

Subsec. (b). Pub. L. 104-237, §201(c)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "As used in this section, the term 'controlled substance' has the meaning given that term in section 802 of title 21."

1990—Pub. L. 101-382, §122(6), substituted "\$500,000" for "\$100,000" in section catchline.

Subsec. (a)(1). Pub. L. 101-382, §122(1), substituted "\$500,000" for "\$100,000".

Subsec. (a)(4). Pub. L. 101-382, §122(2)-(4), added par. (4).

Subsec. (c). Pub. L. 101-382, §122(5), added subsec. (c). 1984—Pub. L. 98-573 amended section generally. See explanation below for amendment by Pub. L. 98-473.

Pub. L. 98-473 amended section generally in manner substantially identical to amendment by Pub. L. 98-573. Prior to amendment, section read as follows: "If such value of such vessel, vehicle, merchandise, or baggage does not exceed \$10,000, the appropriate customs officer shall cause a notice of the seizure of such articles and the intention to forfeit and sell or otherwise dispose of the same according to law to be published for at least three successive weeks in such manner as the Secretary of the Treasury may direct. For the purposes of this section and sections 1610 and 1612 of this title merchandise the importation of which is prohibited shall be held not to exceed \$10,000 in value."

1978—Pub. L. 95-410 substituted "\$10,000" for "\$2,500" wherever appearing.

1970—Pub. L. 91-271 substituted reference to appropriate customs officer for reference to collector, and struck out reference to appraiser's return of value.

1954—Act Sept. 1, 1954, substituted "\$2,500" for "\$1,000" wherever appearing.

1938—Act June 25, 1938, substituted "forfeit and sell or otherwise dispose of the same according to law" for "forfeit and sell the same".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-573 effective Oct. 15, 1984, see section 214(e) of Pub. L. 98-573, set out as a note under section 1304 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as a note under section 1500 of this title.

EFFECTIVE DATE OF 1938 AMENDMENT

Amendment by act June 25, 1938, effective on thirtieth day following June 25, 1938, except as otherwise specifically provided, see section 37 of act June 25, 1938, set out as a note under section 1401 of this title.

TRANSFER OF FUNCTIONS

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.

§ 1608. Seizure; claims; judicial condemnation

Any person claiming such vessel, vehicle, aircraft, merchandise, or baggage may at any time within twenty days from the date of the first publication of the notice of seizure file with the appropriate customs officer a claim stating his interest therein. Upon the filing of such claim, and the giving of a bond to the United States in the penal sum of \$5,000 or 10 percent of the value of the claimed property, whichever is lower, but not less than \$250, with sureties to be approved

by such customs officer, conditioned that in case of condemnation of the articles so claimed the obligor shall pay all the costs and expenses of the proceedings to obtain such condemnation, such customs officer shall transmit such claim and bond, with a duplicate list and description of the articles seized, to the United States attorney for the district in which seizure was made, who shall proceed to a condemnation of the merchandise or other property in the manner prescribed by law.

(June 17, 1930, ch. 497, title IV, §608, 46 Stat. 755; Pub. L. 91-271, title III, §301(e), June 2, 1970, 84 Stat. 288; Pub. L. 98-473, title II, §§312, 321, Oct. 12, 1984, 98 Stat. 2054, 2056; Pub. L. 98-573, title II, §213(a)(5), Oct. 30, 1984, 98 Stat. 2985; Pub. L. 99-570, title I, §1862, Oct. 27, 1986, 100 Stat. 3207-54; Pub. L. 100-690, title VII, §7367(c)(2), Nov. 18, 1988, 102 Stat. 4479.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in R.S. §3076, which was superseded by act Sept. 21, 1922, ch. 356, title IV, §608, 42 Stat. 985, and was repealed by section 642 thereof. Section 608 of the 1922 act was superseded by section 608 of act June 17, 1930, comprising this section, and repealed by section 651(a)(1) of the 1930 act.

AMENDMENTS

1988—Pub. L. 100-690 reenacted section without change. See 1984 and 1986 Amendment notes below.

1986—Pub. L. 99-570, §1862(a), substituted "\$5,000" for "\$2,500". See 1984 Amendment notes below.

Pub. L. 99-570, §1862(b), which provided that "Section 608 of such Act [this section], as enacted by Public Law 98-473, is repealed", was not executed to text because such section was amended (rather than enacted) by Pub. L. 98-473, and to reflect the probable intent of Congress to repeal the amendment made by Pub. L. 98-473 in view of later amendment by Pub. L. 98-573. See 1984 Amendment notes below.

1984—Pub. L. 98-573, §213(a)(5)(B), which directed the insertion of "\$2,500 or 10 percent of the value of the claimed property, whichever is lower, but not less than" after "penal sum of", was executed to text as superseding the amendment made by Pub. L. 98-473 to reflect the probable intent of Congress. See 1986 Amendment note above.

Pub. L. 98-473, §312, inserted "\$5,000 or 10 per centum of the value of the claimed property, whichever is lower, but not less than," after "penal sum of". See 1984 and 1986 Amendment notes above.

Pub. L. 98-573, §213(a)(5)(A), and Pub. L. 98-473, §321, inserted reference to aircraft.

1970—Pub. L. 91-271 substituted references to appropriate customs officer or such customs officer for references to collector wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-573 effective Oct. 15, 1984, see section 214(e) of Pub. L. 98-573, set out as a note under section 1304 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

For effective date of amendment by Pub. L. 91-271, see section 203 of Pub. L. 91-271, set out as a note under section 1500 of this title.

§ 1609. Seizure; summary forfeiture and sale

(a) In general

If no such claim is filed or bond given within the twenty days hereinbefore specified, the appropriate customs officer shall declare the ves-