

## EFFECTIVE DATE

Section effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as an Effective Date of 1994 Amendment note under section 101 of Title 11.

**§ 157. Bankruptcy fraud**

A person who, having devised or intending to devise a scheme or artifice to defraud and for the purpose of executing or concealing such a scheme or artifice or attempting to do so—

(1) files a petition under title 11, including a fraudulent involuntary petition under section 303 of such title;

(2) files a document in a proceeding under title 11; or

(3) makes a false or fraudulent representation, claim, or promise concerning or in relation to a proceeding under title 11, at any time before or after the filing of the petition, or in relation to a proceeding falsely asserted to be pending under such title,

shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 103-394, title III, §312(a)(1)(B), Oct. 22, 1994, 108 Stat. 4140; amended Pub. L. 109-8, title III, §332(c), Apr. 20, 2005, 119 Stat. 103; Pub. L. 111-327, §2(b), Dec. 22, 2010, 124 Stat. 3562.)

**Editorial Notes**

## AMENDMENTS

2010—Par. (1). Pub. L. 111-327, §2(b)(1), struck out “bankruptcy” after “involuntary”.

Pars. (2), (3). Pub. L. 111-327, §2(b)(2), struck out “, including a fraudulent involuntary bankruptcy petition under section 303 of such title” after “title 11”.

2005—Pars. (1) to (3). Pub. L. 109-8, which directed insertion of “, including a fraudulent involuntary bankruptcy petition under section 303 of such title” after “title 11”, was executed by making the insertion after “title 11” wherever appearing, to reflect the probable intent of Congress.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of Title 11.

## EFFECTIVE DATE

Section effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as an Effective Date of 1994 Amendment note under section 101 of Title 11.

**§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules**

(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities

in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

(b) UNITED STATES ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION.—The individuals referred to in subsection (a) are—

(1) the United States attorney for each judicial district of the United States; and

(2) an agent of the Federal Bureau of Investigation for each field office of the Federal Bureau of Investigation.

(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.

(Added Pub. L. 109-8, title II, §203(b)(1), Apr. 20, 2005, 119 Stat. 49.)

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as an Effective Date of 2005 Amendment note under section 101 of Title 11.

**CHAPTER 10—BIOLOGICAL WEAPONS**

Sec.

175.	Prohibitions with respect to biological weapons.
175a.	Requests for military assistance to enforce prohibition in certain emergencies.
175b.	Select agents; certain other agents. <sup>1</sup>
175c.	Variola virus.
176.	Seizure, forfeiture, and destruction.
177.	Injunctions.
178.	Definitions.

**Editorial Notes**

## AMENDMENTS

2004—Pub. L. 108-458, title VI, §6911(b), Dec. 17, 2004, 118 Stat. 3775, added item 175c.

2002—Pub. L. 107-188, title II, §231(b)(2), June 12, 2002, 116 Stat. 661, substituted “Select agents; certain other agents” for “Possession by restricted persons” in item 175b.

2001—Pub. L. 107-56, title VIII, §817(3), Oct. 26, 2001, 115 Stat. 386, added item 175b.

1996—Pub. L. 104-201, div. A, title XIV, §1416(c)(1)(B), Sept. 23, 1996, 110 Stat. 2723, added item 175a.

**§ 175. Prohibitions with respect to biological weapons**

(a) IN GENERAL.—Whoever knowingly develops, produces, stockpiles, transfers, acquires, re-

<sup>1</sup> So in original. Does not conform to section catchline.

tains, 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.)

#### Editorial Notes

##### 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”.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 101-298, §1, May 22, 1990, 104 Stat. 201, 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

Pub. L. 101-298, §2, May 22, 1990, 104 Stat. 201, 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.”

#### § 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<sup>1</sup> 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.<sup>1</sup>

(Added Pub. L. 104-201, div. A, title XIV, §1416(c)(1)(A), Sept. 23, 1996, 110 Stat. 2723.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 382 of title 10, referred to in text, was renumbered section 282 of title 10, Armed Forces, by Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

#### § 175b. Possession by restricted persons

##### (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.

(3) PENALTY.—Whoever knowingly violates this section shall be fined as provided in this title, imprisoned not more than 10 years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized United States governmental activity.

##### (b) TRANSFER TO UNREGISTERED PERSON.—

(1) SELECT AGENTS.—Whoever transfers a select agent to a person who the transferor knows or has reasonable cause to believe is not registered as required by regulations under subsection (b) or (c) of section 351A of the Public Health Service Act shall be fined under this title, or imprisoned for not more than 5 years, or both.

(2) CERTAIN OTHER BIOLOGICAL AGENTS AND TOXINS.—Whoever transfers a biological agent

<sup>1</sup> See References in Text note below.