

Stat. 896; Pub. L. 98-473, title II, §321, Oct. 12, 1984, 98 Stat. 2056; Pub. L. 98-573, title II, §213(a)(13), Oct. 30, 1984, 98 Stat. 2987.)

#### PRIOR PROVISIONS

Provisions somewhat similar to those in this section were contained in act Oct. 3, 1913, ch. 16, §III, T, 38 Stat. 189, the provisions of which were originally enacted in the Customs Administrative Act of June 10, 1890, ch. 407, §21, 26 Stat. 140, and reenacted by the Payne-Aldrich Tariff Act of Aug. 5, 1909, ch. 6, §28, 36 Stat. 101, and amended by the 1913 act. Section III of the 1913 act was superseded by act Sept. 21, 1922, ch. 356, title IV, §615, 42 Stat. 987, and was repealed by section 643 thereof. Section 615 of the 1922 act was superseded by section 615 of act June 17, 1930, comprising this section, and repealed by section 651(a)(1) of the 1930 act.

#### AMENDMENTS

1984—Pub. L. 98-573 and Pub. L. 98-473 inserted reference to aircraft in provisions preceding par. (1) and in par. (1).

1978—Pub. L. 95-410 inserted “(other than those arising under section 1592 of this title)” after “In all suits or actions”.

1935—Act Aug. 5, 1935, inserted a comma in place of a period at the end, inserted “subject to the following rules of proof”, and added subs. (1) to (3).

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-573 effective Oct. 15, 1984, see section 214(e) of Pub. L. 98-573, set out as a note under section 1304 of this title.

### § 1616. Repealed. Pub. L. 99-570, title I, § 1863(b), Oct. 27, 1986, 100 Stat. 3207-54

Section, act June 17, 1930, ch. 497, title IV, §616, as added Oct. 12, 1984, Pub. L. 98-473, title II, §318, 98 Stat. 2055, related to disposition of forfeited property.

Another section 616 of act June 17, 1930, as added by Pub. L. 98-573, title II, §213(a)(4), Oct. 30, 1984, 98 Stat. 2987, is classified to section 1616a of this title.

A prior section 616 of act June 17, 1930, ch. 497, title IV, 46 Stat. 757, related to prohibition against compromising Government claims and was classified to this section, prior to repeal by act June 25, 1948, ch. 645, §24, 62 Stat. 682, eff. Sept. 1, 1948. See section 1915 of Title 18, Crimes and Criminal Procedure.

### § 1616a. Disposition of forfeited property

#### (a) State proceedings

The Secretary of the Treasury may discontinue forfeiture proceedings under this chapter in favor of forfeiture under State law. If a complaint for forfeiture is filed under this chapter, the Attorney General may seek dismissal of the complaint in favor of forfeiture under State law.

#### (b) Transfer of seized property; notice

If forfeiture proceedings are discontinued or dismissed under this section—

(1) the United States may transfer the seized property to the appropriate State or local official; and

(2) notice of the discontinuance or dismissal shall be provided to all known interested parties.

#### (c) Retention or transfer of forfeited property

(1) The Secretary of the Treasury may apply property forfeited under this chapter in accordance with subparagraph (A) or (B), or both:

(A) Retain any of the property for official use.

(B) Transfer any of the property to—

(i) any other Federal agency;

(ii) any State or local law enforcement agency that participated directly or indirectly in the seizure or forfeiture of the property; or

(iii) the Civil Air Patrol.

(2) The Secretary may transfer any forfeited personal property or the proceeds of the sale of any forfeited personal or real property to any foreign country which participated directly or indirectly in the seizure or forfeiture of the property, if such a transfer—

(A) has been agreed to by the Secretary of State;

(B) is authorized in an international agreement between the United States and the foreign country; and

(C) is made to a country which, if applicable, has been certified under section 2291j(b) of title 22.

(3) Aircraft may be transferred to the Civil Air Patrol under paragraph (1)(B)(iii) in support of air search and rescue and other emergency services and, pursuant to a memorandum of understanding entered into with a Federal agency, illegal drug traffic surveillance. Jet-powered aircraft may not be transferred to the Civil Air Patrol under the authority of paragraph (1)(B)(iii).

#### (d) Liability of United States after transfer

The United States shall not be liable in any action relating to property transferred under this section if such action is based on an act or omission occurring after the transfer.

(June 17, 1930, ch. 497, title IV, §616, as added Pub. L. 98-573, title II, §213(a)(14), Oct. 30, 1984, 98 Stat. 2987; amended Pub. L. 99-570, title I, §1863(a), Oct. 27, 1986, 100 Stat. 3207-54; Pub. L. 100-690, title VII, §7366(a), Nov. 18, 1988, 102 Stat. 4478; Pub. L. 101-207, §3(e), Dec. 7, 1989, 103 Stat. 1834; Pub. L. 103-447, title I, §102(c), Nov. 2, 1994, 108 Stat. 4693.)

#### CODIFICATION

Another section 616 of act June 17, 1930, as added by Pub. L. 98-473, title II, §318, Oct. 12, 1984, 98 Stat. 2055, was classified to section 1616 of this title and subsequently repealed.

#### AMENDMENTS

1994—Subsec. (c)(2)(C). Pub. L. 103-447 substituted “section 2291j(b) of title 22” for “section 2291(h) of title 22”.

1989—Subsec. (c)(1)(B). Pub. L. 101-207, §3(e)(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “Transfer any of the property to any—

“(i) other Federal agency; or

“(ii) State or local law enforcement agency that participated directly or indirectly in the seizure or forfeiture of the property.”

Subsec. (c)(3). Pub. L. 101-207, §3(e)(2), added par. (3).

1988—Subsec. (c). Pub. L. 100-690 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Secretary of the Treasury may transfer any property forfeited under this chapter to any other Federal agency or to any State or local law enforcement agency which participated directly in the seizure or forfeiture of the property.”

1986—Subsec. (c). Pub. L. 99-570 inserted “any other Federal agency or to” after “property forfeited under this chapter to”.