

and content of the annual reports, shall perform the functions set forth in Section 121(a) of the Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 68a) [31 U.S.C. 9503]. In performing this function, the Secretary shall also be responsible for consulting with the Comptroller General.

JIMMY CARTER.

§ 9504. Review and recommendations

When necessary or when requested by either House of Congress or a committee of Congress, the Comptroller General shall—

(1) review financial and actuarial statements provided under section 9503 of this title to decide whether the reporting requirements of section 9503 are adequate to carry out section 9501 of this title; and

(2) submit to Congress recommendations for legislation necessary to carry out section 9501 of this title.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1051.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9504	31:68b.	Sept. 12, 1950, ch. 946, 64 Stat. 832, § 122; added Nov. 4, 1978, Pub. L. 95-595, § 1, 92 Stat. 2542.

The word “When” is substituted for “If” in both places as being more precise. The word “deemed” is omitted as unnecessary because of the restatement. The words “the General Accounting Office” are omitted as unnecessary because of the restatement and because the authority to act is vested in the Comptroller General.

CHAPTER 97—MISCELLANEOUS

Sec.	
9701.	Fees and charges for Government services and things of value.
9702.	Investment of trust funds.
9703.	Managerial accountability and flexibility.
9704.	Pilot projects for managerial accountability and flexibility.
9705.	Department of the Treasury Forfeiture Fund.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-22, title I, § 105(c)(2)(B), May 29, 2015, 129 Stat. 238, amended analysis generally, substituting items 9701 to 9705 for former items 9701 to 9704, which included two items 9703.

1993—Pub. L. 103-62, § 11(b)(2), Aug. 3, 1993, 107 Stat. 295, added item 9703 relating to managerial accountability and flexibility and item 9704.

1992—Pub. L. 102-393, title VI, § 638(b)(2), Oct. 6, 1992, 106 Stat. 1788, added item 9703.

Statutory Notes and Related Subsidiaries

KLEPTOCRACY ASSET RECOVERY REWARDS

Pub. L. 116-283, div. H, title XCVII, subtitle A, Jan. 1, 2021, 134 Stat. 4834, provided that:

“SEC. 9701. SHORT TITLE.

“The subtitle may be cited as the ‘Kleptocracy Asset Recovery Rewards Act’.

“SEC. 9702. SENSE OF CONGRESS.

“It is the sense of Congress that a stolen asset recovery rewards program to help identify and recover stolen assets linked to foreign government corruption and the proceeds of such corruption hidden behind complex financial structures is needed in order to—

“(1) intensify the global fight against corruption; and

“(2) serve United States efforts to identify and recover such stolen assets, forfeit proceeds of such corruption, and, where appropriate and feasible, return the stolen assets or proceeds thereof to the country harmed by the acts of corruption.

“SEC. 9703. DEPARTMENT OF THE TREASURY KLEPTOCRACY ASSET RECOVERY REWARDS PILOT PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established in the Department of the Treasury a program to be known as the ‘Kleptocracy Asset Recovery Rewards Pilot Program’ for the payment of rewards to carry out the purposes of this section.

“(2) PURPOSE.—The rewards program shall be designed to support U.S. Government programs and investigations aimed at restraining, seizing, forfeiting, or repatriating stolen assets linked to foreign government corruption and the proceeds of such corruption.

“(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of the Treasury, with the concurrence of the Secretary of State and the Attorney General, and in consultation, as appropriate, with the heads of such other departments and agencies as the Secretary may find appropriate.

“(b) REWARDS AUTHORIZED.—The Secretary of the Treasury may, with the concurrence of the Secretary of State and the Attorney General, and in consultation, as appropriate, with the heads of other relevant Federal departments and agencies, pay a reward to any individual, if that individual furnishes information leading to—

“(1) the restraining or seizure of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person;

“(2) the forfeiture of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person; or

“(3) where appropriate, the repatriation of stolen assets in an account at a U.S. financial institution (including a U.S. branch of a foreign financial institution), that come within the United States, or that come within the possession or control of any United States person.

“(c) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with any other payment authorized by the Department of Justice or other Federal agencies for the obtaining of information or other evidence, the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and the heads of such other agencies as the Secretary may find appropriate, shall establish procedures for the offering, administration, and payment of rewards under this section, including procedures for—

“(1) identifying actions with respect to which rewards will be offered;

“(2) the receipt and analysis of data; and

“(3) the payment of rewards and approval of such payments.

“(d) PAYMENT OF REWARDS.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of paying rewards pursuant to this section, there is authorized to be appropriated—

“(A) \$450,000 for fiscal year 2021; and

“(B) for each fiscal year, any amount, not to exceed the amount recovered during the fiscal year in stolen assets described under subsection (b), that the Secretary determines is necessary to carry out this program consistent with this section.

“(2) LIMITATION ON ANNUAL PAYMENTS.—Except as provided under paragraph (3), the total amount of rewards paid pursuant to this section may not exceed \$25 million in any calendar year.

“(3) PRESIDENTIAL AUTHORITY.—The President may waive the limitation under paragraph (2) with respect to a calendar year if the President provides written notice of such waiver to the appropriate committees of the Congress at least 30 days before any payment in excess of such limitation is made pursuant to this section.

“(4) PRIORITY OF PAYMENTS.—In paying any reward under this section, the Secretary shall, to the extent possible, make such reward payment—

“(A) first, from appropriated funds authorized under paragraph (1)(A); and

“(B) second, from appropriated funds authorized under paragraph (1)(B).

“(e) LIMITATIONS.—

“(1) SUBMISSION OF INFORMATION.—No award may be made under this section based on information submitted to the Secretary unless such information is submitted under penalty of perjury.

“(2) MAXIMUM AMOUNT.—No reward paid under this section may exceed \$5 million, unless the Secretary—

“(A) personally authorizes such greater amount in writing;

“(B) determines that offer or payment of a reward of a greater amount is necessary due to the exceptional nature of the case; and

“(C) notifies the appropriate committees of the Congress of such determination.

“(3) APPROVAL.—

“(A) IN GENERAL.—No reward amount may be paid under this section without the written approval of the Secretary, with the concurrence of the Secretary of State and the Attorney General.

“(B) DELEGATION.—The Secretary may not delegate the approval required under subparagraph (A) to anyone other than an Under Secretary of the Department of the Treasury.

“(4) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary shall, consistent with applicable law, take such measures in connection with the payment of the reward as the Secretary considers necessary to effect such protection.

“(5) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of a monetary payment.

“(f) INELIGIBILITY, REDUCTION IN, OR DENIAL OF REWARD.—

“(1) OFFICER AND EMPLOYEES.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of official duties, furnishes information described under subsection (b) shall not be eligible for a reward under this section.

“(2) PARTICIPATING INDIVIDUALS.—If the claim for a reward is brought by an individual who the Secretary has a reasonable basis to believe knowingly planned, initiated, directly participated in, or facilitated the actions that led to assets of a foreign state or governmental entity being stolen, misappropriated, or illegally diverted or to the payment of bribes or other foreign governmental corruption, the Secretary shall appropriately reduce, and may deny, such award. If such individual is convicted of criminal conduct arising from the role described in the preceding sentence, the Secretary shall deny or may seek to recover any reward, as the case may be.

“(g) REPORT.—

“(1) IN GENERAL.—Within 180 days of the enactment of this section [Jan. 1, 2021], and annually thereafter for 3 years, the Secretary shall issue a report to the appropriate committees of the Congress—

“(A) detailing to the greatest extent possible the amount, location, and ownership or beneficial ownership of any stolen assets that, on or after the date of the enactment of this section, come within the United States or that come within the possession or control of any United States person;

“(B) discussing efforts being undertaken to identify more such stolen assets and their owners or beneficial owners; and

“(C) including a discussion of the interactions of the Department of the Treasury with the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act [22 U.S.C. 262r(c)(2)]) to identify the amount, location, and ownership, or beneficial ownership, of stolen assets held in financial institutions outside the United States.

“(2) EXCEPTION.—The report issued under paragraph (1) shall not include information related to ongoing investigations or information related to closed investigations that would reveal identities of individuals not charged with a criminal offense, would reveal identities of investigative sources or methods, would reveal identities of witnesses, would compromise subsequent investigations, or the disclosure of which is otherwise prohibited by law, the Federal Rules of Criminal Procedure, regulation, or court order.

“(h) REPORT ON DISPOSITION OF RECOVERED ASSETS.—Within 360 days of the enactment of this Act [Jan. 1, 2021], the Secretary of the Treasury, with the concurrence of the Secretary of State and the Attorney General, shall issue a report to the appropriate committees of Congress describing policy choices and recommendations for disposition of stolen assets recovered pursuant to this section.

“(i) SUNSET OF PILOT PROGRAM.—The authorities under this section, as well as the program established pursuant to this section, shall terminate three years after the date of the enactment of this Act.

“(j) DEFINITIONS.—For purposes of this section:

“(1) APPROPRIATE COMMITTEES OF THE CONGRESS.—The term ‘appropriate committees of the Congress’ means the Committee on Financial Services of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

“(2) FINANCIAL ASSET.—The term ‘financial asset’ means any funds, investments, or ownership interests, as defined by the Secretary, that on or after the date of the enactment of this section come within the United States or that come within the possession or control of any United States person.

“(3) FOREIGN GOVERNMENT CORRUPTION.—The term ‘foreign government corruption’ means corruption, as defined by the United Nations Convention Against Corruption.

“(4) FOREIGN PUBLIC OFFICIAL.—The term ‘foreign public official’ includes any person who occupies a public office by virtue of having been elected, appointed, or employed, including any military, civilian, special, honorary, temporary, or uncompensated official.

“(5) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’, with respect to an individual, has the meaning given the term ‘member of the immediate family’ under section 36(k) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(k)).

“(6) REWARDS PROGRAM.—The term ‘rewards program’ means the program established in subsection (a)(1) of this section.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(8) STOLEN ASSETS.—The term ‘stolen assets’ means financial assets within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from foreign government corruption.”

§ 9701. Fees and charges for Government services and things of value

(a) It is the sense of Congress that each service or thing of value provided by an agency (except a mixed-ownership Government corporation) to

a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible.

(b) The head of each agency (except a mixed-ownership Government corporation) may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations prescribed by the heads of executive agencies are subject to policies prescribed by the President and shall be as uniform as practicable. Each charge shall be—

- (1) fair; and
- (2) based on—
 - (A) the costs to the Government;
 - (B) the value of the service or thing to the recipient;
 - (C) public policy or interest served; and
 - (D) other relevant facts.

(c) This section does not affect a law of the United States—

(1) prohibiting the determination and collection of charges and the disposition of those charges; and

(2) prescribing bases for determining charges, but a charge may be redetermined under this section consistent with the prescribed bases.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 1051.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9701	31:483a.	Aug. 31, 1951, ch. 376, § 501, 65 Stat. 290.

In the section, the words “agency (except a mixed-ownership Government corporation)” are substituted for “Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945 [31 U.S.C. 841 et seq.]” because of section 101 of the revised title and for consistency.

In subsection (a), the words “each service or thing of value provided” are substituted for “any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued” for consistency and to eliminate unnecessary words. The words “(including groups, associations, organizations, partnerships, corporations, or businesses)” are omitted as being included in “person” under 1:1.

In subsection (b), before clause (1), the words “may prescribe regulations establishing the charge for a service or thing of value provided by the agency” are substituted for “is authorized by regulation . . . to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of any existing one” for consistency, to eliminate unnecessary words, and because of the restatement. In clause (1), the words “and equitable” are omitted as being included in “fair”. In clause (2)(A), the words “direct and indirect” are omitted as surplus. In clause (2)(B), the words “of the service or thing” are added for clarity. In clause (2)(D), the words “and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts” are omitted as unnecessary because of section 3302(a) of this title.

Subsection (c) is substituted for 31:483a(provisos) for clarity and to eliminate unnecessary words.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–393, title VI, § 638(a), Oct. 6, 1992, 106 Stat. 1779, provided that: “This section [enacting section 9703

of this title and amending sections 981 and 982 of Title 18, Crimes and Criminal Procedure, section 1509 of Title 21, Food and Drugs, section 524 of Title 28, Judiciary and Judicial Procedure, and section 2003 of Title 39, Postal Service] may be cited as the ‘Treasury Forfeiture Fund Act of 1992’.”

§ 9702. Investment of trust funds

Except as required by a treaty of the United States, amounts held in trust by the United States Government (including annual interest earned on the amounts)—

- (1) shall be invested in Government obligations; and
- (2) shall earn interest at an annual rate of at least 5 percent.

(Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 1052.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9702	31:547a.	R.S. § 3659.

The section is substituted for 31:547a for clarity and consistency in the revised title.

§ 9703. Managerial accountability and flexibility

(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls, including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29),¹ the Director of the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater managerial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) may not be included in a performance plan unless it is endorsed by the agency that established the requirement, and the endorsement included in the proposing agency’s performance plan.

¹ See References in Text note below.

(e) A waiver shall be in effect for one or two years as specified by the Director of the Office of Management and Budget in approving the waiver. A waiver may be renewed for a subsequent year. After a waiver has been in effect for three consecutive years, the performance plan prepared under section 1115 may propose that a waiver, other than a waiver of limitations on compensation or remuneration, be made permanent.

(f) For purposes of this section, the definitions under section 1115(f)¹ shall apply.

(Added Pub. L. 103-62, §5(a), Aug. 3, 1993, 107 Stat. 289.)

Editorial Notes

REFERENCES IN TEXT

Section 1105(a)(29), referred to in subsec. (a), was redesignated section 1105(a)(28) of this title by Pub. L. 104-287, §4(1), Oct. 11, 1996, 110 Stat. 3388.

Section 1115(f), referred to in subsec. (f), was redesignated section 1115(g) of this title by Pub. L. 107-296, title XIII, §1311(a)(2), Nov. 25, 2002, 116 Stat. 2290.

CODIFICATION

Another section 9703 was renumbered section 9705 of this title.

Statutory Notes and Related Subsidiaries

CONSTRUCTION

No provision or amendment made by Pub. L. 103-62 to be construed as creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person not an officer or employee of the United States acting in such capacity to have standing to file any civil action in any court of the United States to enforce any provision or amendment made by Pub. L. 103-62, or to be construed as superseding any statutory requirement, see section 10 of Pub. L. 103-62, set out as a Construction of 1993 Amendment note under section 1101 of this title.

§ 9704. Pilot projects for managerial accountability and flexibility

(a) The Director of the Office of Management and Budget shall designate not less than five agencies as pilot projects in managerial accountability and flexibility for fiscal years 1995 and 1996. Such agencies shall be selected from those designated as pilot projects under section 1118 and shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

(b) Pilot projects in the designated agencies shall include proposed waivers in accordance with section 9703 for one or more of the major functions and operations of the agency.

(c) The Director of the Office of Management and Budget shall include in the report to the President and to the Congress required under section 1118(c)—

(1) an assessment of the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority in exchange for improved performance through a waiver; and

(2) an identification of any significant difficulties experienced by the pilot agencies in preparing proposed waivers.

(d) For purposes of this section the definitions under section 1115(f)¹ shall apply.

(Added Pub. L. 103-62, §6(b), Aug. 3, 1993, 107 Stat. 290.)

Editorial Notes

REFERENCES IN TEXT

Section 1115(f), referred to in subsec. (d), was redesignated section 1115(g) of this title by Pub. L. 107-296, title XIII, §1311(a)(2), Nov. 25, 2002, 116 Stat. 2290.

Statutory Notes and Related Subsidiaries

CONSTRUCTION

No provision or amendment made by Pub. L. 103-62 to be construed as creating any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in such capacity, and no person not an officer or employee of the United States acting in such capacity to have standing to file any civil action in any court of the United States to enforce any provision or amendment made by Pub. L. 103-62, or to be construed as superseding any statutory requirement, see section 10 of Pub. L. 103-62, set out as a Construction of 1993 Amendment note under section 1101 of this title.

§ 9705. Department of the Treasury Forfeiture Fund

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the “Department of the Treasury Forfeiture Fund” (referred to in this section as the “Fund”). The Fund shall be available to the Secretary, without fiscal year limitation, with respect to seizures and forfeitures made pursuant to any law (other than section 7301 or 7302 of the Internal Revenue Code of 1986) enforced or administered by the Department of the Treasury or the United States Coast Guard for the following law enforcement purposes:

(1)(A) Payment of all proper expenses of seizure (including investigative costs incurred by a Department of the Treasury law enforcement organization leading to seizure) or the proceedings of forfeiture and sale, including the expenses of detention, inventory, security, maintenance, advertisement, or disposal of the property, and if condemned by a court and a bond for such costs was not given, the costs as taxed by the court.

(B) Payment for—

(i) contract services;

(ii) the employment of outside contractors to operate and manage properties or to provide other specialized services necessary to dispose of such properties in an effort to maximize the return from such properties; and

(iii) reimbursing any Federal, State, or local agency for any expenditures made to perform the functions described in this subparagraph.

(C) Awards of compensation to informers under section 619 of the Tariff Act of 1930 (19 U.S.C. 1619).

(D) Satisfaction of—

(i) liens for freight, charges, and contributions in general average, notice of which has

¹ See References in Text note below.

been filed with the appropriate Customs officer according to law; and

(ii) subject to the discretion of the Secretary, other valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by a Department of the Treasury law enforcement organization. To determine the validity of any such lien or mortgage, the amount of payment to be made, and to carry out the functions described in this subparagraph, the Secretary may employ and compensate attorneys and other personnel skilled in State real estate law.

(E) Payment of amounts authorized by law with respect to remission and mitigation.

(F) Payment of claims of parties in interest to property disposed of under section 612(b) of the Tariff Act of 1930 (19 U.S.C. 1612(b)), in the amounts applicable to such claims at the time of seizure.

(G) Equitable sharing payments made to other Federal agencies, State and local law enforcement agencies, and foreign countries pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)), section 981 of title 18, or subsection (h) of this section, and all costs related thereto.

(H) Payment for services of experts and consultants needed by a Department of the Treasury law enforcement organization to carry out the organization's duties relating to seizure and forfeiture.

(I) Payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State or local law enforcement officers that are incurred in joint law enforcement operations with a Department of the Treasury law enforcement organization.

(J) Payment made pursuant to guidelines promulgated by the Secretary, if such payment is necessary and directly related to seizure and forfeiture program expenses for—

(i) the purchase or lease of automatic data processing systems (not less than a majority of which use will be related to such program);

(ii) training;

(iii) printing; and

(iv) contracting for services directly related to—

(I) the identification of forfeitable assets;

(II) the processing of and accounting for forfeitures; and

(III) the storage, maintenance, protection, and destruction of controlled substances.

(2) At the discretion of the Secretary—

(A) payment of awards for information or assistance leading to a civil or criminal forfeiture involving any Department of the Treasury law enforcement organization participating in the Fund;

(B) purchases of evidence or information by—

(i) a Department of the Treasury law enforcement organization with respect to—

(I) a violation of section 1956 or 1957 of title 18 (relating to money laundering); or

(II) a law, the violation of which may subject property to forfeiture under section 981 or 982 of title 18;

(ii) the United States Customs Service with respect to drug smuggling or a violation of section 542 or 545 of title 18 (relating to fraudulent customs invoices or smuggling);

(iii) the United States Secret Service with respect to a violation of—

(I) section 1028, 1029, or 1030 of title 18;

(II) any law of the United States relating to coins, obligations, or securities of the United States or of a foreign government; or

(III) any law of the United States which the United States Secret Service is authorized to enforce relating to fraud or other criminal or unlawful activity in or against any federally insured financial institution, the Resolution Trust Corporation, or the Federal Deposit Insurance Corporation;

(iv) the United States Customs Service or the Internal Revenue Service with respect to a violation of chapter 53 of this title (relating to the Bank Secrecy Act); and

(v) United States Immigration and Customs Enforcement with respect to a violation of chapter 77 of title 18 (relating to human trafficking), chapter 109A of title 18 (relating to sexual abuse), chapter 110 of title 18 (relating to child sexual exploitation), or chapter 117 of title 18 (relating to transportation for illegal sexual activity and related crimes);

(C) payment of costs for publicizing awards available under section 619 of the Tariff Act of 1930 (19 U.S.C. 1619);

(D) payment for equipment for any vessel, vehicle, or aircraft available for official use by a Department of the Treasury law enforcement organization to enable the vessel, vehicle, or aircraft to assist in law enforcement functions, and for other equipment directly related to seizure or forfeiture, including laboratory equipment, protective equipment, communications equipment, and the operation and maintenance costs of such equipment;

(E) the payment of claims against employees of the Customs Service settled by the Secretary under section 630 of the Tariff Act of 1930;

(F) payment for equipment for any vessel, vehicle, or aircraft available for official use by a State or local law enforcement agency to enable the vessel, vehicle, or aircraft to assist in law enforcement functions if the vessel, vehicle, or aircraft will be used in joint law enforcement operations with a Department of the Treasury law enforcement organization;

(G) reimbursement of private persons for expenses incurred by such persons in cooperating with a Department of the Treasury law enforcement organization in investigations and undercover law enforcement operations; and

(H) payment for training foreign law enforcement personnel with respect to seizure or forfeiture activities of the Department of the Treasury.

(b) LIMITATIONS.—

(1) Any payment made under subparagraph (D) or (E) of subsection (a)(1) with respect to a seizure or a forfeiture of property shall not exceed the value of the property at the time of the seizure.

(2) Any payment made under subsection (a)(1)(G) with respect to a seizure or forfeiture of property shall not exceed the value of the property at the time of disposition.

(3) The Secretary may exempt the procurement of contract services under the Fund from division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, section 6101(b) to (d) of title 41, and other provisions of law as may be necessary to maintain the security and confidentiality of related criminal investigations.

(4) The Secretary shall assure that any equitable sharing payment made to a State or local law enforcement agency pursuant to subsection (a)(1)(G) and any property transferred to a State or local law enforcement agency pursuant to subsection (h)—

(A) has a value that bears a reasonable relationship to the degree of participation of the State or local agency in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based; and

(B) will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.

(5) Amounts transferred by the Attorney General pursuant to section 524(c)(1) of title 28, or by the Postmaster General pursuant to section 2003 of title 39, and deposited into the Fund pursuant to subsection (d), shall be available for Federal law enforcement related purposes of the Department of the Treasury law enforcement organizations.

(c) FUNDS AVAILABLE TO UNITED STATES COAST GUARD.—

(1) The Secretary shall make available to the United States Coast Guard, from funds appropriated under subsection (g)(2) in excess of \$10,000,000 for a fiscal year, an amount equal to the net proceeds in the Fund derived from seizures by the Coast Guard.

(2) Funds made available under this subsection may be used to—

(A) pay for equipment for any vessel, vehicle, or aircraft available for official use by the United States Coast Guard to enable the vessel, vehicle, or aircraft to assist in law enforcement functions;

(B) pay for equipment for any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency to enable the vessel, vehicle, or aircraft to assist in law enforcement functions if the vessel, vehicle, or aircraft will be used in joint law enforcement operations with the United States Coast Guard;

(C) pay for overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint law enforcement operations with the United States Coast Guard;

(D) pay for expenses incurred in bringing vessels into compliance with applicable environmental laws prior to disposal by sinking.

(d) DEPOSITS AND CREDITS.—

(1) With respect to fiscal year 1993, there shall be deposited into or credited to the Fund—

(A) all currency forfeited during fiscal year 1993, and all proceeds from forfeitures during fiscal year 1993, under any law enforced or administered by the United States Customs Service or the United States Coast Guard;

(B) all income from investments made under subsection (e); and

(C) all amounts representing the equitable share of the United States Customs Service or the United States Coast Guard from the forfeiture of property under any Federal, State, local, or foreign law.

(2) With respect to fiscal years beginning after fiscal year 1993, there shall be deposited into or credited to the Fund—

(A) all currency forfeited after fiscal year 1993, and all proceeds from forfeitures after fiscal year 1993, under any law (other than sections 7301 and 7302 of the Internal Revenue Code of 1986) enforced or administered by a Department of the Treasury law enforcement organization or the United States Coast Guard;

(B) all income from investments made under subsection (e); and

(C) all amounts representing the equitable share of a Department of the Treasury law enforcement organization or the United States Coast Guard from the forfeiture of property under any Federal, State, local, or foreign law.

(e) INVESTMENTS.—Amounts in the Fund, and in any holding accounts associated with the Fund, which are not currently needed for the purposes of this section may be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

(f) REPORTS TO CONGRESS.—The Secretary shall transmit to the Congress, not later than February 1 of each year—

(1) a report on—

(A) the estimated total value of property forfeited with respect to which funds were not deposited in the Fund during the preceding fiscal year—

(i) under any law enforced or administered by the United States Customs Service or the United States Coast Guard, in the case of fiscal year 1993; and

(ii) under any law enforced or administered by the Department of the Treasury law enforcement organizations or the United States Coast Guard, in the case of fiscal years beginning after 1993; and

(B) the estimated total value of all such property transferred to any State or local law enforcement agency; and

(2) a report on—

(A) the balance of the Fund at the beginning of the preceding fiscal year;

(B) liens and mortgages paid and the amount of money shared with Federal, State, local, and foreign law enforcement agencies during the preceding fiscal year;

(C) the net amount realized from the operations of the Fund during the preceding fiscal year, the amount of seized cash being held as evidence, and the amount of money that has been carried over into the current fiscal year;

(D) any defendant's property, not forfeited at the end of the preceding fiscal year, if the equity in such property is valued at \$1,000,000 or more;

(E) the total dollar value of uncontested seizures of monetary instruments having a value of over \$100,000 which, or the proceeds of which, have not been deposited into the Fund pursuant to subsection (d) within 120 days after seizure, as of the end of the preceding fiscal year;

(F) the balance of the Fund at the end of the preceding fiscal year;

(G) the net amount, if any, of the excess unobligated amounts remaining in the Fund at the end of the preceding fiscal year and available to the Secretary for Federal law enforcement related purposes;

(H) a complete set of audited financial statements (including a balance sheet, income statement, and cash flow analysis) prepared in a manner consistent with the requirements of the Chief Financial Officers Act of 1990 (Public Law 101-576); and

(I) an analysis of income and expenses showing the revenue received or lost—

(i) by property category (such as general property, vehicles, vessels, aircraft, cash, and real property); and

(ii) by type of disposition (such as sale, remission, cancellation, placement into official use, sharing with State and local agencies, and destruction).

The Fund shall be subject to annual financial audits as authorized in the Chief Financial Officers Act of 1990 (Public Law 101-576).

(g) APPROPRIATIONS.—

(1) There are hereby appropriated from the Fund such sums as may be necessary to carry out the purposes described in subsection (a)(1).

(2) There are authorized to be appropriated from the Fund to carry out the purposes set forth in subsections (a)(2) and (c) not to exceed—

(A) \$25,000,000 for fiscal year 1993; and

(B) \$50,000,000 for each fiscal year after fiscal year 1993.

(3)(A) Subject to subparagraphs (B) and (C), at the end of each of fiscal years 1994, 1995, 1996, and 1997, the Secretary shall transfer from the Fund not more than \$100,000,000 to the Special Forfeiture Fund established by

section 6073 of the Anti-Drug Abuse Act of 1988.¹

(B) Transfers pursuant to subparagraph (A) shall be made only from excess unobligated amounts and only to the extent that, as determined by the Secretary, such transfers will not impair the future availability of amounts for the purposes described in subsection (a). Further, transfers under subparagraph (A) may not exceed one-half of the excess unobligated balance for a year. In addition, transfers under subparagraph (A) may be made only to the extent that the sum of the transfers in a fiscal year and one-half of the unobligated balance at the beginning of that fiscal year for the Special Forfeiture Fund does not exceed \$100,000,000.

(C) The Secretary of the Treasury shall reserve an amount not to exceed \$30,000,000 from the unobligated balances remaining in the Customs Forfeiture Fund on September 30, 1992, and such amount shall be transferred to the Fund on October 1, 1992, or, if later, the date that is 15 days after the date of the enactment of this section. Such amount shall be available for any expenses or activities authorized under this section. At the end of fiscal year² 1993, 1994, 1995, and 1996, the Secretary shall reserve in the Fund an amount not to exceed \$50,000,000 of the unobligated balances in the Fund, or, if the Secretary determines that a greater amount is necessary for asset specific expenses, an amount equal to not more than 10 percent of the total obligations from the Fund in the preceding fiscal year. At the end of fiscal year 1997, and at the end of each fiscal year thereafter, the Secretary shall reserve any amounts that are required to be retained in the Fund to ensure the availability of amounts in the subsequent fiscal year for purposes authorized under subsection (a). Unobligated balances remaining pursuant to section 4(B) of 9703(g)³ shall also be carried forward.

(4)(A) After reserving any amount authorized by paragraph (3)(C), any unobligated balances remaining in the Fund on September 30, 1993, shall be deposited into the general fund of the Treasury of the United States.

(B) After reserving any amount authorized by paragraph (3)(C) and after transferring any amount authorized by paragraph (3)(A), any unobligated balances remaining in the Fund on September 30, 1994, and on September 30 of each fiscal year thereafter, shall be available to the Secretary, without fiscal year limitation, for transfers pursuant to subparagraph (A)(ii)¹ and for obligation or expenditure in connection with the law enforcement activities of any Federal agency or of a Department of the Treasury law enforcement organization.

(C) Any obligation or expenditure in excess of \$500,000 with respect to an unobligated balance described in subparagraph (B) may not be made by the Secretary unless the Appropriations Committees of both Houses of Congress

¹ See References in Text note below.

² So in original. Probably should be "years".

³ So in original. Probably should be "paragraph (4)(B) of section 9703(g)".

are notified at least 15 days in advance of such obligation or expenditure.

(h) RETENTION OR TRANSFER OF PROPERTY.—

(1) The Secretary may, with respect to any property forfeited under any law (other than section 7301 or 7302 of the Internal Revenue Code of 1986) enforced or administered by the Department of the Treasury—

(A) retain any of the property for official use; or

(B) transfer any of the property to—

(i) any other Federal agency; or

(ii) any State or local law enforcement agency that participated directly or indirectly in the seizure or forfeiture of the property.

(2) The Secretary may transfer any forfeited personal property or the proceeds of the sale of any forfeited personal or real property to any foreign country which participated directly or indirectly in the seizure of⁴ forfeiture of the property, if such a transfer—

(A) is one with which the Secretary of State has agreed;

(B) is authorized in an international agreement between the United States and the foreign country; and

(C) is made to a country which, if applicable, has been certified under section 481(h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)).¹

(3) Nothing in this section shall affect the authority of the Secretary under section 981 of title 18 or section 616 of the Tariff Act of 1930 (19 U.S.C. 1616a).

(i) REGULATIONS.—The Secretary may prescribe such rules and regulations as may be necessary to carry out this section.

(j) CUSTOMS FORFEITURE FUND.—Notwithstanding any other provision of law—

(1) during any period when forfeited currency and proceeds from forfeitures under any law (other than section 7301 or 7302 of the Internal Revenue Code of 1986) enforced or administered by the Department of the Treasury or the United States Coast Guard, are required to be deposited in the Fund pursuant to this section—

(A) all moneys required to be deposited in the Customs Forfeiture Fund pursuant to section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b) shall instead be deposited in the Fund; and

(B) no deposits or withdrawals may be made to or from the Customs Forfeiture Fund pursuant to section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b); and

(2) any funds in the Customs Forfeiture Fund and any obligations of the Customs Forfeiture Fund on the effective date of the Treasury Forfeiture Act of 1992, shall be transferred to the Fund and all administrative costs of such transfer shall be paid for out of the Fund.

(k) LIMITATION OF LIABILITY.—The United States shall not be liable in any action relating

to property transferred under this section or under section 616 of the Tariff Act of 1930 (19 U.S.C. 1616a) if such action is based on an act or omission occurring after the transfer.

(l) AUTHORITY TO WARRANT TITLE.—Following the completion of procedures for the forfeiture of property pursuant to any law enforced or administered by the Department of the Treasury, the Secretary is authorized, at the Secretary's discretion, to warrant clear title to any subsequent purchaser or transferee of such forfeited property.

(m) FORFEITED PROPERTY.—For purposes of this section and notwithstanding section 524(c)(11)¹ of title 28 or any other law—

(1) during fiscal year 1993, property and currency shall be deemed to be forfeited pursuant to a law enforced or administered by the United States Customs Service if it is forfeited pursuant to—

(A) a judicial forfeiture proceeding when the underlying seizure was made by an officer of the United States Customs Service or the property was maintained by the United States Customs Service; or

(B) a civil administrative forfeiture proceeding conducted by the United States Customs Service; and

(2) after fiscal year 1993, property and currency shall be deemed to be forfeited pursuant to a law enforced or administered by a Department of the Treasury law enforcement organization if it is forfeited pursuant to—

(A) a judicial forfeiture proceeding when the underlying seizure was made by an officer of a Department of the Treasury law enforcement organization or the property was maintained by a Department of the Treasury law enforcement organization; or

(B) a civil administrative forfeiture proceeding conducted by a Department of the Treasury law enforcement organization.

(n) TRANSFERS TO ATTORNEY GENERAL AND POSTMASTER GENERAL.—

(1) The Secretary shall transfer from the Fund to the Attorney General for deposit in the Department of Justice Assets Forfeiture Fund amounts appropriate to reflect the degree of participation of participating Federal agencies in the law enforcement effort resulting in the forfeiture pursuant to laws enforced or administered by a Department of the Treasury law enforcement organization. For purposes of the preceding sentence, a "participating Federal agency" is an agency that participates in the Department of Justice Assets Forfeiture Fund.

(2) The Secretary shall transfer from the Fund to the Postmaster General for deposit in the Postal Service Fund amounts appropriate to reflect the degree of participation of the United States Postal Service in the law enforcement effort resulting in the forfeiture pursuant to laws enforced or administered by a Department of the Treasury law enforcement organization.

(o) DEFINITIONS.—For purposes of this section—

(1) DEPARTMENT OF THE TREASURY LAW ENFORCEMENT ORGANIZATION.—The term "Depart-

⁴ So in original. Probably should be "or".

ment of the Treasury law enforcement organization” means the United States Customs Service, the United States Secret Service, the Tax and Trade Bureau, the Internal Revenue Service, the Federal Law Enforcement Training Center, the Financial Crimes Enforcement Network, and any other law enforcement component of the Department of the Treasury so designated by the Secretary.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(Added Pub. L. 102–393, title VI, § 638(b)(1), Oct. 6, 1992, 106 Stat. 1779, § 9703; amended Pub. L. 103–182, title VI, § 685, Dec. 8, 1993, 107 Stat. 2220; Pub. L. 103–322, title IX, § 90205(c), Sept. 13, 1994, 108 Stat. 1994; Pub. L. 103–329, title I, § 112, Sept. 30, 1994, 108 Stat. 2391; Pub. L. 104–208, div. A, title I, § 101(f) [title I, § 116], Sept. 30, 1996, 110 Stat. 3009–314, 3009–325; Pub. L. 105–61, title I, § 122(b), (c), Oct. 10, 1997, 111 Stat. 1289; Pub. L. 107–296, title XI, § 1112(n), Nov. 25, 2002, 116 Stat. 2278; Pub. L. 111–350, § 5(h)(10), Jan. 4, 2011, 124 Stat. 3849; renumbered § 9705 and amended Pub. L. 114–22, title I, § 105(c)(1), May 29, 2015, 129 Stat. 237; Pub. L. 115–392, § 4(b), Dec. 21, 2018, 132 Stat. 5251.)

Editorial Notes

REFERENCES IN TEXT

Sections 7301 and 7302 of the Internal Revenue Code of 1986, referred to in subsecs. (a), (d)(2)(A), (h)(1), and (j)(1), are classified to sections 7301 and 7302, respectively, of Title 26, Internal Revenue Code. Section 5872(b)(2) of the Internal Revenue Code of 1986, referred to in subsec. (o)(1), is classified to section 5872(b)(2) of Title 26.

The Bank Secrecy Act, referred to in subsec. (a)(2)(B)(iv), is title I of Pub. L. 91–508, Oct. 26, 1970, 84 Stat. 1114, which is classified principally to chapter 21 (§ 1951 et seq.) of Title 12, Banks and Banking, and has also been the popular name of provisions reenacted as subchapter II of chapter 53 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1951 of Title 12 and Tables.

Section 630 of the Tariff Act of 1930, referred to in subsec. (a)(2)(E), is classified to section 1630 of Title 19, Customs Duties.

The Chief Financial Officers Act of 1990, referred to in subsec. (f), is Pub. L. 101–576, Nov. 15, 1990, 104 Stat. 2838. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 501 of this title and Tables.

Section 6073 of the Anti-Drug Abuse Act of 1988, referred to in subsec. (g)(3)(A), was classified to section 1509 of Title 21, Food and Drugs, prior to repeal by Pub. L. 109–469, title XI, § 1101(b), Dec. 29, 2006, 120 Stat. 3539.

The date of the enactment of this section, referred to in subsec. (g)(3)(C), is the date of the enactment of Pub. L. 102–393, which was approved Oct. 6, 1992.

Subparagraph (A)(ii), referred to in subsec. (g)(4)(B), means cl. (ii) of subsec. (g)(4)(A) which was repealed by Pub. L. 103–322, title IX, § 90205(c)(2)(B), Sept. 13, 1994, 108 Stat. 1995.

Section 481(h) of the Foreign Assistance Act of 1961, referred to in subsec. (h)(2)(C), was classified to section 2291(h) of Title 22, Foreign Relations and Intercourse, prior to repeal of subsec. (h) by Pub. L. 102–583, § 6(b)(2), Nov. 2, 1992, 106 Stat. 4932. Reference to section 481(h) of the Foreign Assistance Act of 1961 probably should be to section 490(a)(1) of the Act, which is classified to section 2291j(a)(1) of Title 22.

The effective date of the Treasury Forfeiture Act of 1992, referred to in subsec. (j)(2), probably means the date of enactment of the Treasury Forfeiture Fund Act of 1992, section 638 of Pub. L. 102–393, which was approved Oct. 6, 1992.

Section 524(c)(11) of title 28, referred to in subsec. (m), was redesignated section 524(c)(10) by Pub. L. 104–66, title I, § 1091(h)(2), Dec. 21, 1995, 109 Stat. 722.

AMENDMENTS

2018—Subsec. (a)(2)(B)(v). Pub. L. 115–392 inserted “; chapter 109A of title 18 (relating to sexual abuse), chapter 110 of title 18 (relating to child sexual exploitation), or chapter 117 of title 18 (relating to transportation for illegal sexual activity and related crimes)” after “(relating to human trafficking)”.

2015—Pub. L. 114–22, § 105(c)(1)(A), renumbered section 9703 of this title, relating to Department of the Treasury Forfeiture Fund, as this section.

Subsec. (a)(1)(I). Pub. L. 114–22, § 105(c)(1)(B)(i)(I), substituted “Payment” for “payment” and period for semicolon at end.

Subsec. (a)(1)(J). Pub. L. 114–22, § 105(c)(1)(B)(i)(II), which directed substitution of “Payment” for “payment”, was executed by making the substitution the first place appearing, to reflect the probable intent of Congress.

Subsec. (a)(2)(B)(iii)(I). Pub. L. 114–22, § 105(c)(1)(B)(ii)(I)(aa)(AA), substituted “of title 18” for “or title 18”.

Subsec. (a)(2)(B)(v). Pub. L. 114–22, § 105(c)(1)(B)(ii)(I)(aa)(BB)–(cc), added cl. (v).

Subsec. (a)(2)(G). Pub. L. 114–22, § 105(c)(1)(B)(ii)(II), inserted “and” at end.

Subsec. (a)(2)(H). Pub. L. 114–22, § 105(c)(1)(B)(ii)(III), substituted period for “; and” at end.

2011—Subsec. (b)(3). Pub. L. 111–350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

2002—Subsec. (a)(2)(B). Pub. L. 107–296, § 1112(n)(1), in cl. (iii)(III), inserted “and” at end, in cl. (iv), substituted a period for “; and” at end, and struck out cl. (v) which read as follows: “the Bureau of Alcohol, Tobacco and Firearms with respect to a violation of—

“(I) section 842(h) of title 18;

“(II) section 844(d), (e), (f), (g), (h), or (i) of title 18;

or

“(III) section 924(c) of title 18;”.

Subsec. (o). Pub. L. 107–296, § 1112(n)(2), (3), redesignated subsec. (p) as (o) and struck out former subsec. (o) which provided that provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of Customs laws, the remission or mitigation of such forfeiture, and the compromise of claims, would apply to seizures and forfeitures incurred, or alleged to have been incurred, under any applicable law enforced or administered by the Bureau of Alcohol, Tobacco and Firearms, and that duties that were imposed upon a Customs officer or any other person with respect to the seizure and forfeiture of property under the Customs laws would be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or any other person as had been authorized or designated for that purpose by the Secretary.

Subsec. (o)(1). Pub. L. 107–296, § 1112(n)(4), substituted “Tax and Trade Bureau” for “Bureau of Alcohol, Tobacco and Firearms”.

Subsec. (p). Pub. L. 107–296, § 1112(n)(3), redesignated subsec. (p) as (o).

1997—Subsec. (g)(3)(C). Pub. L. 105–61, § 122(b), inserted at end “Unobligated balances remaining pursuant to section 4(B) of 9703(g) shall also be carried forward.”

Subsec. (g)(4)(B). Pub. L. 105–61, § 122(c), struck out “, subject to subparagraph (C),” after “shall”.

1996—Subsec. (g)(3)(C). Pub. L. 104–208 substituted “1994, 1995, and 1996” for “and at the end of each fiscal year thereafter” and inserted at end “At the end of fiscal year 1997, and at the end of each fiscal year thereafter, the Secretary shall reserve any amounts that are required to be retained in the Fund to ensure the avail-

ability of amounts in the subsequent fiscal year for purposes authorized under subsection (a).’’

1994—Subsec. (a). Pub. L. 103-329 redesignated subpars. (G) and (J) of par. (2) as (I) and (J) of par. (1), respectively, and subpars. (H) and (I) of par. (2) as (G) and (H) of par. (2), respectively.

Subsec. (g)(3)(A). Pub. L. 103-322, § 90205(c)(1)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ‘‘Subject to subparagraphs (B) and (C), in each of fiscal years 1994 and 1995, the Secretary shall transfer from the Fund not more than \$10,000,000 to the Special Forfeiture Fund, established by section 6073 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1509), for activities authorized under the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3171 et seq.).’’

Subsec. (g)(3)(B). Pub. L. 103-322, § 90205(c)(1)(B), inserted at end ‘‘Further, transfers under subparagraph (A) may not exceed one-half of the excess unobligated balance for a year. In addition, transfers under subparagraph (A) may be made only to the extent that the sum of the transfers in a fiscal year and one-half of the unobligated balance at the beginning of that fiscal year for the Special Forfeiture Fund does not exceed \$100,000,000.’’

Subsec. (g)(4)(A). Pub. L. 103-322, § 90205(c)(2), struck out ‘‘(i)’’ after ‘‘(A)’’ and struck out cl. (ii) which read as follows: ‘‘Beginning in fiscal year 1994, and each fiscal year thereafter, the Secretary shall transfer to the Attorney General an amount agreed upon by the Secretary and the Attorney General (taking into account any amount transferred by the Secretary pursuant to paragraph (3)(A)). The amount transferred under this clause shall reflect the Department of the Treasury’s pro rata share of the amount required to be transferred by the Attorney General pursuant to section 524(c)(9)(B) of title 28.’’

1993—Subsec. (a)(2)(E) to (J). Pub. L. 103-182, § 685(1), (2), added subpar. (E) and redesignated former subpars. (E) to (I) as (F) to (J), respectively.

Subsec. (e). Pub. L. 103-182, § 685(3), substituted ‘‘may’’ for ‘‘shall’’ before ‘‘be kept on deposit’’.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

UNAVAILABLE COLLECTIONS

Pub. L. 105-61, title I, § 122(a), Oct. 10, 1997, 111 Stat. 1289, provided that: ‘‘The Secretary of the Treasury is authorized to receive all unavailable collections transferred from the Special Forfeiture Fund established by section 26073 [6073] of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1509) by the Director of the Office of Drug Control Policy as a deposit into the Treasury Forfeiture Fund (31 U.S.C. 9703(a)), to become available for obligation on October 1, 1998, as revenue available for purposes identified under 31 U.S.C. 9703(g)(4)(B).’’