

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 10 - BIOLOGICAL WEAPONS

§ 175. Prohibitions with respect to biological weapons

(a) **In General.**— Whoever knowingly develops, produces, stockpiles, transfers, acquires, retains, or possesses any biological agent, toxin, or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so, or attempts, threatens, or conspires to do the same, shall be fined under this title or imprisoned for life or any term of years, or both. There is extraterritorial Federal jurisdiction over an offense under this section committed by or against a national of the United States.

(b) **Additional Offense.**— Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. In this subsection, the terms “biological agent” and “toxin” do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

(c) **Definition.**— For purposes of this section, the term “for use as a weapon” includes the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system for other than prophylactic, protective, bona fide research, or other peaceful purposes.

(Added Pub. L. 101–298, § 3(a), May 22, 1990, 104 Stat. 201; amended Pub. L. 104–132, title V, § 511(b)(1), Apr. 24, 1996, 110 Stat. 1284; Pub. L. 107–56, title VIII, § 817(1), Oct. 26, 2001, 115 Stat. 385; Pub. L. 107–188, title II, § 231(c)(1), June 12, 2002, 116 Stat. 661.)

Amendments

2002—Subsec. (c). Pub. L. 107–188 substituted “protective, bona fide research, or other peaceful purposes” for “protective bona fide research, or other peaceful purposes”.

2001—Subsec. (b). Pub. L. 107–56, § 817(1)(C), added subsec. (b). Former subsec. (b) redesignated (c).

Pub. L. 107–56, § 817(1)(A), substituted “includes” for “does not include” and inserted “other than” after “delivery system for” and “bona fide research” after “protective”.

Subsec. (c). Pub. L. 107–56, § 817(1)(B), redesignated subsec. (b) as (c).

1996—Subsec. (a). Pub. L. 104–132 inserted “or attempts, threatens, or conspires to do the same,” before “shall be fined under this title”.

Short Title

Section 1 of Pub. L. 101–298 provided that: “This Act [enacting this chapter and amending section 2516 of this title] may be cited as the ‘Biological Weapons Anti-Terrorism Act of 1989’.”

Purpose and Intent

Section 2 of Pub. L. 101–298 provided that:

“(a) Purpose.—The purpose of this Act [see Short Title note above] is to—

“(1) implement the Biological Weapons Convention, an international agreement unanimously ratified by the United States Senate in 1974 and signed by more than 100 other nations, including the Soviet Union; and

“(2) protect the United States against the threat of biological terrorism.

“(b) Intent of Act.—Nothing in this Act is intended to restrain or restrict peaceful scientific research or development.”