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.)

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

NOTIFICATION OF SAFETY AND SECURITY CONCERNS AT CERTAIN DEPARTMENT OF DEFENSE LABORATORIES

Pub. L. 118–31, div. A, title X, § 1089, Dec. 22, 2023, 137 Stat. 420, provided that:

''(a) IN GENERAL.—The Secretary of Defense shall notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] within 7 days after ceasing operations at any Department of Defense laboratory or facility rated at biosafety level–3 or higher for safety or security reasons.

''(b) CONTENT.—The notification required under subsection (a) shall include—

''(1) the reason why operations have ceased at the laboratory or facility;

''(2) whether appropriate notification to other Federal agencies has occurred;

''(3) a description of the actions taken to determine the root cause of the cessation; and

''(4) a description of the actions taken to restore operations at the laboratory or facility.''

''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

(1) Subject to paragraph (2), not later than 45 days after a covered report of any theft, loss, or release of a biological select agent or toxin involving the Department of Defense is filed with the Centers for Disease Control and Prevention or the Animal and Plant Health Inspection Service, the Secretary of Defense, acting through the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, shall provide to the congressional defense committees notice of such theft, loss, or release.

(2) The Secretary shall provide to the congressional defense committees notice of a release under paragraph (1) only if the Secretary, acting through the Assistant Secretary, determines that the release is outside the barriers of secondary containment into the ambient air or environment or is causing occupational exposure that presents a threat to public safety.

(3) In this subsection, the term ''covered report'' means a report filed under any of the following (or any successor regulations):

(A) Section 331.19 of title 7, Code of Federal Regulations.

(B) Section 121.19 of title 9, Code of Federal Regulations.

(C) Section 73.19 of title 42, Code of Federal Regulations.

(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; Pub. L. 118–31, div. A, title X, § 1061(f), Dec. 22, 2023, 137 Stat. 399.)

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.

AMENDMENTS

2023—Subsec. (a). Pub. L. 118–31 amended subsec. (a) generally. Prior to amendment, text read as follows: ''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 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.''

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.

CHAPTER 33—WAR POWERS RESOLUTION

§ 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