

**(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.

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**CHAPTER 33—WAR POWERS RESOLUTION**

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**§ 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].”