

S. 744

# One Hundred Sixteenth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Thursday,  
the third day of January, two thousand and nineteen*

## An Act

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

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Effective Prosecution of Possession of Biological Toxins and Agents Act of 2019”.

### SEC. 2. PROHIBITION ON THE POSSESSION OF BIOLOGICAL TOXINS AND AGENTS.

Section 175b of title 18, United States Code, is amended—  
(1) in subsection (a)—

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

“(a) OFFENSE.—

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

“(A) ship, transport, or possess in or affecting interstate or foreign commerce any biological agent or toxin described in paragraph (2); or

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

“(2) AGENTS AND TOXINS COVERED.—A biological agent or toxin described in this paragraph is a biological agent or toxin that—

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

“(B) is not excluded or exempted under part 73 of title 42, Code of Federal Regulations.”; and

(B) by striking “(2) Whoever” and inserting “(3) PENALTY.—Whoever” and adjusting the margin accordingly; and

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(2) in subsection (d), in the matter preceding paragraph (1), by inserting “DEFINITIONS.—” before “In this section.”.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*