

119TH CONGRESS
2D SESSION

S. _____

To impose mandatory minimum sentences for conspiracy to smuggle biological agents into the United States and for making false statements to Federal agents in connection with such smuggling, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To impose mandatory minimum sentences for conspiracy to smuggle biological agents into the United States and for making false statements to Federal agents in connection with such smuggling, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Biosecurity Smuggling
5 Deterrence Act of 2026”.

1 **SEC. 2. MANDATORY MINIMUM SENTENCES FOR CERTAIN**
2 **OFFENSES INVOLVING BIOLOGICAL AGENTS.**

3 (a) CONSPIRACY TO SMUGGLE BIOLOGICAL
4 AGENTS.—Section 371 of title 18, United States Code, is
5 amended—

6 (1) in the first undesignated paragraph, by
7 striking “If two” and inserting the following:

8 “(a) IN GENERAL.—Except as otherwise provided in
9 this section, if two”;

10 (2) in the second undesignated paragraph, by
11 striking “If, however,” and inserting the following:

12 “(b) MISDEMEANOR OFFENSE.—If”; and

13 (3) by adding at the end the following:

14 “(c) MANDATORY MINIMUM FOR BIOLOGICAL AGENT
15 SMUGGLING.—Notwithstanding any other provision of this
16 section or any other law, if the offense, the commission
17 of which is the object of the conspiracy, involves the smug-
18 gling into the United States, or the attempted smuggling
19 into the United States, of a biological agent or toxin (as
20 defined in section 178), the persons convicted shall be sen-
21 tenced to a term of imprisonment of not less than 20
22 years.”.

23 (b) FALSE STATEMENTS IN CONNECTION WITH BIO-
24 LOGICAL AGENT SMUGGLING.—Section 1001 of title 18,
25 United States Code, is amended by adding at the end the
26 following:

1 “(d) MANDATORY MINIMUM FOR STATEMENTS IN-
2 VOLVING BIOLOGICAL AGENTS.—Notwithstanding any
3 other provision of this section, if the matter within the
4 jurisdiction of the executive, legislative, or judicial branch
5 of the Government of the United States to which the false
6 statement, concealment, or false writing or document re-
7 lates involves the smuggling, importation, declaration, per-
8 mit application, or any other Federal authorization re-
9 garding a biological agent or toxin (as defined in section
10 178), the person convicted shall be sentenced to a term
11 of imprisonment of not less than 5 years.”.

12 (e) SMUGGLING OF BIOLOGICAL AGENTS.—Section
13 545 of title 18, United States Code, is amended—

14 (1) in the first undesignated paragraph, by in-
15 sserting “(a) IN GENERAL.—” before “Whoever
16 knowingly and willfully”;

17 (2) in the third undesignated paragraph, by
18 striking the period at the end of the sentence and
19 inserting “, unless the offense involves the smug-
20 gling or attempted smuggling of biological agents
21 under subsection (e).”;

22 (3) in the fourth undesignated paragraph—

23 (A) by inserting “(b) EVIDENCE SUFFI-
24 CIENT FOR CONVICTION.—” before “Proof of
25 defendant’s possession”; and

1 (B) by striking “the first or second para-
2 graph of this section” and inserting “subsection
3 (a)”;

4 (4) in the fifth undesignated paragraph, by in-
5 serting “(c) FORFEITURE.—” before “Merchandise
6 introduced”;

7 (5) in the sixth undesignated paragraph, by in-
8 serting “(d) DEFINITION OF UNITED STATES.—”
9 before “The term ‘United States’”; and

10 (6) by adding at the end the following:

11 “(e) MANDATORY MINIMUM FOR BIOLOGICAL AGENT
12 SMUGGLING.—Notwithstanding any other provision of this
13 section or any other law, if the offense involves the smug-
14 gling into the United States, or the attempted smuggling
15 into the United States, of a biological agent or toxin (as
16 defined in section 178), the person convicted shall be sen-
17 tenced to a term of imprisonment of not less than 20
18 years.”.

19 **SEC. 3. EFFECTIVE DATE.**

20 The amendments made by this Act shall apply to any
21 offense committed on or after the date of enactment of
22 this Act.