

115TH CONGRESS  
2D SESSION

# S. 2

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## AN ACT

To amend section 175b of title 18, United States Code,  
to correct a scrivener's error.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Effective Prosecution  
3 of Possession of Biological Toxins and Agents Act of  
4 2018”.

5 **SEC. 2. PROHIBITION ON THE POSSESSION OF BIOLOGICAL**  
6 **TOXINS AND AGENTS.**

7       Section 175b of title 18, United States Code, is  
8 amended—

9           (1) in subsection (a)—

10               (A) by striking “(a)(1) No restricted” and  
11               all that follows through the end of paragraph  
12               (1) and inserting the following:

13       “(a) OFFENSE.—

14           “(1) IN GENERAL.—It shall be unlawful for a  
15       restricted person to—

16               “(A) ship, transport, or possess in or af-  
17       fecting interstate or foreign commerce any bio-  
18       logical agent or toxin described in paragraph  
19       (2); or

20               “(B) receive any biological agent or toxin  
21       described in paragraph (2) that has been  
22       shipped or transported in interstate or foreign  
23       commerce.

24       “(2) AGENTS AND TOXINS COVERED.—A bio-  
25       logical agent or toxin described in this paragraph is  
26       a biological agent or toxin that—

1           “(A) is listed as a non-overlap or overlap  
2           select biological agent or toxin under part 73 of  
3           title 42, Code of Federal Regulations, pursuant  
4           to section 351A of the Public Health Service  
5           Act (42 U.S.C. 262a); and

6           “(B) is not excluded or exempted under  
7           part 73 of title 42, Code of Federal Regula-  
8           tions.”; and

9           (B) by striking “(2) Whoever” and insert-  
10          ing “(3) PENALTY.—Whoever” and adjusting  
11          the margin accordingly; and

12          (2) in subsection (d), in the matter preceding  
13          paragraph (1), by inserting “DEFINITIONS.—” be-  
14          fore “In this section:”.

Passed the Senate December 18, 2018.

Attest:

*Secretary.*

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