in view of the creation of the Administrative Office of the United States Courts by the Act of Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223 (Chapter 41 of this title).

In paragraph (3), the words ''involving the United States'' are inserted for clarity. The function of reporting on all cases pending in the United States courts is now vested in the Administrative Office of the United States Courts, see 28 U.S.C. 604.

REFERENCES IN TEXT

The date of enactment of 21st Century Department of Justice Appropriations Authorization Act, referred to in subsec. (b), is the date of enactment of Pub. L. 107–273, which was approved Nov. 2, 2002.

AMENDMENTS

2002—Pub. L. 107–273 designated existing provisions as subsec. (a) and added subsec. (b).

1976—Pub. L. 94–273 substituted ''by April 1 of each year'' for ''at the beginning of each regular session of Congress''.

REPORT TO CONGRESS ON BANKING LAW OFFENSES

Pub. L. 101–647, title XXV, § 2546, Nov. 29, 1990, 104 Stat. 4885, provided that:

''(a) IN GENERAL.—

''(1) DATA COLLECTION.—The Attorney General shall compile and collect data concerning—

''(A) the nature and number of civil and criminal investigations, prosecutions, and related proceedings, and civil enforcement and recovery proceedings, in progress with respect to banking law offenses under sections 981, 1008, 1032, and 3322(d) of title 18, United States Code, and section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [12 U.S.C. 1833a] and conspiracies to commit any such offense, including inactive investigations of such offenses;

''(B) the number of—

''(i) investigations, prosecutions, and related proceedings described in subparagraph (A) which are inactive as of the close of the reporting period but have not been closed or declined; and

''(ii) unaddressed referrals which allege criminal misconduct involving offenses described in subparagraph (A),

and the reasons such matters are inactive and the referrals unaddressed;

''(C) the nature and number of such matters closed, settled, or litigated to conclusion; and

''(D) the results achieved, including convictions and pretrial diversions, fines and penalties levied, restitution assessed and collected, and damages recovered, in such matters.

''(2) ANALYSIS AND REPORT.—The Attorney General shall analyze and report to the Congress on the data described in paragraph (1) and its coordination and other related activities named in section 2539(c)(2) [probably means section 2539(c)(3) of Pub. L. 101–647, set out as a note under section 509 of this title] and shall provide such report on the data monthly through December 31, 1991, and quarterly after such date.

''(b) SPECIFICS OF REPORT.—The report required by subsection (a) shall—

''(1) categorize data as to various types of financial institutions and appropriate dollar loss categories;

''(2) disclose data for each Federal judicial district;

''(3) describe the activities of the Financial Institution Fraud Unit; and

''(4) list—

''(A) the number of institutions, categorized by failed and open institutions, in which evidence of significant fraud, unlawful activity, insider abuse or serious misconduct has been alleged or detected;

''(B) civil, criminal, and administrative enforcement actions, including those of the Federal financial institutions regulatory agencies, brought against offenders;

''(C) any settlements or judgments obtained against offenders;

''(D) indictments, guilty pleas, or verdicts obtained against offenders; and

''(E) the resources allocated in pursuit of investigations, prosecutions, and sentencings (including indictments, guilty pleas, or verdicts obtained against offenders) and related proceedings.''

CONGRESSIONAL OVERSIGHT

Pub. L. 100–700, § 6, Nov. 19, 1988, 102 Stat. 4634, which required the Attorney General to report annually to Congress on referrals of fraud cases and related matters, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 120 of House Document No. 103–7.

REPORT TO CONGRESS ON ROBBERIES AND BURGLARIES INVOLVING CONTROLLED SUBSTANCES

Pub. L. 98–305, § 4, May 31, 1984, 98 Stat. 222, provided that: ''For each of the first three years after the date of enactment of this Act [May 31, 1984], the Attorney General of the United States shall submit an annual report to the Congress with respect to the enforcement activities of the Attorney General relating to the offenses created by the amendment made by section 2 of this Act [enacting section 2118 of Title 18, Crimes and Criminal Procedure].''

REPORT TO CONGRESS ON SEXUAL EXPLOITATION OF CHILDREN

Pub. L. 98–292, § 9, May 21, 1984, 98 Stat. 206, provided that: ''Beginning one hundred and twenty days after the date of enactment of this Act [May 21, 1984], and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18 of the United States Code.''

§ 523. Requisitions

The Attorney General shall sign all requisitions for the advance or payment of moneys appropriated for the Department of Justice, out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the Government Accountability Office.

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 615; amended Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 319.	R.S. § 369.

The words ''General Accounting Office'' are substituted for ''First Auditor or First Comptroller of the Treasury'' on authority of the Act of June 10, 1921, ch. 18, § 304, 42 Stat. 24.

AMENDMENTS

2004—Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office''.

§ 524. Availability of appropriations

(a) Appropriations for the Department of Justice are available to the Attorney General for payment of—

(1) notarial fees, including such additional stenographic services as are required in connection therewith in the taking of depositions, and compensation and expenses of witnesses and informants, all at the rates authorized or

approved by the Attorney General or the Assistant Attorney General for Administration; and

(2) when ordered by the court, actual expenses of meals and lodging for marshals, deputy marshals, or criers when acting as bailiffs in attendance on juries.

(b) Except as provided in subsection (a) of this section, a claim of not more than $500 for expenses related to litigation that is beyond the control of the Department may be paid out of appropriations currently available to the Department for expenses related to litigation when the Comptroller General settles the payment.

(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereafter in this subsection referred to as the ''Fund'') which shall be available to the Attorney General without fiscal year limitation for the following law enforcement purposes—

(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, sell, or dispose of property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expense incident to the seizure, detention, forfeiture, or disposal of such property including—

(i) payments for—

(I) contract services;

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

(III) reimbursement of any Federal, State, or local agency for any expenditures made to perform the functions described in this clause;

(ii) payments to reimburse any Federal agency participating in the Fund for investigative costs leading to seizures;

(iii) payments for contracting for the services of experts and consultants needed by the Department of Justice to assist in carrying out duties related to asset seizure and forfeiture; and

(iv) payments made pursuant to guidelines promulgated by the Attorney General if such payments are 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;

(IV) the storage, protection, and destruction of controlled substances; and

(V) contracting for services directly related to the identification of forfeitable assets, and the processing of and accounting for forfeitures;

(B) the payment of awards for information or assistance directly relating to violations of the criminal drug laws of the United States or of sections 1956 and 1957 of title 18, sections 5313 and 5324 of title 31, and section 6050I of the Internal Revenue Code of 1986;

(C) at the discretion of the Attorney General, the payment of awards for information or assistance leading to a civil or criminal forfeiture involving any Federal agency participating in the Fund;

(D) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made, and the employment of attorneys and other personnel skilled in State real estate law as necessary;

(E)(i) for disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice; and

(ii) for payment for—

(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;

(F)(i) for equipping for law enforcement functions of any Government-owned or leased vessel, vehicle, or aircraft available for official use by any Federal agency participating in the Fund;

(ii) for equipping 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 law enforcement functions if the vessel, vehicle, or aircraft will be used in a joint law enforcement operation with a Federal agency participating in the Fund; and

(iii) payments 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;

(G) for purchase of evidence of any violation of the Controlled Substances Act, the Controlled Substances Import and Export Act, chapter 96 of title 18, or sections 1956 and 1957 of title 18;

(H) the payment of State and local property taxes on forfeited real property that accrued between the date of the violation giving rise to the forfeiture and the date of the forfeiture order; and

(I) payment of overtime salaries, travel, fuel, training, equipment, and other similar

costs of State or local law enforcement officers that are incurred in a joint law enforcement operation with a Federal law enforcement agency participating in the Fund.

Amounts for paying the expenses authorized by subparagraphs (B), (F), and (G) shall be specified in appropriations Acts and may be used under authorities available to the organization receiving the funds. Amounts for other authorized expenditures and payments from the Fund, including equitable sharing payments, are not required to be specified in appropriations acts. The Attorney General may exempt the procurement of contract services under subparagraph (A) 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.

(2) Any award paid from the Fund, as provided in paragraph (1)(B) or (C), shall be paid at the discretion of the Attorney General or his delegate, under existing departmental delegation policies for the payment of awards, except that the authority to pay an award of $250,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award pursuant to paragraph (1)(B) shall not exceed $500,000. Any award pursuant to paragraph (1)(C) shall not exceed the lesser of $500,000 or one-fourth of the amount realized by the United States from the property forfeited, without both the personal approval of the Attorney General and written notice within 30 days thereof to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives.

(3) Any amount under subparagraph (G) of paragraph (1) shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay $100,000 or more may be delegated only to the respective head of the agency involved.

(4) There shall be deposited in the Fund—

(A) all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)), or the Postmaster General of the United States pursuant to 39 U.S.C. 2003(b)(7);

(B) all amounts representing the Federal equitable share from the forfeiture of property under any Federal, State, local or foreign law, for any Federal agency participating in the Fund;

(C) all amounts transferred by the Secretary of the Treasury pursuant to section 9703(g)(4)(A)(ii)[1] of title 31; and

(D) all amounts collected—

(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.

(5) Amounts in the Fund, and in any holding accounts associated with the Fund, that are not currently needed for the purpose of this section shall 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.

(6)(A) The Attorney General shall transmit to Congress and make available to the public, not later than 4 months after the end of each fiscal year, detailed reports for the prior fiscal year as follows:

(i) A report on total deposits to the Fund by State of deposit.

(ii) A report on total expenses paid from the Fund, by category of expense and recipient agency, including equitable sharing payments.

(iii) A report describing the number, value, and types of properties placed into official use by Federal agencies, by recipient agency.

(iv) A report describing the number, value, and types of properties transferred to State and local law enforcement agencies, by recipient agency.

(v) A report, by type of disposition, describing the number, value, and types of forfeited property disposed of during the year.

(vi) A report on the year-end inventory of property under seizure, but not yet forfeited, that reflects the type of property, its estimated value, and the estimated value of liens and mortgages outstanding on the property.

(vii) A report listing each property in the year-end inventory, not yet forfeited, with an outstanding equity of not less than $1,000,000.

(B) The Attorney General shall transmit to Congress and make available to the public, not later than 2 months after final issuance, the audited financial statements for each fiscal year for the Fund.

(C) Reports under subparagraph (A) shall include information with respect to all forfeitures under any law enforced or administered by the Department of Justice.

(D) The transmittal and publication requirements in subparagraphs (A) and (B) may be satisfied by—

(i) posting the reports on an Internet website maintained by the Department of Justice for a period of not less than 2 years; and

(ii) notifying the Committees on the Judiciary of the House of Representatives and the Senate when the reports are available electronically.

(7) The provisions of this subsection relating to deposits in the Fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

(8)(A) There are authorized to be appropriated such sums as necessary for the purposes described in subparagraphs (B), (F), and (G) of paragraph (1).

[1] See References in Text note below.

(B) Subject to subparagraphs (C) and (D), at the end of each of fiscal years 1994, 1995, and 1996, the Attorney General 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]

(C) Transfers under subparagraph (B) may be made only from the excess unobligated balance and may not exceed one-half of the excess unobligated balance for any year. In addition, transfers under subparagraph (B) 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.

(D) For the purpose of determining amounts available for distribution at year end for any fiscal year, ''excess unobligated balance'' means the unobligated balance of the Fund generated by that fiscal year's operations, less 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 paragraph (1).

(E) Subject to the notification procedures contained in section 605 of Public Law 103–121, and after satisfying the transfer requirement in subparagraph (B) of this paragraph, any excess unobligated balance remaining in the Fund on September 30, 1997 and thereafter shall be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this subparagraph may be used under authorities available to the organization receiving the funds.

(9)(A) Following the completion of procedures for the forfeiture of property pursuant to any law enforced or administered by the Department, the Attorney General is authorized, in her discretion, to warrant clear title to any subsequent purchaser or transferee of such property.

(B) For fiscal years 2002 and 2003, the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, real or personal property of limited or marginal value, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs. Each such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred, but no such transfer shall create or confer any private right of action in any person against the United States.

(10) The Attorney General shall transfer from the Fund to the Secretary of the Treasury for deposit in the Department of the Treasury Forfeiture Fund amounts appropriate to reflect the degree of participation of the Department of the Treasury law enforcement organizations (described in section 9703(p)[1] of title 31) in the law enforcement effort resulting in the forfeiture pursuant to laws enforced or administered by the Department of Justice.

(11) For purposes of this subsection and notwithstanding section 9703[1] of title 31 or any other law, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

(A) a judicial forfeiture proceeding when the underlying seizure was made by an officer of a Federal law enforcement agency participating in the Department of Justice Assets Forfeiture Fund or the property was maintained by the United States Marshals Service; or

(B) a civil administrative forfeiture proceeding conducted by a Department of Justice law enforcement component or pursuant to the authority of the Secretary of Commerce.

(d)(1) The Attorney General may accept, hold, administer, and use gifts, devises, and bequests of any property or services for the purpose of aiding or facilitating the work of the Department of Justice.

(2) Gifts, devises, and bequests of money, the proceeds of sale or liquidation of any other property accepted hereunder, and any income accruing from any property accepted hereunder—

(A) shall be deposited in the Treasury in a separate fund and held in trust by the Secretary of the Treasury for the benefit of the Department of Justice; and

(B) are hereby appropriated, without fiscal year limitation, and shall be disbursed on order of the Attorney General.

(3) Upon request of the Attorney General, the Secretary of the Treasury may invest and reinvest the fund described herein in public debt securities with maturities suitable for the needs of the fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States or comparable maturities.

(4) Evidences of any intangible personal property (other than money) accepted hereunder shall be deposited with the Secretary of the Treasury, who may hold or liquidate them, except that they shall be liquidated upon the request of the Attorney General.

(5) For purposes of federal[2] income, estate, and gift taxes, property accepted hereunder shall be considered a gift, devise, or bequest to, or for the use of, the United States.

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 615; amended Pub. L. 97–258, § 2(g)(1)(B)–(D), Sept. 13, 1982, 96 Stat. 1060; Pub. L. 98–473, title II, §§ 310, 2303, Oct. 12, 1984, 98 Stat. 2052, 2193; Pub. L. 99–570, title I, § 1152(a), Oct. 27, 1986, 100 Stat. 3207–12; Pub. L. 99–646, § 27, Nov. 10, 1986, 100 Stat. 3597; Pub. L. 100–202, § 101(a) [title II, § 210(a)], Dec. 22, 1987, 101 Stat. 1329, 1329–18; Pub. L. 100–690, title VI, § 6072, Nov. 18, 1988, 102 Stat. 4320; Pub. L. 101–509, title III, § 1, Nov. 5, 1990, 104 Stat. 1403; Pub. L. 101–647, title XVI, § 1601, title XX, §§ 2001(a), 2002, 2005, 2006, Nov. 29, 1990, 104 Stat. 4842, 4854, 4855; Pub. L. 102–27, title II, § 101, Apr. 10, 1991, 105 Stat. 135; Pub. L. 102–140, title I, § 112, Oct. 28, 1991, 105 Stat. 795; Pub. L. 102–393, title VI, § 638(f), Oct. 6, 1992, 106 Stat. 1788; Pub. L. 102–395, title I, § 114(b), (c), Oct. 6, 1992, 106 Stat. 1845; Pub. L. 102–550, title XV, § 1529, Oct.

[2] So in original. Probably should be capitalized.

28, 1992, 106 Stat. 4065; Pub. L. 103–121, title I, §109, Oct. 27, 1993, 107 Stat. 1164; Pub. L. 103–317, title I, §110, Aug. 26, 1994, 108 Stat. 1735; Pub. L. 103–322, title IX, §90205(b), title XXXII, §§320301, 320302, 320913(a), Sept. 13, 1994, 108 Stat. 1994, 2114, 2128; Pub. L. 104–66, title I, §1091(h), Dec. 21, 1995, 109 Stat. 722; Pub. L. 104–91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, amended Pub. L. 104–99, title II, §211, Jan. 26, 1996, 110 Stat. 37; Pub. L. 104–134, title I, §101[(a)] [title I, §122], Apr. 26, 1996, 110 Stat. 1321, 1321–22; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 104–208, div. A, title I, §101(a) [title I, §§108, 114, 116, 117], Sept. 30, 1996, 110 Stat. 3009, 3009–18, 3009–22, 3009–23; Pub. L. 105–119, title I, §§108, 124, title II, §211(b), Nov. 26, 1997, 111 Stat. 2457, 2471, 2487; Pub. L. 105–272, title VI, §605, Oct. 20, 1998, 112 Stat. 2413; Pub. L. 106–185, §19, Apr. 25, 2000, 114 Stat. 223; Pub. L. 106–310, div. B, title XXXVI, §§3613(b), 3621(a), Oct. 17, 2000, 114 Stat. 1230; Pub. L. 107–273, div. A, title II, §204(a), Nov. 2, 2002, 116 Stat. 1775; Pub. L. 111–350, §5(g)(1), Jan. 4, 2011, 124 Stat. 3848.)

HISTORICAL AND REVISION NOTES

1966 ACT

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 341.	July 28, 1950, ch. 503, §1, 64 Stat. 380.

The words ''now or hereafter'' are omitted as unnecessary. The words ''Assistant Attorney General for Administration'' are substituted for ''his administrative assistant'' to make the statute more specific and to reflect the current title of the position, see §307 of the Act of Aug. 14, 1964, Pub. L. 88–426, 78 Stat. 432.

1982 ACT

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
28:524(b) ..	31:693a.	Oct. 10, 1949, ch. 662, §101 (par. under heading ''General Provision—Department of Justice''), 63 Stat. 746.

The words ''After October 10, 1949'' are omitted as executed. The words ''Except as provided in subsection (a) of this section'' are added for clarity. The words ''fees, storage, or other items of'' are omitted as surplus. The words ''to the Department'' are added for clarity.

REFERENCES IN TEXT

Section 6050I of the Internal Revenue Code of 1986, referred to in subsec. (c)(1)(B), is classified to section 6050I of Title 26, Internal Revenue Code.

The Controlled Substances Act, referred to in subsec. (c)(1)(G), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, 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 Controlled Substances Import and Export Act, referred to in subsec. (c)(1)(G), is title III of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1285, which is classified principally to subchapter II (§951 et seq.) of chapter 13 of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.

Section 9703 of title 31, referred to in subsec. (c)(4)(C), (10), (11), probably means the section 9703 of Title 31, Money and Finance, added by Pub. L. 102–393, title VI, §638(b)(1), Oct. 6, 1992, 106 Stat. 1779. Cl. (ii) of subsec. (g)(4)(A) of that section was repealed by Pub. L. 103–322, title IX, §90205(c)(2)(B), Sept. 13, 1994, 108 Stat. 1995.

The effective date of the Comprehensive Forfeiture Act of 1983, referred to in subsec. (c)(7), probably means the date of enactment of the Comprehensive Forfeiture Act of 1984, chapter III (§§301 to 323) of title II of Pub. L. 98–473, which was approved Oct. 12, 1984.

Section 6073 of the Anti-Drug Abuse Act of 1988, referred to in subsec. (c)(8)(B), 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.

Section 605 of Public Law 103–121, referred to in subsec. (c)(8)(E), is section 605 of Pub. L. 103–121, title VI, Oct. 27, 1993, 107 Stat. 1194, which is not classified to the Code.

CODIFICATION

Amendment by Pub. L. 104–91 is based on section 109 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, which was enacted into law by Pub. L. 104–91.

AMENDMENTS

2011—Subsec. (c)(1). 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 and following)'' in concluding provisions.

2002—Subsec. (a). Pub. L. 107–273, §204(a)(1), inserted ''to the Attorney General'' after ''available'' in introductory provisions.

Subsec. (c)(1). Pub. L. 107–273, §204(a)(2)(C), (D), in concluding provisions, substituted ''(B), (F), and (G)'' for ''(A)(iv), (B), (F), (G), and (H)'' and ''under the Fund'' for ''under the fund''.

Subsec. (c)(1)(I). Pub. L. 107–273, §204(a)(2)(B), struck out subpar. (I) which read as follows: ''after all reimbursements and program-related expenses have been met at the end of fiscal year 1989, the Attorney General may transfer deposits from the Fund to the building and facilities account of the Federal prison system for the construction of correctional institutions.''

Pub. L. 107–273, §204(a)(2)(A), substituted period for semicolon at end.

Subsec. (c)(2). Pub. L. 107–273, §204(a)(3), substituted ''shall not exceed $500,000'' for ''shall not exceed $250,000'' and ''the lesser of $500,000'' for ''the lesser of $250,000'', struck out ''for information'' after ''Any award paid from the Fund'' and after ''Any award'' in two places, and inserted before period at end '', without both the personal approval of the Attorney General and written notice within 30 days thereof to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives''.

Subsec. (c)(3). Pub. L. 107–273, §204(a)(4), substituted ''(G)'' for ''(F)''.

Subsec. (c)(5). Pub. L. 107–273, §204(a)(5), substituted ''Fund, that'' for ''Fund which''.

Subsec. (c)(8)(A). Pub. L. 107–273, §204(a)(6), substituted ''(B), (F), and (G)'' for ''(A)(iv), (B), (F), (G), and (H)''.

Subsec. (c)(9)(B). Pub. L. 107–273, §204(a)(7), substituted ''years 2002 and 2003'' for ''year 1997'' and ''Each such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred, but no such transfer shall'' for ''Such transfer shall not''.

2000—Subsec. (c)(1)(E). Pub. L. 106–310, §3621(a), designated existing provisions as cl. (i), inserted ''and'' after semicolon at end, and added cl. (ii).

Subsec. (c)(4)(D). Pub. L. 106–310, §3613(b), added subpar. (D).

Subsec. (c)(6). Pub. L. 106–185 amended par. (6) generally. Prior to amendment, par. (6) required the Attorney General to transmit to Congress, not later than 4 months after the end of each fiscal year, detailed reports on the value of property forfeited under a law enforced or administered by the Department of Justice

with respect to which funds were not deposited in the Fund and on the value of such property transferred to a State or local law enforcement agency, on the Fund's balances, receipts, payments, assets, and on certain property not forfeited, on profits and losses with respect to forfeited property, on forfeited property transactions, on audits reports from State and local law enforcement agencies, and on administrative and contracting expenses paid from the Fund.

1998—Subsec. (d)(1). Pub. L. 105–272 inserted ''or services'' after ''property''.

1997—Subsec. (c)(8)(B). Pub. L. 105–119, § 124, substituted ''and 1996,'' for ''1996, and 1997,''.

Subsec. (c)(8)(E). Pub. L. 105–119, § 108, substituted ''1997 and thereafter'' for ''1996''.

Subsec. (c)(11)(B). Pub. L. 105–119, § 211(b), which directed the amendment of subpar. (B) by inserting at end thereof ''or pursuant to the authority of the Secretary of Commerce'', was executed by inserting the material before the period to reflect the probable intent of Congress.

1996—Subsec. (c)(1). Pub. L. 104–208, § 101(a) [title I, § 114(a)], struck out ''(C),'' after ''(B),'' in concluding provisions.

Subsec. (c)(8)(A). Pub. L. 104–208, § 101(a) [title I, § 114(b)], struck out ''(C),'' after ''(B),''.

Subsec. (c)(8)(E). Pub. L. 104–208, § 101(a) [title I, § 108], substituted ''September 30, 1996'' for ''September 30, 1995''.

Pub. L. 104–134 struck out subpar. (E), as added by Pub. L. 103–317, which read as follows: ''Subject to the notification procedures contained in section 605 of Public Law 103–121, and after satisfying the transfer requirement in subparagraph (B) above, any excess unobligated balance remaining in the Fund on September 30, 1994 shall be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this section may be used under authorities available to the organization receiving the funds.''

Pub. L. 104–91, as amended by Pub. L. 104–99, which directed amendment of subsec. (c)(9) of this section by adding subpar. (E) relating to excess unobligated balance remaining in the Fund on Sept. 30, 1995, was executed by adding subpar. (E) at the end of subsec. (c)(8), to reflect the redesignation of subsec. (c)(9) as (c)(8) by Pub. L. 104–66. See below.

Subsec. (c)(9). Pub. L. 104–208, § 101(a) [title I, § 117], amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''Following the completion of procedures for the forfeiture of property pursuant to any law enforced or administered by the Department, the Attorney General is authorized, at his discretion, to warrant clear title to any subsequent purchaser or transferee of such forfeited property.''

Subsec. (d). Pub. L. 104–208, § 101(a) [title I, § 116], added subsec. (d).

1995—Subsec. (c)(7) to (12). Pub. L. 104–66 redesignated pars. (8) to (12) as (7) to (11), respectively, and struck out former par. (7) which read as follows:

''(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

''(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.''

1994—Subsec. (c)(1)(H), (I). Pub. L. 103–322, § 320913(a), added subpar. (H) and redesignated former subpar. (H) relating to payment of overtime salaries, travel, etc. as (I).

Subsec. (c)(6)(B). Pub. L. 103–322, § 320302(1), struck out ''and'' at end.

Subsec. (c)(6)(C). Pub. L. 103–322, § 320302(2), substituted ''; and'' for period at end.

Pub. L. 103–322, § 320301(b), inserted as flush sentence at end ''The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7).''

Subsec. (c)(6)(D). Pub. L. 103–322, § 320302(3), added subpar. (D).

Subsec. (c)(7). Pub. L. 103–322, § 320301(a), amended par. (7) generally, designating existing provisions as subpar. (A) and adding subpar. (B).

Subsec. (c)(9)(B) to (D). Pub. L. 103–322, § 90205(b), amended subpars. (B) to (D) generally. Prior to amendment, subpars. (B) to (D) read as follows:

''(B) Subject to subparagraph (C), in each of fiscal years 1990, 1991, 1992, and 1993, the Attorney General may transfer from the Fund not more than $150,000,000 to the Special Forfeiture Fund established by section 6073 of the Anti-Drug Abuse Act of 1988. Such transfers shall be made at the end of each quarter of the fiscal year involved and on a quarterly pro rata basis.

''(C) Transfers under subparagraph (B) may be made only from excess unobligated amounts and only to the extent that, as determined by the Attorney General, such transfers will not impair the future availability of amounts for the purposes under paragraph (1). Further, transfers under subsection (B) may be made only to the extent that the sum of the transfers for the current fiscal year and the unobligated balance at the beginning of the current fiscal year for the Special Forfeiture Fund do not exceed $150,000,000.

''(D) At the end of each of fiscal years 1990, 1991, 1992, and 1993, the Attorney General may retain in the Fund not more than $15,000,000, or, if determined by the Attorney General to be necessary for asset-specific expenses, a greater amount equal to not more than one-tenth of the total of obligations from the Fund in preceding fiscal year.''

Subsec. (c)(9)(E). Pub. L. 103–317 added subpar. (E).

1993—Subsec. (c)(9)(E). Pub. L. 103–121, which directed the striking of ''subsection (E)'', was executed by striking subpar. (E) which read as follows: ''Subject to the notification procedures contained in section 606 of Public Law 101–515, and after reserving the amounts authorized in subparagraph (D) above, any unobligated balances remaining in the Fund on September 30, 1991, and on September 30 of each fiscal year thereafter, shall be available to the Attorney General, without fiscal year limitation, for law enforcement, prosecution and correctional activities, and related training requirements of Federal agencies. Any amounts provided pursuant to this section may be used under authorities available to the organization receiving the funds.''

1992—Subsec. (c)(1). Pub. L. 102–393, § 638(f)(1)(C)–(F), which directed amendment of par. (1) by adding subpar. (H), redesignating former subpar. (H) as (I), and substituting ''(A)(iv)'' for ''(A)(ii)'' and ''(G), and (H)'' for ''and (G)'' in the first sentence of par. following subpar. (I), was executed to par. (1) as amended by Pub. L. 102–395, § 114(c), to reflect the probable intent of Congress and the approval of Pub. L. 102–393 and Pub. L. 102–395 on the same day.

Pub. L. 102–395, § 114(c), amended generally the first sentence of par. following subpar. (H). Prior to amendment, that sentence read as follows: ''Amounts for paying the expenses authorized by subparagraphs (A)(ii), (B), (C), (F), and (G) shall be specified in appropriations acts.''

Subsec. (c)(1)(A). Pub. L. 102–393, § 638(f)(1)(A), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include—

''(i) payments for contract services, the employment of outside contractors to operate and manage properties or provide other specialized services as necessary to dispose of such properties in an effort to maximize the return from such properties, and pay-

ments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions; and

''(ii) payments made pursuant to regulations promulgated by the Attorney General, that are necessary and direct program-related expenses for the purchase or lease of automatic data processing equipment (not less than a majority of which use will be program related), training, printing, contracting for services directly related to the identification of forfeitable assets processing of and accounting for forfeitures, and the storage, protection, and destruction of controlled substances;''.

Subsec. (c)(1)(B). Pub. L. 102–550 inserted ''or of sections 1956 and 1957 of title 18, sections 5313 and 5324 of title 31, and section 6050I of the Internal Revenue Code of 1986'' after ''United States''.

Subsec. (c)(1)(F). Pub. L. 102–393, §638(f)(1)(B), amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: ''for equipping for law enforcement functions any government-owned or leased vessels, vehicles, and aircraft available for official use by any federal agency participating in the Fund;''.

Subsec. (c)(1)(H), (I). Pub. L. 102–393, §638(f)(1)(C)–(E), added subpar. (H) and redesignated former subpar. (H) as (I).

Subsec. (c)(4). Pub. L. 102–393, §638(f)(2), inserted ''Federal,'' before ''State'' in subpar. (B) and added subpar. (C).

Subsec. (c)(6)(B)(v). Pub. L. 102–393, §638(f)(3), amended cl. (v) generally. Prior to amendment, cl. (v) read as follows: ''any defendant's equity in property valued at $1,000,000 or more; and''.

Subsec. (c)(9)(A). Pub. L. 102–393, §638(f)(4), substituted ''(A)(iv)'' for ''(A)(ii)'' and ''(G), and (H)'' for ''and (G)''.

Subsec. (c)(9)(E). Pub. L. 102–395, §114(b), struck out ''to be transferred to any Federal agency'' after ''without fiscal year limitation,'' and substituted for period at end ''of Federal agencies. Any amounts provided pursuant to this section may be used under authorities available to the organization receiving the funds.''

Pub. L. 102–393, §638(f)(5), struck out ''to procure vehicles, equipment, and other capital investment items'' before ''for law enforcement''.

Subsec. (c)(11), (12). Pub. L. 102–393, §638(f)(6), added pars. (11) and (12) and struck out former par. (11) which read as follows: ''For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

''(A) any criminal forfeiture proceeding;

''(B) any civil judicial forfeiture proceeding; or

''(C) any civil administrative forfeiture proceeding conducted by the Department of Justice,

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the United States Customs Service in which case the provisions of section 613A of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.''

1991—Subsec. (c)(1). Pub. L. 102–140, §112(1), substituted ''law enforcement purposes'' for ''purposes of the Department of Justice'' in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 102–140, §112(2), added subpar. (C) and struck out former subpar. (C) which read as follows: ''at the discretion of the Attorney General, the payment of awards for information or assistance leading to—

''(i) a civil or criminal forfeiture under the Controlled Substances Act or the Controlled Substances Import and Export Act;

''(ii) a criminal forfeiture under chapter 96 of title 18;

''(iii) a civil forfeiture under section 981 of title 18; or

''(iv) a criminal forfeiture under section 982 of title 18.''

Subsec. (c)(1)(F). Pub. L. 102–140, §112(3), (4), struck out ''drug'' before ''law enforcement functions'' and substituted ''any federal agency participating in the Fund'' for ''the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, or the United States Marshals Service''.

Subsec. (c)(4). Pub. L. 102–140, §112(5), added par. (4) and struck out former par. (4) which read as follows: ''There shall be deposited in the Fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice, except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)) or the Postmaster General of the United States pursuant to section 2003(b)(7) of title 39.''

Subsec. (c)(5). Pub. L. 102–140, §112(6), inserted '', and in any holding accounts associated with the Fund'' after first reference to ''Fund''.

Subsec. (c)(9)(C). Pub. L. 102–140, §112(7), inserted at end ''Further, transfers under subsection (B) may be made only to the extent that the sum of the transfers for the current fiscal year and the unobligated balance at the beginning of the current fiscal year for the Special Forfeiture Fund do not exceed $150,000,000.''

Subsec. (c)(9)(E). Pub. L. 102–140, §112(8)(B), which directed the substitution of ''to be transferred to any Federal agency to procure vehicles, equipment, and other capital investment items for law enforcement, prosecution and correctional activities, and related training requirements'' for ''to procure vehicles, equipment, and other capital investment items for the law enforcement, prosecution and correctional activities of the Department of Justice'' was executed by making the substitution for the quoted words which in the original contained a comma after ''prosecution'', to reflect the probable intent of Congress.

Pub. L. 102–140, §112(8)(A), substituted ''of each fiscal year thereafter'' for '', 1992''.

Pub. L. 102–27 added subpar. (E).

1990—Subsec. (c)(1)(C). Pub. L. 101–647, §2005, amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: ''the payment of awards for information or assistance leading to a civil or criminal forfeiture under any law enforced or administered by the Department of Justice., at the discretion of the Attorney General;''.

Pub. L. 101–647, §1601, which directed substitution of ''the payment of awards for information or assistance leading to a civil or criminal forfeiture under any law enforced or administered by the Department of Justice.'' for ''the payment of awards for information or assistance leading to civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.)'', was executed by making the substitution for ''the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.)'' to reflect the probable intent of Congress.

Subsec. (c)(6). Pub. L. 101–647, §2006, struck out ''two'' after ''fiscal year,'' in introductory provisions and added subpar. (C).

Subsec. (c)(9). Pub. L. 101–647, §2001(a), inserted ''(A)'' before ''There'' and substituted subpars. (B) to (D) for ''For each of fiscal years 1991, 1992, and 1993, the Attorney General shall transfer not to exceed $150,000,000 in unobligated amounts available in the Fund to the Special Forfeiture Fund: *Provided*, That such amounts will be transferred on a quarterly basis: *Provided further*, That, upon each transfer, not to exceed $15,000,000, or, if determined by the Attorney General to be necessary to meet forfeiture program expenses, an amount not to exceed one-tenth of the previous year's obligations shall be retained in the Fund and remain available for payment of authorized expenses: *Provided further*, That,

any unobligated amounts in excess of $150,000,000 shall remain on deposit in the Fund.''

Pub. L. 101–509 amended second sentence generally, substituting sentence providing for transfers to Special Forfeiture Fund in fiscal years 1991, 1992, and 1993 for sentence that read as follows: ''At the end of each of fiscal years 1990, 1991, and 1992, unobligated amounts not to exceed $150,000,000 remaining in the Fund shall be deposited in the Special Forfeiture Fund, except that an amount not to exceed $15,000,000 or, if determined necessary by the Attorney General to meet asset specific expenses, an amount equal to one-twelfth of the previous year's expenditures may be carried forward and remain available for appropriation in the next fiscal year.''

Subsec. (c)(10), (11). Pub. L. 101–647, § 2002, added par. (10) and redesignated former par. (10) as (11).

1988—Subsec. (c). Pub. L. 100–690 amended subsec. (c) generally, revising and restating as pars. (1) to (10) provisions of former pars. (1) to (8).

1987—Subsec. (c)(1)(H). Pub. L. 100–202 added subpar. (H).

1986—Subsec. (c)(1)(A). Pub. L. 99–570, § 1152(a)(1)(2), inserted provisions allowing payments that are necessary and direct program-related expenses for the purchase or lease of automatic data processing equipment, training, printing, contracting for services directly related to the processing of and accounting for forfeitures, and the storage, protection, and destruction of controlled substances.

Subsec. (c)(1)(B) to (E). Pub. L. 99–570, § 1152(a)(1)(3), added subpar. (B) and redesignated former subpars. (B) to (E) as (C) to (F), respectively.

Subsec. (c)(1)(F). Pub. L. 99–646, § 27(a), which directed the amendment of subpar. (E) by inserting ''the Federal Bureau of Investigation, the United States Marshals Service,'' after ''for official use by'' and a comma before ''or'' was not executed in view of prior redesignation of subpar. (E) as (F) and substantively similar amendment by section 1152(a) of Pub. L. 99–570.

Pub. L. 99–570, § 1152(a)(1)(3), (4), redesignated former subpar. (E) as (F) and amended it generally. Prior to amendment, subpar. (E) read as follows: ''for equipping for law enforcement functions of forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the Drug Enforcement Administration or the Immigration and Naturalization Service; and''. Former subpar. (F) redesignated (G).

Subsec. (c)(1)(G). Pub. L. 99–570, § 1152(a)(1)(3), redesignated former subpar. (F) as (G).

Subsec. (c)(4). Pub. L. 99–570, § 1152(a)(1)(5), and Pub. L. 99–646, § 27(b), made substantially identical amendments substituting '', except all proceeds of forfeitures available for use by the Secretary of the Treasury or the Secretary of the Interior pursuant to section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)) or section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))'' for ''remaining after the payment of expenses for forfeiture and sale authorized by law''.

Subsec. (c)(8), (9). Pub. L. 99–570, § 1152(a)(1)(6), redesignated par. (9) as (8), and struck out former par. (8) which provided for an authorization of appropriations for fiscal years 1984 to 1987 and deposit of excess amounts in the general fund of the Treasury of the United States.

1984—Subsec. (c). Pub. L. 98–473, § 310, added subsec. (c).

Subsec. (c)(1)(E), (F). Pub. L. 98–473, § 2303(a), added subpars. (E) and (F).

Subsec. (c)(3) to (9). Pub. L. 98–473, § 2303(b), added par. (3) and redesignated existing pars. (3) to (8) as (4) to (9), respectively.

1982—Pub. L. 97–258, § 2(g)(1)(B), substituted ''Availability of appropriations'' for ''Appropriations for administrative expenses; notarial fees; meals and lodging of bailiffs'' in section catchline.

Subsecs. (a), (b). Pub. L. 97–258, § 2(g)(1)(C), (D), designated existing provisions as subsec. (a) and added subsec. (b).

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 320913(b) of Pub. L. 103–322 provided that: ''The amendment made by subsection (a) [amending this section] shall apply to all claims pending at the time of or commenced subsequent to the date of enactment of this Act [Sept. 13, 1994].''

TRANSFER OF FORFEITED REAL OR PERSONAL PROPERTY

Pub. L. 108–199, div. B, title I, § 108, Jan. 23, 2004, 118 Stat. 61, provided that:

''(a) Hereafter, the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs.

''(b) Any transfer under the preceding proviso [probably should be ''subsection (a)''] shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act [118 Stat. 93].''

GRANT PROGRAMS; AVAILABILITY OF FUNDS TO JAILS WITH PAY-TO-STAY PROGRAMS

Pub. L. 106–553, § 1(a)(2) [title I, § 117, formerly § 118], Dec. 21, 2000, 114 Stat. 2762, 2762A–69; renumbered § 1(a)(2) [title I, § 117], Pub. L. 106–554, § 1(a)(4) [div. A, § 213(a)(2)], Dec. 21, 2000, 114 Stat. 2763, 2763A–179, provided that: ''Notwithstanding any other provision of law, for fiscal 2001 and hereafter, with respect to any grant program for which amounts are made available under this title, no grant funds may be made available to any local jail that runs 'pay-to-stay programs.'.''

USE OF FUNDS MADE AVAILABLE FOR REMOVAL OF SUBSTANCES ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE

Pub. L. 106–310, div. B, title XXXVI, § 3621(c)(1), Oct. 17, 2000, 114 Stat. 1231, provided that: ''Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) [amending this section] shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.''

ACQUISITION OF EQUIPMENT OR INTERIM SERVICES WITH COUNTERTERRORISM FUNDS

Pub. L. 106–113, div. B, § 1000(a)(1) [title I, § 109], Nov. 29, 1999, 113 Stat. 1535, 1501A–20, provided that: ''Sections 115 [set out below] and 127 [42 U.S.C. 1997e note] of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277) shall apply to fiscal year 2000 and thereafter.''

Pub. L. 105–277, div. A, § 101(b) [title I, § 115], Oct. 21, 1998, 112 Stat. 2681–50, 2681–68, provided that:

''(a)(1) Notwithstanding any other provision of law, for fiscal year 1999, the Attorney General may obligate any funds appropriated for or reimbursed to the Counterterrorism programs, projects or activities of the Department of Justice to purchase or lease equipment or any related items, or to acquire interim serv-

ices, without regard to any otherwise applicable Federal acquisition rule, if the Attorney General determines that—

''(A) there is an exigent need for the equipment, related items, or services in order to support an ongoing counterterrorism, national security, or computer-crime investigation or prosecution;

''(B) the equipment, related items, or services required are not available within the Department of Justice; and

''(C) adherence to that Federal acquisition rule would—

''(i) delay the timely acquisition of the equipment, related items, or services; and

''(ii) adversely affect an ongoing counterterrorism, national security, or computer-crime investigation or prosecution.

''(2) In this subsection, the term 'Federal acquisition rule' means any provision of title II or IX of the Federal Property and Administrative Services Act of 1949 [former 40 U.S.C. 481 et seq., 541 et seq., for distribution of sections of former Title 40 to Title 40, Public Buildings, Property, and Works, see Table preceding section 101 of Title 40], the Office of Federal Procurement Policy Act [see division B (except sections 1123, 2303, 2304, and 2313) of subtitle I of Title 41, Public Contracts], the Small Business Act [15 U.S.C. 631 et seq.], the Federal Acquisition Regulation, or any other provision of law or regulation that establishes policies, procedures, requirements, conditions, or restrictions for procurements by the head of a department or agency or the Federal Government.

''(b) The Attorney General shall immediately notify the Committees on Appropriations of the House of Representatives and the Senate in writing of each expenditure under subsection (a), which notification shall include sufficient information to explain the circumstances necessitating the exercise of the authority under that subsection.''

GRANT PROGRAMS; ''TRIBE'', ''INDIAN TRIBE'', OR ''TRIBAL'' DEFINED

Pub. L. 105–277, div. A, §101(b) [title I, §113], Oct. 21, 1998, 112 Stat. 2681–50, 2681–67, as amended by Pub. L. 106–31, title III, §3028, May 21, 1999, 113 Stat. 102; Pub. L. 106–113, div. B, §1000(a)(1) [title I, §116], Nov. 29, 1999, 113 Stat. 1535, 1501A–21, provided that: ''Notwithstanding any other provision of law for fiscal year 2000 and hereafter, with respect to any grant program for which amounts are made available under this title, the terms 'tribe', 'Indian tribe' or 'tribal' mean of or relating to an Indian tribe as that term is defined in section 4(e) of the Indian Self Determination and Education Assistance Act (Public Law 93–638, as amended; 25 U.S.C. 450b(e) (1998)).''

COUNTERTERRORISM FUND

Pub. L. 107–56, title I, §101, Oct. 26, 2001, 115 Stat. 276, provided that:

''(a) ESTABLISHMENT; AVAILABILITY.—There is hereby established in the Treasury of the United States a separate fund to be known as the 'Counterterrorism Fund', amounts in which shall remain available without fiscal year limitation—

''(1) to reimburse any Department of Justice component for any costs incurred in connection with—

''(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

''(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

''(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

''(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

''(b) NO EFFECT ON PRIOR APPROPRIATIONS.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of the enactment of this Act [Oct. 26, 2001].''

Pub. L. 104–19, title III, July 27, 1995, 109 Stat. 249, provided that: ''There is hereby established the Counterterrorism Fund which shall remain available without fiscal year limitation. For necessary expenses, as determined by the Attorney General, $34,220,000, to remain available until expended, is appropriated to the Counterterrorism Fund to reimburse any Department of Justice organization for the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as the result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorism event: *Provided*, That funds from this appropriation also may be used to reimburse the appropriation account of any Department of Justice agency engaged in, or providing support to, countering, investigating or prosecuting domestic or international terrorism, including payment of rewards in connection with these activities, and to conduct a terrorism threat assessment of Federal agencies and their facilities: *Provided further*, That any amount obligated from appropriations under this heading may be used under the authorities available to the organization reimbursed from this appropriation: *Provided further*, That amounts in excess of the $10,555,000 made available for extraordinary expenses incurred in the Oklahoma City bombing for fiscal year 1995, shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of Public Law 103–317 [108 Stat. 1773]: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(b)(2)(D)(i)], as amended: *Provided further*, That the amount not previously designated by the President as an emergency requirement shall be available only to the extent an official budget request, for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 [see Short Title note set out under 2 U.S.C. 900], as amended, is transmitted to Congress.''

UNAUTHORIZED TRANSFERS FROM DEPARTMENT OF JUSTICE ACCOUNTS; CONTROL OF ALLOCATION OF FUNDS BY AUTHORITY OTHER THAN OFFICE OF MANAGEMENT AND BUDGET OR DEPARTMENT OF JUSTICE

Section 110 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104–91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104–99, title II, §211, Jan. 26, 1996, 110 Stat. 37, provided that: ''Hereafter, notwithstanding any other provision of law—

''(1) No transfers may be made from Department of Justice accounts other than those authorized in this Act [probably means H.R. 2076, One Hundred Fourth Congress, which was vetoed], or in previous or subsequent appropriations Acts for the Department of Justice, or in part II of title 28 of the United States Code, or in section 10601 of title 42 of the United States Code; and

''(2) No appropriation account within the Department of Justice shall have its allocation of funds controlled by other than an apportionment issued by the Office of Management and Budget or an allotment advice issued by the Department of Justice.''

Similar provisions were contained in the following prior appropriation act:

Pub. L. 103–317, title I, § 113, Aug. 26, 1994, 108 Stat. 1736.

USE OF DEPOSITS TRANSFERRED FROM ASSETS FORFEITURE FUND TO BUILDINGS AND FACILITIES ACCOUNT OF FEDERAL PRISON SYSTEM

Section 106 of Pub. L. 103–121 provided that: ''For fiscal year 1994 and thereafter, deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Cooperative Agreement Program.''

[For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.]

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102–395, title I, § 107, Oct. 6, 1992, 106 Stat. 1841.

Pub. L. 102–140, title I, § 107, Oct. 28, 1991, 105 Stat. 794.

Pub. L. 101–515, title II, § 208, Nov. 5, 1990, 104 Stat. 2119.

Pub. L. 101–162, title II, as added Pub. L. 101–302, title II, May 25, 1990, 104 Stat. 216.

NOTICE AND APPROVAL OF TRANSFER OF SUBSECTION (c)(1)(H) DEPOSITS

Section 101(a) [title II, § 210(b)] of Pub. L. 100–202 provided that: ''Amounts proposed for transfer pursuant to subsection (a) [amending this section] shall be transferred only upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate and approval under said Committees' policies concerning the reprogramming of funds.''

§ 525. Procurement of law books, reference books, and periodicals; sale and exchange

In the procurement of law books, reference books, and periodicals, the Attorney General may exchange or sell similar items and apply the exchange allowances or proceeds of such sales in whole or in part payment therefor.

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 615.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 341e.	July 28, 1950, ch. 503, § 3, 64 Stat. 380.

The words ''Attorney General'' are substituted for ''Department of Justice''.

§ 526. Authority of Attorney General to investigate United States attorneys, marshals, trustees, clerks of court, and others

(a) The Attorney General may investigate the official acts, records, and accounts of—

(1) the United States attorneys, marshals, trustees, including trustees in cases under title 11; and

(2) at the request and on behalf of the Director of the Administrative Office of the United States Courts, the clerks of the United States courts and of the district court of the Virgin Islands, probation officers, United States magistrate judges, and court reporters;

for which purpose all the official papers, records, dockets, and accounts of these officers, without exception, may be examined by agents of the Attorney General at any time.

(b) Appropriations for the examination of judicial officers are available for carrying out this section.

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 615; amended Pub. L. 95–598, title II, §§ 219(a), (b), 220, Nov. 6, 1978, 92 Stat. 2662; Pub. L. 99–554, title I, § 144(c), Oct. 27, 1986, 100 Stat. 3096; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 107–273, div. B, title IV, § 4003(b)(2), Nov. 2, 2002, 116 Stat. 1811.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 341b.	July 28, 1950, ch. 503, § 4, 64 Stat. 380. July 7, 1958, Pub. L. 85–508, § 12(q), 72 Stat. 349.

In subsection (b), the words ''now or hereafter'' and ''the provisions of'' are omitted as unnecessary.

CODIFICATION

Pub. L. 95–598, title IV, § 408(c), Nov. 6, 1978, 92 Stat. 2687, as amended by Pub. L. 98–166, title II, § 200, Nov. 28, 1983, 97 Stat. 1081; Pub. L. 98–353, title III, § 323, July 10, 1984, 98 Stat. 358; Pub. L. 99–429, Sept. 30, 1986, 100 Stat. 985; Pub. L. 99–500, § 101(b) [title II, § 200], Oct. 18, 1986, 100 Stat. 1783–39, 1783–45, and Pub. L. 99–591, § 101(b) [title II, § 200], Oct. 30, 1986, 100 Stat. 3341–39, 3341–45; Pub. L. 99–554, title III, § 307(a), Oct. 27, 1986, 100 Stat. 3125, provided for the deletion of any references to United States Trustees in this title at a prospective date, prior to repeal by Pub. L. 99–554, title III, § 307(b), Oct. 27, 1986, 100 Stat. 3125.

AMENDMENTS

2002—Pub. L. 107–273, § 4003(b)(2)(A), struck out ''and'' before ''trustees'' in section catchline.

Subsec. (a)(1). Pub. L. 107–273, § 4003(b)(2)(B), substituted ''marshals,'' for ''marshals,,''.

1986—Pub. L. 99–554, § 144(c)(1), substituted ''trustees'' for ''trustee'' in section catchline.

Subsec. (a)(1). Pub. L. 99–554, § 144(c)(2)(A), inserted reference to trustees in cases under title 11.

Subsec. (a)(2). Pub. L. 99–554, § 144(c)(2)(B), struck out references to courts of the Canal Zone and trustees in cases under title 11.

1978—Pub. L. 95–598, § 219(b), substituted ''marshals, and trustee'' for ''and marshals'' in section catchline.

Subsec. (a)(1). Pub. L. 95–518, § 219(a), substituted ''marshals, and trustees'' for ''and marshals''.

Subsec. (a)(2). Pub. L. 95–598, § 220, substituted ''officers, trustees in cases under title 11'' for ''officers, referees, trustees and receivers in bankruptcy'' and ''magistrates'' for ''commissioners''.

CHANGE OF NAME

''United States magistrate judges'' substituted for ''United States magistrates'' in subsec. (a)(2) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–554 effective 30 days after Oct. 27, 1986, see section 302(a) of Pub. L. 99–554, set out as a note under section 581 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(c) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

§ 527. Establishment of working capital fund

There is hereby authorized to be established a working capital fund for the Department of Jus-