

## US Code extracts

### Title 18

#### **Sec. 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)** Definition. -

For purposes of this section, the term "for use as a weapon" does not include the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system for prophylactic, protective, or other peaceful purposes.

#### **Sec. 175a. - Requests for military assistance to enforce prohibition in certain emergencies**

The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10

## **Sec. 176. - Seizure, forfeiture, and destruction**

### **(a) In General. -**

#### **(1)**

Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any biological agent, toxin, or delivery system that -

#### **(A)**

exists by reason of conduct prohibited under section 175 of this title; or

#### **(B)**

is of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

#### **(2)**

In exigent circumstances, seizure and destruction of any biological agent, toxin, or delivery system described in subparagraphs (A) and (B) of paragraph (1) may be made upon probable cause without the necessity for a warrant.

### **(b) Procedure. -**

Property seized pursuant to subsection (a) shall be forfeited to the United States after notice to potential claimants and an opportunity for a hearing. At such hearing, the Government shall bear the burden of persuasion by a preponderance of the evidence. Except as inconsistent herewith, the same procedures and provisions of law relating to a forfeiture under the customs laws shall extend to a seizure or forfeiture under this section. The Attorney General may provide for the destruction or other appropriate disposition of any

biological agent, toxin, or delivery system seized and forfeited pursuant to this section.

**(c) Affirmative Defense. -**

It is an affirmative defense against a forfeiture under subsection (a)(1)(B) of this section that -

**(1)**

such biological agent, toxin, or delivery system is for a prophylactic, protective, or other peaceful purpose; and

**(2)**

such biological agent, toxin, or delivery system, is of a type and quantity reasonable for that purpose

## **Sec. 177. - Injunctions**

### **(a) In General. -**

The United States may obtain in a civil action an injunction against -

#### **(1)**

the conduct prohibited under section 175 of this title;

#### **(2)**

the preparation, solicitation, attempt, threat, or conspiracy to engage in conduct prohibited under section 175 of this title; or

#### **(3)**

the development, production, stockpiling, transferring, acquisition, retention, or possession, or the attempted development, production, stockpiling, transferring, acquisition, retention, or possession of any biological agent, toxin, or delivery system of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

### **(b) Affirmative Defense. -**

It is an affirmative defense against an injunction under subsection (a)(3) of this section that -

#### **(1)**

the conduct sought to be enjoined is for a prophylactic, protective, or other peaceful purpose; and

#### **(2)**

such biological agent, toxin, or delivery system is of a type and quantity reasonable for that purpose

## **Sec. 178. - Definitions**

As used in this chapter -

**(1)**

the term "biological agent" means any micro-organism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing -

**(A)**

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

**(B)**

deterioration of food, water, equipment, supplies, or material of any kind; or

**(C)**

deleterious alteration of the environment;

**(2)**

the term "toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including -

**(A)**

any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or

**(B)**

any poisonous isomer or biological product, homolog, or derivative of such a substance;

**(3)**

the term "delivery system" means -

**(A)**

any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

**(B)**

any vector;

**(4)**

the term "vector" means a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host; and

**(5)**

the term "national of the United States" has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))

....

## **Sec. 2332a. - Use of certain weapons of mass destruction**

**(a)** Offense Against a National of the United States or Within the United States. -

A person who, without lawful authority, uses, threatens, or attempts or conspires to use, a **weapon of mass destruction** (other than a chemical **weapon** as that term is defined in section 229F), including any **biological agent, toxin, or vector** (as those terms are defined in section 178) -

**(1)**

against a national of the United States while such national is outside of the United States;

**(2)**

against any person within the United States, and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce; or

**(3)**

against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

**(b)** Offense by National of the United States Outside of the United States. -

Any national of the United States who, without lawful authority, uses, or threatens, attempts, or conspires to use, a **weapon of mass destruction** (other than a chemical **weapon** (as that term is defined in section 229F)) outside of the United States shall be imprisoned

for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.

**(c) Definitions. -**

For purposes of this section -

**(1)**

the term "national of the United States" has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

**(2)**

the term "**weapon** of mass destruction" means -

**(A)**

any destructive device as defined in section 921 of this title;

**(B)**

any **weapon** that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

**(C)**

any **weapon** involving a disease organism; or

**(D)**

any **weapon** that is designed to release radiation or radioactivity at a level dangerous to human life

....



## **Sec. 842. - Unlawful acts**

### **(a)**

It shall be unlawful for any person -

#### **(1)**

to engage in the business of importing, manufacturing, or dealing in explosive materials without a license issued under this chapter;

#### **(2)**

knowingly to withhold information or to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive for the purpose of obtaining explosive materials, or a license, permit, exemption, or relief from disability under the provisions of this chapter; and

#### **(3)**

other than a licensee or permittee knowingly -

##### **(A)**

to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials, except that a person who lawfully purchases explosive materials from a licensee in a State contiguous to the State in which the purchaser resides may ship, transport, or cause to be transported such explosive materials to the State in which he resides and may receive such explosive materials in the State in which he resides, if such transportation, shipment, or receipt is permitted by the law of the State in which he resides; or

##### **(B)**

to distribute explosive materials to any person (other than a licensee or permittee) who the

distributor knows or has reasonable cause to believe does not reside in the State in which the distributor resides.

**(b)**

It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person except -

**(1)**

a licensee;

**(2)**

a permittee; or

**(3)**

a resident of the State where distribution is made and in which the licensee is licensed to do business or a State contiguous thereto if permitted by the law of the State of the purchaser's residence.

**(c)**

It shall be unlawful for any licensee to distribute explosive materials to any person who the licensee has reason to believe intends to transport such explosive materials into a State where the purchase, possession, or use of explosive materials is prohibited or which does not permit its residents to transport or ship explosive materials into it or to receive explosive materials in it.

**(d)**

It shall be unlawful for any person knowingly to distribute explosive materials to any individual who:

**(1)**

is under twenty-one years of age;

**(2)**

has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(3)**

is under indictment for a crime punishable by imprisonment for a term exceeding one year;

**(4)**

is a fugitive from justice;

**(5)**

is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

**(6)**

has been adjudicated a mental defective.

**(e)**

It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person in any State where the purchase, possession, or use by such person of such explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution.

**(f)**

It shall be unlawful for any licensee or permittee willfully to manufacture, import, purchase, distribute, or receive explosive materials without making such records as the Secretary may by regulation require, including, but not limited to, a statement of intended use, the name, date, place of birth, social security number or taxpayer identification number, and place of residence of any natural person to whom explosive materials are distributed. If explosive materials are distributed to a corporation or other business entity, such records shall include the identity and principal and local places of business and the name, date, place of birth, and place of residence of the natural person acting as agent of the corporation or other business entity in arranging the distribution.

**(g)**

It shall be unlawful for any licensee or permittee knowingly to make any false entry in any record which he is required to keep pursuant to this section or regulations promulgated under section 847 of this title.

**(h)**

It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.

**(i)**

It shall be unlawful for any person -

**(1)**

who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

**(2)**

who is a fugitive from justice;

**(3)**

who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

**(4)**

who has been adjudicated as a mental defective or who has been committed to a mental institution;

to ship or transport any explosive in interstate or foreign commerce or to receive or possess any explosive which has been shipped or transported in interstate or foreign commerce.

**(j)**

It shall be unlawful for any person to store any explosive material in a manner not in conformity with regulations promulgated by the Secretary. In promulgating such regulations, the Secretary shall take into consideration the class, type, and quantity of explosive materials to be stored, as well as the standards of safety and security recognized in the explosives industry.

**(k)**

It shall be unlawful for any person who has knowledge of the theft or loss of any explosive materials from his stock, to fail to report such theft or loss within twenty-four hours of discovery thereof, to the Secretary and to appropriate local authorities.

**(l)**

It shall be unlawful for any person to manufacture any plastic explosive that does not contain a detection agent.

**(m)**

**(1)**

It shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive that does not contain a detection agent.

**(2)**

This subsection does not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive that was imported or brought into, or manufactured in the United States prior to the date of enactment of this subsection by or on behalf of any agency of the United States performing military or police functions (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

**(n)**

**(1)**

It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive that does not contain a detection agent.

**(2)**

This subsection does not apply to -

**(A)**

the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to the date of enactment of this subsection by any person during the period beginning on that date and ending 3 years after that date of enactment; or

**(B)**

the shipment, transportation, transfer, receipt, or possession of any plastic explosive that was imported or brought into, or manufactured in the United States prior to the date of enactment of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives, with respect to the United States.

**(o)**

It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the date of enactment of this subsection, to fail to report to the Secretary within

120 days after such date of enactment the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may prescribe by regulation.

**(p) Distribution of Information Relating to Explosives, Destructive Devices, and **Weapons** of Mass Destruction. -**

**(1) Definitions. -**

In this subsection -

**(A)**

the term "destructive device" has the same meaning as in section 921(a)(4);

**(B)**

the term "explosive" has the same meaning as in section 844(j); and

**(C)**

the term "**weapon** of mass destruction" has the same meaning as in section 2332a(c)(2).

**(2) Prohibition. -**

It shall be unlawful for any person -

**(A)**

to teach or demonstrate the making or use of an explosive, a destructive device, or a **weapon** of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or **weapon** of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

**(B)**

to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a **weapon** of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or **weapon** of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence