**TITLE 18**

**UNITED STATES CODE**

**§ 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)** pertains to conduct prohibited under section 175 of this [title [18 U.S.C. § 175](http://www.lexis.com/research/buttonTFLink?_m=e55fae7852911a6d7fe46e433f060cce&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b18%20USCS%20%a7%20176%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=2&_butInline=1&_butinfo=18%20USC%20175&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=4eab53ba9220ac14b921771320a7b81d)]; 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.

(As amended Sept. 13, 1994, [P.L. 103-322](http://www.lexis.com/research/buttonLink?_m=e55fae7852911a6d7fe46e433f060cce&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b18%20USCS%20%a7%20176%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=5&_butInline=1&_butinfo=LXE_103_PL_322&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=395d694c1dcc43d606fddd0dcfe1021f), Title XXXIII, § 330010(16), [108 Stat. 2144](http://www.lexis.com/research/buttonLink?_m=e55fae7852911a6d7fe46e433f060cce&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b18%20USCS%20%a7%20176%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=6&_butInline=1&_butinfo=LXE_108_STAT_2144&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=6a042a73b2db1c00d22f578d32fc62b9); June 12, 2002, [P.L. 107-188](http://www.lexis.com/research/buttonLink?_m=e55fae7852911a6d7fe46e433f060cce&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b18%20USCS%20%a7%20176%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=7&_butInline=1&_butinfo=LXE_107_PL_188&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=b94c18d688d76f99e7e6366d3e12f44c), Title II, Subtitle D, § 231(c)(3), [116 Stat. 661](http://www.lexis.com/research/buttonLink?_m=e55fae7852911a6d7fe46e433f060cce&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b18%20USCS%20%a7%20176%5d%5d%3e%3c%2fcite%3e&_butType=1&_butStat=0&_butNum=8&_butInline=1&_butinfo=LXE_116_STAT_661&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVlz-zSkAW&_md5=d410e0aeabc2d39d5231246a0c6bbcab).)