

AMENDMENTS

1996—Subsec. (a)(6). Pub. L. 104-153 added par. (6).

§ 80303. Seizure and forfeiture

The Secretary of the Treasury or the Governor of Guam or of the Northern Mariana Islands as provided in section 80304 of this title, or, when the violation of this chapter involves contraband described in paragraph (2) or (5) of section 80302(a), the Attorney General or a person authorized by another law to enforce section 80302 of this title, shall seize an aircraft, vehicle, or vessel involved in a violation of section 80302 and place it in the custody of a person designated by the Secretary, the Attorney General, or appropriate Governor, as the case may be. The seized aircraft, vehicle, or vessel shall be forfeited, except when the owner establishes that a person except the owner committed the violation when the aircraft, vehicle, or vessel was in the possession of a person who got possession by violating a criminal law of the United States or a State. However, an aircraft, vehicle, or vessel used by a common carrier to provide transportation for compensation may be forfeited only when—

- (1) the owner, conductor, driver, pilot, or other individual in charge of the aircraft or vehicle (except a rail car or engine) consents to, or knows of, the alleged violation when the violation occurs;
- (2) the owner of the rail car or engine consents to, or knows of, the alleged violation when the violation occurs; or
- (3) the master or owner of the vessel consents to, or knows of, the alleged violation when the violation occurs.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1354; Pub. L. 107-296, title XI, §112(q), Nov. 25, 2002, 116 Stat. 2278.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80303	49 App.:782. 49 App.:783 (last sentence).	Aug. 9, 1939, ch. 618, §2, 53 Stat. 1291; Nov. 18, 1988, Pub. L. 100-690, §6076(a), 102 Stat. 4324. Aug. 9, 1939, ch. 318, §3 (last sentence), 53 Stat. 1292.

In this section, before clause (1), the words “The Secretary of the Treasury . . . shall seize” are substituted for “shall be seized” in 49 App.:782 and “It shall be the duty of any officer, agent, or other person so authorized or designated . . . whenever he shall discover any vessel, vehicle, or aircraft” in 49 App.:783 (last sentence) to eliminate unnecessary words and for consistency in the revised title. The words “the Governor of Guam or of the Northern Mariana Islands as provided in section 80304 of this title” are added because under 49 App.:789 the Governor of Guam enforces 49 App.:ch. 11 in Guam and because, under section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94-241, 90 Stat. 263), and proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593, 48 U.S.C. 1681 (note)), the Commonwealth was given the same authority as Guam when a law applies to Guam and the States of the United States generally. The words “or a person authorized by another law to enforce section 80302 of this title” are substituted for “or authorized by law”

for clarity. The words “involved in a violation of section 80302” are substituted for “which has been or is being used in violation of any provision of section 781 of this Appendix, or in, upon, or by means of which any violation of said section has taken or is taking place” in 49 App.:782 and “which has been or is being used in violation of any of the provisions of this chapter, or in, upon, or by means of which any violation of this chapter has taken or is taking place” in 49 App.:783 (last sentence) to eliminate unnecessary words. The word “designated” is substituted for “authorized or designated” in 49 App.:783 (last sentence) to eliminate unnecessary words. The words “or appropriate Governor, as the case may be” are added for clarity and for consistency in this section. The words “to await disposition pursuant to the provisions of this chapter and any regulations issued hereunder” are omitted as unnecessary. The words “except when . . . committed the violation” are substituted for “Provided further, That no vessel, vehicle, or aircraft shall be forfeited under the provisions of this chapter by reason of any act or omission . . . committed or omitted” in 49 App.:782 for clarity. The words “However . . . used by a common carrier to provide transportation for compensation may be forfeited only when” are substituted for “Provided, That no . . . used by any person as a common carrier in the transaction of business as such common carrier shall be forfeited under the provisions of this chapter unless it shall appear that” for clarity and consistency in the revised title. In clauses (1)–(3), the words “knows of” are substituted for “privity thereto” for clarity. The word “violation” is substituted for “illegal act” for consistency in the revised title and with other titles of the United States Code.

REFERENCES IN TEXT

The criminal laws of the United States, referred to in text, are classified generally to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2002—Pub. L. 107-296, §112(q)(2), inserted “, the Attorney General,” after “by the Secretary” in introductory provisions.

Pub. L. 107-296, §112(q)(1), which directed amendment of this section by inserting “or, when the violation of this chapter involves contraband described in paragraph (2) or (5) of section 80302(a), the Attorney General” after “section 80304 of this title.”, was executed by making the insertion after “section 80304 of this title,” to reflect the probable intent of Congress.

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.

§ 80304. Administrative

(a) GENERAL.—Except as provided in subsections (b), (c), and (d) of this section, the Secretary of the Treasury—

- (1) may designate officers, employees, agents, or other persons to carry out this chapter; and
- (2) shall prescribe regulations to carry out this chapter.

(b) IN GUAM.—The Governor of Guam—

- (1) or officers of the government of Guam designated by the Governor shall carry out this chapter in Guam;
- (2) may carry out laws referred to in section 80306(b) of this title with modifications the Governor decides are necessary to meet conditions in Guam; and
- (3) may prescribe regulations to carry out this chapter in Guam.

(c) IN NORTHERN MARIANA ISLANDS.—The Governor of the Northern Mariana Islands—

(1) or officers of the government of the Northern Mariana Islands designated by the Governor shall carry out this chapter in the Northern Mariana Islands;

(2) may carry out laws referred to in section 80306(b) of this title with modifications the Governor decides are necessary to meet conditions in the Northern Mariana Islands; and

(3) may prescribe regulations to carry out this chapter in the Northern Mariana Islands.

(d) ATTORNEY GENERAL.—The Attorney General, or officers, employees, or agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice¹ designated by the Attorney General, shall carry out the laws referred to in section 80306(b) of this title to the extent that the violation of this chapter involves contraband described in section 80302(a)(2) or (a)(5).

(e) CUSTOMS LAWS ON SEIZURE AND FORFEITURE.—The Secretary, or the Governor of Guam or of the Northern Mariana Islands as provided in subsections (b) and (c) of this section, shall carry out the customs laws on the seizure and forfeiture of aircraft, vehicles, and vessels under this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1354; Pub. L. 107-296, title XI, §1112(r), Nov. 25, 2002, 116 Stat. 2278.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80304(a)	49 App.:783 (1st sentence).	Aug. 9, 1939, ch. 618, §§3 (1st sentence), 4 (proviso), 8, 53 Stat. 1292, 1293.
80304(b)	49 App.:788. 49 App.:789.	Aug. 3, 1939, ch. 618, 53 Stat. 1291, §9; added Aug. 1, 1956, ch. 852, §22, 70 Stat. 911.
80304(c)	(no source).	
80304(d)	49 App.:784 (proviso).	

In subsection (a)(1), the words “may designate” are substituted for “is empowered to authorize, or designate” in 49 App.:783 (1st sentence) to eliminate unnecessary words. The word “employees” is added for clarity and consistency in the revised title and with other titles of the United States Code.

In subsections (a)(2) and (b)(3), the word “regulations” is substituted for “such rules and regulations as may be necessary” in 49 App.:788 and 789 for consistency in the revised title and with other titles of the Code and because “rules” and “regulations” are synonymous.

In subsection (b)(1), the words “shall carry out this chapter in Guam” are substituted for “In Guam the enforcement and administration of this chapter shall be performed” for consistency in the revised title.

Subsection (c) is added because, under section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94-241, 90 Stat. 263), and proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593, 48 U.S.C. 1681 (note)), the Commonwealth was given the same authority as Guam when a law applies to Guam and the States of the United States generally.

In subsection (d), the word “Secretary” is substituted for “by such officers, agents, or other persons as may

¹ So in original. Probably should be followed by a comma.

be authorized or designated for that purpose by the Secretary of the Treasury” because of subsection (a)(1) of this section. The words “or the Governor of Guam or of the Northern Mariana Islands as provided in subsections (b) and (c) of this section” are added because under 49 App.:789 the Governor of Guam enforces 49 App.:ch. 11 in Guam and because of section 502(a)(2) of the Covenant referred to in the revision note for subsection (c) of this section. The words “the customs laws” are substituted for “That such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels and vehicles under the customs laws” because of the restatement and to eliminate unnecessary words.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296, §1112(r)(1), substituted “(b), (c), and (d)” for “(b) and (c)” in introductory provisions.

Subsecs. (d), (e). Pub. L. 107-296, §1112(r)(2), (3), added subsec. (d) and redesignated former subsec. (d) as (e).

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.

§ 80305. Availability of certain appropriations

Appropriations for enforcing customs, narcotics, counterfeiting, or internal revenue laws are available to carry out this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1355.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80305	49 App.:785.	Aug. 9, 1939, ch. 618, §5, 53 Stat. 1292.

The words “which has been or shall hereafter be made” and “for the defraying of expenses of” are omitted as surplus. The National Firearms Act referred to in the source provision has been repealed and replaced by chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.). A specific reference to chapter 53 is unnecessary because of the reference to the internal revenue laws.

§ 80306. Relationship to other laws

(a) CHAPTER AS ADDITIONAL LAW.—This chapter is in addition to another law—

(1) imposing, or authorizing the compromise of, fines, penalties, or forfeitures; or

(2) providing for seizure, condemnation, or disposition of forfeited property, or the proceeds from the property.

(b) LAWS APPLICABLE TO SEIZURES AND FORFEITURES.—To the extent applicable and consistent with this chapter, the following apply to a seizure or forfeiture under this chapter:

(1) provisions of law related to the seizure, forfeiture, and condemnation of vehicles and vessels violating the customs laws.

(2) provisions of law related to the disposition of those vehicles or vessels or the proceeds from the sale of those vehicles or vessels.

(3) provisions of law related to the compromise of those forfeitures or claims related to those forfeitures.

(4) provisions of law related to the award of compensation to an informer about those forfeitures.