

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.)

**Editorial Notes**

**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.

**Statutory Notes and Related Subsidiaries**

**“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.)

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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.)

**Statutory Notes and Related Subsidiaries**

**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].”

**SHORT TITLE**

Pub. L. 93–148, §1, Nov. 7, 1973, 87 Stat. 555, provided that: “This joint resolution [enacting this chapter] may be cited as the ‘War Powers Resolution.’”

**RULE OF CONSTRUCTION ON THE PERMANENT STATIONING OF UNITED STATES ARMED FORCES IN SOMALIA**

Pub. L. 116–92, div. A, title XII, §1271, Dec. 20, 2019, 133 Stat. 1698, provided that: “Nothing in this Act [see Tables for classification] may be construed to authorize the permanent stationing of members of the Armed Forces in Somalia.”

**REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ**

Pub. L. 111–84, div. A, title XII, §1227, Oct. 28, 2009, 123 Stat. 2525, as amended by Pub. L. 111–383, div. A, title XII, §1233(a)–(e), Jan. 7, 2011, 124 Stat. 4396, 4397, provided that:

“(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act [Oct. 28, 2009], or December 31, 2010, whichever occurs later, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

“(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

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