

“(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

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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