

(b) Applicability of laws relating to seizure, forfeiture, and condemnation

All provisions of law relating to seizure, summary and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, 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 law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property. Awards of compensation to informers under this section may be paid only out of funds specifically appropriated therefor.

(c) Disposition of forfeited materials

Arms and munitions of war forfeited under subsection (b) of this section shall be delivered to the Secretary of Defense for such use or disposition as he may deem in the public interest, or, in the event that the Secretary of Defense refuses to accept such arms and munitions of war, they shall be sold or otherwise disposed of as prescribed under existing law in the case of forfeitures for violation of the customs laws.

(June 15, 1917, ch. 30, title VI, §1, 40 Stat. 223; June 17, 1930, ch. 497, title IV, §523, 46 Stat. 740; Aug. 13, 1953, ch. 434, §1, 67 Stat. 577; Pub. L. 105-119, title II, §211(a), Nov. 26, 1997, 111 Stat. 2487.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-119, which directed the amendment of section 401 of title 22, United States Code, by inserting “The Secretary of Commerce may seize and detain any commodity (other than arms or munitions of war) or technology which is intended to be or is being exported in violation of laws governing such exports and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been used or is being used in exporting or attempting to export such articles.” after first sentence in subsec. (a), was executed by making the insertion in section 1(a) of act June 15, 1917, ch. 30, which is classified to this section, to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 105-119, which directed the amendment of section 401 of title 22, United States Code, by inserting “However, with respect to seizures and forfeitures of property under this section by the Secretary of Commerce, 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 law may be performed by such officers as are designated by the Secretary of Commerce or, upon the request of the Secretary of Commerce, by any other agency that has authority to manage and dispose of seized property.” after “and not inconsistent with the provisions hereof.” in subsec. (b), was executed by making the insertion in section 1(b) of act June 15, 1917, ch. 30, which is classified to this section, to reflect the probable intent of Congress.

1953—Act Aug. 13, 1953, provided not only seizure and forfeiture of articles or merchandise which are being, or are intended to be illegally exported, and the vehicle, vessel, or aircraft in which exportation is intended to accomplish, but also for the seizure and forfeiture of articles or merchandise actually illegally exported out, the carrier used to effectuate the exportation, provided for applicability of laws relating to seizure, summary and judicial forfeiture and condemnation, and provided for the disposition of seized materials.

1930—Act June 17, 1930, substituted “comptrollers of customs” for “Naval officers of customs”.

EX. ORD. NO. 10863. AUTHORIZATION OF ATTORNEY GENERAL TO SEIZE ARMS AND MUNITIONS OF WAR, AND OTHER ARTICLES

Ex. Ord. No. 10863, Feb. 18, 1960, 25 F.R. 1507, provided: By virtue of the authority vested in me by section 1 of Title VI of the act of June 15, 1917, 40 Stat. 223, as amended by section 1 of the act of August 13, 1953, 67 Stat. 577 (22 U.S.C. 401), it is ordered as follows:

SECTION 1. The Attorney General is hereby designated under section 1 of Title VI of the act of June 15, 1917, as amended by section 1 of the act of August 13, 1953 [this section], as a person duly authorized to seize and detain arms or munitions of war or other articles, and to seize and detain any vessel, vehicle, or aircraft containing such items or which has been, or is being, used in exporting or attempting to export such arms or munitions of war or other articles, whenever an attempt is made to export or ship from or take out of the United States such arms or munitions of war or other articles in violation of law, or whenever it is known, or there is probable cause to believe, that such arms or munitions of war or other articles are intended to be, or are being or have been, exported or removed from the United States in violation of law.

SEC. 2. The authority conferred upon the Attorney General by section 1 of this order may be exercised by any officer of the Department of Justice designated for such purpose by the Attorney General.

DWIGHT D. EISENHOWER.

§§ 402 to 405. Repealed. Aug. 13, 1953, ch. 434, §2, 67 Stat. 577

Section 402, act June 15, 1917, ch. 30, title VI, §2, 40 Stat. 224, related to issuance of warrant for detention of seized property.

Section 403, act June 15, 1917, ch. 30, title VI, §3, 40 Stat. 224, related to filing petition for restoration of seized property.

Section 404, acts June 15, 1917, ch. 30, title VI, §4, 40 Stat. 224; Mar. 1, 1929, ch. 420, 45 Stat. 1423, related to institution of libel proceedings and sale of seized property.

Section 405, act June 15, 1917, ch. 30, title VI, §5, 40 Stat. 224, related to method of trial and bond for redelivery.

For subject matter of sections 402 to 405 of this title, see section 401 of this title.

§ 406. Interference with foreign trade

Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section 401 of this title, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before June 15, 1917, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

(June 15, 1917, ch. 30, title VI, §6, 40 Stat. 225.)

REFERENCES IN TEXT

Herein, referred to in text, means act June 15, 1917, ch. 30, title VI, 40 Stat. 223, as amended, which enacted sections 31 to 39, 98, 130 to 133, 288, 343 to 346, 381, 502, 535, 536, 574, and 611 to 633 of former Title 18, Criminal Code and Criminal Procedure, sections 213, 231 to 233, 235, 401 to 408a, 462, and 465 of this title, and sections 30 to 42, 191, and 192 to 195 of Title 50, War and National Defense, and amended sections 25, 27, and 349 of former Title 18. For complete classification of this Act to the Code, see Tables.

§ 407. Repealed. Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577

Section, act June 15, 1917, ch. 30, title VI, § 7, 40 Stat. 225, related to President's discretion to release seized property. See section 401 of this title.

§ 408. Use of land and naval forces to prevent exportation

The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of sections 401 to 408 of this title.

(June 15, 1917, ch. 30, title VI, § 8, 40 Stat. 225.)

AIR FORCE

For transfer of certain functions insofar as they pertain to the Air Force, and to the extent that they were not previously transferred to the Secretary of the Air Force from the Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(1)], July 22, 1949.

§ 408a. "United States" defined

The term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(June 15, 1917, ch. 30, title XIII, § 1, 40 Stat. 231.)

REFERENCES IN TEXT

This Act, referred to in text, means act June 15, 1917, ch. 30, 40 Stat. 217, as amended, which enacted sections 31 to 39, 98, 130 to 133, 288, 343 to 346, 381, 502, 535, 536, 574, and 611 to 633 of former Title 18, Criminal Code and Criminal Procedure, sections 213, 231 to 233, 235, 401 to 408a, 462, and 465 of this title, and sections 30 to 42, 191, and 192 to 195 of Title 50, War and National Defense, and amended sections 25, 27, and 349 of former Title 18. For complete classification of this Act to the Code, see Tables.

For definition of Canal Zone, referred to in text, see section 3602(b) of this title.

§§ 409, 410. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 409, act Jan. 31, 1922, ch. 44, § 1, 42 Stat. 361, related to prohibition against exportation of arms to American countries or countries under American jurisdiction in a state of domestic violence. See section 1934 of this title.

Section 410, act Jan. 31, 1922, ch. 44, § 2, 42 Stat. 361, related to penalties. See section 1934 of this title.

§§ 411 to 419. Omitted

CODIFICATION

Sections 411, 412, and 413 to 419, popularly known as the Lend-Lease Act, terminated not later than June 30, 1946, pursuant to section 412 of this title.

Section 411, act Mar. 11, 1941, ch. 11, § 2, 55 Stat. 31, defined "defense article" and "defense information" for purpose of lease, loan, etc., of war materials in interest of United States defense.

Section 412, acts Mar. 11, 1941, ch. 11, § 3, 55 Stat. 31; Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, §§ 1, 2, 58 Stat. 222, 223; Apr. 16, 1945, ch. 61, §§ 1, 2, 59 Stat. 52, provided for procurement for and transfer of defense articles to other countries, repairs, limitation on amount, termination of powers after June 30, 1946, or after passage of concurrent resolution by both Houses before June 30, 1946, whichever is the earlier, naval convoys, and combat area navigation.

Section 412a, act Mar. 18, 1943, ch. 17, title I, § 1, 57 Stat. 25, prohibited disposition of merchant vessels under sections 411 to 419 of this title except by lease for duration of war.

Section 413, act Mar. 11, 1941, ch. 11, § 4, 55 Stat. 32, provided for contract restrictions against disposal of transferred articles by transferee governments.

Section 414, act Mar. 11, 1941, ch. 11, § 5, 55 Stat. 32, provided for information regarding articles exported and reports to Congress. Section 5(b) of act Mar. 11, 1941, ch. 11, 55 Stat. 32, formerly classified to section 414(b) of this title, provided for reports with respect to operations under the Lend-Lease Act, and was repealed by Pub. L. 89-348, § 1(19), Nov. 8, 1965, 79 Stat. 1311.

Section 415, acts Mar. 11, 1941, ch. 11, § 6, 55 Stat. 33; Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, § 1, 58 Stat. 222; Apr. 16, 1945, ch. 61, § 1, 59 Stat. 52; July 25, 1947, ch. 327, § 1, 61 Stat. 449, authorized appropriations.

Section 416, act Mar. 11, 1941, ch. 11, § 7, 55 Stat. 33, provided for protection of patent rights.

Section 417, act Mar. 11, 1941, ch. 11, § 8, 55 Stat. 33, provided for acquisition of war materials from foreign governments.

Section 418, act Mar. 11, 1941, ch. 11, § 9, 55 Stat. 33, authorized executive promulgation of rules and regulations and delegation of powers.

Section 419, act Mar. 11, 1941, ch. 11, § 10, 55 Stat. 33, related to effect of act Mar. 11, 1941 on existing laws relating to use of land and naval forces.

ADDITIONAL DEFENSE AID TO OTHER COUNTRIES; LEASE OF CERTAIN SHIPS, BARGES, ETC.

Acts Feb. 7, 1942, ch. 46, title III, § 301, 56 Stat. 82; Oct. 26, 1942, ch. 629, title I, § 103, 56 Stat. 994; Feb. 19, 1943, ch. 1, § 4, 57 Stat. 4, June 26, 1943, ch. 147, § 118, 57 Stat. 217; June 22, 1944, ch. 269, § 121, 58 Stat. 322; May 29, 1945, ch. 130, § 119, 59 Stat. 222, provided for additional defense aid to countries deemed vital to the defense of the United States and for the lease of ships for periods not extending beyond the termination of the national emergency.

LIMITATION ON APPROPRIATIONS

Act Apr. 28, 1942, ch. 247, title II, § 201, 56 Stat. 233, provided that limitation of \$2,500,000,000 shall apply to all appropriations made to the Navy Department since Mar. 11, 1941.

REDUCTION IN VALUE OF DEFENSE ARTICLES

The value of defense articles was reduced to \$800,000,000 by act Dec. 17, 1941, ch. 591, title I, § 102, 55 Stat. 813, and as thus limited was made inapplicable to the War Department after Dec. 17, 1941.

DEFINITIONS

Act Mar. 5, 1942, ch. 141, title III, § 303, 56 Stat. 131, provided that the term "defense article" shall be deemed to include defense information and services, and the expenses in connection with the procurement or supplying of defense articles, information, and services.

§ 420. Repealed. July 25, 1947, ch. 327, § 1, 61 Stat. 449

Section, acts May 2, 1941, ch. 84, § 5, 55 Stat. 150; June 16, 1942, ch. 416, 56 Stat. 370, related to application of sections 1119a and 1119b of former Title 46, Shipping, to functions of the Maritime Commission under sections 411, 412 and 413 to 419 of this title.