issues before such issues affect end products.

(7) Validated protocols for production processes to ensure that process deviations are adequately vetted prior to implementation.

(8) Maintenance and calibration procedures and schedules for all tools, equipment, and irradiators.

**(c) Waiver**

In carrying out the program under subsection (a), the Secretary may waive any of the quality control and quality assurance measures required under subsection (b) in the interest of national defense.

**(d) Study and report required**

**(1) Study**

The Secretary of Defense shall carry out a study to evaluate—

(A) the feasibility of consolidating covered facilities within a unified command to minimize risk;

(B) opportunities to partner with industry for the production of biological select agents and toxins and related services in lieu of maintaining such capabilities within the Department of the Army; and

(C) whether operations under the biological select agent and toxin production program should be transferred to another government or commercial laboratory that may be better suited to execute production for non-Department of Defense customers.

**(2) Report**

Not later than February 1, 2017, the Secretary shall submit to the congressional defense committees a report on the results of the study under paragraph (1).

**(e) Comptroller General review**

Not later than September 1, 2017, the Comptroller General of the United States shall submit to the congressional defense committees a report that includes the following:

(1) A review of—

(A) the actions taken by the Department of Defense to address the findings and recommendations of the report of the Department of the Army titled “Individual and Institutional Accountability for the Shipment of Viable *Bacillus Anthracis* from Dugway Proving Grounds”, dated December 15, 2015, including any actions taken to address the culture of complacency in the biological select agent and toxin production program identified in such report; and

(B) the progress of the Secretary in carrying out the program under subsection (a).

(2) An analysis of the study and report under subsection (d).

**(f) Definitions**

In this section:

(1) The term “biological select agent and toxin” means any agent or toxin identified under—

(A) section 331.3 of title 7, Code of Federal Regulations;

(B) section 121.3 or section 121.4 of title 9, Code of Federal Regulations; or

(C) section 73.3 or section 73.4 of title 42, Code of Federal Regulations.

(2) The term “covered facility” means any facility of the Department of Defense that produces biological select agents and toxins.

(Pub. L. 114–328, div. A, title II, §218, Dec. 23, 2016, 130 Stat. 2052.)

## CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2017, and not as part of Pub. L. 91–121, title IV, §409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

## “CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 114–328, 130 Stat. 2025. See note under section 101 of Title 10, Armed Forces.

**§ 1528. Congressional notification of biological select agent and toxin theft, loss, or release involving the Department of Defense****(a) Notification requirement**

Not later than 15 days after notice of any theft, loss, or release of a biological select agent or toxin involving the Department of Defense is provided to the Centers for Disease Control and Prevention or the Animal and Plant Health Inspection Service, as specified by section 331.19 of part<sup>1</sup> 7 of the Code of Federal Regulations, the Secretary of Defense shall provide to the congressional defense committees notice of such theft, loss, or release.

**(b) Elements**

Notice of a theft, loss, or release of a biological select agent or toxin under subsection (a) shall include each of the following:

(1) The name of the agent or toxin and any identifying information, including the strain or other relevant characterization information.

(2) An estimate of the quantity of the agent or toxin stolen, lost, or released.

(3) The location or facility from which the theft, loss, or release occurred.

(4) In the case of a release, any hazards posed by the release and the number of individuals potentially exposed to the agent or toxin.

(5) Actions taken to respond to the theft, loss, or release.

(Pub. L. 114–328, div. A, title X, §1067, Dec. 23, 2016, 130 Stat. 2411.)

## CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2017, and not as part

<sup>1</sup> So in original. Probably should be “title”.

of Pub. L. 91–121, title IV, §409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

## “CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 114–328, 130 Stat. 2025. See note under section 101 of Title 10, Armed Forces.

**CHAPTER 33—WAR POWERS RESOLUTION**

|        |  |
|--------|--|
| Sec.   |  |
| 1541.  | Purpose and policy.  |
| 1542.  | Consultation; initial and regular consultations.   |
| 1543.  | Reporting requirement.   |
| 1544.  | Congressional action.  |
| 1545.  | Congressional priority procedures for joint resolution or bill.  |
| 1546.  | Congressional priority procedures for concurrent resolution.   |
| 1546a. | Expedited procedures for certain joint resolutions and bills.  |
| 1547.  | Interpretation of joint resolution.  |
| 1548.  | Separability.  |
| 1549.  | Report on and notice of changes made to the legal and policy frameworks for the United States’ use of military force and related national security operations. |

**§ 1541. Purpose and policy****(a) Congressional declaration**

It is the purpose of this chapter to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

**(b) Congressional legislative power under necessary and proper clause**

Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

**(c) Presidential executive power as Commander-in-Chief; limitation**

The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

(Pub. L. 93–148, §2, Nov. 7, 1973, 87 Stat. 555.)

## EFFECTIVE DATE

Pub. L. 93–148, §10, Nov. 7, 1973, 87 Stat. 559, provided that: “This joint resolution [enacting this chapter] shall take effect on the date of its enactment [Nov. 7, 1973].”