

One Hundred Eleventh Congress  
of the  
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,  
the fifth day of January, two thousand and ten*

An Act

To amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Preserving Foreign Criminal Assets for Forfeiture Act of 2010”.

**SEC. 2. PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE  
UNDER FOREIGN LAW.**

Section 2467(d)(3)(A) of title 28, United States Code, is amended to read as follows:

“(A) RESTRAINING ORDERS.—

“(i) IN GENERAL.—To preserve the availability of property subject to civil or criminal forfeiture under foreign law, the Government may apply for, and the court may issue, a restraining order at any time before or after the initiation of forfeiture proceedings by a foreign nation.

“(ii) PROCEDURES.—

“(I) IN GENERAL.—A restraining order under this subparagraph shall be issued in a manner consistent with subparagraphs (A), (C), and (E) of paragraph (1) and the procedural due process protections for a restraining order under section 983(j) of title 18.

“(II) APPLICATION.—For purposes of applying such section 983(j)—

“(aa) references in such section 983(j) to civil forfeiture or the filing of a complaint shall be deemed to refer to the applicable foreign criminal or forfeiture proceedings; and

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“(bb) the reference in paragraph (1)(B)(i) of such section 983(j) to the United States shall be deemed to refer to the foreign nation.”.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*