H.R. 347: Mr. Taylor of North Carolina.
H.R. 413: Mr. Udall of New Mexico and Mr. Abercrombie.
H.R. 423: Mr. Ose.
H.R. 466: Mr. Bartlett of Maryland.
H.R. 489: Mr. Weiner and Mr. Thompson of Mississippi.
H.R. 512: Mr. Aderholt.
H.R. 557: Mr. Kucinich and Mr. Bentsen.
H.R. 583: Mr. Borski and Mr. Eilers.
H.R. 614: Mr. Lucas of Kentucky.
H.R. 625: Mr. Burton of Indiana, Mr. DeMint, and Mr. J. E. Jones.
H.R. 721: Mr. Lewis of Georgia.
H.R. 750: Mr. Aderholt.
H.R. 772: Mr. Udall of New Mexico.
H.R. 784: Mr. Biley and Mr. Moran of Virginia.
H.R. 798: Mr. Crowley, Ms. Rivers, Mr. Wu, and Mr. Evans.
H.R. 826: Mr. Lampson.
H.R. 860: Mr. Oberstar, Mr. Quinn, and Mr. Menendez.
H.R. 925: Mr. Delahunt and Mr. Rahall.
H.R. 933: Mr. Hall of Ohio and Mrs. Mink of Hawaii.
H.R. 958: Mr. Matsu.
H.R. 1020: Mr. Berman, Ms. Pelosi, Mr. Bischop, Mr. Oberstar, Ms. Slaughter, Ms. Lee, and Mr. Lampson.
H.R. 1039: Ms. Pelosi, Mr. Dixon, and Mr. Leach.
H.R. 1057: Mr. Waxman and Ms. Pelosi.
H.R. 1083: Mr. Goodlatte.
H.R. 1115: Ms. Valazquez, Ms. Delauro, and Mr. Roemer.
H.R. 1168: Mr. Woolsey and Mr. Taylor of North Carolina.
H.R. 1217: Mr. Weller, Mr. Stump, Mr. Ackerman, Mr. Clement, and Mr. Jenkins.
H.R. 1238: Mrs. Wilson and Mr. Terry.
H.R. 1224: Ms. Berkley, Mr. Larson, and Mr. Davis of Illinois.
H.R. 1238: Mr. Davis of Illinois, Ms. Kaptur, and Mr. DeFazio.
H.R. 1257: Ms. Eddie Bernice Johnson of Texas.
H.R. 1265: Ms. Delauro and Mr. Engel.
H.R. 1300: Mr. Allen and Mr. Dreier.
H.R. 1303: Mr. Rangel, Ms. Lewis of Georgia, and Mr. Gutierrez.
H.R. 1317: Mr. Lewis of Kentucky and Mr. Sherwood.
H.R. 1325: Mr. LaFalce, Mrs. Meeke of Florida, Mr. Mica, and Mr. Blumenauer.
H.R. 1358: Mr. Walden of Oregon.
H.R. 1396: Mrs. Maloney of New York, Ms. Schakowsky, Mr. Sherman, Mr. Nadler, Mr. Serrano of California, Mr. Meehan, Ms. Jackson-Lee of Texas, Mrs. McCarthy of New York, Mr. Engel, Ms. Pelosi, Mr. Neal of Massachusetts, Mr. Pallone, and Mr. Evans.
H.R. 1402: Mr. Dicks, Mr. Martinez, Mr. Abercrombie, Mr. Cummings, Mr. Duncan, Mr. Kennedy of Rhode Island, and Mr. Gibson.
H.R. 1427: Mr. Billey.
H.R. 1435: Mr. Manzullo.
H.R. 1509: Mr. Fossella, Mr. Baldacci, Mr. Skelley, Mr. LaFalce, Mr. Hall of Texas, Mr. Kennedy of Rhode Island, Mr. Foley, and Mr. Gephardt.
H.R. 1531: Mr. Rahall and Mr. Thompson of Mississippi.
H.R. 1549: Mr. Phelps.
H.R. 1567: Mr. Edwards.
H.R. 1590: Mr. Davis of Illinois.
H.R. 1671: Mr. Culver of Florida and Mr. Luther.
H.R. 1684: Mr. Martinez and Ms. Slaughter.
H.R. 1714: Mr. Shadegg.
H.R. 1796: Mr. Kennedy of Rhode Island and Ms. Hodel of Oregon.
H.R. 1822: Mr. Inouye.
H.R. 1832: Ms. McKinney and Mr. Martinez.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1658

OFFERED BY: Mr. Hutchinson

AMENDMENT NO. 21: Page 5, strike line 22 and all that follows through line 5 on page 9 and insert the following:

"(6)(A) An innocent owner's interest in property shall not be forfeited in any judicial action under any civil forfeiture provision of this title, the Controlled Substance Act, or the Immigration and Naturalization Act of 1952.

(B)(i) With respect to a property interest acquired after the act giving rise to the forfeiture took place, a person is an innocent owner if, at the time of the act giving rise to forfeiture, the person did not know that the property was being used or was likely to be used in the commission of such illegal act, or

(ii) that upon learning that the property was being used or was likely to be used in the commission of such illegal act, the person promptly did all that reasonably could be expected to terminate or prevent such use of the property.

(iii) With respect to a property interest acquired after the act giving rise to the forfeiture took place, a person is an innocent owner if, at the time of the act giving rise to forfeiture, the person did not know that the property was being used or was likely to be used in the commission of such illegal act, or

(iv) that upon learning that the property was being used or was likely to be used in the commission of such illegal act, the person promptly did all that reasonably could be expected to terminate or prevent such use of the property.

(iii) Notwithstanding any other provision of this paragraph, no person may assert an ownership interest under this paragraph in contraband or other property that is illegal to possess. In addition, except as set forth in clause (ii), no person may assert an ownership interest under this paragraph in the illegal proceeds of a criminal act, irrespective of State property law.

(C) For the purposes of this paragraph: an owner' is an ownership interest in the specific property sought to be forfeited, including but not limited to a lien, mortgage, recorded security device or valid assignment of an ownership interest.

An owner does not include—

(i) a person with only a general unsecured interest in, or claim against, the property or estate of another person;

(ii) a bailee, unless the bailor is identified, and the bailor has authorized the bailee to claim in the forfeiture proceeding, pursuant to the Supplemental Rules for Admiralty and Maritime Claims;

(iii) a person who exercises no dominion or control over the property; or

(iv) a beneficial interest in, or claim against, the property by a person who holds or controls the property for the person described in clauses (i) and (ii) for a period of less than one year.

(D) If the court determines, in accordance with this paragraph, that an innocent owner has a partial interest in property otherwise subject to forfeiture, either a lease or an interest in possession by the entirety in such property, the court shall enter an appropriate order—
"(i) the moving party did not have actual notice of the seizure within sufficient time to file a claim within the time period provided by law.

"(b) If the court grants a motion made under paragraph (1), it shall set aside the declaration of forfeiture as to the moving party's interest pending forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.), which proceedings shall be instituted within 60 days of the entry of the order granting the motion.

"(C) If, at the time a motion made under this paragraph is granted, the forfeited property has been released, the United States may institute forfeiture proceedings under subparagraph (B) against a substitute sum of money equal to the value of the forfeited property at the time it was disposed of, plus interest.

"(D) The institution of forfeiture proceedings under subparagraph (B) shall not be barred by the expiration of the statute of limitations under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621 if the original publication of notice was initiated before the expiration of such limitations period.

"(E) A motion made under this paragraph shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by subsection (b). This paragraph shall apply to any administrative forfeiture under section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was initiated before the expiration of such limitations period.

"(F) This paragraph shall apply to any administrative forfeiture under subsection (a), and to any administrative forfeiture under the Controlled Substances Act, or under any other provision of law that incorporates the provisions of the customs laws.

Page 3, line 9, strike "C" and insert "G".

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OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 24: Page 24, line 21, strike "(a) IN GENERAL." and strike line 25 and all that follows through line 8 on page 15.

"(a) SHORT TITLE.ÐThis Act may be cited as the "Civil Asset Forfeiture Reform Act".

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
Sec. 3. Compensation for damage to seized property.
Sec. 4. Prejudgment and postjudgment interest.
Sec. 5. Applicability.

SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) ADMINISTRATIVE FORFEITURES.Ð(1) A nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the agency conducting a seizure of property must send written notice of the seizure under section 607(a) of the Tariff Act of 1930 (19 U.S.C. 1607(a)), such notice together with information on the applicable procedures shall be sent not later than 60 days after the seizure to each party known to the seizing agency at the time of the seizure to whom notice would have been required, including a lienholder's interest, in the seized article. If a party's identity or interest is not determined until after the seizure but is determined before a declaration of forfeiture is entered, such written notice and information shall be sent to such interested party not later than 60 days after the agency's determination of the identity of the party or the party's interest.

(b) If the Government does not provide notice of a seizure of property in accordance with subparagraph (A), it shall return the property pending the giving of such notice.

(c) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would be under section 3531 of title 18 for an order for an extension of time in which to comply with paragraph (1)(A). Such an extension shall be granted based on a showing of good cause.

(d) A person with an ownership or possessory interest in the seized article who failed to file a claim within the time period prescribed in subsection (b) may, on motion made not later than 2 years after the date of final publication of notice of seizure of the property, move to set aside a declaration of forfeiture entered pursuant to section 621 of the Tariff Act of 1930 (19 U.S.C. 1621). Such motion shall be granted if—

"(A) the Government failed to take reasonable steps to provide the claimant with notice of the forfeiture; and

"(B) the person otherwise had no actual notice of the seizure within sufficient time to enable the person to file a timely claim under subsection (b).

"(E) If the court grants a motion made under paragraph (3), it shall set aside the declaration of forfeiture entered pursuant to section 621 of the Tariff Act of 1930 (19 U.S.C. 1621) if the original publication of notice was initiated before the expiration of such limitations period.

"(4) Any person may bring a direct claim received against a declaration of forfeiture entered by a seizing agency.

"(F) FILING A CLAIM.—(1) Any person claiming such seized property may file a claim with the appropriate official after the seizure.

"(2) A claim under paragraph (1) may not be filed later than 30 days after—

"(A) the date of final publication of notice of seizure; or

"(B) in the case of a person receiving written notice, the date that such notice is received.

"(3) The claim shall set forth the nature and extent of the claimant's interest in the property and the basis for the claim.

"(4) Any person may bring a direct claim under subsection (b) without posting bond.

"(5) Before the date of final publication of notice of seizure, the Government shall institute forfeiture proceedings in accordance with section 602 et seq. of the Tariff Act of 1930 (19 U.S.C. 1602 et seq.) which proceeding shall be instituted not later than 60 days of the entry of the order granting the motion.

"(6) If, at the time a motion under this subsection is granted, the forfeited property has been disposed of by the Government in accordance with law, the Government shall institute forfeiture proceedings under paragraph (4). The property which will be the subject of the forfeiture proceedings instituted under paragraph (4) shall be a sum of money equal to the value of the forfeited property at the time it was disposed of, plus interest.

"(7) A motion made under this subsection shall be the exclusive means of obtaining judicial review of a declaration of forfeiture entered by a seizing agency.

"(b) IN GENERAL.ÐThis Act may be cited as the "Civil Asset Forfeiture Reform Act".

"(b) FILING A COMPLAINT.Ð(1) Any person claiming such seized property may file a claim with the appropriate official after the seizure.

"(2) A claim under paragraph (1) may not be filed later than 30 days after—

"(A) the date of final publication of notice of seizure; or

"(B) in the case of a person receiving written notice, the date that such notice is received.

"(3) The claim shall set forth the nature and extent of the claimant's interest in the property and the basis for the claim.

"(4) Any person may bring a direct claim under subsection (b) without posting bond.
by the Government and a claim has been filed, the Attorney General shall file a claim for forfeiture in the appropriate court in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims not later than 90 days after the claim was filed, or return the property pending the filing of a complaint. By mutual agreement between the Government and the claimant, the 90-day filing requirement may be waived.

(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with the 90-day requirement. Such an extension may be granted based on a showing of good cause.

(3) Upon the filing of a civil complaint, the claimant shall file a claim and answer in accordance with the Supplemental Rules for Certain Admiralty and Maritime Claims.

(4) Appointment of Counsel.—(1) If the person filing a claim is financially unable to obtain representation by counsel and requests that counsel be appointed, the court may appoint counsel to represent that person with respect to the claim. In determining whether to appoint counsel to represent the person filing the claim, the court shall take into account—

(A) the nature and value of the property subject to forfeiture, including the hardship to the claimant from the loss of the property seized, compared to the expense of appointing counsel;

(B) the claimant's standing to contest the forfeiture; and

(C) whether the claim appears to be made in good faith or to be frivolous.

(2) The court shall set the compensation for that representation, which shall be the equivalent to that provided for court-appointed counsel under section 300A of this title, and to pay such cost, there are authorized to be appropriated such sums as are necessary as an additional to the funds otherwise appropriated for the appointment of counsel under such section.

(3) The determination of whether to appoint counsel under this subsection shall be made following a hearing at which the Government shall have an opportunity to present evidence and examine the claimant. The claimant at such hearing shall not be admitted in any other proceeding except in accordance with the rules governing the admissibility of testimony adduced at a hearing for the purpose of obtaining evidence. Nothing in this paragraph shall be construed to prohibit the admission of any evidence that may be obtained in the course of a civil discovery in the forfeiture proceeding or through any other lawful investigative means.

(e) Burden of Proof.—In all suits or actions brought for the civil forfeiture of any property, the burden of proof at trial is on the United States to establish, by a preponderance of the evidence, that the property is subject to forfeiture. If the Government proves that the property is subject to forfeiture, the claimant shall have the burden of establishing any affirmative defense by a preponderance of the evidence.

(f) Innocent Owners.—(1) An innocent owner's interest in property shall not be forfeited in a civil forfeiture action.

(2) With respect to a property interest in existence at the time the illegal conduct giving rise to the forfeiture took place, the term "innocent owner" means an owner who—

(A) did not know of the conduct giving rise to the forfeiture; or

(B) upon learning of the conduct giving rise to the forfeiture, the claimant took all reasonable steps that a reasonable person would take in such circumstances to terminate such use of the property.

(3)(A) With respect to a property interest acquired after the conduct giving rise to the forfeiture has taken place, the term "innocent owner" means a person who, at the time the property interest was acquired, was not likely to have known that the property was subject to forfeiture, was not the spouse or minor child of the person who committed the offense giving rise to the forfeiture, and if the claimant acquired the interest in the property—

(i) in the case of a spouse, through dissolution of marriage or by operation of law, or

(ii) in the case of a minor child, as an inheritance upon the death of a parent, and not through a purchase. However, the claimant must establish, in accordance with subparagraph (A), that at the time of the acquisition of the property interest, the claimant was reasonably believed by the Government to believe that the property was subject to forfeiture, and was an owner of the property, as defined in paragraph (6).

(B) Notwithstanding any provision of this section, no person may assert an ownership interest under this section—

(A) in contraband or other property that it is illegal to possess; or

(B) in the illegal proceeds of a criminal act unless such person was a bona fide purchaser for value who was reasonably believed by the Government to believe that the property was subject to forfeiture.

(4) For purposes of paragraph (3) of this subsection a person does all that reasonably can be expected if the person—

(A) gave timely notice to an appropriate law enforcement agency of information that led to the claimant to know the conduct giving rise to a forfeiture would occur or has occurred; and

(B) in a timely fashion, revoked permission for those engaging in such conduct to use the property or took reasonable steps in consultation with an appropriate law enforcement agency to discourage or prevent the illegal use of the property.

The person is not required to take extraordinary steps that the person reasonably believes would be likely to subject the person to physical danger.

(6) As used in this subsection—

(A) the term "participation in the illegal conduct" means any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense;

(B) the term "owner" means a person with an ownership interest in the specific property sought to be forfeited, including a lien, mortgage, recorded security device, or valid assignment of an ownership interest. Such term does not include—

(i) a person with only a general unsecured interest in, or claim against, the property or estate of another;

(ii) a bail bond unless the bailor is identified and the bailee shows a colorable legitimate interest in the property seized; or

(iii) a nominee who exercises no dominion or control over the property;

(7) A person shall be considered to have known that the person's property was being used to participate in the illegal conduct if the person was aware, based on the commission of an illegal act if the person was willfully blind.

(8) If the court determines, in accordance with subsection (h), that an innocent owner had a partial interest in property otherwise subject to forfeiture, or a joint tenancy or other interest in property that is not otherwise subject to forfeiture, the court shall enter an appropriate order—

(A) severing the property;

(B) transferring the property to the Government with a provision that the Government compensate the innocent owner to the extent of his or her ownership interest once a final order of forfeiture has been entered and the property has been reduced to liquid assets; or

(C) permitting the innocent owner to retain the property subject to a lien in favor of the Government to the extent of the forfeitable interest in the property, that will permit the Government to realize its forfeitable interest if the property is transferred to another owner.

To effectuate the purposes of this subsection, a joint tenancy or tenancy by the entitiles shall be converted to a tenancy in common for that period of the order of the court, irrespective of state law.

(8) An innocent owner defense under this subsection is an affirmative defense.

(9) Motion To Suppress Seized Evidence.—At any time after a claim and answer are filed in a judicial forfeiture proceeding, a claimant may file a motion to suppress the evidence that the property was used to participate in a violation of the law giving rise to the forfeiture.

(10) Use of Hearsay At Pre-Trial Hearings.—At any pre-trial hearing under this section in which the governing standard is probable cause, the court may accept and consider hearsay otherwise inadmissible under the Federal Rules of Evidence.

(ii) Stipulations.—(A) Except as provided in paragraph (4), a stipulation signed by the claimant and the Government with respect to the seizure of the property shall be entered into evidence. If any stipulation is entered as evidence that the Government cannot or will not comply with the terms of the stipulation, the court, upon a showing of good cause, may order the Government to provide the evidence specified in the stipulation.

(ii) Use of Hearsay At Pre-Trial Hearings.—At any pre-trial hearing under this section in which the governing standard is probable cause, the court may accept and consider hearsay otherwise inadmissible under the Federal Rules of Evidence.

(12) Use of Hearsay At Pre-Trial Hearings.—At any pre-trial hearing under this section in which the governing standard is probable cause, the court may accept and consider hearsay otherwise inadmissible under the Federal Rules of Evidence.

(13) Use of Hearsay At Pre-Trial Hearings.—At any pre-trial hearing under this section in which the governing standard is probable cause, the court may accept and consider hearsay otherwise inadmissible under the Federal Rules of Evidence.
have the burden of establishing that a forfeiture is excessive by a preponderance of the evidence at a hearing conducted in the manner provided in Rule 43(e), Federal Rules of Civil Procedure. The court may accept the claimant's accounting as a matter of summary judgment, and a finding that the property was seized for the purpose of forfeiture under any provision of this title, the Controlled Substances Act, or the Immigration and Naturalization Act.''

This title, the Controlled Substances Act, or the Immigration and Naturalization Act.

"(2) If property returned to the claimant under this section is lost, stolen, or diminished in value, any insurance proceeds shall be paid to the United States and such proceeds shall be subject to forfeiture in place of the property originally seized.

"(c) This section shall not apply if the seized property—

(1) is located abroad, currency or other monetary instrument, or electronic funds unless such currency or other monetary instrument or electronic funds constitute the assets of a business which has been seized;

(2) is evidence of a violation of the law;

(3) by reason of design or other characteristic, is particularly suited for use in illegal activity;

(4) is likely to be used to commit additional criminal acts if returned to the claimant;

(5) Once a motion for the release of property under this section is filed, the person filing the motion may request that the motion be transferred to another district where a civil forfeiture venue for the property would lie under section 1355(b) of title 28 pursuant to the change of venue provisions in section 1404 of title 28.

"Chapter Analysis—The chapter analysis for chapter 46 of title 18, United States Code, is amended—

(d) Civil forfeiture of proceeds. SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) Claims Act. Section 2800(c) of title 28, United States Code, is amended—

(1) by striking "law enforcement" and inserting "law enforcement"; and

(2) by inserting before the period the following:

"For the purpose of the provisions of subparagraphs (b) through (h) of paragraph (1) which provide for the forfeiture of proceeds of an offense or property traceable thereto, where the proceeds have been commingled with or invested in real or personal property, the portion of the proceeds derived from the proceeds shall be regarded as property traceable to the forfeitable proceeds. Where the proceeds of the offense have been invested in real or personal property that has appreciated in value, whether the relationship of the property to the proceeds is too attenuated to support the forfeiture of such property shall be determined in accordance with the excessive fines clause of the Eighth Amendment.

SEC. 3. COMPENSATION FOR DAMAGE TO SEIZED PROPERTY.

(a) Claims Act. Section 2800(c) of title 28, United States Code, is amended—

(1) by striking "law enforcement" and inserting "law enforcement"; and

(2) by inserting before the period the following:

"For the purpose of the provisions of subparagraphs (b) through (h) of paragraph (1) which provide for the forfeiture of proceeds of an offense or property traceable thereto, where the proceeds have been commingled with or invested in real or personal property, the portion of the proceeds derived from the proceeds shall be regarded as property traceable to the forfeitable proceeds. Where the proceeds of the offense have been invested in real or personal property that has appreciated in value, whether the relationship of the property to the proceeds is too attenuated to support the forfeiture of such property shall be determined in accordance with the excessive fines clause of the Eighth Amendment.

(b) Limitations. The Attorney General may not pay a claim under paragraph (1) that is presented to the Attorney General more than 1 year after it occurs; or

(b) Limitations. The Attorney General may not pay a claim under paragraph (1) that is presented to the Attorney General more than 1 year after it occurs; or

(2) by inserting before the period the following:

"For the purpose of the provisions of subparagraphs (b) through (h) of paragraph (1) which provide for the forfeiture of proceeds of an offense or property traceable thereto, where the proceeds have been commingled with or invested in real or personal property, the portion of the proceeds derived from the proceeds shall be regarded as property traceable to the forfeitable proceeds. Where the proceeds of the offense have been invested in real or personal property that has appreciated in value, whether the relationship of the property to the proceeds is too attenuated to support the forfeiture of such property shall be determined in accordance with the excessive fines clause of the Eighth Amendment.

SEC. 4. PREJUDGMENT AND POSTJUDGMENT INTEREST.

Section 2405 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Upon"; and
(2) adding at the end the following:

"(b) INTEREST.—

"(1) POST-JUDGMENT.—Upon entry of judgment for the claimant in any proceeding to condemn or forfeit property seized or arrested under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, the United States shall be liable for post-judgment interest as set forth in section 1961 of this title.

"(2) PRE-JUDGMENT.—The United States shall not be liable for prejudgment interest in a proceeding under any provision of Federal law (other than the Tariff Act of 1930 or the Internal Revenue Code of 1986) providing for the forfeiture of property other than as a sentence imposed upon conviction of a criminal offense, except that in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale, the United States shall disgorge to the claimant any funds representing—

"(A) interest actually paid to the United States from the date of seizure or arrest of the property that resulted from the investment of the property in an interest-bearing account or instrument; and

"(B) for any period during which no interest is actually paid, an imputed amount of interest that such currency, instruments, or proceeds would have earned at the rate described in section 1961.

"(3) LIMITATION ON OTHER PAYMENTS.—The United States shall not be required to disgorge the value of any intangible benefits or make any other payments to the claimant not specifically authorized by this subsection.".

SEC. 5. APPLICABILITY.

Unless otherwise specified in this Act, the amendments made by this Act apply with respect to claims, suits, and actions filed on or after the date of the enactment of this Act.

H.R. 1658

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 26: At the end add the following:

SEC. 5. FORFEITURE FOR ALIEN SMUGGLING.
Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(l)(1) Any conveyance, including any vessel, vehicle, or aircraft which has been used or is being used in commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); and

"(2) Any property, real or personal that—

"(A) constitutes, is derived from, or is traceable to the proceeds obtained, directly or indirectly, from the commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)); or

"(B) is used to facilitate, or is intended to be used to facilitate, the commission of a violation of such section.

H.R. 1658

OFFERED BY: MRS. ROUKEMA

AMENDMENT NO. 27: Page 15, insert after line 8 the following:

SEC. 7. BULK CASH SMUGGLING.
Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(G)(i) Any monetary instrument, or combination of monetary instruments, in excess of $10,000 for which a currency report required by any provision of subchapter II of chapter 53 of title 31, United States Code, has not been filed and which has been concealed in any conveyance, article of luggage, merchandise, or other container being transported or transferred in interstate or foreign commerce or on the person of any individual who transports, transfers, or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside the United States or from a place outside the United States to a place within the United States.

"(ii) Upon a showing by the property owner by a preponderance of the evidence that any currency or monetary instruments involved in the offense giving rise to forfeiture under clause (i) were derived from a legitimate source and were intended for a lawful purpose, the court shall determine what portion of the property, if any, may be forfeited without being grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstance that have a bearing on the gravity of the offense. Such circumstances include the following: the value of the currency or other monetary instruments involved in the offense, efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice, and whether the offense is part of a pattern of repeated violations.".

H.R. 2084

OFFERED BY: MR. SANFORD

AMENDMENT NO. 3: Page 42, line 15, after the dollar amount, insert the following:

"(plus an additional reduction of $1,000,000)".

Page 42, line 18, after the dollar amount, insert the following: "(reduced by $1,000,000)".