

Statutory Notes and Related Subsidiaries

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."

DEFINITIONS

For definition of "United States" as used in this section, unless otherwise indicated, see section 1514 of this title.

"Secretary" means the Secretary of Defense, see section 1512(1) of this title.

§ 1514. "United States" defined

Unless otherwise indicated, as used in this section¹ [50 U.S.C. 1512, 1513-1515, 1517] 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.)

Editorial Notes

REFERENCES IN TEXT

This section, referred to in text, means section 409 of Pub. L. 91-121. Subsecs. (b), (c) to (e), and (g) of section 409 of Pub. L. 91-121 are classified to sections 1512, 1513 to 1515, and 1517 of this title, respectively. Section 409(a) of Pub. L. 91-121 was classified to section 1511 of this title, prior to repeal by Pub. L. 104-106, div. A, title X, §1061(k), Feb. 10, 1996, 110 Stat. 443. Section 409(f) of Pub. L. 91-121 was classified to section 1516 of this title, prior to being eliminated upon the enactment of similar provisions by section 506(a) of Pub. L. 91-441.

§ 1515. Suspension; Presidential authorization

After November 19, 1969, the operation of this section¹ [50 U.S.C. 1512, 1513-1515, 1517], 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.)

Editorial Notes

REFERENCES IN TEXT

This section, referred to in text, means section 409 of Pub. L. 91-121. Subsecs. (b), (c) to (e), and (g) of section 409 of Pub. L. 91-121 are classified to sections 1512, 1513 to 1515, and 1517 of this title, respectively. Section 409(a) of Pub. L. 91-121 was classified to section 1511 of this title, prior to repeal by Pub. L. 104-106, div. A, title X, §1061(k), Feb. 10, 1996, 110 Stat. 443. Section 409(f) of Pub. L. 91-121 was classified to section 1516 of this title, prior to being eliminated upon the enactment of similar provisions by section 506(a) of Pub. L. 91-441.

§ 1516. Delivery systems

None of the funds authorized to be appropriated by this Act shall be used for the procure-

¹ See References in Text note below.

¹ See References in Text note below.

ment 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.)

Editorial Notes

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.

PRIOR PROVISIONS

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 section¹ [50 U.S.C. 1512, 1513-1515, 1517] 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 section¹ 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.)

Editorial Notes

REFERENCES IN TEXT

This section, referred to in text, means section 409 of Pub. L. 91-121. Subsecs. (b), (c) to (e), and (g) of section 409 of Pub. L. 91-121 are classified to sections 1512, 1513 to 1515, and 1517 of this title, respectively. Section 409(a) of Pub. L. 91-121 was classified to section 1511 of this title, prior to repeal by Pub. L. 104-106, div. A, title X, §1061(k), Feb. 10, 1996, 110 Stat. 443. Section 409(f) of Pub. L. 91-121 was classified to section 1516 of this title, prior to being eliminated upon the enactment of similar provisions by section 506(a) of Pub. L. 91-441.

Statutory Notes and Related Subsidiaries

DEFINITION OF "UNITED STATES"

For definition of "United States" as used in this section, see section 1514 of this title.

¹ See References in Text note below.

§ 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.)

Editorial Notes

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.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 94-106, Oct. 7, 1975, 89 Stat. 531, 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 ar-

tillery 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.)

Editorial Notes

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), the prohibition in subsection (a) 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.