(June 25, 1948, ch. 645, 62 Stat. 748; Pub. L. 103–322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 31, 36 (June 15, 1917, ch. 30, title V, §§ 1, 6, 40 Stat. 221, 222; Mar. 28, 1940, ch. 72, § 5, 54 Stat. 79).

Section consolidates said sections of title 18, U.S.C., 1940 ed., with minor changes in translations and phraseology.

Mandatory punishment provision was rephrased in the alternative.

The conspiracy provision of said section 36 was omitted as covered by section 371 of this title. See reviser's note under that section.

Changes in phraseology were also made.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $10,000''.

DELEGATION OF FUNCTIONS

For delegation to Secretary of Homeland Security of authority vested in President by this section, see section 1(m) of Ex. Ord. No. 10637, Sept. 16, 1955, 20 F.R. 7025, as amended, set out as a note under section 301 of Title 3, The President.

[§ 968. Repealed. Aug. 26, 1954, ch. 937, title V, § 542(a)(14), 68 Stat. 861]

Section, act June 25, 1948, ch. 645, 62 Stat. 748, related to exportation of war materials to certain countries. See section 1934 of Title 22, Foreign Relations and Intercourse.

[§ 969. Repealed. Pub. L. 101–647, title XII, § 1207(a), Nov. 29, 1990, 104 Stat. 4832]

Section, act June 25, 1948, ch. 645, 62 Stat. 748, related to penalties for exporting arms, liquor, and narcotics to Pacific Islands.

§ 970. Protection of property occupied by foreign governments

(a) Whoever willfully injures, damages, or destroys, or attempts to injure, damage, or destroy, any property, real or personal, located within the United States and belonging to or utilized or occupied by any foreign government or international organization, by a foreign official or official guest, shall be fined under this title, or imprisoned not more than five years, or both.

(b) Whoever, willfully with intent to intimidate, coerce, threaten, or harass—

(1) forcibly thrusts any part of himself or any object within or upon that portion of any building or premises located within the United States, which portion is used or occupied for official business or for diplomatic, consular, or residential purposes by—

(A) a foreign government, including such use as a mission to an international organization;

(B) an international organization;

(C) a foreign official; or

(D) an official guest; or

(2) refuses to depart from such portion of such building or premises after a request—

(A) by an employee of a foreign government or of an international organization, if such employee is authorized to make such request by the senior official of the unit of such government or organization which occupies such portion of such building or premises;

(B) by a foreign official or any member of the foreign official's staff who is authorized by the foreign official to make such request;

(C) by an official guest or any member of the official guest's staff who is authorized by the official guest to make such request; or

(D) by any person present having law enforcement powers;

shall be fined under this title or imprisoned not more than six months, or both.

(c) For the purpose of this section ''foreign government'', ''foreign official'', ''international organization'', and ''official guest'' shall have the same meanings as those provided in section 1116(b) of this title.

(Added Pub. L. 92–539, title IV, § 401, Oct. 24, 1972, 86 Stat. 1073; amended Pub. L. 94–467, § 7, Oct. 8, 1976, 90 Stat. 2000; Pub. L. 103–322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104–294, title VI, § 601(a)(2), Oct. 11, 1996, 110 Stat. 3498.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–294 substituted ''fined under this title'' for ''fined not more than $500'' in concluding provisions.

1994—Subsec. (a). Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $10,000''.

1976—Subsecs. (b), (c). Pub. L. 94–467 added subsec. (b), redesignated former subsec. (b) as (c), and struck out reference to section 1116(c) of this title.

CHAPTER 46—FORFEITURE

Sec.
981. Civil forfeiture.
982. Criminal forfeiture.
983. General rules for civil forfeiture proceedings.
984. Civil forfeiture of fungible property.
985. Civil forfeiture of real property.
986. Subpoenas for bank records.
987. Anti-terrorist forfeiture protection.

AMENDMENTS

2006—Pub. L. 109–177, title IV, § 406(b)(1)(A), Mar. 9, 2006, 120 Stat. 244, added item 987.

2000—Pub. L. 106–185, §§ 2(b), 7(b), Apr. 25, 2000, 114 Stat. 210, 215, added items 983 and 985.

1992—Pub. L. 102–550, title XV, §§ 1522(b), 1523(b), Oct. 28, 1992, 106 Stat. 4063, 4064, added items 984 and 986.

1988—Pub. L. 100–690, title VII, § 7069, Nov. 18, 1988, 102 Stat. 4405, substituted ''forfeiture'' for ''Forfeiture'' in items 981 and 982.

§ 981. Civil forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

(A) Any property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 of this title, or any property traceable to such property.

(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such an offense, if the offense—

(i) involves trafficking in nuclear, chemical, biological, or radiological weapons technology or material, or the manufacture, importation, sale, or distribution of a controlled substance (as that term is defined for purposes of the Controlled Substances Act), or any other conduct described in section 1956(c)(7)(B);

(ii) would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding 1 year; and

(iii) would be punishable under the laws of the United States by imprisonment for a term exceeding 1 year, if the act or activity constituting the offense had occurred within the jurisdiction of the United States.

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of section 215, 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 656, 657, 842, 844, 1005, 1006, 1007, 1014, 1028, 1029, 1030, 1032, or 1344 of this title or any offense constituting ''specified unlawful activity'' (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

(D) Any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, from a violation of—

(i) section 666(a)(1) (relating to Federal program fraud);

(ii) section 1001 (relating to fraud and false statements);

(iii) section 1031 (relating to major fraud against the United States);

(iv) section 1032 (relating to concealment of assets from conservator or receiver of insured financial institution);

(v) section 1341 (relating to mail fraud); or

(vi) section 1343 (relating to wire fraud),

if such violation relates to the sale of assets acquired or held by the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, as conservator or receiver for a financial institution, or any other conservator for a financial institution appointed by the Office of the Comptroller of the Currency or the Office of Thrift Supervision or the National Credit Union Administration, as conservator or liquidating agent for a financial institution.

(E) With respect to an offense listed in subsection (a)(1)(D) committed for the purpose of executing or attempting to execute any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent statements, pretenses, representations or promises, the gross receipts of such an offense shall include all property, real or personal, tangible or intangible, which thereby is obtained, directly or indirectly.

(F) Any property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, from a violation of—

(i) section 511 (altering or removing motor vehicle identification numbers);

(ii) section 553 (importing or exporting stolen motor vehicles);

(iii) section 2119 (armed robbery of automobiles);

(iv) section 2312 (transporting stolen motor vehicles in interstate commerce); or

(v) section 2313 (possessing or selling a stolen motor vehicle that has moved in interstate commerce).

(G) All assets, foreign or domestic—

(i) of any individual, entity, or organization engaged in planning or perpetrating any any[1] Federal crime of terrorism (as defined in section 2332b(g)(5)) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

(ii) acquired or maintained by any person with the intent and for the purpose of supporting, planning, conducting, or concealing any Federal crime of terrorism (as defined in section 2332b(g)(5)[2] against the United States, citizens or residents of the United States, or their property;

(iii) derived from, involved in, or used or intended to be used to commit any Federal crime of terrorism (as defined in section 2332b(g)(5)) against the United States, citizens or residents of the United States, or their property; or

(iv) of any individual, entity, or organization engaged in planning or perpetrating any act of international terrorism (as defined in section 2331) against any international organization (as defined in section 209 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4309(b)) or against any foreign Government.[3] Where the property sought for forfeiture is located beyond the territorial boundaries of the United States, an act in furtherance of such planning or perpetration must have occurred within the jurisdiction of the United States.

(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.

(2) For purposes of paragraph (1), the term ''proceeds'' is defined as follows:

(A) In cases involving illegal goods, illegal services, unlawful activities, and telemarketing and health care fraud schemes, the term ''proceeds'' means property of any kind obtained directly or indirectly, as the result of the commission of the offense giving rise to forfeiture, and any property traceable thereto, and is not limited to the net gain or profit realized from the offense.

(B) In cases involving lawful goods or lawful services that are sold or provided in an illegal manner, the term ''proceeds'' means the amount of money acquired through the illegal transactions resulting in the forfeiture, less the direct costs incurred in providing the

[1] So in original.

[2] So in original. A second closing parenthesis probably should appear.

[3] So in original. Probably should not be capitalized.

goods or services. The claimant shall have the burden of proof with respect to the issue of direct costs. The direct costs shall not include any part of the overhead expenses of the entity providing the goods or services, or any part of the income taxes paid by the entity.

(C) In cases involving fraud in the process of obtaining a loan or extension of credit, the court shall allow the claimant a deduction from the forfeiture to the extent that the loan was repaid, or the debt was satisfied, without any financial loss to the victim.

(b)(1) Except as provided in section 985, any property subject to forfeiture to the United States under subsection (a) may be seized by the Attorney General and, in the case of property involved in a violation investigated by the Secretary of the Treasury or the United States Postal Service, the property may also be seized by the Secretary of the Treasury or the Postal Service, respectively.

(2) Seizures pursuant to this section shall be made pursuant to a warrant obtained in the same manner as provided for a search warrant under the Federal Rules of Criminal Procedure, except that a seizure may be made without a warrant if—

(A) a complaint for forfeiture has been filed in the United States district court and the court issued an arrest warrant in rem pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims;

(B) there is probable cause to believe that the property is subject to forfeiture and—

(i) the seizure is made pursuant to a lawful arrest or search; or

(ii) another exception to the Fourth Amendment warrant requirement would apply; or

(C) the property was lawfully seized by a State or local law enforcement agency and transferred to a Federal agency.

(3) Notwithstanding the provisions of rule 41(a) of the Federal Rules of Criminal Procedure, a seizure warrant may be issued pursuant to this subsection by a judicial officer in any district in which a forfeiture action against the property may be filed under section 1355(b) of title 28, and may be executed in any district in which the property is found, or transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement. Any motion for the return of property seized under this section shall be filed in the district court in which the seizure warrant was issued or in the district court for the district in which the property was seized.

(4)(A) If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure.

(B) The application for the restraining order shall set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture, and shall contain a statement that the restraining order is needed to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.

(c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, the Secretary of the Treasury, or the Postal Service, as the case may be, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under this subsection, the Attorney General, the Secretary of the Treasury, or the Postal Service, as the case may be, may—

(1) place the property under seal;

(2) remove the property to a place designated by him; or

(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

(d) For purposes of this section, the provisions of the customs laws relating to the seizure, summary and judicial forfeiture, condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale of such property under this section, the remission or mitigation of such forfeitures, and the compromise of claims (19 U.S.C. 1602 et seq.), insofar as they are applicable and not inconsistent with the provisions of this section, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, the Secretary of the Treasury, or the Postal Service, as the case may be. The Attorney General shall have sole responsibility for disposing of petitions for remission or mitigation with respect to property involved in a judicial forfeiture proceeding.

(e) Notwithstanding any other provision of the law, except section 3 of the Anti Drug Abuse Act of 1986, the Attorney General, the Secretary of the Treasury, or the Postal Service, as the case may be, is authorized to retain property forfeited pursuant to this section, or to transfer such property on such terms and conditions as he may determine—

(1) to any other Federal agency;

(2) to any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property;

(3) in the case of property referred to in subsection (a)(1)(C), to any Federal financial institution regulatory agency—

(A) to reimburse the agency for payments to claimants or creditors of the institution; and

(B) to reimburse the insurance fund of the agency for losses suffered by the fund as a result of the receivership or liquidation;

(4) in the case of property referred to in subsection (a)(1)(C), upon the order of the appropriate Federal financial institution regulatory agency, to the financial institution as restitution, with the value of the property so transferred to be set off against any amount later recovered by the financial institution as compensatory damages in any State or Federal proceeding;

(5) in the case of property referred to in subsection (a)(1)(C), to any Federal financial institution regulatory agency, to the extent of the agency's contribution of resources to, or expenses involved in, the seizure and forfeiture, and the investigation leading directly to the seizure and forfeiture, of such property;

(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or

(7) In[3] the case of property referred to in subsection (a)(1)(D), to the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, or any other Federal financial institution regulatory agency (as defined in section 8(e)(7)(D) of the Federal Deposit Insurance Act).

The Attorney General, the Secretary of the Treasury, or the Postal Service, as the case may be, shall ensure the equitable transfer pursuant to paragraph (2) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General, the Secretary of the Treasury, or the Postal Service pursuant to paragraph (2) shall not be subject to review. The United States shall not be liable in any action arising out of the use of any property the custody of which was transferred pursuant to this section to any non-Federal agency. The Attorney General, the Secretary of the Treasury, or the Postal Service may order the discontinuance of any forfeiture proceedings under this section in favor of the institution of forfeiture proceedings by State or local authorities under an appropriate State or local statute. After the filing of a complaint for forfeiture under this section, the Attorney General may seek dismissal of the complaint in favor of forfeiture proceedings under State or local law. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, the United States may transfer custody and possession of the seized property to the appropriate State or local official immediately upon the initiation of the proper actions by such officials. Whenever forfeiture proceedings are discontinued by the United States in favor of State or local proceedings, notice shall be sent to all known interested parties advising them of the discontinuance or dismissal. The United States shall not be liable in any action arising out of the seizure, detention, and transfer of seized property to State or local officials. The United States shall not be liable in any action arising out of a transfer under paragraph (3), (4), or (5) of this subsection.

(f) All right, title, and interest in property described in subsection (a) of this section shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

(g)(1) Upon the motion of the United States, the court shall stay the civil forfeiture proceeding if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related criminal investigation or the prosecution of a related criminal case.

(2) Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that—

(A) the claimant is the subject of a related criminal investigation or case;

(B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and

(C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case.

(3) With respect to the impact of civil discovery described in paragraphs (1) and (2), the court may determine that a stay is unnecessary if a protective order limiting discovery would protect the interest of one party without unfairly limiting the ability of the opposing party to pursue the civil case. In no case, however, shall the court impose a protective order as an alternative to a stay if the effect of such protective order would be to allow one party to pursue discovery while the other party is substantially unable to do so.

(4) In this subsection, the terms ''related criminal case'' and ''related criminal investigation'' mean an actual prosecution or investigation in progress at the time at which the request for the stay, or any subsequent motion to lift the stay is made. In determining whether a criminal case or investigation is ''related'' to a civil forfeiture proceeding, the court shall consider the degree of similarity between the parties, witnesses, facts, and circumstances involved in the two proceedings, without requiring an identity with respect to any one or more factors.

(5) In requesting a stay under paragraph (1), the Government may, in appropriate cases, submit evidence ex parte in order to avoid disclosing any matter that may adversely affect an ongoing criminal investigation or pending criminal trial.

(6) Whenever a civil forfeiture proceeding is stayed pursuant to this subsection, the court shall enter any order necessary to preserve the value of the property or to protect the rights of lienholders or other persons with an interest in the property while the stay is in effect.

(7) A determination by the court that the claimant has standing to request a stay pursuant to paragraph (2) shall apply only to this sub-

section and shall not preclude the Government from objecting to the standing of the claimant by dispositive motion or at the time of trial.

(h) In addition to the venue provided for in section 1395 of title 28 or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.

(i)(1) Whenever property is civilly or criminally forfeited under this chapter, the Attorney General or the Secretary of the Treasury, as the case may be, may transfer the 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 or forfeiture of the property, if such a transfer—

(A) has been agreed to by the Secretary of State;

(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)[4] of the Foreign Assistance Act of 1961.

A decision by the Attorney General or the Secretary of the Treasury pursuant to this paragraph shall not be subject to review. The foreign country shall, in the event of a transfer of property or proceeds of sale of property under this subsection, bear all expenses incurred by the United States in the seizure, maintenance, inventory, storage, forfeiture, and disposition of the property, and all transfer costs. The payment of all such expenses, and the transfer of assets pursuant to this paragraph, shall be upon such terms and conditions as the Attorney General or the Secretary of the Treasury may, in his discretion, set.

(2) The provisions of this section shall not be construed as limiting or superseding any other authority of the United States to provide assistance to a foreign country in obtaining property related to a crime committed in the foreign country, including property which is sought as evidence of a crime committed in the foreign country.

(3) A certified order or judgment of forfeiture by a court of competent jurisdiction of a foreign country concerning property which is the subject of forfeiture under this section and was determined by such court to be the type of property described in subsection (a)(1)(B) of this section, and any certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of forfeiture, shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of forfeiture, when admitted into evidence, shall constitute probable cause that the property forfeited by such order or judgment of forfeiture is subject to forfeiture under this section and creates a rebuttable presumption of the forfeitability of such property under this section.

(4) A certified order or judgment of conviction by a court of competent jurisdiction of a foreign country concerning an unlawful drug activity which gives rise to forfeiture under this section and any certified recordings or transcripts of testimony taken in a foreign judicial proceeding concerning such order or judgment of conviction shall be admissible in evidence in a proceeding brought pursuant to this section. Such certified order or judgment of conviction, when admitted into evidence, creates a rebuttable presumption that the unlawful drug activity giving rise to forfeiture under this section has occurred.

(5) The provisions of paragraphs (3) and (4) of this subsection shall not be construed as limiting the admissibility of any evidence otherwise admissible, nor shall they limit the ability of the United States to establish probable cause that property is subject to forfeiture by any evidence otherwise admissible.

(j) For purposes of this section—

(1) the term ''Attorney General'' means the Attorney General or his delegate; and

(2) the term ''Secretary of the Treasury'' means the Secretary of the Treasury or his delegate.

(k) INTERBANK ACCOUNTS.—

(1) IN GENERAL.—

(A) IN GENERAL.—For the purpose of a forfeiture under this section or under the Controlled Substances Act (21 U.S.C. 801 et seq.), if funds are deposited into an account at a foreign financial institution (as defined in section 984(c)(2)(A) of this title), and that foreign financial institution (as defined in section 984(c)(2)(A) of this title) has an interbank account in the United States with a covered financial institution (as defined in section 5318(j)(1) of title 31), the funds shall be deemed to have been deposited into the interbank account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding the funds may be served on the covered financial institution, and funds in the interbank account, up to the value of the funds deposited into the account at the foreign financial institution (as defined in section 984(c)(2)(A) of this title), may be restrained, seized, or arrested.

(B) AUTHORITY TO SUSPEND.—The Attorney General, in consultation with the Secretary of the Treasury, may suspend or terminate a forfeiture under this section if the Attorney General determines that a conflict of law exists between the laws of the jurisdiction in which the foreign financial institution (as defined in section 984(c)(2)(A) of this title) is located and the laws of the United States with respect to liabilities arising from the restraint, seizure, or arrest of such funds, and that such suspension or termination would be in the interest of justice and would not harm the national interests of the United States.

(2) NO REQUIREMENT FOR GOVERNMENT TO TRACE FUNDS.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), it shall not be nec-

[4] See References in Text below.

essary for the Government to establish that the funds are directly traceable to the funds that were deposited into the foreign financial institution (as defined in section 984(c)(2)(A) of this title), nor shall it be necessary for the Government to rely on the application of section 984.

(3) CLAIMS BROUGHT BY OWNER OF THE FUNDS.—If a forfeiture action is instituted against funds restrained, seized, or arrested under paragraph (1), the owner of the funds deposited into the account at the foreign financial institution (as defined in section 984(c)(2)(A) of this title) may contest the forfeiture by filing a claim under section 983.

(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) INTERBANK ACCOUNT.—The term ''interbank account'' has the same meaning as in section 984(c)(2)(B).

(B) OWNER.—

(i) IN GENERAL.—Except as provided in clause (ii), the term ''owner''—

(I) means the person who was the owner, as that term is defined in section 983(d)(6), of the funds that were deposited into the foreign financial institution (as defined in section 984(c)(2)(A) of this title) at the time such funds were deposited; and

(II) does not include either the foreign financial institution (as defined in section 984(c)(2)(A) of this title) or any financial institution acting as an intermediary in the transfer of the funds into the interbank account.

(ii) EXCEPTION.—The foreign financial institution (as defined in section 984(c)(2)(A) of this title) may be considered the ''owner'' of the funds (and no other person shall qualify as the owner of such funds) only if—

(I) the basis for the forfeiture action is wrongdoing committed by the foreign financial institution (as defined in section 984(c)(2)(A) of this title); or

(II) the foreign financial institution (as defined in section 984(c)(2)(A) of this title) establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign financial institution (as defined in section 984(c)(2)(A) of this title) had discharged all or part of its obligation to the prior owner of the funds, in which case the foreign financial institution (as defined in section 984(c)(2)(A) of this title) shall be deemed the owner of the funds to the extent of such discharged obligation.

(Added Pub. L. 99–570, title I, §1366(a), Oct. 27, 1986, 100 Stat. 3207–35; amended Pub. L. 100–690, title VI, §§6463(a), (b), 6469(b), 6470(b), (e), (f), 6471(c), Nov. 18, 1988, 102 Stat. 4374, 4377, 4378; Pub. L. 101–73, title IX, §963(a), (b), Aug. 9, 1989, 103 Stat. 504; Pub. L. 101–647, title I, §103, title XXV, §§2508, 2524, 2525(a), title XXXV, §3531, Nov. 29, 1990, 104 Stat. 4791, 4862, 4873, 4874, 4924; Pub. L. 102–393, title VI, §638(d), Oct. 6, 1992, 106 Stat. 1788; Pub. L. 102–519, title I, §104(a), Oct. 25, 1992, 106 Stat. 3385; Pub. L. 102–550, title XV, §§1525(c)(1), 1533, Oct. 28, 1992, 106 Stat. 4065, 4066; Pub. L. 103–322, title XXXIII, §330011(s)(2), Sept. 13, 1994, 108 Stat. 2146; Pub. L. 103–447, title I, §102(b), Nov. 2, 1994, 108 Stat. 4693; Pub. L. 106–185, §§2(c)(1), 5(a), 6, 8(a), 20, Apr. 25, 2000, 114 Stat. 210, 213–215, 224; Pub. L. 107–56, title III, §§319(a), 320, 372(b)(1), 373(b), title VIII, §806, Oct. 26, 2001, 115 Stat. 311, 315, 339, 340, 378; Pub. L. 107–197, title III, §301(d), June 25, 2002, 116 Stat. 728; Pub. L. 107–273, div. B, title IV, §4002(a)(2), Nov. 2, 2002, 116 Stat. 1806; Pub. L. 109–177, title I, §§111, 120, title IV, §§404, 406(a)(3), Mar. 9, 2006, 120 Stat. 209, 221, 244.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsecs. (a)(1)(B)(i), (b)(4)(A), and (k)(1)(A), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Federal Rules of Criminal Procedure, referred to in subsec. (b)(2), (3), are set out in the Appendix to this title.

The Supplemental Rules for Certain Admiralty and Maritime Claims, referred to in subsec. (b)(2)(A), are set out as part of the Federal Rules of Civil Procedure in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Federal Rules of Civil Procedure, referred to in subsec. (b)(4)(A), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

Section 3 of the Anti Drug Abuse Act of 1986, referred to in subsec. (e), is section 3 of Pub. L. 99–570, which is set out as a note under section 801 of Title 21, Food and Drugs.

Section 8(e)(7)(D) of the Federal Deposit Insurance Act, referred to in subsec. (e)(7), is classified to section 1818(e)(7)(D) of Title 12, Banks and Banking.

Section 481(h) of the Foreign Assistance Act of 1961, referred to in subsec. (i)(1)(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.

AMENDMENTS

2006—Subsec. (a)(1)(B)(i). Pub. L. 109–177, §111, inserted ''trafficking in nuclear, chemical, biological, or radiological weapons technology or material, or'' after ''involves''.

Subsec. (a)(1)(G)(i). Pub. L. 109–177, §120(1), which directed amendment of cl. (i) by substituting ''any Federal crime of terrorism (as defined in section 2332b(g)(5))'' for ''act of international or domestic terrorism (as defined in section 2331)'', was executed by making the substitution for ''act of domestic or international terrorism (as defined in section 2331)'', to reflect the probable intent of Congress.

Subsec. (a)(1)(G)(ii). Pub. L. 109–177, §120(2), which directed amendment of cl. (ii) by ''striking 'an act of international or domestic terrorism (as defined in section 2331)' with 'any Federal crime of terrorism (as defined in section 2332b(g)(5))' '', was executed by striking ''an act of domestic or international terrorism (as defined in section 2331)'' and inserting ''any Federal crime of terrorism (as defined in section 2332b(g)(5))'', to reflect the probable intent of Congress.

Subsec. (a)(i)(G)(iii). Pub. L. 109–177, §120(3), which directed amendment of cl. (iii) by substituting ''Federal crime of terrorism (as defined in section 2332b(g)(5))'' for ''act of international or domestic terrorism (as defined in section 2331)'', was executed by making the

substitution for ''act of domestic or international terrorism (as defined in section 2331)'', to reflect the probable intent of Congress.

Subsec. (a)(1)(G)(iv). Pub. L. 109–177, § 404, added cl. (iv).

Subsec. (k). Pub. L. 109–177, § 406(a)(3), substituted ''foreign financial institution (as defined in section 984(c)(2)(A) of this title)'' for ''foreign bank'' wherever appearing.

2002—Subsec. (a)(1)(H). Pub. L. 107–197 added subpar. (H).

Subsec. (d). Pub. L. 107–273 substituted ''proceeds from the sale of such property under this section'' for ''proceeds from the sale of this section''.

2001—Subsec. (a)(1)(A). Pub. L. 107–56, §§ 372(b)(1), 373(b), struck out ''of section 5313(a) or 5324(a) of title 31, or'' after ''transaction or attempted transaction in violation'', substituted '', 1957 or 1960'' for ''or 1957'', and struck out at end ''However, no property shall be seized or forfeited in the case of a violation of section 5313(a) of title 31 by a domestic financial institution examined by a Federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission or a partner, director, or employee thereof.''

Subsec. (a)(1)(B). Pub. L. 107–56, § 320, amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation involving the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act), within whose jurisdiction such offense would be punishable by death or imprisonment for a term exceeding one year and which would be punishable under the laws of the United States by imprisonment for a term exceeding one year if such act or activity constituting the offense against the foreign nation had occurred within the jurisdiction of the United States.''

Subsec. (a)(1)(G). Pub. L. 107–56, § 806, added subpar. (G).

Subsec. (k). Pub. L. 107–56, § 319(a), added subsec. (k).

2000—Subsec. (a)(1). Pub. L. 106–185, § 2(c)(1)(A), substituted ''The'' for ''Except as provided in paragraph (2), the'' in introductory provisions.

Subsec. (a)(1)(C). Pub. L. 106–185, § 20(a), substituted ''or any offense constituting 'specified unlawful activity' (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.'' for ''or a violation of section 1341 or 1343 of such title affecting a financial institution.''

Subsec. (a)(2). Pub. L. 106–185, §§ 2(c)(1)(B), 20(b), added par. (2) and struck out former par. (2) which read as follows: ''No property shall be forfeited under this section to the extent of the interest of an owner or lienholder by reason of any act or omission established by that owner or lienholder to have been committed without the knowledge of that owner or lienholder.''

Subsec. (b). Pub. L. 106–185, § 5(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

''(b)(1) Any property—

''(A) subject to forfeiture to the United States under subparagraph (A) or (B) of subsection (a)(1) of this section—

''(i) may be seized by the Attorney General; or

''(ii) in the case of property involved in a violation of section 5313(a) or 5324 of title 31, United States Code, or section 1956 or 1957 of this title investigated by the Secretary of the Treasury or the United States Postal Service, may be seized by the Secretary of the Treasury or the Postal Service; and

''(B) subject to forfeiture to the United States under subparagraph (C) of subsection (a)(1) of this section may be seized by the Attorney General, the Secretary of the Treasury, or the Postal Service.

''(2) Property shall be seized under paragraph (1) of this subsection upon process issued pursuant to the Supplemental Rules for certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when—

''(A) the seizure is pursuant to a lawful arrest or search; or

''(B) the Attorney General, the Secretary of the Treasury, or the Postal Service, as the case may be, has obtained a warrant for such seizure pursuant to the Federal Rules of Criminal Procedure, in which event proceedings under subsection (d) of this section shall be instituted promptly.''

Subsec. (e)(6). Pub. L. 106–185, § 6, added par. (6) and struck out former par. (6) which read as follows: ''in the case of property referred to in subsection (a)(1)(C), restore forfeited property to any victim of an offense described in subsection (a)(1)(C); or''.

Subsec. (g). Pub. L. 106–185, § 8(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''The filing of an indictment or information alleging a violation of law, Federal, State, or local, which is also related to a forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the forfeiture proceeding.''

1994—Subsec. (e)(7). Pub. L. 103–322, § 330011(s)(2), amended directory language of Pub. L. 101–647, § 2525(a)(2). See 1990 Amendment note below.

Subsec. (i)(1)(C). Pub. L. 103–447, which directed substitution of ''section 490(a)(1) of the Foreign Assistance Act of 1961'' for ''paragraph (1)(A) of section 481(h) of the Foreign Assistance Act of 1961'', could not be executed because the words ''paragraph (1)(A) of'' do not appear in text.

1992—Subsec. (a)(1)(A). Pub. L. 102–550, § 1525(c)(1), substituted ''5324(a)'' for ''5324''.

Subsec. (a)(1)(C). Pub. L. 102–393 inserted provisions relating to sections 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 842, 844, 1028, 1029, and 1030 of this title.

Subsec. (a)(1)(F). Pub. L. 102–519 added subpar. (F).

Subsec. (e). Pub. L. 102–550, § 1533, struck out penultimate sentence of concluding provisions which read as follows: ''The authority granted to the Secretary of the Treasury and the Postal Service pursuant to this subsection shall apply only to property that has been administratively forfeited.''

1990—Subsec. (a)(1)(C). Pub. L. 101–647, § 2524(1), inserted ''1032,'' after ''1014,'' and ''or a violation of section 1341 or 1343 of such title affecting a financial institution'' before period at end.

Subsec. (a)(1)(D), (E). Pub. L. 101–647, § 2525(a)(1), added subpars. (D) and (E).

Subsec. (b). Pub. L. 101–647, § 2524(2), added par. (1) and par. (2) introductory provisions, redesignated former pars. (1) and (2) as subpars. (A) and (B) of par. (2), and struck out former introductory provisions which read as follows: ''Any property subject to forfeiture to the United States under subsection (a)(1)(A) or (a)(1)(B) of this section may be seized by the Attorney General or, with respect to property involved in a violation of section 5313(a) or 5324 of title 31 or of section 1956 or 1957 of this title investigated by the Secretary of the Treasury or the Postal Service may be seized by the Secretary of the Treasury or the Postal Service, in each case upon process issued pursuant to the Supplemental Rules for certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when—''.

Subsec. (d). Pub. L. 101–647, § 3531, inserted a period at end.

Subsec. (e)(3), (4). Pub. L. 101–647, § 2524(3), (4), struck out ''(if the affected financial institution is in receivership or liquidation)'' after ''subsection (a)(1)(C)''.

Subsec. (e)(6). Pub. L. 101–647, § 2508, added par. (6).

Subsec. (e)(7). Pub. L. 101–647, § 2525(a)(2), as amended by Pub. L. 103–322, § 330011(s)(2), added par. (7).

Subsec. (i). Pub. L. 101–647, § 103(1), struck out introductory provisions which read as follows: ''In the case of property subject to forfeiture under subsection

(a)(1)(B), the following additional provisions shall, to the extent provided by treaty, apply:''.

Subsec. (i)(1). Pub. L. 101–647, §103(3), substituted first sentence for ''Notwithstanding any other provision of law, except section 3 of the Anti Drug Abuse Act of 1986, whenever property is civilly or criminally forfeited under the Controlled Substances Act, the Attorney General may, with the concurrence of the Secretary of State, equitably transfer any conveyance, currency, and any other type of personal property which the Attorney General may designate by regulation for equitable transfer, or any amounts realized by the United States from the sale of any real or personal property forfeited under the Controlled Substances Act to an appropriate foreign country to reflect generally the contribution of any such foreign country participating directly or indirectly in any acts which led to the seizure or forfeiture of such property. Such property when forfeited pursuant to subsection (a)(1)(B) of this section may also be transferred to a foreign country pursuant to a treaty providing for the transfer of forfeited property to such foreign country.''

Pub. L. 101–647, §103(2), (4), (5), inserted ''or the Secretary of the Treasury'' after ''Attorney General'' in two places, realigned margin, and struck out at end ''Transfers may be made under this subsection during a fiscal year to a country that is subject to paragraph (1)(A) of section 481(h) of the Foreign Assistance Act of 1961 (relating to restrictions on United States assistance) only if there is a certification in effect with respect to that country for that fiscal year under paragraph (2) of that section.''

Subsec. (i)(2) to (5). Pub. L. 101–647, §103(2), realigned margins.

1989—Subsec. (a)(1)(C). Pub. L. 101–73, §963(a), added subpar. (C).

Subsec. (e). Pub. L. 101–73, §963(b), substituted ''determine—'' for ''determine to—'' in introductory provisions, inserted ''The United States shall not be liable in any action arising out of a transfer under paragraph (3), (4), or (5) of this subsection.'' in closing provisions, added pars. (1) to (5), and struck out former pars. (1) and (2) which read as follows:

''(1) any other Federal agency; or

''(2) any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property.''

1988—Subsec. (a)(1)(A). Pub. L. 100–690, §6463(a)(1), added subpar. (A) and struck out former subpar. (A) which read as follows: ''Any property, real or personal, which represents the gross receipts a person obtains, directly or indirectly, as a result of a violation of section 1956 or 1957 of this title, or which is traceable to such gross receipts.''

Subsec. (a)(1)(B). Pub. L. 100–690, §6470(b), inserted '', real or personal,'' after ''property'', substituted ''constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from'' for ''which represents the proceeds of'', ''such offense would'' for ''such offense or activity would'', and ''punishable under the laws of the United States by imprisonment'' for ''punishable by imprisonment'', and inserted ''constituting the offense against the foreign nation'' after ''such act or activity''.

Subsec. (a)(1)(C). Pub. L. 100–690, §6463(a)(2), struck out subpar. (C) which read as follows: ''Any coin and currency (or other monetary instrument as the Secretary of the Treasury may prescribe) or any interest in other property, including any deposit in a financial institution, traceable to such coin or currency involved in a transaction or attempted transaction in violation of section 5313(a) or 5324 of title 31 may be seized and forfeited to the United States Government. No property or interest in property shall be seized or forfeited if the violation is by a domestic financial institution examined by a Federal bank supervisory agency or a financial institution regulated by the Securities and Exchange Commission or a partner, director, officer, or employee thereof.''

Subsec. (a)(2). Pub. L. 100–690, §6470(e), substituted ''omission'' for ''emission''.

Subsec. (b). Pub. L. 100–690, §6463(b), which directed amendment of subsec. (b) by substituting ''involved in a violation of section 5313(a) or 5324 of title 31 or of section 1956 or 1957 of this title investigated by the Secretary of the Treasury'' for ''involved in a violation of section 1956 or 1957 of this title investigated by the Secretary of the Treasury, and any property subject to forfeiture under subsection (a)(1)(C) of this section'' was executed by substituting the new language for ''involved in a violation of section 1956 or 1957 of this title investigated by the Secretary of the Treasury, may be seized by the Secretary of the Treasury, and any property subject to forfeiture under subsection (a)(1)(C) of this section'' in introductory provisions, to reflect the probable intent of Congress.

Pub. L. 100–690, §6469(b)(1), inserted ''or the Postal Service'' after ''Secretary of the Treasury'' in two places in introductory provisions.

Subsec. (b)(2). Pub. L. 100–690, §6469(b)(2), substituted ''the Attorney General, the Secretary of the Treasury, or the Postal Service'' for ''the Attorney General or the Secretary of the Treasury''.

Subsec. (c). Pub. L. 100–690, §6469(b)(2), substituted ''the Attorney General, the Secretary of the Treasury, or the Postal Service'' for ''the Attorney General or the Secretary of the Treasury'' in two places.

Subsec. (d). Pub. L. 100–690, §6469(b)(2), (3), substituted ''the Attorney General, the Secretary of the Treasury, or the Postal Service'' for ''the Attorney General or the Secretary of the Treasury'' and inserted provision that Attorney General have sole responsibility for disposing of petitions for remission or mitigation with respect to property involved in a judicial forfeiture proceeding.

Subsec. (e). Pub. L. 100–690, §6469(b)(2), which directed the substitution of ''the Attorney General, the Secretary of the Treasury, or the Postal Service'' for ''the Attorney General or the Secretary of the Treasury'' was executed to reflect the probable intent of Congress by making the substitution in four places without regard as to whether or not the initial article ''the'' was capitalized.

Pub. L. 100–690, §6469(b)(4), inserted provision that the authority granted to the Secretary of the Treasury and the Postal Service apply only to property that has been administratively forfeited.

Subsec. (g). Pub. L. 100–690, §6471(c), inserted '', Federal, State or local,'' after ''law''.

Subsec. (i)(1). Pub. L. 100–690, §6470(f), substituted ''subsection'' for ''subchapter'' in fourth sentence.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–185 applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106–185, set out as a note under section 1324 of Title 8, Aliens and Nationality.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 330011(s)(2) of Pub. L. 103–322 provided that the amendment made by that section is effective as of the date on which section 2525(a)(2) of Pub. L. 101–647 took effect.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–185, §1(a), Apr. 25, 2000, 114 Stat. 202, provided that: ''This Act [enacting sections 983 and 985 of this title and sections 2466 and 2467 of Title 28, Judiciary and Judicial Procedure, amending this section, sections 982 to 984, 986, 2232, 2254, and 3322 of this title, section 1324 of Title 8, Aliens and Nationality, section 1621 of Title 19, Customs Duties, section 881 of Title 21, Food and Drugs, sections 524, 2461, 2465, and 2680 of Title 28, and section 2996f of Title 42, The Public Health and Welfare, repealing section 888 of Title 21, and enacting provisions set out as notes under section 1324 of Title 8, section 2466 of Title 28, and section 3724 of Title 31, Money and Finance] may be cited as the 'Civil Asset Forfeiture Reform Act of 2000'.''

SHORT TITLE OF 1988 AMENDMENT

Section 6181 of Pub. L. 100–690 provided that: ''This subtitle [subtitle E (§§ 6181–6187) of title VI of Pub. L. 100–690, enacting sections 5325 and 5326 of Title 31, Money and Finance, amending sections 1956 and 1957 of this title, sections 1730d, 1829b, 1953, 1955, 3403, 3412, 3413, 3417, and 3420 of Title 12, Banks and Banking, and sections 5312, 5318, and 5321 of Title 31] may be cited as the 'Money Laundering Prosecution Improvements Act of 1988'.''

SHORT TITLE OF 1986 AMENDMENT

Section 1351 of Pub. L. 99–570 provided that: ''This subtitle [subtitle H (§§ 1351–1367) of title I of Pub. L. 99–570, enacting this section, sections 982, 1956, and 1957 of this title and section 5324 of Title 31, Money and Finance, amending sections 1952, 1961, and 2516 of this title, sections 1464, 1730, 1786, 1817, 1818, 3403, and 3413 of Title 12, Banks and Banking, and sections 5312, 5316 to 5318, 5321, and 5322 of Title 31, and enacting provisions set out as notes under this section, sections 1464 and 1730 of Title 12, and sections 5315 to 5317, 5321, and 5324 of Title 31] may be cited as the 'Money Laundering Control Act of 1986'.''

SEVERABILITY

Section 1367 of Pub. L. 99–570 provided that: ''If any provision of this subtitle [see Short Title of 1986 Amendment note above] or any amendment made by this Act [see Short Title of 1986 Amendment note set out under section 801 of Title 21, Food and Drugs], or the application thereof to any person or circumstances is held invalid, the provisions of every other part, and their application, shall not be affected thereby.''

§ 982. Criminal forfeiture

(a)(1) The court, in imposing sentence on a person convicted of an offense in violation of section 1956, 1957, or 1960 of this title, shall order that the person forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property.

(2) The court, in imposing sentence on a person convicted of a violation of, or a conspiracy to violate—

(A) section 215, 656, 657, 1005, 1006, 1007, 1014, 1341, 1343, or 1344 of this title, affecting a financial institution, or

(B) section 471, 472, 473, 474, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 501, 502, 510, 542, 545, 842, 844, 1028, 1029, or 1030 of this title,

shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.

(3) The court, in imposing a sentence on a person convicted of an offense under—

(A) section 666(a)(1) (relating to Federal program fraud);

(B) section 1001 (relating to fraud and false statements);

(C) section 1031 (relating to major fraud against the United States);

(D) section 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of insured financial institution);

(E) section 1341 (relating to mail fraud); or

(F) section 1343 (relating to wire fraud),

involving the sale of assets acquired or held by the Resolution Trust Corporation, the Federal Deposit Insurance Corporation, as conservator or receiver for a financial institution or any other conservator for a financial institution appointed by the Office of the Comptroller of the Currency or the Office of Thrift Supervision, or the National Credit Union Administration, as conservator or liquidating agent for a financial institution, shall order that the person forfeit to the United States any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violation.

(4) With respect to an offense listed in subsection (a)(3) committed for the purpose of executing or attempting to execute any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent statements, pretenses, representations, or promises, the gross receipts of such an offense shall include any property, real or personal, tangible or intangible, which is obtained, directly or indirectly, as a result of such offense.

(5) The court, in imposing sentence on a person convicted of a violation or conspiracy to violate—

(A) section 511 (altering or removing motor vehicle identification numbers);

(B) section 553 (importing or exporting stolen motor vehicles);

(C) section 2119 (armed robbery of automobiles);

(D) section 2312 (transporting stolen motor vehicles in interstate commerce); or

(E) section 2313 (possessing or selling a stolen motor vehicle that has moved in interstate commerce);

shall order that the person forfeit to the United States any property, real or personal, which represents or is traceable to the gross proceeds obtained, directly or indirectly, as a result of such violation.

(6)(A) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 274(a), 274A(a)(1), or 274A(a)(2) of the Immigration and Nationality Act or section 555, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States, regardless of any provision of State law—

(i) any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense of which the person is convicted; and

(ii) any property real or personal—

(I) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense of which the person is convicted; or

(II) that is used to facilitate, or is intended to be used to facilitate, the commission of the offense of which the person is convicted.

(B) The court, in imposing sentence on a person described in subparagraph (A), shall order that the person forfeit to the United States all property described in that subparagraph.

(7) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly