

tion, 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.

(Added Pub. L. 101–298, §3(a), May 22, 1990, 104 Stat. 202; amended Pub. L. 104–132, title V, §511(b)(2), Apr. 24, 1996, 110 Stat. 1284.)

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104–132 inserted “threat,” after “attempt.”

§ 178. Definitions

As used in this chapter—

(1) the term “biological agent” means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance, 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 or product of plants, animals, microorganisms (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes—

(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 or synthesized molecule, 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)).

(Added Pub. L. 101–298, §3(a), May 22, 1990, 104 Stat. 202; amended Pub. L. 104–132, title V,

§511(b)(3), title VII, §721(h), Apr. 24, 1996, 110 Stat. 1284, 1299; Pub. L. 107–188, title II, §231(c)(4), June 12, 2002, 116 Stat. 661.)

AMENDMENTS

2002—Par. (1). Pub. L. 107–188, §231(c)(4)(A), in introductory provisions substituted “means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance, capable of” for “means any microorganism, 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”.

Par. (2). Pub. L. 107–188, §231(c)(4)(B), in introductory provisions substituted “means the toxic material or product of plants, animals, microorganisms (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes—” for “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—”.

Par. (4). Pub. L. 107–188, §231(c)(4)(C), substituted “recombinant or synthesized molecule,” for “recombinant molecule, or biological product that may be engineered as a result of biotechnology,”.

1996—Par. (1). Pub. L. 104–132, §511(b)(3)(A), substituted “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” for “or infectious substance” in introductory provisions.

Par. (2). Pub. L. 104–132, §511(b)(3)(B)(i), (ii), in introductory provisions, inserted “the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule” after “means” and substituted “production, including—” for “production—”.

Par. (2)(A). Pub. L. 104–132, §511(b)(3)(B)(iii), inserted “or biological product that may be engineered as a result of biotechnology” after “poisonous substance”.

Par. (2)(B). Pub. L. 104–132, §511(b)(3)(B)(iv), inserted “or biological product” after “isomer”.

Par. (4). Pub. L. 104–132, §511(b)(3)(C), inserted “, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology,” after “organism”.

Par. (5). Pub. L. 104–132, §721(h), added par. (5).

CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

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AMENDMENTS

2018—Pub. L. 115-271, title VIII, § 8122(b), Oct. 24, 2018, 132 Stat. 4110, added item 220.

2012—Pub. L. 112-105, § 18(b), Apr. 4, 2012, 126 Stat. 304, inserted "or an officer or employee of the legislative or executive branch" after "Congress" in item 227.

2007—Pub. L. 110-81, title I, § 102(c), Sept. 14, 2007, 121 Stat. 739, added item 227.

2006—Pub. L. 109-177, title III, § 309(b), Mar. 9, 2006, 120 Stat. 242, added item 226.

2003—Pub. L. 108-198, § 2(b), Dec. 19, 2003, 117 Stat. 2900, added items 212 and 213 and struck out former items 212 "Offer of loan or gratuity to bank examiner" and 213 "Acceptance of loan or gratuity by bank examiner".

1994—Pub. L. 103-322, title XXXIII, § 330010(12), Sept. 13, 1994, 108 Stat. 2144, substituted "officers, and others in" for "officers and others, in" in item 203 and inserted "the" after "Federal Claims or" in item 204.

1992—Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted "United States Court of Federal Claims" for "United States Claims Court" in item 204.

1990—Pub. L. 101-647, title XXV, § 2510(b), title XXXV, § 3509, Nov. 29, 1990, 104 Stat. 4863, 4922, substituted "to Members" for "of Members" in item 203, substituted "United States Claims Court or United States Court of Appeals for the Federal Circuit" for "Court of Claims" in item 204, and added item 225.

1989—Pub. L. 101-194, title I, § 101(b), title IV, § 407(b), Nov. 30, 1989, 103 Stat. 1724, 1753, substituted "Restrictions on former officers, employees, and elected officials of the executive and legislative branches" for "Disqualification of former officers and employees; disqualification of partners of current officers and employees" in item 207 and added item 216.

1984—Pub. L. 98-473, title II, § 1107(b), Oct. 12, 1984, 98 Stat. 2146, substituted "Repealed" for "Receipt or charge of commissions or gifts for farm loan, land bank, or small business transactions" in item 216.

1978—Pub. L. 95-521, title V, § 501(b), Oct. 26, 1978, 92 Stat. 1867, struck out "in matters connected with former duties or official responsibilities" after "officers and employees" and inserted "of current officers and employees" after "partners of" in item 207.

1966—Pub. L. 89-486, § 8(c)(2), July 4, 1966, 80 Stat. 249, added item 219.

1964—Pub. L. 88-316, § 1(b), June 6, 1964, 78 Stat. 204, added item 224.

1962—Pub. L. 87-849, § 1(a), Oct. 23, 1962, 76 Stat. 1119, included conflicts of interests in chapter heading, and amended analysis generally to contain items 201 to 218. Prior to amendment, the analysis contained items 201 to 223.

1958—Pub. L. 85-699, title VII, § 702(d), Aug. 21 1958, 72 Stat. 698, included small business transactions in item 221.

§ 201. Bribery of public officials and witnesses

(a) For the purpose of this section—

(1) the term "public official" means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror;

(2) the term "person who has been selected to be a public official" means any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed; and

(3) the term "official act" means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit.

(b) Whoever—

(1) directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—

(A) to influence any official act; or

(B) to influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of the lawful duty of such official or person;

(2) being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

(A) being influenced in the performance of any official act;

(B) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) being induced to do or omit to do any act in violation of the official duty of such official or person;