

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

“(I) section 842(h) of title 18;

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

“(III) section 924(c) of title 18.”

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

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

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

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

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

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

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

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

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

Subsec. (g)(4)(A). Pub. L. 103–322, § 90205(c)(2), struck out “(i)” after “(A)” and struck out cl. (ii) which read as follows: “Beginning in fiscal year 1994, and each fiscal year thereafter, the Secretary shall transfer to the Attorney General an amount agreed upon by the Secretary and the Attorney General (taking into account any amount transferred by the Secretary pursuant to

paragraph (3)(A)). The amount transferred under this clause shall reflect the Department of the Treasury’s pro rata share of the amount required to be transferred by the Attorney General pursuant to section 524(c)(9)(B) of title 28.”

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

Subsec. (e). Pub. L. 103–182, § 685(3), substituted “may” for “shall” before “be kept on deposit”.

EFFECTIVE DATE OF 2002 AMENDMENT

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

TRANSFER OF FUNCTIONS

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

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

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

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

UNAVAILABLE COLLECTIONS

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

[§ 9704.]

CODIFICATION

Section 9704 is set out after the first section 9703.