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"(i) Federal drug law enforcement agencies and programs;

"(ii) Federal drug abuse agencies and programs relating to drug abuse education, prevention, treatment, rehabilitation, and research;

"(iii) State, local, and nonprofit agencies with drug abuse responsibilities; and

"(iv) State and local law enforcement agencies for drug law enforcement efforts."

Insert (C)
"(D) The Attorney General shall report annually to the Congress on all disbursements under the authority of clause (B)."

(b) CUSTOMS FORFEITURE FUND.

(1) Section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) as added by Public Law 98-473, is amended --

(A) in subsection (a) before paragraph (1) by striking out "in such amounts as may be specified in appropriations Acts";

(B) by amending paragraph (3) of subsection (a) to read as follows:

(E) funds disbursed from the special FORFEITURE FUND shall not be used to supplant existing FUNDS, but shall be used to supplement the amount of funds that would be otherwise available."

"(3) for equipping for law enforcement functions any government owned or leased vessels, vehicles, and aircraft available for official use by the United States Customs Service; and"; and (C) by striking out subsection (h).

(2) Section 613a of the Tariff Act of 1930 (19 U.S.C. 1613b) as added by Public Law 98-573, is repealed.

(c) FUNDS NOT COUNTED FOR PURPOSES OF ALLOCATION LIMITS IN SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974. --

Notwithstanding any other provision of law or any rule of the House of Representatives or the Senate, amounts available in the Customs Forfeiture Fund or the Department of Justice Assets Forfeiture Fund shall not be counted in determining the allocation of totals under subsections (a) and (b) of section 302 of the Budget Act of 1974.

13 SEC. ~~1163~~ SUBSTITUTE ASSETS.

14 (a) Section 1963 of title 18 is amended by adding at the
15 end thereof a new subsection, as follows:

16 "(n) If any of the property described in subsection (a),
17 as a result of any act of omission of the defendant--

18 "(1) cannot be located upon the exercise of due
19 diligence;

20 "(2) has been transferred or sold to, or deposited
21 with, a third party;

22 "(3) has been placed beyond the jurisdiction of the
23 court;

24 "(4) has been substantially diminished in value; or

25 "(5) has been commingled with other property which

1 cannot be divided without difficulty;
2 the court shall order the forfeiture of any other property of
3 the defendant up to the value of any property described in
4 paragraphs (1) through (5).''.

5 (b) Section 413 of title II of the Comprehensive Drug
6 Abuse Prevention and Control Act of 1978 is amended--

7 (1) by redesignating subsection ''(p)'' as subsection
8 ''(q)''; and

9 (2) by adding a new subsection (p) as follows:

10 ''(p) If any of the property described in subsection (a),
11 as a result of any act or omission of the defendant--

12 ''(1) cannot be located upon the exercise of due
13 diligence;

14 ''(2) has been transferred or sold to, or deposited
15 with, a third party;

16 ''(3) has been placed beyond the jurisdiction of the
17 court;

18 ''(4) has been substantially diminished in value; or

19 ''(5) has been commingled with other property which
20 cannot be divided without difficulty;

21 the court shall order the forfeiture of any other property of
22 the defendant up to the value of any property described in
23 paragraphs (1) through (5).''.

4 'Subtitle E--Controlled Substance Analogs' Enforcement Act of
5 1986

6 SEC. 1201. SHORT TITLE.

7 This subtitle may be cited as the "Controlled Substance
8 Analogs' Enforcement Act of 1986".

9 SEC. 1202. OFFENSE.

10 Part D of the Controlled Substances Act is amended by
11 adding after section 483 the following new section 483A (21
12 U.S.C. 843):

13 "§ 483A. Prohibited acts D

14 Any person who knowingly or ^{intentionally} ~~internationally~~ manufactures
15 with intent to distribute, possesses with intent to
16 distribute, or distributes a controlled substance analog all
17 or part of which substance is intended for human consumption
18 shall be fined not more than ~~\$500,000~~ or imprisoned not more
19 than ~~fifteen~~ ^{twenty} years, or both, ~~and \$2,000,000 for a person other than an individual~~
20 intentionally possesses a controlled substance analog all or
21 part of which substance is intended for human consumption
22 shall be fined not more than \$25,000, or imprisoned not more
23 than one year, or both. This section does not apply to a
24 person who manufactures, possesses, or distributes a
25 substance in conformance with the provisions of an approved

1 new drug application or an exemption for investigational use
2 within the meaning of section 505 of the Federal Food, Drug,
3 and Cosmetic Act (21 U.S.C. 355). For purposes of this
4 section, section 505 of the Federal Food, Drug, and Cosmetic
5 Act (21 U.S.C. 355) shall be applicable to the introduction
6 or delivery for introduction of any new drug into intrastate,
7 interstate, or foreign commerce.".

8 **SEC. 1204 - DEFINITION.**

9 Section 102 of the Controlled Substance Act (21 U.S.C.
10 802) is amended by adding at the end thereof the following
11 new paragraphs:

12 "(31) The term 'controlled substance analog' as used in
13 section 103A means a substance other than a controlled
14 substance that has a chemical structure substantially similar
15 to that of a controlled substance in schedule I or II or that
16 was specifically designed to produce an effect substantially
17 similar to that of a controlled substance in schedule I or
18 II. Examples of chemical classes in which controlled
19 substance analogs are found include, but are not limited to,
20 the following: phenethylamines, N-substituted piperidines,
21 morphinans, ecogonines, quinazolinones, substituted indoles,
22 and arylcycloalkylamines.

23 "(32) The term 'human consumption' includes application,
24 injection, inhalation, or ingestion."

25 **SEC. 1204 AND CONFORMING
TECHNICAL AMENDMENTS.**

(1)
1 The analysis of part D of the Controlled Substances Act
2 is amended by inserting after the item relating to section
3 403 the following:

“403A Prohibited acts D.”.

(2) Title 18 of the United States Code is amended as follows:

(a) Section 1791 is amended --

(1) in subsection (a)(1) by --

(A) redesignating subparagraphs (E) and (F) as (F) and (G), respectively; and

(B) inserting the following new subparagraph after subparagraph (D):

“(E) a controlled substance analog as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);” and

(2) in subsection (b)(3) by --

(A) striking out “or” the second place it appears and inserting in lieu thereof a comma; and

(B) inserting “, or (1)(F)” after “(1)(E)”.

(b) Section 1952(b)(1) is amended by --

(1) striking out “or” the first place it appears and inserting a comma in lieu thereof;

(2) inserting “, or controlled substance analogs” after “substances”; and

(3) striking out “(6)”.

(c) Section 2118 is amended --

(1) in subsection (a) by inserting “, or controlled substance analog all or part of which controlled substance

analog is intended for human consumption," after ..
"substance";

(2) in subsection (b) by --

(A) inserting "or controlled substance analog all or part of which controlled substance analog is intended for human consumption" after "substance" the first place it appears; and

(B) inserting "or controlled substance analog" after "substance" the second place it appears; and

(3) in subsection (e)(1) to read as follows:

"(1) the terms 'controlled substance', 'controlled substance analog', and 'human consumption' have the meaning prescribed for those terms by section 102 of the Controlled Substances Act (21 U.S.C. 802);".

(d) Section 3142(c)(2)(I) is amended by inserting "or controlled substance analog" after "substance".

(e)(1) Section 3563(b)(8), as enacted by section 212(a) of the Comprehensive Crime Control Act of 1984, is amended by inserting "or controlled substance analog" after "substance".

(2) The amendment made by this subsection shall take effect on the date of the taking effect of such section 3563(b)(8).

(f)(1) section 3607 is amended --

(A) in subsection (a) by inserting "a simple possession offense described in section 403A of the Controlled Substances Act (21 U.S.C. 843) or" after "of" the first place it appears;

(B) in subsection (a)(1) by inserting "or controlled substance analog" after "substances"; and

(C) in subsection (c) by inserting "a simple possession offense described in section 403A of the Controlled Substances Act (21 U.S.C. §843A) or" after "of" the first place it appears.

(2) The amendments made by this subsection shall take effect on the date of the taking effect of section 3607.

(3) The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended as follows:

(a) Section 102(11) (21 U.S.C. 802(11)) is amended by inserting "or a controlled substance analog" after "substance" each place it appears.

(b) Section 307(f) (21 U.S.C. 827(f)) is amended by inserting "and controlled substance analogs" after "substances".

(c) Subsections (a) and (b) of section 405 (21 U.S.C. 845) are amended by --

(1) inserting "or section 403A" after "401(a)(1)";

(2) inserting "or a controlled substance analog" after "substance" the first place it appears; and

(3) inserting "in the case of a controlled substance or section 403A in the case of a controlled substance analog" after "section 401(b)" the first place it appears.

(d) Section 405A (21 U.S.C. 845A) is amended --

(1) in subsection (a) by --

(A) inserting "or section 403A" after
"401(a)(1)";

(B) inserting "or a controlled substance analog"
after "substance" the first place it appears; and

(C) striking out "841(b) of this title" and
inserting in lieu thereof "401(b) in the case of a
controlled substance or section 403A in the case of a
controlled substance analog"; and

(2) in subsection (b) by --

(A) inserting "or section 403A" after
"401(a)(1)"; and

(B) inserting "or a controlled substance analog"
after "substance" the first place it appears.

(e) Section 501(c) (21 U.S.C. 871(c)) is amended by
inserting "or controlled substance analogs" after "substances".

(f) Section 503 (21 U.S.C. 873) is amended --

(1) in subsection (a) by --

(A) inserting "and controlled substance analogs"
after "substances" each place it appears; and

(B) inserting "and controlled substance analog"
after "substance" each place it appears; and

(2) in subsection (d)(1)(A) by inserting "and
controlled substance analogs" after "substances".

(g) Section 504 (21 U.S.C. 874) is amended by inserting
"and controlled substance analogs" after "substances".

(h) Section 506(a) (21 U.S.C. 876(a)) is amended by inserting "or controlled substance analogs" after "substances".

(i) Section 509 (21 U.S.C. 879) is amended by inserting "or controlled substance analogs" after "substances".

(j) Section 511 (21 U.S.C. 881) is amended --

(1) in subsection (a) by --

(A) inserting "or controlled substance analogs" after "substances" each place it appears; and

(B) inserting "or controlled substance analog" after "substance" each place it appears;

(2) in subsection (f) by inserting "and all controlled substance analogs" after "schedule I" each place it appears; and

(3) in subsection (g)(1) by inserting "or controlled substance analogs" after "II".

(k) Section 515 (21 U.S.C. 885) is amended --

(1) in subsection (c) by inserting "or controlled substance analogs" after "schedule I"; and

(2) in subsection (d) by inserting "or controlled substance analogs" after "substances".

(l) Section 516(b) (21 U.S.C. 886(b)) is amended by inserting "or controlled substance analogs" after "substances".

~~(A)~~ Section 1 of the Act of September 15, 1980 (21 U.S.C. 955a) is amended as follows:

(a) Subsections (a), (b), and (c) are amended by inserting "or a controlled substance analog all or part of which controlled substance analog is intended for human consumption" after "substance".

(b) Subsection (e) is amended by inserting "or controlled substance analog" after "substance" each place it appears.

(c) Subsection (g) is amended --

(1) in paragraph (1) by inserting "involving a controlled substance" after "section";

(2) in paragraph (2) by inserting "involving a controlled substance" after "Act"; and

(3) by adding the following new paragraph after paragraph (2):

"(3) Any person who commits an offense defined in subsection (a), (b), or (c) of this section involving a controlled substance analog shall be fined not more than \$250,000, or imprisoned not more than fifteen years, or both."

(5) Section 280E of the Internal Revenue Code of 1954 (26 U.S.C. 280E) is amended by inserting "or controlled substance analogs (within the meaning of section 102 of the Controlled Substances Act (21 U.S.C. 802)" after "Act)".

(6) Section 994 of title 28 of the United States Code is amended as follows:

(a) Paragraphs (1)(B) and (2)(B) of subsection (h) are amended by --

(1) striking out "section" the first place it appears and inserting in lieu thereof "sections";

(2) inserting "and 403A" after "401"; and

(3) inserting "and 843A" after "841".

(b) Paragraph (5) of subsection (i) is amended by --

(1) inserting ", 403A," after "401;

(2) inserting ", 843A," after "841; and

(3) inserting "or controlled substance analog" after "substance".

~~(7)~~ Section 902q of the Federal Aviation Act of 1958 (49 U.S.C. 1472q) is amended by --

(a) inserting "or controlled substance analog" after "substance" each place it appears; and

(b) striking out the second sentence and inserting in lieu thereof:

"For purposes of this subsection, the terms 'controlled substance' and 'controlled substance analog' have the meaning given such terms by section 102 of the Controlled Substances Act (21 U.S.C. 802)."

Subtitle ~~E~~ Continuing Drug Enterprise Act of 1986

23 SEC. ~~1252~~ SHORT TITLE.

24 This ^{subtitle} may be cited as the Continuing Drug Enterprise
1 Act of 1986''.

2 SEC. ~~1252~~ INCREASED PENALTIES.

3 Subsection 408(a) of the Controlled substances Act (21
4 U.S.C. 848(a)) is amended as follows:

5 (1) by striking out the phrase ''to a fine of not
6 more than \$100,000,'' and inserting in lieu thereof ''to
7 a fine not to exceed the greater of that authorized in
8 accordance with the provisions of title 18, United States
9 Code or \$2,000,000 if the defendant is an individual or
10 \$5,000,000 if the defendant is other than an
11 individual,''; and

12 (2) by striking out the phrase ''to a fine of not
13 more than \$200,000,'' and inserting in lieu thereof ''to
14 a fine not to exceed the greater of twice the amount
15 authorized in accordance with the provisions of title 18,
16 United States Code, or \$4,000,000 if the defendant is an
17 individual or \$10,000,000 if the defendant is other than
18 an individual''.

SEC. 1253. CONTINUING CRIMINAL ENTERPRISE ENHANCED PENALTIES.

19 Section 408 of the Controlled Substances Act (21 U.S.C.
20 848) is further amended--

21 (1) by redesignating subsections (b) and (c) as
22 subsections (d) and (e), respectively; and

23 (2) by inserting the following new subsections after
24 subsection (a):
25

1 “(b) Any person who engages in a continuing criminal
2 enterprise shall be imprisoned for life and fined in
3 accordance with subsection (a), if--

4 “(1) such person is the principal administrator,
5 organizer, or leader of the enterprise or is one of
6 several such principal administrators, organizers, or
7 leaders; and

8 “(2)(A) the violation referred to in subsection
9 (d)(1) involved at least 300 times the quantity of a
10 substance described in subsection 401(b)(1)(B) of this
11 Act, or

12 “(B) the enterprise, or any other enterprise in
13 which the defendant was the principal or one of several
14 principal administrators, organizers, or leaders,
15 received \$10 million dollars in gross receipts during any
16 twelve-month period of its existence for the manufacture,
17 importation, or distribution of a substance described in
18 section 401(b)(1)(B) of this Act.”

19 Subtitle C-- Controlled Substances Import and Export Act

20 Penalties Enhancement Act of 1986

21 SEC. 1301. SHORT TITLE.

22 This subtitle may be cited as the “Controlled Substances
23 Import and Export Penalties Enhancement Act of 1986.”.

SEC. 1542. ENHANCED PENALTIES.

(a) Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended--

- (1) by redesignating paragraph (3) as paragraph (4); and
- (2) by striking out paragraphs (1) and (2) and inserting the following in lieu thereof:

"(1) In the case of a violation of subsection (a) of this section involving--

"(A) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;

"(B) 5 kilograms or more of a mixture or substance containing a detectable amount of--

"(i) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(ii) cocaine, its salts, optical and geometric isomers, and salts or isomers;

"(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);

"(C) 50 grams or more of a mixture or substance described in subparagraph (B) which contains cocaine base;

"(D) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

"(E) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

"(F) 400 grams or more of a mixture or substance containing a detectable amount of fentanyl or 100 grams or more of a mixture or substance containing a detectable amount of any analog of fentanyl; or

"(G) 1000 kilograms or more of a mixture or substance containing a detectable amount of marihuana;

the person committing such violation shall be sentenced to a term of imprisonment of not less than 10 years and not more than life and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than 20 years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$4,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this subsection, or for a felony under any other provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment

of not less than 20 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or \$8,000,000 if the defendant is an individual or \$20,000,000 if the defendant is other than an individual, or both. Any sentence under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 10 years in addition to such term of imprisonment. ~~Notwithstanding the prior sentences and~~ ~~Notwithstanding~~ any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this paragraph nor shall the term of imprisonment imposed under this paragraph run concurrently with any other term of imprisonment under this paragraph or under any other provision of law. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment. ~~imposed therein.~~

"(2) In the case of a violation of subsection (a) of this section involving--

"(A) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

"(B) 500 grams or more of a mixture or substance containing a detectable amount of--

"(i) coca leaves, except coca leaves and extracts

of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(ii) cocaine, its salts, optical and geometric isomers, and salts or isomers;

"(iii) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(iv) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in clauses (i) through (iii);

5
"(C) 5 grams or more of a mixture or substance described in subparagraph (B) which contains cocaine base;

"(D) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

"(E) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

"(F) 40 grams or more of a mixture or substance containing a detectable amount of fentanyl or 10 grams or more of a mixture or substance containing a detectable amount of any analog of fentanyl; or

"(G) 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana;

the person committing such violation shall be sentenced to a term of imprisonment of not less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of

imprisonment of not less than twenty years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$2,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this subsection, or for a felony under any other provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or \$4,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both. Any sentence ^{imposed} under this paragraph shall, in the absence of such a prior conviction, ^{include} impose a special parole term of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, ^{include} impose a special parole term of at least 8 years in addition to such term of imprisonment. ~~Notwithstanding the prior sentence and~~ ^Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this paragraph nor shall the term of imprisonment imposed under this paragraph

run concurrently with any other term of imprisonment under this paragraph or under any other provision of law. No person sentenced under this paragraph shall be eligible for parole during the term of imprisonment, imposed therein.

"(3) In the case of a violation under subsection (a) of this section involving a controlled substance in schedule I or II, the person committing such violation shall, except as provided in paragraphs (1), (2), and (4), be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years and not more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this subsection, or for a felony under any other provision of this title or title II or other law of a State, the United States or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or \$2,000,000 if the defendant is an individual or \$10,000,000 if the defendant is

other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a special parole term of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a special parole term of at least 6 years in addition to such term of imprisonment. Notwithstanding the prior sentence, and notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this paragraph which provide for a mandatory term of imprisonment if death or serious bodily injury results, nor shall such a term of imprisonment run concurrently with any other term of imprisonment under this paragraph or under any other provision of law, nor shall a person so sentenced be eligible for parole during the term of such a sentence."

(b) Section 1010(b)(4) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(4)), as redesignated, is amended—

- (1) by striking out ", except as provided in paragraph (4)";
- (2) by striking out the phrase "fined not more than \$50,000" and inserting in lieu thereof "fined not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual"; and
- (3) by inserting "except in the case of 100 or more marihuana plants regardless of weight," after "marihuana,".

Robert [unclear]

on 49a)

of twice that authorized in accordance with the provisions of title 18, United States Code, or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual"; and

(C) inserting "except in the case of 100 or more marijuana plants regardless of weight," after "marihuana," the first place it appears.

(2) In subsection (b), paragraph (2) is amended by striking out "a fine of not more than \$25,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual", and by striking out "a fine of not more than \$50,000" and inserting in lieu thereof "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code, or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual".

(3) In subsection (b), paragraph (3) is amended by striking out "a fine of not more than \$10,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$100,000 if the defendant is an individual or \$250,000 if the defendant is other than an individual", and by striking out "a fine of not more than \$20,000" and inserting in lieu thereof "a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, United States Code,

~~49~~ 49(b)

or \$200,000 if the defendant is an individual or \$500,000 if the defendant is other than an individual".

(4) In subsection (b), paragraph (4) is amended by striking out "1(C)" and inserting "1(D)" in lieu thereof.

(5) In subsection (b), paragraph (5) is amended to read as follows:

"(5) Any person who violates subsection (a) of this section by cultivating a controlled substance on Federal property shall be imprisoned as provided in this subsection and shall be fined any amount not to exceed--

"(A) the amount authorized in accordance with this section;

"(B) the amount authorized in accordance with the provisions of title 18, United States Code;

"(C) \$500,000 if the defendant is an individual;

or

"(D) \$1,000,000 if the defendant is other than an individual;

or both."

(6) Subsection (d) is amended by striking out "a fine of not more than \$15,000" and inserting in lieu thereof "a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual".

(b) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended--

AW-2965

(1) by inserting the following new paragraph after paragraph (24):

"(25) The term 'serious bodily injury' means bodily injury which involves--

"(A) a substantial risk of death;

"(B) protracted and obvious disfigurement; or

"(C) protracted loss or impairment of the function of a bodily member, organ, or mental faculty."; and

(2) by renumbering the following paragraphs accordingly.

Subtitle H--Money Laundering Crimes Act of 1986

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the "Money Laundering Crimes Act of 1986".

SEC. 1352. NEW OFFENSE FOR LAUNDERING OF MONETARY INSTRUMENTS.

(a) Chapter 95 of title 18, United States Code, is amended by adding at the end thereof the following new section:

4 § 1956. Laundering of monetary instruments

5 “(a)(1) Whoever, knowing that the property involved in
6 a financial transaction represents the proceeds of some form
7 of unlawful activity, conducts or attempts to conduct such a
8 financial transaction which in fact involves the proceeds of
9 specified unlawful activity—

10 “(A) with the intent to facilitate the carrying on
11 of specified unlawful activity; or

12 “(B) knowing that the transaction is designed in
13 whole or in part—

14 “(i) to conceal or disguise the nature, the lo-
15 cation, the source, the ownership, or the control
16 of the proceeds of specified unlawful activity; or

17 “(ii) to avoid a transaction reporting require-
18 ment under State or Federal law,

19 shall be sentenced to a fine of not more than \$250,000 or
20 twice the value of the property involved in the transaction,
21 whichever is greater, or imprisonment for not more than
22 twenty years, or both.

23 “(2) Whoever transports or attempts to transport a
24 monetary instrument or funds from a place in the United
25 States to or through a place outside the United States or to a

1 place in the United States from or through a place outside
2 the United States—

3 “(A) with the intent to facilitate the carrying on
4 of specified unlawful activity; or

5 “(B) knowing that the monetary instrument or
6 funds involved in the transportation represent the pro-
7 ceeds of some form of unlawful activity and knowing
8 that such transportation is designed in whole or in
9 part—

10 “(i) to conceal or disguise the nature, the lo-
11 cation, the source, the ownership, or the control
12 of the proceeds of specified unlawful activity; or

13 “(ii) to avoid a transaction reporting require-
14 ment under State or Federal law,

15 shall be sentenced to a fine of \$250,000 or twice the value of
16 the monetary instrument or funds involved in the transporta-
17 tion, whichever is greater, or imprisonment for not more than
18 twenty years, or both.

19 “(3) Whoever conducts or attempts to conduct a finan-
20 cial transaction that in whole or in part involves the proceeds
21 of specified unlawful activity with intent to violate or facili-
22 tate a violation of section 7201 or 7206 of the Internal Reve-
23 nue Code of 1954 shall be sentenced to a fine of not more
24 than \$250,000 or twice the value of the monetary instrument

1 or funds involved in the transaction, whichever is greater, or
2 imprisonment for not more than twenty years, or both.

3 “(b) Whoever conducts or attempts to conduct a trans-
4 action described in subsection (a)(1), (a)(3), or a transportation de-
5 scribed in subsection (a)(2) is liable to the United States for a
6 civil penalty of not more than the greater of—

7 “(1) the value of the property, funds, or monetary
8 instruments involved in the transaction; or

9 “(2) \$10,000.

10 “(c) As used in this section—

11 “(1) the phrase ‘knowing that the property in-
12 volved in a financial transaction represents the pro-
13 ceeds of some form of unlawful activity’ means that the
14 person knew the property involved in the transaction
15 represented proceeds from some form, though not nec-
16 essarily which form, of activity that constitutes a
17 felony under State or Federal law, regardless of
18 whether or not such activity is specified in paragraph
19 (7);

20 “(2) the term ‘conducts’ includes but is not limited
21 to initiating, concluding, or participating in initiating,
22 or concluding a transaction;

23 “(3) the term ‘transaction’ includes but is not lim-
24 ited to a purchase, sale, loan, pledge, gift, transfer, de-
25 livery, or other disposition, and with respect to a finan-

1 cial institution includes but is not limited to a deposit,
2 withdrawal, transfer between accounts, exchange of
3 currency, loan, extension of credit, purchase or sale of
4 any stock, bond, certificate of deposit, or other mone-
5 tary instrument, or any other payment, transfer, or de-
6 livery by, through, or to a financial institution, by
7 whatever means effected;

8 “(4) the term ‘financial transaction’ means a
9 transaction involving the movement of funds by wire or
10 other means or involving one or more monetary instru-
11 ments, which in any way or degree affects interstate or
12 foreign commerce, or a transaction involving the use of
13 a financial institution which is engaged in, or the ac-
14 tivities of which affect, interstate or foreign commerce
15 in any way or degree;

16 “(5) the term ‘monetary instruments’ means coin
17 or currency of the United States or of any other coun-
18 try, travelers’ checks, personal checks, bank checks,
19 money orders, investment securities in bearer form or
20 otherwise in such form that title thereto passes upon
21 delivery, and negotiable instruments in bearer form or
22 otherwise in such form that title thereto passes upon
23 delivery;

24 “(6) the term ‘financial institution’ has the defini-
25 tion given that term in section 5312(a)(2) of title 31,

1 United States Code, and the regulations promulgated
2 thereunder;

3 "(7) the term 'specified unlawful activity'
4 means—

5 "(A) any act or activity occurring in whole
6 or in part in, or directed at, the United States,
7 and constituting an offense listed in section
8 1961(1) of this title except an act which is indict-
9 able under the Currency and Foreign Transac-
10 tions Reporting Act;

11 "(B) with respect to a financial transaction
12 occurring in whole or in part in the United States,
13 an offense against a foreign nation involving the
14 manufacture, importation, sale, or distribution of a
15 controlled substance (as such term is defined for
16 the purposes of the Controlled Substances Act);

17 "(C) any act or acts constituting a continuing
18 criminal enterprise, as that term is defined in sec-
19 tion 408 of the Controlled Substances Act (21
20 U.S.C. 848); or

21 "(D) an offense under section 152 (relating
22 to concealment of assets; false oaths and claims;
23 bribery), section 215 (relating to commissions or
24 gifts for procuring loans), sections 500 through
25 503 (relating to certain counterfeiting offenses),

1 section 511 (relating to securities of States and
2 private entities), section 545 (relating to smug-
3 gling goods into the United States), section 641
4 (relating to public money, property, or records),
5 section 656 (relating to theft, embezzlement, or
6 misapplication by bank officer or employee), sec-
7 tion 666 (relating to theft or bribery concerning
8 programs receiving Federal funds), section 793,
9 794, or 798 (relating to espionage), section 875
10 (relating to interstate communications), section
11 1201 (relating to kidnaping), section 1203 (relat-
12 ing to hostage taking), section 1344 (relating to
13 bank fraud), or section 2113 or 2114 (relating to
14 bank and postal robbery and theft) of this title,
15 section 38 of the Arms Export Control Act (22
16 U.S.C. 2778), the Export Administration Act of
17 1979 (50 U.S.C. App. 2401 et seq.), the Interna-
18 tional Emergency Economic Powers Act (50
19 U.S.C. 1702 et seq.), and the Trading with the
20 Enemy Act (50 U.S.C. App. 1 et seq.).

21 "(d) Nothing in this section shall supersede any provi-
22 sion of Federal, State, or other law imposing criminal penal-
23 ties or affording civil remedies in addition to those provided
24 for in this section.

1 “(e) Violations of this section may be investigated by
2 such components of the Department of Justice as the Attor-
3 ney General may direct, and by such components of the De-
4 partment of the Treasury as the Secretary of the Treasury
5 may direct, as appropriate.

6 “(f) There is extraterritorial jurisdiction over the con-
7 duct prohibited by this section if—

8 “(1) the conduct is by a United States citizen or,
9 in the case of a non-United States citizen, the conduct
10 occurs in part in the United States; and

11 “(2) the transaction or series of related transac-
12 tions involves funds or monetary instruments of a value
13 exceeding \$10,000.”.

14 (b) The table of sections at the beginning of chapter 95
15 of title 18 is amended by adding at the end the following new
16 item:

“1956. Laundering of monetary instruments”.

1353-

17 SEC. 3. (a) Subsection 1103(c) of the Right to Financial
18 Privacy Act of 1978 (12 U.S.C. 3403(c)) is amended by
19 adding at the end thereof the following: “Such information
20 may include only the name or names of and other identifying
21 information concerning the individuals and accounts involved
22 in and the nature of the suspected illegal activity. Such infor-
23 mation may be disclosed notwithstanding any constitution,
24 law, or regulation of any State or political subdivision thereof
25 to the contrary. Any financial institution, or officer, employ-

1 ee, or agent thereof, making a disclosure of information pur-
2 suant to this subsection, shall not be liable to the customer
3 ~~under~~ any law or regulation of the United States or
4 any constitution, law, or regulation
5 of any State or political subdivision thereof, for such
6 disclosure or for any failure to notify the customer of such
7 disclosure.”.

8 (b) Section 1113(i) of the Right to Financial Privacy Act
9 of 1978 (12 U.S.C. 3413(i)) is amended by inserting immedi-
10 ately before the period at the end thereof a comma and the
11 following: “except that a court shall have authority to order
12 a financial institution, on which a grand jury subpoena for
13 customer records has been served, not to notify the cus-
14 tomer of the existence of the subpoena or information that
15 has been furnished to the grand jury, under the circumstances and for
16 the period
17 specified and pursuant to the procedures established in sec-
18 tion 1109 of the Right to Financial Privacy Act of 1978 (12
19 U.S.C. 3409)”.

1354. 18 SEC. 4. (a) Section 5318 of title 31, United States
19 Code, is amended to read as follows:
20 “§ 5318. Compliance, exemptions, and summons authority
21 “(a) The Secretary of the Treasury may (except under
22 section 5315 of this title and regulations prescribed under
23 section 5315)—

1 “(1) delegate duties and powers under this sub-
2 chapter to an appropriate supervising agency, except
3 as provided in subsection (c);

4 “(2) require a class of domestic financial institu-
5 tions to maintain appropriate procedures to ensure
6 compliance with this subchapter and regulations pre-
7 scribed under this subchapter;

8 “(3) examine any books, papers, records, or other
9 data of domestic financial institutions relevant to the
10 recordkeeping or reporting requirements of this sub-
11 chapter;

12 “(4) summon a financial institution or an officer or
13 employee of a financial institution, or a former officer
14 or employee, or any person having possession, custody,
15 or care of the reports and records required under this
16 subchapter, to appear before the Secretary of the
17 Treasury or his delegate at a time and place named in
18 the summons and to produce such books, papers,
19 records, or other data, and to give testimony, under
20 oath, as may be relevant or material to an investiga-
21 tion described in subsection (c); and

22 “(5) prescribe an appropriate exemption from a
23 requirement under this subchapter and regulations pre-
24 scribed under this subchapter. The Secretary may
25 revoke an exemption by actually or constructively noti-

1 fying the parties affected. A revocation is effective
2 during judicial review.

3 “(b) The purposes for which the Secretary of the Treas-
4 ury may take any action described in paragraph (3) of subsec-
5 tion (a) include the purpose of civil and criminal enforcement
6 of the provisions of this subchapter, section 21 of the Federal
7 Deposit Insurance Act (12 U.S.C. 1829b), section 411 of the
8 National Housing Act (12 U.S.C. 1730d), or chapter 2 of
9 Public Law 91-508.

10 “(c) The purpose for which the Secretary of the Treas-
11 ury may take any action described in paragraph (4) of subsec-
12 tion (a) is limited to investigating violations of this subchap-
13 ter, violations of section 21 of the Federal Insurance Act (12
14 U.S.C. 1829b), violations of section 411 of the National
15 Housing Act (12 U.S.C. 1730d), or violations of chapter 2 of
16 Public Law 91-508 for the purpose solely of civil enforce-
17 ment of these provisions or any regulation issued thereunder.
18 A summons may be issued under paragraph (4) of subsection
19 (a) only by, or with the approval of, the Secretary of the
20 Treasury or a supervisory level delegate of the Secretary of
21 the Treasury.

22 “(d) A summons pursuant to this section may require
23 that books, papers, records, or other data stored or main-
24 tained at any place be produced at any designated location in
25 any State or in any territory or other place subject to the

1 jurisdiction of the United States not more than five hundred
2 miles distant from any place where the financial institution
3 operates or conducts business in the United States. Persons
4 summoned under this section shall be paid the same fees and
5 mileage for travel in the United States that are paid wit-
6 nesses in the courts of the United States. The United States
7 shall not be liable for any other expenses incurred in connec-
8 tion with the production of books, papers, records, or other
9 data pursuant to the provisions of this section.

10 “(e) Service of a summons issued under this section may
11 be by registered mail or in such other manner calculated to
12 give actual notice as the Secretary may provide by regula-
13 tion.

14 “(f) In the case of contumacy by or refusal to obey a
15 summons issued to any person under this section, the Secre-
16 tary shall refer the matter to the Attorney General. The At-
17 torney General may invoke the aid of any court of the United
18 States within the jurisdiction of which the investigation
19 which gave rise to the summons is being or has been carried
20 on or of which the person summoned is an inhabitant, or in
21 which he carries on business or may be found, to compel
22 compliance with the summons. The court may issue an order
23 requiring the person summoned to appear before the Secre-
24 tary or his delegate to produce books, papers, records, and
25 other data, to give testimony as may be necessary to explain

1 how such material was compiled and maintained, and to pay
2 the costs of the proceeding. Any failure to obey the order of
3 the court may be punished by the court as a contempt there-
4 of. All process in any such case may be served in any judicial
5 district in which such person may be found.”

6 (b)(1) Paragraph (1) of subsection (a) of section 5321 of
7 title 31, United States Code, is amended to read as follows:

8 “(1) A domestic financial institution, and a partner, di-
9 rector, officer, or employee of a domestic financial institution,
10 willfully violating this subchapter or a regulation prescribed
11 under this subchapter (except sections 5314 and 5315 of this
12 title or a regulation prescribed under sections 5314 and
13 5315) is liable to the
14 United States Government for a civil penalty of not more
15 than the amount of the transaction (but not more than
16 \$1,000,000) or \$25,000, whichever is greater. For a willful
17 violation of section 5318(a)(2) of this title, or a regulation
18 prescribed under section 5318(a)(2), a separate violation
19 occurs for each day the violation continues and at such office,
20 branch, or place of business at which a violation occurs or
21 continues.”

1 (2) Subsection (a) of section 5321 of title 31, United
2 States Code, is amended by adding at the end thereof the
3 following new paragraphs:

4 "(4) A person willfully violating the provisions of section
5 5314 of this title or of a regulation prescribed under section
6 5314 is liable to the United States Government for a civil
7 penalty of not more than—

8 "(A) where the violation involves a transaction,
9 the amount of the transaction or \$25,000, whichever is
10 greater, or

11 "(B) where the violation involves the failure to
12 report the existence of an account or any required
13 identifying data pertaining to the account, the amount
14 of the account (but not more than \$250,000) or
15 \$25,000, whichever is greater.

16 "(5) Any financial institution negligently violating any
17 provision of this subchapter or a regulation prescribed under
18 this subchapter is liable to the United States for a civil
19 penalty of not more than \$ 500.

20 "(6) A civil penalty assessed pursuant to this section is
21 in addition to any criminal penalty under section 5322 of this
22 title based on the same transaction."

" (7) The Secretary may impose a civil penalty on
a person or persons (excluding a domestic financial
institution examined by a Federal bank supervisory
agency or a financial institution regulated by the
Securities and Exchange Commission) willfully violating

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this paragraph may not be more than the amount of the United States coins and currency (or other monetary instruments the Secretary may prescribe) involved in the violation of section 5324 of this subchapter. A civil penalty under this paragraph is reduced by any amount forfeited under subsection 981(a)(1)(C) of title 18."

(c) Subsection (b) of section 5321 of title 31, United States Code, is amended to read as follows:

1 “(b) The Secretary may assess a civil penalty under this
2 section within six years from the date of the transaction in
3 which the penalty is based. The Secretary may bring a civil
4 action to recover a civil penalty under this section within two
5 years from the date of a penalty assessment or the conclusion
6 of a criminal action under section 5322 of this title based on
7 the same transaction, whichever is later.”

8 (d) Subsection (c) of section 5321 of title 31 is amended
9 to read as follows:

10 “(c) The Secretary of the Treasury may remit any part
11 of a forfeiture under subsection 5317(c) of this title
12 or under subsection 981(a)(1)(C) of title 18 or may
13 mitigate any civil penalty under subsection (a) of this sec-
14 tion.”

14 (e) Subsection (b) of section 5322 of title 31, United
15 States Code, is amended by striking out “pattern of illegal
16 activity involving transactions of more than \$100,000” and
17 inserting in lieu thereof “pattern of any illegal activity in-
18 volving more than \$100,000”, and by striking out “5” and
19 inserting in lieu thereof “10”.

23 (f) Section 5312(a)(5) of title 31, United States Code, is
24 amended to read as follows:

1 "United States" means the States of the
2 United States, the District of Columbia, and, when the
3 Secretary prescribes by regulation, the Commonwealth
4 of Puerto Rico, the Virgin Islands, Guam, the North-
5 ern Mariana Islands, American Samoa, the Trust Ter-
6 ritory of the Pacific Islands, any other territory or pos-
7 session of the United States, or a military or diplomatic
8 establishment."

"(g), Subchapter II of Chapter 53 of title 31,
United States Code is amended by adding at the end
thereof the following new section:

" section 5324. Structuring transactions to
evade reporting requirements.

"No person shall, for the purpose of
evading the reporting requirements of
subsection 5313(a) --

"(1) cause or attempt to cause a domestic
financial institution to fail to file a
report required by subsection 5313(a);

"(2) cause or attempt to cause a domestic
financial institution to file a report
required by subsection 5313(a) that
contains a material omission or
misstatement of fact; or

"(3) structure or attempt to structure or
assist in structuring a transaction."

(h) The table of sections for chapter 53 of title 31, United States Code is amended by adding at the end thereof the following new item:

"5324. Structuring transactions to evade reporting requirements".

(i) Subsection 5317(c) of title 31, United States Code, is amended to read as follows:

"(c) A monetary instrument being transported, or which has been transported, or any interest in any property, including any deposit in a financial institution, traceable to such instrument, may be seized and forfeited to the United States Government when a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement."

(j) The table of sections at the beginning of chapter 53, subchapter II, of title 31, is amended by striking "5318. Compliance and exemption." and inserting in lieu thereof "5318. Compliance, exemptions and summons authority."

(k) Subsection (c) of section 5322 of title 31, United States Code is amended by striking out "5318(2)" each time it appears and inserting in lieu thereof "5318(a)(2)".

Section 5. (a) Subsection (b) of section 1952 of title 18,

United States Code, is amended by striking out "or" before "(2)", and by striking out the period at the end thereof and inserting in lieu thereof the following: ", or (3) any act which

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-66 A- to be inserted
or page 66

"¹(a) SUBSECTION (b) OF SECTION 5317 OF TITLE 31, UNITED STATES
CODE IS AMENDED BY STRIKING SUBSECTION (b) AND INSERTING IN
LIEU THEREOF ^(b) TO ENSURE COMPLIANCE WITH SECTION 5316 OF THIS
TITLE, A CUSTOMS OFFICER MAY STOP AND SEARCH, AT THE BORDER,
WITHOUT A SEARCH WARRANT, A VEHICLE, VESSEL, AIRCRAFT, OR OTHER
CONVEYANCE, ENVELOPE OR OTHER CONTAINER, OR PERSON ENTERING OR
DEPARTING FROM THE UNITED STATES."

1 is indictable under subchapter II of chapter 53 of title 31,
2 United States Code, or under section 1956 of this title.”.

3 (b) Subsection (4) of section 1961 of title 18, United
4 States Code, is amended by inserting “section 1956 (relating
5 to the laundering of monetary instruments),” after “sec-
6 tion 1955 (relating to the prohibition of illegal gambling
7 businesses),”.

8 (c) Subsection (4) of section 2516 of title 18, United
9 States Code, is amended in paragraph (c) by inserting “sec-
10 tion 1956 (laundering of monetary instruments),” after “sec-
11 tion 1955 (prohibition of business enterprises of gambling),”.

12 **SEC. 6.** (a) Title 18 of the United States Code is
13 amended by adding after chapter 45 a new chapter 46 as
14 follows:

1356.

15 **“CHAPTER 46—FORFEITURE**

“Sec.
“981. Civil Forfeiture.
“982. Criminal Forfeiture.

16 **“§ 981. Civil forfeiture**

17 **“(a)(1) Except as provided in paragraph (2), the follow-**
18 **ing property is subject to forfeiture to the United States:**

19 **“(A) Any property, real or personal, which repre-**
20 **sents the gross receipts a person obtains, directly or in-**
21 **directly, as a result of a violation of section 1956 of**
22 **this title, or which is traceable to such gross receipts.**

23 **“(B) Any property**

24

1 within the jurisdiction of the United States, which
2 represents the proceeds of an offense against a foreign
3 nation involving the manufacture, importation, sale, or
4 distribution of a controlled substance (as such term is
5 defined for the purposes of the Controlled Substances
6 Act), within whose jurisdiction such offense or activity
7 would be punishable by death or imprisonment for a
8 term exceeding one year and which would be punish-
9 able by imprisonment for a term exceeding one year if
10 such act or activity had occurred within the jurisdiction
11 of the United States.

"(C) 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."

"(2) No property shall be forfeited under this section to the extent of the interest of an owner ^{or holder of an} ~~share~~ or omission established by that owner ^{or holder} ~~to~~ have been committed without the knowledge of that owner ^{or holder}.

"(b) 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 1956 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 may be seized by the Secretary of the Treasury, 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—

"(1) the seizure is pursuant to a lawful arrest or search; or

"(2) the Attorney General or the Secretary of the Treasury, 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.

"(c) Property taken or detained under this section shall not be replevable, but shall be deemed to be in the custody of the Attorney General or the Secretary of the Treasury, 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 or the Secretary of the Treasury, 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 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 or the Secretary of

"(e) Notwithstanding any other provision of the law, the Attorney General or the Secretary of the Treasury, 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 to—

- “(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.

The Attorney General or the Secretary of the Treasury, 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 or the Secretary of the Treasury 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 or the Secretary of the Treasury 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 com-

plaint for forfeiture under this section, the Attorney General may seek dismissal of the complaint in favor of forfeiture pro-

1 ceedings under State or local law. Whenever forfeiture pro-
2 ceedings are discontinued by the United States in favor of
3 State or local proceedings, the United States may transfer
4 custody and possession of the seized property to the appropri-
5 ate State or local official immediately upon the initiation of
6 the proper actions by such officials. Whenever forfeiture pro-
7 ceedings are discontinued by the United States in favor of
8 State or local proceedings, notice shall be sent to all known
9 interested parties advising them of the discontinuance or dis-
10 missal. The United States shall not be liable in any action
11 arising out of the seizure, detention, and transfer of seized
12 property to State or local officials.

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

17 “(g) The filing of an indictment or information alleging a
18 violation of law which is also related to a forfeiture proceed-
19 ing under this section shall, upon motion of the United States
20 and for good cause shown, stay the forfeiture proceeding.

21 “(h) In addition to the venue provided for in section
22 1395 of title 28 or any other provision of law, in the case of
23 property of a defendant charged with a violation that is the
24 basis for forfeiture of the property under this section, a pro-
25 ceeding for forfeiture under this section may be brought in

1 the judicial district in which the defendant owning such prop-
2 erty is found or in the judicial district in which the criminal
3 prosecution is brought.

4 "(i) In the case of property subject to forfeiture under
5 subsection (a)(1)(B), the following additional provisions shall
6 apply:

7 "(1) Notwithstanding any other provision of law,
8 whenever property is civilly or criminally forfeited
9 under the Controlled Substances Act, the Attorney General may equi-
10 tably transfer any conveyance, currency, and any other
11 type of personal property which the Attorney General
12 may designate by regulation for equitable transfer, or
13 any amounts realized by the United States from the
14 sale of any real or personal property forfeited under the Controlled
15 Substances Act^h in an appropriate foreign country to re-
16 flect generally the contribution of any such foreign
17 country participating directly or indirectly in any acts
18 which led to the seizure or forfeiture of such property.
19 Such property when forfeited pursuant to subsection
20 (a)(1)(B) of this section may also be transferred to a
21 foreign country pursuant to a treaty providing for the
22 transfer of forfeited property to such foreign country. A
23 decision by the Attorney General pursuant to this
24 paragraph shall not be subject to review. The foreign
25 country shall, in the event of a transfer of property or

1 proceeds of sale of property under this subchapter, bear
2 all expenses incurred by the United States in the sei-
3 zure, maintenance, inventory, storage, forfeiture, and
4 disposition of the property, and all transfer costs. The
5 payment of all such expenses, and the transfer of
6 assets pursuant to this paragraph, shall be upon such
7 terms and conditions as the Attorney General may, in
8 his discretion, set.

9 “(2) The provisions of this section shall not be
10 construed as limiting or superseding any other author-
11 ity of the United States to provide assistance to a for-
12 eign country in obtaining property related to a crime
13 committed in the foreign country, including, but not
14 limited to, property which is sought as evidence of a
15 crime committed in the foreign country.

16 “(3) A certified order or judgment of forfeiture by
17 a court of competent jurisdiction of a foreign country
18 concerning property which is the subject of forfeiture
19 under this section and was determined by such court to
20 be the type of property described in subsection (a)(1)(B)
21 of this section, and any certified recordings or tran-
22 scripts of testimony taken in a foreign judicial proceed-
23 ing concerning such order or judgment of forfeiture,
24 shall be admissible in evidence in a proceeding brought
25 pursuant to this section. Such certified order or judg-