which related to State enactment of absentee voting legislation, was transferred to section 1973cc of Title 42, The Public Health and Welfare.

Section 1452, acts Aug. 9, 1955, ch. 656, title I, § 102, 69 Stat. 584; June 18, 1968, Pub. L. 90–344, § 1(1), 82 Stat. 181, which related to balloting procedures, was transferred to section 1973cc–1 of Title 42.

Section 1453, act Aug. 9, 1955, ch. 656, title I, § 103, 69 Stat. 584, which related to statistical data, was transferred to section 1973cc–2 of Title 42.

Section 1454, act Aug. 9, 1955, ch. 656, title I, § 104, as added June 18, 1968, Pub. L. 90–344, § 1(2), 82 Stat. 181, which related to personnel residing on military installations and acquisition of legal residence for voting purposes, was transferred to section 1973cc–3 of Title 42.

Sections 1451 to 1453 were formerly classified to sections 2171 to 2173 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§§ 1461 to 1465. Transferred

CODIFICATION

Section 1461, act Aug. 9, 1955, ch. 656, title II, § 201, 69 Stat. 585, which provided for a Presidential designee to coordinate and facilitate actions to discharge Federal responsibilities and to reports submitted by the designee, was transferred to section 1973cc–11 of Title 42, The Public Health and Welfare.

Section 1462, act Aug. 9, 1955, ch. 656, title II, § 202, 69 Stat. 586, which related to current absentee voting information, was transferred to section 1973cc–12 of Title 42.

Section 1463, acts Aug. 9, 1955, ch. 656, title II, § 203, 69 Stat. 586; June 18, 1968, Pub. L. 90–344, § 1(3), 82 Stat. 181, which related to cooperation of Government officials, drafts of state legislation, and printing and transmitting post cards, was transferred to section 1973cc–13 of Title 42.

Section 1464, acts Aug. 9, 1955, ch. 656, title II, § 204, 69 Stat. 586; June 18, 1968, Pub. L. 90–343, § 2, 82 Stat. 181; June 18, 1968, Pub. L. 90–344, § 1(4), (5), (6), 82 Stat. 182, which related to form and content of post card application, was transferred to section 1973cc–14 of Title 42.

Section 1465, act Aug. 9, 1955, ch. 656, title II, § 205, 69 Stat. 588, which provided for use of post card for election of Members of Congress, was transferred to section 1973cc–15 of Title 42.

Sections 1461 to 1465 were formerly classified to sections 2181 to 2185 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§§ 1471 to 1476. Transferred

CODIFICATION

Section 1471, act Aug. 9, 1955, ch. 656, title III, § 301, 69 Stat. 588, which related to definitions, was transferred to section 1973cc–21 of Title 42, The Public Health and Welfare.

Section 1472, act Aug. 9, 1955, ch. 656, title III, § 302, 69 Stat. 588, which related to free postage, was transferred to section 1973cc–22 of Title 42.

Section 1473, act Aug. 9, 1955, ch. 656, title III, § 303, 69 Stat. 588, which related to prevention of fraud and coercion, was transferred to section 1973cc–23 of Title 42.

Section 1474, act Aug. 9, 1955, ch. 656, title III, § 304, 69 Stat. 589, which related to acts done in good faith, was transferred to section 1973cc–24 of Title 42.

Section 1475, act Aug. 9, 1955, ch. 656, title III, § 305, 69 Stat. 589, which related to undue influence and free discussion, was transferred to section 1973cc–25 of Title 42.

Section 1476, act Aug. 9, 1955, ch. 656, title III, § 308, 69 Stat. 589, which authorized appropriations, was transferred to section 1973cc–26 of Title 42.

Sections 1471 to 1476 were formerly classified to sections 2191 to 2196 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

CHAPTER 31—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

§§ 1501 to 1509. Transferred

CODIFICATION

Section 1501, Pub. L. 86–380, § 1, Sept. 24, 1959, 73 Stat. 703, which related to establishment of the Advisory Commission on Intergovernmental Relations, was transferred to section 4271 of Title 42, The Public Health and Welfare.

Section 1502, Pub. L. 86–380, § 2, Sept. 24, 1959, 73 Stat. 703, which related to declaration of purpose, was transferred to section 4272 of Title 42.

Section 1503, Pub. L. 86–380, § 3, Sept. 24, 1959, 73 Stat. 704; Pub. L. 89–733, §§ 1, 2, Nov. 2, 1966, 80 Stat. 1162, which related to membership of Commission, was transferred to section 4273 of Title 42.

Section 1504, Pub. L. 86–380, § 4, Sept. 24, 1959, 73 Stat. 705, which related to organization of Commission, was transferred to section 4274 of Title 42.

Section 1505, Pub. L. 86–380, § 5, Sept. 24, 1959, 73 Stat. 705, which related to duties of Commission, was transferred to section 4275 of Title 42.

Section 1506, Pub. L. 86–380, § 6, Sept. 24, 1959, 73 Stat. 705; Pub. L. 88–426, title III, § 306(e), Aug. 14, 1964, 78 Stat. 429; Pub. L. 89–733, §§ 3, 4, Nov. 2, 1966, 80 Stat. 1162, which related to powers of Commission and administrative provisions, was transferred to section 4276 of Title 42.

Section 1507, Pub. L. 86–380, § 7, Sept. 24, 1959, 73 Stat. 706; Pub. L. 89–733, § 5, Nov. 2, 1966, 80 Stat. 1162, which related to compensation of members of Commission, was transferred to section 4277 of Title 42.

Section 1508, Pub. L. 86–380, § 8, Sept. 24, 1959, 73 Stat. 706, which authorized appropriations, was transferred to section 4278 of Title 42.

Section 1509, Pub. L. 86–380, § 9, as added Pub. L. 89–733, § 6, Nov. 2, 1966, 80 Stat. 1162, which related to receipt of funds and to consideration of these funds by Congress in making appropriations for Commission, was transferred to section 4279 of Title 42.

CHAPTER 32—CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

Sec.
1511. Repealed.
1512. Transportation, open air testing, and disposal; Presidential determination; report to Congress; notice to Congress and State Governors.
1512a. Transportation of chemical munitions.
1513. Deployment, storage, and disposal; notification to host country and Congress; international law violations; reports to Congress and international organizations.
1514. ''United States'' defined.
1515. Suspension; Presidential authorization.
1516. Delivery systems.
1517. Immediate disposal when health or safety are endangered.
1518. Disposal; detoxification; report to Congress; emergencies.
1519. Lethal binary chemical munitions.
1519a. Limitation on procurement of binary chemical weapons.
1520. Repealed.
1520a. Restrictions on use of human subjects for testing of chemical or biological agents.
1521. Destruction of existing stockpile of lethal chemical agents and munitions.
1521a. Destruction of existing stockpile of lethal chemical agents and munitions.
1522. Conduct of chemical and biological defense program.

Sec.
1523. Annual report on chemical and biological warfare defense.
1524. Agreements to provide support to vaccination programs of Department of Health and Human Services.
1525. Assistance for facilities subject to inspection under Chemical Weapons Convention.
1526. Effective use of resources for nonproliferation programs.

§ 1511. Repealed. Pub. L. 104–106, div. A, title X, § 1061(k), Feb. 10, 1996, 110 Stat. 443

Section, Pub. L. 91–121, title IV, § 409(a), Nov. 19, 1969, 83 Stat. 209; Pub. L. 93–608, § 2(4), Jan. 2, 1975, 88 Stat. 1971; Pub. L. 97–375, title II, § 203(a)(2), Dec. 21, 1982, 96 Stat. 1822, directed Secretary of Defense to submit an annual report to Congress on expenditures for research, development, test, and evaluation of all lethal and nonlethal chemical and biological agents.

§ 1512. Transportation, open air testing, and disposal; Presidential determination; report to Congress; notice to Congress and State Governors

None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States, or the disposal of any such agent within the United States until the following procedures have been implemented:

(1) the Secretary of Defense (hereafter referred to in this chapter as the ''Secretary'') has determined that the transportation or testing proposed to be made is necessary in the interests of national security;

(2) the Secretary has brought the particulars of the proposed transportation, testing, or disposal to the attention of the Secretary of Health and Human Services, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation, testing, or disposal may pose and to recommend what precautionary measures are necessary to protect the public health and safety;

(3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal): *Provided, however*, That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation, testing, or disposal, the President may determine that overriding considerations of national security require such transportation, testing, or disposal be conducted. Any transportation, testing, or disposal conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable; and

(4) the Secretary has provided notification that the transportation, testing, or disposal will take place, except where a Presidential determination has been made: (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced and at least 30 days before any such testing or disposal will be commenced; (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

(Pub. L. 91–121, title IV, § 409(b), Nov. 19, 1969, 83 Stat. 209; Pub. L. 91–441, title V, § 506(b)(1), Oct. 7, 1970, 84 Stat. 912; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

This Act, referred to in provision preceding par. (1), means Pub. L. 91–121, Nov. 19, 1969, 83 Stat. 204, as amended. Provisions authorizing the appropriation of funds are not classified to the Code. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1970—Pub. L. 91–441 inserted reference to the disposal of lethal chemical or biological warfare agents in the United States.

CHANGE OF NAME

''Secretary of Health and Human Services'' substituted for ''Secretary of Health, Education, and Welfare'' in par. (2), pursuant to section 509(b) of Pub. L. 96–88 which is classified to section 3508(b) of Title 20, Education.

RIOT CONTROL AGENTS

Pub. L. 109–163, div. A, title XII, § 1232, Jan. 6, 2006, 119 Stat. 3468, provided that:

''(a) RESTATEMENT OF POLICY.—It is the policy of the United States that riot control agents are not chemical weapons and that the President may authorize their use as legitimate, legal, and non-lethal alternatives to the use of force that, as provided in Executive Order No. 11850 (40 Fed. Reg. 16187) [set out below] and consistent with the resolution of ratification of the Chemical Weapons Convention, may be employed by members of the Armed Forces in war in defensive military modes to save lives, including the illustrative purposes cited in Executive Order No. 11850.

''(b) REPORT REQUIRED.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Jan. 6, 2006], the President shall submit to Congress a report on the use of riot control agents by members of the Armed Forces.

''(2) CONTENT.—The report required by paragraph (1) shall include—

''(A) a description of all regulations, doctrines, training materials, and any other information related to the use of riot control agents by members of the Armed Forces;

''(B) a description of how the material described in subparagraph (A) is consistent with United States policy on the use of riot control agents;

''(C) a description of the availability of riot control agents, and the means to use them, to members of the Armed Forces, including members of the Armed Forces deployed in Iraq and Afghanistan;

''(D) a description of the frequency and circumstances of the use of riot control agents by members of the Armed Forces since January 1, 1992, and a summary of views held by commanders of United States combatant commands as to the utility of the use of riot control agents by members of the Armed Forces when compared with alternatives;

''(E) a general description of steps taken or planned to be taken by the Department of Defense to clarify the circumstances under which riot control agents may be used by members of the Armed Forces; and

''(F) a brief explanation of the continuing validity of Executive Order No. 11850 [set out below] under United States law.

''(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

''(c) DEFINITIONS.—In this section:

''(1) CHEMICAL WEAPONS CONVENTION.—The term 'Chemical Weapons Convention' means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

''(2) RESOLUTION OF RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION.—The term 'resolution of ratification of the Chemical Weapons Convention' means S. Res. 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.''

CHEMICAL MUNITIONS TRANSPORTATION FROM OKINAWA TO THE UNITED STATES

Pub. L. 91–672, § 13, Jan. 12, 1971, 84 Stat. 2055, provided that: ''No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States. For purposes of this section, the term 'United States' means the several States and the District of Columbia.''

EX ORD. NO. 11850. RENUNCIATION OF CERTAIN USES IN WAR OF CHEMICAL HERBICIDES AND RIOT CONTROL AGENTS

Ex. Ord. No. 11850, Apr. 8, 1975, 40 F.R. 16187, provided: The United States renounces, as a matter of national policy, first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and first use of riot control agents in war except in defensive military modes to save lives such as:

(a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.

(b) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.

(c) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.

(d) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations.

I have determined that the provisions and procedures prescribed by this Order are necessary to ensure proper implementation and observance of such national policy.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States and as Commander-in-Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of any riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval, in advance.

SEC. 2. The Secretary of Defense shall prescribe the rules and regulations he deems necessary to ensure that the national policy herein announced shall be observed by the Armed Forces of the United States.

GERALD R. FORD.

§ 1512a. Transportation of chemical munitions

(a) Prohibition of transportation across State lines

The Secretary of Defense may not transport any chemical munition that constitutes part of the chemical weapons stockpile out of the State in which that munition is located on October 5, 1994, and, in the case of any such chemical munition not located in a State on October 5, 1994, may not transport any such munition into a State.

(b) Transportation of chemical munitions not in chemical weapons stockpile

In the case of any chemical munitions that are discovered or otherwise come within the control of the Department of Defense and that do not constitute part of the chemical weapons stockpile, the Secretary of Defense may transport such munitions to the nearest chemical munitions stockpile storage facility that has necessary permits for receiving and storing such items if the transportation of such munitions to that facility—

(1) is considered by the Secretary of Defense to be necessary; and

(2) can be accomplished while protecting public health and safety.

(Pub. L. 103–337, div. A, title I, § 143, Oct. 5, 1994, 108 Stat. 2689.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1995, and not as part of Pub. L. 91–121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

§ 1513. Deployment, storage, and disposal; notification to host country and Congress; international law violations; reports to Congress and international organizations

(1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the future deployment, storage, or disposal, at any place outside the United States of—

(A) any lethal chemical or any biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such agent,

unless prior notice of such deployment, storage, or disposal has been given to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the President of the Senate and the Speaker of the House of Representatives. As used in this paragraph, the term ''United States'' means the several States and the District of Columbia.

(2) None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or any biological

warfare agent outside the United States, or for the disposal of any munitions in international waters, if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.

(Pub. L. 91–121, title IV, § 409(c), Nov. 19, 1969, 83 Stat. 210; Pub. L. 91–441, title V, § 506(b)(2), (3), Oct. 7, 1970, 84 Stat. 912.)

REFERENCES IN TEXT

This Act, referred to in pars. (1) and (2), means Pub. L. 91–121, Nov. 19, 1969, 83 Stat. 204, as amended. Provisions authorizing the appropriation of funds are not classified to the Code. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1970—Par. (1). Pub. L. 91–441, § 506(b)(2), inserted reference to disposal of lethal chemical or biological warfare agents or delivery systems for such agents.

Par. (2). Pub. L. 91–441, § 506(b)(3), inserted reference to disposal of munitions in international waters.

WITHDRAWAL OF EUROPEAN CHEMICAL STOCKPILE

Pub. L. 100–180, div. A, title I, § 126, Dec. 4, 1987, 101 Stat. 1044, provided that: ''Chemical munitions of the United States stored in Europe on the date of the enactment of this Act [Dec. 4, 1987] should not be removed from Europe unless such munitions are replaced contemporaneously with binary chemical munitions stationed on the soil of at least one European member nation of the North Atlantic Treaty Organization.''

§ 1514. "United States" defined

Unless otherwise indicated, as used in this chapter the term ''United States'' means the several States the District of Columbia, and the territories and possessions of the United States.

(Pub. L. 91–121, title IV, § 409(d), Nov. 19, 1969, 83 Stat. 210.)

§ 1515. Suspension; Presidential authorization

After November 19, 1969, the operation of this chapter, or any portion thereof, may be suspended by the President during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

(Pub. L. 91–121, title IV, § 409(e), Nov. 19, 1969, 83 Stat. 210.)

§ 1516. Delivery systems

None of the funds authorized to be appropriated by this Act shall be used for the procurement of delivery systems specifically designed to disseminate lethal chemical or any biological warfare agents, or for the procurement of delivery system parts or components specifically designed for such purpose, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

(Pub. L. 91–441, title V, § 506(a), Oct. 7, 1970, 84 Stat. 912.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 91–441, Oct. 7, 1970, 84 Stat. 912. Provisions authorizing the appropriation of funds are not classified to the Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of Pub. L. 91–121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

Section is from the Armed Forces-Military Procurement, 1971 act, Pub. L. 91–441. Provisions similar to those in this section were contained in Pub. L. 91–121, title IV, § 409(f), Nov. 19, 1969, 83 Stat. 210.

§ 1517. Immediate disposal when health or safety are endangered

Nothing contained in this chapter shall be deemed to restrict the transportation or disposal of research quantities of any lethal chemical or any biological warfare agent, or to delay or prevent, in emergency situations either within or outside the United States, the immediate disposal together with any necessary associated transportation, of any lethal chemical or any biological warfare agent when compliance with the procedures and requirements of this chapter would clearly endanger the health or safety of any person.

(Pub. L. 91–121, title IV, § 409(g), as added Pub. L. 91–441, title V, § 506(b)(4), Oct. 7, 1970, 84 Stat. 912.)

§ 1518. Disposal; detoxification; report to Congress; emergencies

On and after October 7, 1970, no chemical or biological warfare agent shall be disposed of within or outside the United States unless such agent has been detoxified or made harmless to man and his environment unless immediate disposal is clearly necessary, in an emergency, to safeguard human life. An immediate report should be made to Congress in the event of such disposal.

(Pub. L. 91–441, title V, § 506(d), Oct. 7, 1970, 84 Stat. 913.)

CODIFICATION

Section was not enacted as part of Pub. L. 91–121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

§ 1519. Lethal binary chemical munitions

(a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this or any other Act shall be used for the purpose of production of lethal binary chemical munitions unless the President certifies to Congress that the production of such munitions is essential to the national interest and submits a full report thereon to the President of the Senate and the Speaker of the House of Representatives as far in advance of the production of such munitions as is practicable.

(b) For purposes of this section the term ''lethal binary chemical munitions'' means (1) any toxic chemical (solid, liquid, or gas) which,

through its chemical properties, is intended to be used to produce injury or death to human beings, and (2) any unique device, instrument, apparatus, or contrivance, including any components or accessories thereof, intended to be used to disperse or otherwise disseminate any such toxic chemical.

(Pub. L. 94–106, title VIII, § 818, Oct. 7, 1975, 89 Stat. 544.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 94–106, Oct. 7, 1975, 89 Stat. 531, as amended, known as the Department of Defense Appropriation Authorization Act, 1976. Provisions authorizing the appropriation of funds are not classified to the Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of Pub. L. 91–121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

§ 1519a. Limitation on procurement of binary chemical weapons

(a) Notwithstanding any other provision of law, no funds may be obligated or expended after September 24, 1983, for the production of binary chemical weapons unless the President certifies to the Congress that for each 155-millimeter binary artillery shell or aircraft-delivered binary aerial bomb produced a serviceable unitary artillery shell from the existing arsenal shall be rendered permanently useless for military purposes.

(b)(1) Funds appropriated pursuant to the authorization of appropriations for the Army in section 101 of this Act may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but such funds may not be used for the actual production of binary chemical munitions before October 1, 1985.

(2) Notwithstanding the provisions of paragraph (1), before the production of binary chemical munitions may begin after September 30, 1985, the President must certify to Congress in writing that, in light of circumstances prevailing at the time the certification is made, the production of such munitions is essential to the national interest.

(3) For purposes of this subsection, ''production of binary chemical munitions'' means the final assembly of weapon components and the filling or loading of components with binary chemicals.

(Pub. L. 98–94, title XII, § 1233, Sept. 24, 1983, 97 Stat. 695.)

REFERENCES IN TEXT

Section 101 of this Act, referred to in subsec. (b)(1), is section 101 of Pub. L. 98–94, title I, Sept. 24, 1983, 97 Stat. 618, which was not classified to the Code.

CODIFICATION

Section was enacted as part of the Department of Defense Authorization Act, 1984, and not as part of Pub. L. 91–121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

§ 1520. Repealed. Pub. L. 105–85, div. A, title X, § 1078(g), Nov. 18, 1997, 111 Stat. 1916, and Pub. L. 105–277, div. I, title VI, § 601, Oct. 21, 1998, 112 Stat. 2681–886

Section, Pub. L. 95–79, title VIII, § 808, July 30, 1977, 91 Stat. 334; Pub. L. 97–375, title II, § 203(a)(1), Dec. 21, 1982, 96 Stat. 1822, related to use by the Department of Defense of human subjects for testing of chemical or biological agents, accounting to congressional committees with respect to experiments and studies, and notification of local civilian officials.

§ 1520a. Restrictions on use of human subjects for testing of chemical or biological agents

(a) Prohibited activities

The Secretary of Defense may not conduct (directly or by contract)—

(1) any test or experiment involving the use of a chemical agent or biological agent on a civilian population; or

(2) any other testing of a chemical agent or biological agent on human subjects.

(b) Exceptions

Subject to subsections (c), (d), and (e) of this section, the prohibition in subsection (a) of this section does not apply to a test or experiment carried out for any of the following purposes:

(1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, or research activity.

(2) Any purpose that is directly related to protection against toxic chemicals or biological weapons and agents.

(3) Any law enforcement purpose, including any purpose related to riot control.

(c) Informed consent required

The Secretary of Defense may conduct a test or experiment described in subsection (b) of this section only if informed consent to the testing was obtained from each human subject in advance of the testing on that subject.

(d) Prior notice to Congress

Not later than 30 days after the date of final approval within the Department of Defense of plans for any experiment or study to be conducted by the Department of Defense (whether directly or under contract) involving the use of human subjects for the testing of a chemical agent or a biological agent, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth a full accounting of those plans, and the experiment or study may then be conducted only after the end of the 30-day period beginning on the date such report is received by those committees.

(e) "Biological agent" defined

In this section, the term ''biological agent'' means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

(Pub. L. 105–85, div. A, title X, § 1078, Nov. 18, 1997, 111 Stat. 1915; Pub. L. 106–65, div. A, title X, § 1067(4), Oct. 5, 1999, 113 Stat. 774.)

CODIFICATION

Section is comprised of section 1078 of Pub. L. 105–85. Subsec. (f) of section 1078 of Pub. L. 105–85 amended section 1523(b) of this title. Subsec. (g) of section 1078 of Pub. L. 105–85 repealed section 1520 of this title.

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.

AMENDMENTS

1999—Subsec. (d). Pub. L. 106–65 substituted ''and the Committee on Armed Services'' for ''and the Committee on National Security''.

§ 1521. Destruction of existing stockpile of lethal chemical agents and munitions

(a) In general

The Secretary of Defense shall, in accordance with the provisions of this section, carry out the destruction of the United States' stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

(b) Date for completion

(1) The destruction of such stockpile shall be completed by the stockpile elimination deadline.

(2) If the Secretary of Defense determines at any time that there will be a delay in meeting the requirement in paragraph (1) for the completion of the destruction of chemical weapons by the stockpile elimination deadline, the Secretary shall immediately notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of that projected delay.

(3) For purposes of this section, the term ''stockpile elimination deadline'' means the deadline established by the Chemical Weapons Convention, but not later than December 31, 2017.

(c) Initiation of demilitarization operations

The Secretary of Defense may not initiate destruction of the chemical munitions stockpile stored at a site until the following support measures are in place:

(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

(d) Environmental protection and use of facilities

(1) In carrying out the requirement of subsection (a), the Secretary of Defense shall provide for—

(A) maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions referred to in subsection (a), including but not limited to the use of technologies and procedures that will minimize risk to the public at each site; and

(B) adequate and safe facilities designed solely for the destruction of lethal chemical agents and munitions.

(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.

(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.

(e) Grants and cooperative agreements

(1)(A) In order to carry out subsection (d)(1)(A), the Secretary of Defense may make grants to State and local governments and to tribal organizations (either directly or through the Federal Emergency Management Agency) to assist those governments and tribal organizations in carrying out functions relating to emergency preparedness and response in connection with the disposal of the lethal chemical agents and munitions referred to in subsection (a). Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants.

(B) Additionally, the Secretary may provide funds through cooperative agreements with State and local governments, and with tribal organizations, for the purpose of assisting them in processing, approving, and overseeing permits and licenses necessary for the construction and operation of facilities to carry out this section. The Secretary shall ensure that funds provided through such a cooperative agreement are used only for the purpose set forth in the preceding sentence.

(C) In this paragraph, the term ''tribal organization'' has the meaning given that term in section 450b(l) of title 25.

(2)(A) In coordination with the Secretary of the Army and in accordance with agreements between the Secretary of the Army and the Administrator of the Federal Emergency Management Agency, the Administrator shall carry out a program to provide assistance to State and

local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

(i) the storage of lethal chemical agents and munitions referred to in subsection (a) at military installations in the continental United States; or

(ii) the destruction of such agents and munitions at facilities referred to in subsection (d)(1)(B).

(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.

(C) Not later than December 15 of each year, the Administrator shall transmit a report to Congress on the activities carried out under this paragraph during the fiscal year preceding the fiscal year in which the report is submitted.

(f) Requirement for strategic plan

(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of the Army shall jointly prepare, and from time to time shall update as appropriate, a strategic plan for future activities for destruction of the United States' stockpile of lethal chemical agents and munitions.

(2) The plan shall include, at a minimum, the following considerations:

(A) Realistic budgeting for stockpile destruction and related support programs.

(B) Contingency planning for foreseeable or anticipated problems.

(C) A management approach and associated actions that address compliance with the obligations of the United States under the Chemical Weapons Convention and that take full advantage of opportunities to accelerate destruction of the stockpile.

(3) The Secretary of Defense shall each year submit to the Committee on the Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the strategic plan as most recently prepared and updated under paragraph (1). Such submission shall be made each year at the time of the submission to the Congress that year of the President's budget for the next fiscal year.

(g) Management organization

(1) In carrying out this section, the Secretary of Defense shall provide for a management organization within the Department of the Army. The Secretary of the Army shall be responsible for management of the destruction of agents and munitions at all sites except Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado[1]

(2) The program manager for the Assembled Chemical Weapons Alternative Program shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Blue Grass Army Depot, Kentucky, and Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions. In performing such management, the program manager shall act independently of the Army program manager for Chemical Demilitarization and shall report to the Under Secretary of Defense for Acquisition, Technology, and Logistics[1]

(3) The Secretary of Defense shall designate a general officer or civilian equivalent as the director of the management organization established under paragraph (1). Such officer shall have—

(A) experience in the acquisition, storage, and destruction of chemical agents and munitions; and

(B) outstanding qualifications regarding safety in handling chemical agents and munitions.

(h) Identification of funds

(1) Funds for carrying out this section, including funds for military construction projects necessary to carry out this section, shall be set forth in the budget of the Department of Defense for any fiscal year as a separate account. Such funds shall not be included in the budget accounts for any military department.

(2) Amounts appropriated to the Secretary of Defense for the purpose of carrying out subsection (e) shall be promptly made available to the Administrator of the Federal Emergency Management Agency.

(i) Annual reports

(1) Except as provided by paragraph (3), the Secretary of Defense shall transmit, by December 15 each year, a report to Congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.

(2) Each annual report shall include the following:

(A) A site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation.

(B) A site-by-site description of actions taken to assist State and local governments (either directly or through the Federal Emergency Management Agency) in carrying out functions relating to emergency preparedness and response in accordance with subsection (e).

(C) An accounting of all funds expended (during such fiscal year) for activities carried out

[1] So in original. Probably should be followed by a period.

under this section, with a separate accounting for amounts expended for—

(i) the construction of and equipment for facilities used for the destruction of agents and munitions;

(ii) the operation of such facilities;

(iii) the dismantling or other closure of such facilities;

(iv) research and development;

(v) program management;

(vi) travel and associated travel costs for Citizens' Advisory Commissioners under subsection (m)(7); and

(vii) grants to State and local governments to assist those governments in carrying out functions relating to emergency preparedness and response in accordance with subsection (e).

(D) An assessment of the safety status and the integrity of the stockpile of lethal chemical agents and munitions subject to this section, including—

(i) an estimate on how much longer that stockpile can continue to be stored safely;

(ii) a site-by-site assessment of the safety of those agents and munitions; and

(iii) a description of the steps taken (to the date of the report) to monitor the safety status of the stockpile and to mitigate any further deterioration of that status.

(3) The Secretary shall transmit the final report under paragraph (1) not later than 120 days following the completion of activities under this section.

(j) Semiannual reports

(1) Not later than March 1 and September 1 each year until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

(2) Each report under paragraph (1) shall include the following:

(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the stockpile elimination deadline.

(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B), and a detailed life-cycle cost estimate for each of the affected facilities included in each such funding profile.

(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current stockpile elimination deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

(3) The members and committees of Congress referred to in this paragraph are—

(A) the majority leader and the minority leader of the Senate and the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Speaker of the House of Representatives, the majority leader and the minority leader of the House of Representatives, and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(k) Authorized use of toxic chemicals

Consistent with United States obligations under the Chemical Weapons Convention, the Secretary of Defense may develop, produce, otherwise acquire, retain, transfer, and use toxic chemicals and their precursors for purposes not prohibited by the Chemical Weapons Convention if the types and quantities of such chemicals and precursors are consistent with such purposes, including for protective purposes such as protection against toxic chemicals and protection against chemical weapons.

***(l)* Surveillance and assessment program**

The Secretary of Defense shall conduct an ongoing comprehensive program of—

(1) surveillance of the existing United States stockpile of chemical weapons; and

(2) assessment of the condition of the stockpile.

(m) Chemical demilitarization citizens' advisory commissions

(1)(A) The Secretary of the Army shall establish a citizens' commission for each State in which there is a chemical demilitarization facility under Army management.

(B) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall establish a chemical demilitarization citizens' commission in Colorado and in Kentucky.

(C) Each commission under this subsection shall be known as the ''Chemical Demilitarization Citizens' Advisory Commission'' for the State concerned.

(2)(A) The Secretary of the Army, or the Department of Defense with respect to Colorado and Kentucky, shall provide for a representative to meet with each commission established under this subsection to receive citizen and State concerns regarding the ongoing program for the disposal of the lethal chemical agents and munitions in the stockpile referred to in subsection (a) at each of the sites with respect to which a commission is established pursuant to paragraph (1).

(B) The Secretary of the Army shall provide for a representative from the Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) to meet with each commission under Army management.

(C) The Department of Defense shall provide for a representative from the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs to meet

with the commissions in Colorado and Kentucky.

(3)(A) Each commission under this subsection shall be composed of nine members appointed by the Governor of the State. Seven of such members shall be citizens from the local affected areas in the State. The other two shall be representatives of State government who have direct responsibilities related to the chemical demilitarization program.

(B) For purposes of this paragraph, affected areas are those areas located within a 50-mile radius of a chemical weapons storage site.

(4) For a period of five years after the termination of any commission under this subsection, no corporation, partnership, or other organization in which a member of that commission, a spouse of a member of that commission, or a natural or adopted child of a member of that commission has an ownership interest may be awarded—

(A) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in subsection (a); or

(B) a subcontract under such a contract.

(5) The members of each commission under this subsection shall designate the chair of such commission from among the members of such commission.

(6) Each commission under this subsection shall meet with a representative from the Army, or the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs with respect to the commissions in Colorado and Kentucky, upon joint agreement between the chair of such commission and that representative. The two parties shall meet not less often than twice a year and may meet more often at their discretion.

(7) Members of each commission under this subsection shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel costs for commissioners of commissions under this subsection when such travel is conducted at the invitation of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) or the invitation of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs for the commissions in Colorado and Kentucky.

(8) Each commission under this subsection shall be terminated after the closure activities required pursuant to regulations prescribed by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) have been completed for the chemical agent destruction facility in such commission's State, or upon the request of the Governor of such commission's State, whichever occurs first.

(n) Incentive clauses in chemical demilitarization contracts

(1)(A) The Secretary of Defense may, for the purpose specified in paragraph (B), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to subsection (a).

(B) The purpose of a clause referred to in subparagraph (A) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

(2)(A) An incentives clause under this subsection shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

(B) The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed the following amounts:

(i) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, $110,000,000.

(ii) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, $55,000,000.

(C) An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

(D) The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this subsection shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

(E) The provisions of any incentives clause under this subsection shall be consistent with the obligation of the Secretary of Defense under subsection (d)(1)(A), to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

(F) In negotiating the inclusion of an incentives clause in a contract under this subsection, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

(3)(A) No payment may be made under an incentives clause under this subsection unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(B) An incentives clause under this subsection shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction,

Defense, shall be available for payments under incentives clauses under this subsection.

(*o*) Definitions

In this section:

(1) The term ''chemical agent and munition'' means an agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings, except that such term does not include riot control agents, chemical herbicides, smoke and other obscuration materials.

(2) The term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

(3) The term ''lethal chemical agent and munition'' means a chemical agent or munition that is designed to cause death, through its chemical properties, to human beings in field concentrations.

(4) The term ''destruction'' means, with respect to chemical munitions or agents—

(A) the demolishment of such munitions or agents by incineration or by any other means; or

(B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes and harmless to human beings under normal circumstances.

(Pub. L. 99–145, title XIV, § 1412, Nov. 8, 1985, 99 Stat. 747; Pub. L. 100–456, div. A, title I, § 118, Sept. 29, 1988, 102 Stat. 1934; Pub. L. 101–510, div. A, title I, §§ 171, 172, Nov. 5, 1990, 104 Stat. 1507; Pub. L. 102–190, div. A, title I, § 151, Dec. 5, 1991, 105 Stat. 1313; Pub. L. 102–484, div. A, title I, §§ 171, 179, Oct. 23, 1992, 106 Stat. 2341, 2347; Pub. L. 103–160, div. A, title I, § 107(c), Nov. 30, 1993, 107 Stat. 1564; Pub. L. 103–337, div. A, title I, § 142, Oct. 5, 1994, 108 Stat. 2689; Pub. L. 104–106, div. A, title I, § 153(b), (c), title XV, § 1502(c)(6), Feb. 10, 1996, 110 Stat. 216, 508; Pub. L. 104–201, div. A, title X, § 1074(d)(2), Sept. 23, 1996, 110 Stat. 2661; Pub. L. 105–85, div. A, title X, § 1041(d), Nov. 18, 1997, 111 Stat. 1885; Pub. L. 105–261, div. A, title I, § 141, Oct. 17, 1998, 112 Stat. 1942; Pub. L. 106–65, div. A, title I, § 141(b), title X, § 1067(11), Oct. 5, 1999, 113 Stat. 537, 775; Pub. L. 107–107, div. A, title X, § 1048(i)(4), Dec. 28, 2001, 115 Stat. 1229; Pub. L. 108–375, div. A, title IX, § 931, Oct. 28, 2004, 118 Stat. 2031; Pub. L. 109–163, div. A, title IX, § 921(a), Jan. 6, 2006, 119 Stat. 3410; Pub. L. 110–181, div. A, title IX, §§ 923, 924, Jan. 28, 2008, 122 Stat. 284; Pub. L. 111–383, div. A, title XIV, § 1421(a), Jan. 7, 2011, 124 Stat. 4412.)

REFERENCES IN TEXT

The Solid Waste Disposal Act, referred to in subsecs. (c)(3) and (m)(8), is title II of Pub. L. 89–272, Oct. 20, 1965, 79 Stat. 997, as amended generally by Pub. L. 94–580, § 2, Oct. 21, 1976, 90 Stat. 2795, which is classified generally to chapter 82 (§ 6901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of Title 42 and Tables.

The Clean Air Act, referred to in subsec. (c)(3), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§ 7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

CODIFICATION

Pub. L. 109–163, § 921, which directed amendment of subsec. (c)(4) of this section effective Dec. 5, 1991, and applicable with respect to any cooperative agreement entered into on or after that date, was executed to subsec. (c)(4) of this section as in effect on the date of enactment of Pub. L. 109–163, to reflect the probable intent of Congress. This section did not contain a subsec. (c)(4) on Dec. 5, 1991. See 2006 Amendment note and Effective Date of 2006 Amendment note below.

Section was enacted as part of the Department of Defense Authorization Act, 1986, and not as part of Pub. L. 91–121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

AMENDMENTS

2011—Pub. L. 111–383, § 1421(a), which directed the general amendment of section 1412 of the ''National Defense Authorization Act, 1986 (50 U.S.C. 1521)'', was executed by making the amendment to this section, which is section 1412 of the Department of Defense Authorization Act, 1986, to reflect the probable intent of Congress. Prior to amendment, section related to destruction of existing stockpile of lethal chemical agents and munitions by Dec. 31, 2004.

2008—Subsec. (c)(5)(B). Pub. L. 110–181, § 924, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''No assistance may be provided under this paragraph after the completion of the destruction of the United States' stockpile of lethal chemical agents and munitions.''

Subsec. (e)(3). Pub. L. 110–181, § 923, inserted ''and'' at end of subpar. (A), redesignated subpar. (C) as (B), and struck out former subpar. (B) which read as follows: ''training in chemical warfare defense operations; and''.

2006—Subsec. (c)(4). Pub. L. 109–163 designated first two sentences as subpar. (A) and inserted ''and to tribal organizations'' after ''to State and local governments'' and ''and tribal organizations'' after ''assist those governments'', designated third and fourth sentences as subpar. (B) and inserted '', and with tribal organizations,'' after ''with State and local governments'', and added subpar. (C). See Codification note above.

2004—Subsec. (d). Pub. L. 108–375 amended heading and text of subsec. (d) generally. Prior to amendment, text required the Secretary of Defense to develop and submit to Congress by Mar. 15, 1986, a comprehensive plan to carry out this section.

2001—Subsec. (g)(2)(C)(vii). Pub. L. 107–107 substituted ''(c)(4)'' for ''(c)(3)''.

1999—Subsec. (b)(4). Pub. L. 106–65, § 1067(11), substituted ''and the Committee on Armed Services'' for ''and the Committee on National Security''.

Subsec. (c)(2). Pub. L. 106–65, § 141(b)(1)(A), added par. (2) and struck out former par. (2) which read as follows: ''Facilities constructed to carry out this section may not be used for any purpose other than the destruction of lethal chemical weapons and munitions, and when no longer needed to carry out this section, such facilities shall be cleaned, dismantled, and disposed of in accordance with applicable laws and regulations.''

Subsec. (c)(3) to (5). Pub. L. 106–65, § 141(b)(1)(B), (C), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

Subsec. (f)(2). Pub. L. 106–65, § 141(b)(2), substituted ''(c)(5)'' for ''(c)(4)''.

Subsec. (g)(2)(B). Pub. L. 106–65, § 141(b)(3), substituted ''(c)(4)'' for ''(c)(3)''.

Subsec. (k)(2). Pub. L. 106–65, § 1067(11), substituted ''and the Committee on Armed Services'' for ''and the Committee on National Security''.

1998—Subsec. (c)(4). Pub. L. 105–261, § 141(a), added par. (4).

Subsec. (f). Pub. L. 105–261, § 141(b), designated existing provisions as par. (1) and added par. (2).

Subsec. (g)(2)(B). Pub. L. 105–261, § 141(c)(3), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (g)(2)(B)(vii). Pub. L. 105–261, § 141(c)(1), added cl. (vii).

Subsec. (g)(2)(C), (D). Pub. L. 105–261, § 141(c)(2), redesignated subpars. (B) and (C) as (C) and (D), respectively.

1997—Subsec. (g)(3), (4). Pub. L. 105–85 struck out ''No quarterly report is required under paragraph (3) after the transmittal of the final report under paragraph (1).'' at end of par. (4), redesignated par. (4) as (3), and struck out former par. (3) which read as follows: ''The Secretary shall transmit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a quarterly report containing an accounting of all funds expended (during the quarter covered by the report) for travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note). The quarterly report for the final quarter of the period covered by a report under paragraph (1) may be included in that report.''

1996—Subsec. (b)(4). Pub. L. 104–106, § 1502(c)(6), substituted ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives'' for ''Committees on Armed Services of the Senate and House of Representatives''.

Subsec. (e)(3). Pub. L. 104–106, § 153(c), inserted ''or civilian equivalent'' after ''general officer'' in introductory provisions.

Subsec. (g). Pub. L. 104–106, § 153(b)(1), substituted ''Periodic reports'' for ''Annual report'' in heading.

Subsec. (g)(2). Pub. L. 104–201, § 1074(d)(2)(A), substituted ''shall include the following:'' for ''shall contain—'' in introductory provisions.

Pub. L. 104–106, § 153(b)(2)(A), substituted ''Each annual report shall contain—'' for ''Each such report shall contain—'' in introductory provisions.

Subsec. (g)(2)(A). Pub. L. 104–201, § 1074(d)(2)(B), substituted ''A site-by-site'' for ''a site-by-site'' and ''and operation.'' for ''and operation;''.

Subsec. (g)(2)(B). Pub. L. 104–201, § 1074(d)(2)(C), substituted ''An accounting'' for ''an accounting'' in introductory provisions.

Subsec. (g)(2)(B)(iv). Pub. L. 104–106, § 153(b)(2)(B)(i), struck out ''and'' after ''development;''.

Subsec. (g)(2)(B)(v). Pub. L. 104–106, § 153(b)(2)(B)(ii), which directed substitution of ''; and'' for period at end of cl. (v), could not be executed because cl. (v) ended with ''; and'' and not with a period.

Subsec. (g)(2)(B)(vi). Pub. L. 104–106, § 153(b)(2)(B)(iii), added cl. (vi).

Subsec. (g)(2)(C). Pub. L. 104–201, § 1074(d)(2)(C), substituted ''An assessment'' for ''an assessment'' in introductory provisions.

Subsec. (g)(3). Pub. L. 104–106, § 153(b)(4), added par. (3). Former par. (3) redesignated (4).

Subsec. (g)(4). Pub. L. 104–106, § 153(b)(5), substituted ''paragraph (1) not later'' for ''this subsection not later'' and inserted at end ''No quarterly report is required under paragraph (3) after the transmittal of the final report under paragraph (1).''

Pub. L. 104–106, § 153(b)(3), redesignated par. (3) as (4).

Subsec. (k)(2). Pub. L. 104–106, § 1502(c)(6), substituted ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives'' for ''Committees on Armed Services of the Senate and House of Representatives''.

1994—Subsec. (f). Pub. L. 103–337 inserted '', including funds for military construction projects necessary to carry out this section,'' after ''carrying out this section'' and struck out at end ''Funds for military construction projects necessary to carry out this section may be set out in the annual military construction budget separately from other funds for such project.''

1993—Subsec. (c)(3). Pub. L. 103–160 substituted ''processing, approving, and overseeing'' for ''processing and approving''.

1992—Subsec. (a). Pub. L. 102–484, § 179(1), struck out par. (1) designation before ''Notwithstanding'' and struck out par. (2) which read as follows: ''Such destruction shall be carried out in conjunction with the acquisition of binary chemical weapons for use by the Armed Forces.''

Subsec. (b)(5). Pub. L. 102–484, § 171, substituted ''December 31, 2004'' for ''July 31, 1999''.

Subsec. (c)(1). Pub. L. 102–484, § 179(2), substituted ''subsection (a)'' for ''subsection (a)(1)'' in introductory provisions.

Subsec. (g)(1). Pub. L. 102–484, § 179(3)(A), substituted ''paragraph (3)'' for ''paragraph (4)''.

Subsec. (g)(2). Pub. L. 102–484, § 179(3)(B), (C), redesignated par. (3) as (2), substituted ''such report'' for ''report other than the first one'' in introductory provisions, and struck out former par. (2) which read as follows: ''The first such report shall be transmitted by December 15, 1985, and shall contain—

''(A) an accounting of the United States' stockpile of lethal chemical agents and munitions on November 8, 1985; and

''(B) a schedule of the activities planned to be carried out under this section during fiscal year 1986.''

Subsec. (g)(3), (4). Pub. L. 102–484, § 179(3)(D), redesignated par. (4) as (3). Former par. (3) redesignated (2).

1991—Subsec. (b)(5). Pub. L. 102–190, § 151(a), substituted ''July 31, 1999'' for ''April 30, 1997''.

Subsec. (c)(3). Pub. L. 102–190, § 151(b), inserted at end ''Additionally, the Secretary may provide funds through cooperative agreements with State and local governments for the purpose of assisting them in processing and approving permits and licenses necessary for the construction and operation of facilities to carry out this section. The Secretary shall ensure that funds provided through such a cooperative agreement are used only for the purpose set forth in the preceding sentence.''

1990—Subsec. (a)(1). Pub. L. 101–510, § 171(b), substituted ''November 8, 1985'' for ''the date of the enactment of this Act''.

Subsec. (c)(3). Pub. L. 101–510, § 172, added par. (3).

Subsec. (g)(3)(C). Pub. L. 101–510, § 171(a), added subpar. (C).

Subsec. (h)(1). Pub. L. 101–510, § 171(b), substituted ''November 8, 1985'' for ''the date of the enactment of this Act''.

1988—Subsec. (b)(1), (3)(A). Pub. L. 100–456, § 118(a)(1), substituted ''the stockpile elimination deadline'' for ''September 30, 1994''.

Subsec. (b)(3)(B). Pub. L. 100–456, § 118(a)(2), substituted ''not later than the earlier of (A) 30 days after the date on which the decision to defer is made, or (B) 30 days before the stockpile elimination deadline'' for ''within 30 days after the date on which the determination to defer is made or by August 31, 1994, whichever is earlier''.

Subsec. (b)(4), (5). Pub. L. 100–456, § 118(a)(3), added pars. (4) and (5).

Subsec. (k). Pub. L. 100–456, § 118(b), amended subsec. (k) generally. Prior to amendment, subsec. (k) read as follows: ''The provisions of this section shall take effect on October 1, 1985.''

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–163, div. A, title IX, § 921(b), Jan. 6, 2006, 119 Stat. 3410, provided that: ''The amendments made by subsection (a) [amending this section]—

''(1) take effect as of December 5, 1991; and

''(2) apply with respect to any cooperative agreement entered into on or after that date.''

SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE

Pub. L. 110–181, div. A, title IX, § 922, Jan. 28, 2008, 122 Stat. 282, as amended by Pub. L. 111–383, div. A, title XIV, § 1421(b)(10), Jan. 7, 2011, 124 Stat. 4420, provided that:

''(a) FINDINGS.—Congress makes the following findings:

''(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chem-

ical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the 'Chemical Weapons Convention'), requires that destruction of the entire United States chemical weapons stockpile be completed by not later than April 29, 2007.

''(2) In 2006, under the terms of the Chemical Weapons Convention, the United States requested and received a one-time, 5-year extension of its chemical weapons destruction deadline to April 29, 2012.

''(3) On April 10, 2006, the Secretary of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile, but would 'continue working diligently to minimize the time to complete destruction without sacrificing safety and security' and would also 'continue requesting resources needed to complete destruction as close to April 2012 as practicable'.

''(4) The United States chemical demilitarization program has met its one percent, 20 percent, and extended 45 percent destruction deadlines under the Chemical Weapons Convention.

''(5) Destroying the remaining stockpile of United States chemical weapons is imperative for public safety and homeland security, and doing so by April 2012, in accordance with the current destruction deadline provided under the Chemical Weapons Convention, is required by United States law.

''(6) The elimination of chemical weapons anywhere they exist in the world, and the prevention of their proliferation, is of utmost importance to the national security of the United States.

''(7) Section 921(b)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2359) contained a sense of Congress urging the Secretary of Defense to ensure the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment.

''(8) Section 921(b)(4) of that Act contained a sense of Congress urging the Secretary of Defense to propose a credible treatment and disposal process with the support of affected communities. In this regard, any such process should provide for sufficient communication and consultation between representatives of the Department of Defense and representatives of affected States and communities.

''(b) SENSE OF CONGRESS.—It is the sense of Congress that—

''(1) the United States is, and must remain, committed to making every effort to safely dispose of its entire chemical weapons stockpile by April 2012, the current destruction deadline provided under the Chemical Weapons Convention, or as soon thereafter as possible, and must carry out all of its other obligations under the Convention; and

''(2) the Secretary of Defense should make every effort to plan for, and to request in the annual budget of the President submitted to Congress adequate funding to complete, the elimination of the United States chemical weapons stockpile in accordance with United States obligations under the Chemical Weapons Convention and in a manner that will protect public health, safety, and the environment, as required by law.

''[(c) Repealed. Pub. L. 111–383, div. A, title XIV, §1421(b)(10), Jan. 7, 2011, 124 Stat. 4420.]''

DEADLINE FOR DESTRUCTION OF STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS

Pub. L. 110–116, div. A, title VIII, §8119, Nov. 13, 2007, 121 Stat. 1340, which directed the Department of Defense to complete work on the destruction of the stockpile of lethal chemical agents and munitions no later than Dec. 31, 2017, and to report to congressional leaders and defense committees on progress toward compliance not later than Dec. 31, 2007, and every 180 days thereafter, was repealed by Pub. L. 111–383, div. A, title XIV, §1421(b)(9), Jan. 7, 2011, 124 Stat. 4420.

INCENTIVES CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS

Pub. L. 109–364, div. A, title IX, §923, Oct. 17, 2006, 120 Stat. 2360, which authorized use of incentives clauses in chemical demilitarization contracts, was repealed by Pub. L. 111–383, div. A, title XIV, §1421(b)(8), Jan. 7, 2011, 124 Stat. 4420.

MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT BLUEGRASS ARMY DEPOT, KENTUCKY AND PUEBLO ARMY DEPOT, COLORADO

Pub. L. 107–248, title VIII, §8122, Oct. 23, 2002, 116 Stat. 1566, which related to management of chemical demilitarization activities at Bluegrass Army Depot, Kentucky, and Pueblo Army Depot, Colorado, if, pursuant to Pub. L. 105–261, §142, formerly set out as a note below, an alternative technology was selected for the destruction of lethal chemical munitions, was repealed by Pub. L. 111–383, div. A, title XIV, §1421(b)(7), Jan. 7, 2011, 124 Stat. 4420.

ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS

Pub. L. 105–261, div. A, title I, §142, Oct. 17, 1998, 112 Stat. 1943, as amended by Pub. L. 106–65, div. A, title IX, §911(a)(1), Oct. 5, 1999, 113 Stat. 717; Pub. L. 106–398, §1 [[div. A], title X, §1087(d)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–292, which directed the program manager of the pilot program carried out under Pub. L. 104–208, §101(b), formerly set out as a note below, to continue to manage the development and testing of alternative technologies for the destruction of lethal chemical munitions and authorized the Under Secretary of Defense for Acquisition, Technology, and Logistics to award a contract for the design, construction, and operation of a pilot facility for a technology if an independent evaluation and certain determinations and certifications had been made, was repealed by Pub. L. 111–383, div. A, title XIV, §1421(b)(5), Jan. 7, 2011, 124 Stat. 4420.

PILOT PROGRAM FOR DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS

Pub. L. 104–208, div. A, title I, §101(b) [title VIII, §8065], Sept. 30, 1996, 110 Stat. 3009–71, 3009–101, as amended by Pub. L. 106–65, div. A, title IX, §911(a)(1), Oct. 5, 1999, 113 Stat. 717, which related to pilot program to identify and demonstrate not less than two alternatives to the baseline incineration process for the demilitarization of assembled chemical munitions and required the Under Secretary of Defense for Acquisition, Technology, and Logistics to report annually to congressional defense committees on activities carried out under the program, was repealed by Pub. L. 111–383, div. A, title XIV, §1421(b)(4), Jan. 7, 2011, 124 Stat. 4420.

DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS

Pub. L. 106–65, div. A, title I, §141, Oct. 5, 1999, 113 Stat. 537, which directed the Secretary of Defense to assess the stockpile destruction program for the purpose of reducing costs and ensuring completion in accordance with the Chemical Weapons Convention and report to Congress on actions to be taken and recommendations for legislation, and required the Comptroller General to review the program and report results to congressional defense committees, was repealed by Pub. L. 111–383, div. A, title XIV, §1421(b)(6), Jan. 7, 2011, 124 Stat. 4420.

Pub. L. 104–106, div. A, title I, §152, Feb. 10, 1996, 110 Stat. 214, as amended by Pub. L. 104–201, div. A, title I, §142, Sept. 23, 1996, 110 Stat. 2448; Pub. L. 104–208, div. A, title I, §101(b) [title VIII, §8065], Sept. 30, 1996, 110 Stat. 3009–71, 3009–102, which directed the Secretary of Defense to proceed with the program for destruction of the chemical munitions stockpile while ensuring maximum protection of the environment, the general pub-

lic, and the personnel involved in the program, and required the Secretary to report to the congressional defense committees on the status of the program and recommend revisions, was repealed by Pub. L. 111–383, div. A, title XIV, § 1421(b)(3), Jan. 7, 2011, 124 Stat. 4420.

CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS

Pub. L. 102–484, div. A, title I, § 172, Oct. 23, 1992, 106 Stat. 2341, as amended by Pub. L. 104–106, div. A, title I, § 153(a), Feb. 10, 1996, 110 Stat. 215; Pub. L. 104–201, div. A, title X, § 1073(d), Sept. 23, 1996, 110 Stat. 2658; Pub. L. 110–181, div. A, title IX, § 921, Jan. 28, 2008, 122 Stat. 282; Pub. L. 110–417, [div. A], title IX, § 921, Oct. 14, 2008, 122 Stat. 4573; Pub. L. 111–84, div. A, title X, § 1073(c)(8), Oct. 28, 2009, 123 Stat. 2475, which directed the Secretary of the Army to establish a Chemical Demilitarization Citizens' Advisory Commission in each State in which there existed a low-volume chemical weapons storage site in order to receive citizen and State concerns regarding the program for the disposal of lethal chemical agents and munitions, and provided for termination of each such commission after completion of closure activities or upon request of the State's Governor, was repealed by Pub. L. 111–383, div. A, title XIV, § 1421(b)(2), Jan. 7, 2011, 124 Stat. 4420.

ALTERNATIVE DISPOSAL PROCESS FOR LOW-VOLUME SITES; REVISED DISPOSAL CONCEPT PLAN

Pub. L. 102–484, div. A, title I, §§ 174, 175, Oct. 23, 1992, 106 Stat. 2344, as amended by Pub. L. 103–160, div. A, title I, § 155(b), Nov. 30, 1993, 107 Stat. 1579, which related to use of an alternative technology process for the destruction of chemical weapons at low-volume sites and required a revised chemical weapons disposal concept plan incorporating such process if employed, was repealed by Pub. L. 111–383, div. A, title XIV, § 1421(b)(2), Jan. 7, 2011, 124 Stat. 4420.

SENSE OF CONGRESS CONCERNING INTERNATIONAL CONSULTATION AND EXCHANGE PROGRAM

Pub. L. 102–484, div. A, title I, § 178, Oct. 23, 1992, 106 Stat. 2346, provided that: ''It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish, with other nations that are anticipated to be signatories to an international agreement or treaty banning chemical weapons, a program under which consultation and exchange concerning chemical weapons disposal technology could be enhanced. Such a program shall be used to facilitate the exchange of technical information and advice concerning the disposal of chemical weapons among signatory nations and to further the development of safer, more cost-effective methods for the disposal of chemical weapons.''

''LOW-VOLUME SITE'' DEFINED

Pub. L. 102–484, div. A, title I, § 180, Oct. 23, 1992, 106 Stat. 2347, which defined ''low-volume site'' for purposes of subtitle G (§§ 171–180) of title I of div. A of Pub. L. 102–484, was repealed by Pub. L. 111–383, div. A, title XIV, § 1421(b)(2), Jan. 7, 2011, 124 Stat. 4420.

REVISION OF CHEMICAL DEMILITARIZATION PROGRAM

Pub. L. 100–180, div. A, title I, § 125, Dec. 4, 1987, 101 Stat. 1043, which directed the Secretary of Defense to issue an environmental impact statement, submit to congressional committees an alternative concept plan for the chemical stockpile demilitarization program, and conduct ongoing surveillance and assessment of the stockpile, was repealed by Pub. L. 111–383, div. A, title XIV, § 1421(b)(1), Jan. 7, 2011, 124 Stat. 4420.

§ 1521a. Destruction of existing stockpile of lethal chemical agents and munitions

(a) Program management

The Secretary of Defense shall ensure that the program for destruction of the United States stockpile of lethal chemical agents and munitions is managed as a major defense acquisition program (as defined in section 2430 of title 10) in accordance with the essential elements of such programs as may be determined by the Secretary.

(b) Requirement for Under Secretary of Defense (Comptroller) annual certification

Beginning with respect to the budget request for fiscal year 2004, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees on an annual basis a certification that the budget request for the chemical agents and munitions destruction program has been submitted in accordance with the requirements of section 1521 of this title.

(Pub. L. 107–314, div. A, title I, § 141, Dec. 2, 2002, 116 Stat. 2477.)

CODIFICATION

Section was enacted as part of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, 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. 107–314, 116 Stat. 2471. See note under section 101 of Title 10, Armed Forces.

§ 1522. Conduct of chemical and biological defense program

(a) General

The Secretary of Defense shall carry out the chemical and biological defense program of the United States in accordance with the provisions of this section.

(b) Management and oversight

In carrying out his responsibilities under this section, the Secretary of Defense shall do the following:

(1) Assign responsibility for overall coordination and integration of the chemical and biological warfare defense program and the chemical and biological medical defense program to a single office within the Office of the Secretary of Defense.

(2) Take those actions necessary to ensure close and continuous coordination between (A) the chemical and biological warfare defense program, and (B) the chemical and biological medical defense program.

(3) Exercise oversight over the chemical and biological defense program through the Defense Acquisition Board process.

(c) Coordination of program

(1) The Secretary of Defense shall designate the Army as executive agent for the Department of Defense to coordinate and integrate research, development, test, and evaluation, and acquisition, requirements of the military departments for chemical and biological warfare defense programs of the Department of Defense.

(2) The Director of the Defense Advanced Research Projects Agency may conduct a program of basic and applied research and advanced technology development on chemical and biological

warfare defense technologies and systems. In conducting such program, the Director shall seek to avoid unnecessary duplication of the activities under the program with chemical and biological warfare defense activities of the military departments and defense agencies and shall coordinate the activities under the program with those of the military departments and defense agencies.

(d) Funding

(1) The budget for the Department of Defense for each fiscal year after fiscal year 1994 shall reflect a coordinated and integrated chemical and biological defense program for the Department of Defense.

(2) Funding requests for the program (other than for activities under the program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section) shall be set forth in the budget of the Department of Defense for each fiscal year as a separate account, with a single program element for each of the categories of research, development, test, and evaluation, acquisition, and military construction. Amounts for military construction projects may be set forth in the annual military construction budget. Funds for military construction for the program in the military construction budget shall be set forth separately from other funds for military construction projects. Funding requests for the program may not be included in the budget accounts of the military departments.

(3) The program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section shall be set forth as a separate program element in the budget of that agency.

(4) All funding requirements for the chemical and biological defense program shall be reviewed by the Secretary of the Army as executive agent pursuant to subsection (c) of this section.

(e) Management review and report

(1) The Secretary of Defense shall conduct a review of the management structure of the Department of Defense chemical and biological warfare defense program, including—

(A) research, development, test, and evaluation;

(B) procurement;

(C) doctrine development;

(D) policy;

(E) training;

(F) development of requirements;

(G) readiness; and

(H) risk assessment.

(2) Not later than May 1, 1994, the Secretary shall submit to Congress a report that describes the details of measures being taken to improve joint coordination and oversight of the program and ensure a coherent and effective approach to its management.

(Pub. L. 103–160, div. A, title XVII, §1701, Nov. 30, 1993, 107 Stat. 1853; Pub. L. 104–201, div. A, title II, §228, Sept. 23, 1996, 110 Stat. 2460.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1994, and not as part of Pub. L. 91–121, title IV, §409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–201, §228(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (d)(1). Pub. L. 104–201, §228(b)(1), substituted ''program for the Department of Defense'' for ''program for the military departments''.

Subsec. (d)(2). Pub. L. 104–201, §228(b)(2), in first sentence, inserted ''(other than for activities under the program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) of this section)'' after ''requests for the program''.

Subsec. (d)(3), (4). Pub. L. 104–201, §228(b)(3), (4), added par. (3) and redesignated former par. (3) as (4).

NATIONAL BIO-WEAPONS DEFENSE ANALYSIS CENTER

Pub. L. 107–296, title XVII, §1708, Nov. 25, 2002, 116 Stat. 2318, provided that: ''There is established in the Department of Defense a National Bio-Weapons Defense Analysis Center, whose mission is to develop countermeasures to potential attacks by terrorists using weapons of mass destruction.''

[For transfer of functions, personnel, assets, and liabilities of the National Bio-Weapons Defense Analysis Center of the Department of Defense, including the functions of the Secretary of Defense related thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 183(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

CHEMICAL WARFARE DEFENSE

Pub. L. 105–261, div. A, title II, §247, Oct. 17, 1998, 112 Stat. 1956, provided that:

''(a) REVIEW AND MODIFICATION OF POLICIES AND DOCTRINES.—The Secretary of Defense shall review the policies and doctrines of the Department of Defense on chemical warfare defense and modify the policies and doctrine as appropriate to achieve the objectives set forth in subsection (b).

''(b) OBJECTIVES.—The objectives for the modification of policies and doctrines of the Department of Defense on chemical warfare defense are as follows:

''(1) To provide for adequate protection of personnel from any exposure to a chemical warfare agent (including chronic and low-level exposure to a chemical warfare agent) that would endanger the health of exposed personnel because of the deleterious effects of—

''(A) a single exposure to the agent;

''(B) exposure to the agent concurrently with other dangerous exposures, such as exposures to—

''(i) other potentially toxic substances in the environment, including pesticides, other insect and vermin control agents, and environmental pollutants;

''(ii) low-grade nuclear and electromagnetic radiation present in the environment;

''(iii) preventive medications (that are dangerous when taken concurrently with other dangerous exposures referred to in this paragraph);

''(iv) diesel fuel, jet fuel, and other hydrocarbon-based fuels; and

''(v) occupational hazards, including battlefield hazards; and

''(C) repeated exposures to the agent, or some combination of one or more exposures to the agent and other dangerous exposures referred to in subparagraph (B), over time.

''(2) To provide for—

''(A) the prevention of and protection against, and the detection (including confirmation) of, exposures to a chemical warfare agent (whether intentional or inadvertent) at levels that, even if not sufficient to endanger health immediately, are greater than the level that is recognized under Department

of Defense policies as being the maximum safe level of exposure to that agent for the general population; and

''(B) the recording, reporting, coordinating, and retaining of information on possible exposures described in subparagraph (A), including the monitoring of the health effects of exposures on humans and animals, environmental effects, and ecological effects, and the documenting and reporting of those effects specifically by location.

''(3) To provide solutions for the concerns and mission requirements that are specifically applicable for one or more of the Armed Forces in a protracted conflict when exposures to chemical agents could be complex, dynamic, and occurring over an extended period.

''(c) RESEARCH PROGRAM.—The Secretary of Defense shall develop and carry out a plan to establish a research program for determining the effects of exposures to chemical warfare agents of the type described in subsection (b). The research shall be designed to yield results that can guide the Secretary in the evolution of policy and doctrine on exposures to chemical warfare agents and to develop new risk assessment methods and instruments with respect to such exposures. The plan shall state the objectives and scope of the program and include a 5-year funding plan.

''(d) REPORT.—Not later than May 1, 1999, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives [now Committee on Armed Services of the House of Representatives] a report on the results of the review under subsection (a) and on the research program developed under subsection (c). The report shall include the following:

''(1) Each modification of chemical warfare defense policy and doctrine resulting from the review.

''(2) Any recommended legislation regarding chemical warfare defense.

''(3) The plan for the research program.''

STUDY OF FACILITY FOR TRAINING AND EVALUATION OF CHEMICAL OR BIOLOGICAL WEAPONS RESPONSE PERSONNEL

Pub. L. 104–132, title V, § 521(b), Apr. 24, 1996, 110 Stat. 1286, provided that:

''(1) FINDINGS.—The Congress finds that—

''(A) the threat of the use of chemical and biological weapons by Third World countries and by terrorist organizations has increased in recent years and is now a problem of worldwide significance;

''(B) the military and law enforcement agencies in the United States that are responsible for responding to the use of such weapons require additional testing, training, and evaluation facilities to ensure that the personnel of such agencies discharge their responsibilities effectively; and

''(C) a facility that recreates urban and suburban locations would provide an especially effective environment in which to test, train, and evaluate such personnel for that purpose.

''(2) STUDY OF FACILITY.—

''(A) IN GENERAL.—The President shall establish an interagency task force to determine the feasibility and advisability of establishing a facility that recreates both an urban environment and a suburban environment in such a way as to permit the effective testing, training, and evaluation in such environments of government personnel who are responsible for responding to the use of chemical and biological weapons in the United States.

''(B) DESCRIPTION OF FACILITY.—The facility considered under subparagraph (A) shall include—

''(i) facilities common to urban environments (including a multistory building and an underground rail transit system) and to suburban environments;

''(ii) the capacity to produce controllable releases of chemical and biological agents from a variety of urban and suburban structures, including laboratories, small buildings, and dwellings;

''(iii) the capacity to produce controllable releases of chemical and biological agents into sewage, water, and air management systems common to urban areas and suburban areas;

''(iv) chemical and biocontaminant facilities at the P3 and P4 levels;

''(v) the capacity to test and evaluate the effectiveness of a variety of protective clothing and facilities and survival techniques in urban areas and suburban areas; and

''(vi) the capacity to test and evaluate the effectiveness of variable sensor arrays (including video, audio, meteorological, chemical, and biosensor arrays) in urban areas and suburban areas.

''(C) SENSE OF CONGRESS.—It is the sense of Congress that the facility considered under subparagraph (A) shall, if established—

''(i) be under the jurisdiction of the Secretary of Defense; and

''(ii) be located at a principal facility of the Department of Defense for the testing and evaluation of the use of chemical and biological weapons during any period of armed conflict.''

CONSOLIDATION OF CHEMICAL AND BIOLOGICAL DEFENSE TRAINING ACTIVITIES

Section 1702 of Pub. L. 103–160 provided that: ''The Secretary of Defense shall consolidate all chemical and biological warfare defense training activities of the Department of Defense at the United States Army Chemical School.''

SENSE OF CONGRESS CONCERNING FEDERAL EMERGENCY PLANNING FOR RESPONSE TO TERRORIST THREATS

Section 1704 of Pub. L. 103–160 provided that: ''It is the sense of Congress that the President should strengthen Federal interagency emergency planning by the Federal Emergency Management Agency and other appropriate Federal, State, and local agencies for development of a capability for early detection and warning of and response to—

''(1) potential terrorist use of chemical or biological agents or weapons; and

''(2) emergencies or natural disasters involving industrial chemicals or the widespread outbreak of disease.''

§ 1523. Annual report on chemical and biological warfare defense

(a) Report required

The Secretary of Defense shall include in the annual report of the Secretary under section 113(c) of title 10 a report on chemical and biological warfare defense. The report shall assess—

(1) the overall readiness of the Armed Forces to fight in a chemical-biological warfare environment and shall describe steps taken and planned to be taken to improve such readiness; and

(2) requirements for the chemical and biological warfare defense program, including requirements for training, detection, and protective equipment, for medical prophylaxis, and for treatment of casualties resulting from use of chemical or biological weapons.

(b) Matters to be included

The report shall include information on the following:

(1) The quantities, characteristics, and capabilities of fielded chemical and biological defense equipment to meet wartime and peacetime requirements for support of the Armed Forces, including individual protective items.

(2) The status of research and development programs, and acquisition programs, for re-

quired improvements in chemical and biological defense equipment and medical treatment, including an assessment of the ability of the Department of Defense and the industrial base to meet those requirements.

(3) Measures taken to ensure the integration of requirements for chemical and biological defense equipment and material among the Armed Forces.

(4) The status of nuclear, biological, and chemical (NBC) warfare defense training and readiness among the Armed Forces and measures being taken to include realistic nuclear, biological, and chemical warfare simulations in war games, battle simulations, and training exercises.

(5) Measures taken to improve overall management and coordination of the chemical and biological defense program.

(6) Problems encountered in the chemical and biological warfare defense program during the past year and recommended solutions to those problems for which additional resources or actions by the Congress are required.

(7) A description of the chemical warfare defense preparations that have been and are being undertaken by the Department of Defense to address needs which may arise under article X of the Chemical Weapons Convention.

(8) A summary of other preparations undertaken by the Department of Defense and the On-Site Inspection Agency to prepare for and to assist in the implementation of the convention, including activities such as training for inspectors, preparation of defense installations for inspections under the convention using the Defense Treaty Inspection Readiness Program, provision of chemical weapons detection equipment, and assistance in the safe transportation, storage, and destruction of chemical weapons in other signatory nations to the convention.

(9) A description of any program involving the testing of biological or chemical agents on human subjects that was carried out by the Department of Defense during the period covered by the report, together with—

(A) a detailed justification for the testing;

(B) a detailed explanation of the purposes of the testing;

(C) a description of each chemical or biological agent tested; and

(D) the Secretary's certification that informed consent to the testing was obtained from each human subject in advance of the testing on that subject.

(10) A description of the coordination and integration of the program of the Defense Advanced Research Projects Agency (DARPA) on basic and applied research and advanced technology development on chemical and biological warfare defense technologies and systems under section 1522(c)(2) of this title with the overall program of the Department of Defense on chemical and biological warfare defense, including—

(A) an assessment of the degree to which the DARPA program is coordinated and integrated with, and supports the objectives and requirements of, the overall program of the Department of Defense; and

(B) the means by which the Department determines the level of such coordination and support.

(Pub. L. 103–160, div. A, title XVII, § 1703, Nov. 30, 1993, 107 Stat. 1854; Pub. L. 105–85, div. A, title X, § 1078(f), Nov. 18, 1997, 111 Stat. 1915; Pub. L. 109–364, div. A, title X, § 1041, Oct. 17, 2006, 120 Stat. 2390.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1994, and not as part of Pub. L. 91–121, title IV, § 409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

AMENDMENTS

2006—Subsec. (b)(10). Pub. L. 109–364 added par. (10).

1997—Subsec. (b)(9). Pub. L. 105–85 added par. (9).

§ 1524. Agreements to provide support to vaccination programs of Department of Health and Human Services

(a) Agreements authorized

The Secretary of Defense may enter into agreements with the Secretary of Health and Human Services to provide support for vaccination programs of the Secretary of Health and Human Services in the United States through use of the excess peacetime biological weapons defense capability of the Department of Defense.

(b) Report

Not later than February 1, 1994, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of providing Department of Defense support for vaccination programs under subsection (a) of this section and shall identify resource requirements that are not within the Department's capability.

(Pub. L. 103–160, div. A, title XVII, § 1705, Nov. 30, 1993, 107 Stat. 1856.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1994, 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 the Committees on Appropriations of the Senate and House of Representatives, see section 3 of Pub. L. 103–160, 107 Stat. 1562. See note under section 101 of Title 10, Armed Forces.

§ 1525. Assistance for facilities subject to inspection under Chemical Weapons Convention

(a) Assistance authorized

Upon the request of the owner or operator of a facility that is subject to a routine inspection or a challenge inspection under the Chemical Weapons Convention, the Secretary of Defense may provide technical assistance to that owner or operator related to compliance of that facility with the Convention. Any such assistance shall be provided through the On-Site Inspection Agency of the Department of Defense.

(b) Reimbursement requirement

The Secretary may provide assistance under subsection (a) of this section only to the extent

that the Secretary determines that the Department of Defense will be reimbursed for costs incurred in providing the assistance. The United States National Authority may provide such reimbursement from amounts available to it. Any such reimbursement shall be credited to amounts available for the On-Site Inspection Agency.

(c) Definitions

In this section:

(1) The terms ''Chemical Weapons Convention'' and ''Convention'' mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

(2) The term ''facility that is subject to a routine inspection'' means a declared facility, as defined in paragraph 15 of part X of the Annex on Implementation and Verification of the Convention.

(3) The term ''challenge inspection'' means an inspection conducted under Article IX of the Convention.

(4) The term ''United States National Authority'' means the United States National 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 nonproliferation programs

(a) Prohibition

Except as provided in subsection (b) of this section, 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) of this section shall not apply to any activity conducted pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 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 subsec. (b), is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. Title V of the Act is classified generally to subchapter III (§ 413 et seq.) of chapter 15 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 401 of this title and 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.

CHAPTER 33—WAR POWERS RESOLUTION

Sec.
1541. Purpose and policy.
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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 hereof.

(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

Section 10 of Pub. L. 93–148 provided that: ''This joint resolution [enacting this chapter] shall take effect on the date of its enactment [Nov. 7, 1973].''

SHORT TITLE

Section 1 of Pub. L. 93–148 provided that: ''This joint resolution [enacting this chapter] may be cited as the 'War Powers Resolution'.''

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: