

§ 987. Anti-terrorist forfeiture protection

(a) **RIGHT TO CONTEST.**—An owner of property that is confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

(1) the property is not subject to confiscation under such provision of law; or

(2) the innocent owner provisions of section 983(d) of title 18, United States Code, apply to the case.

(b) **EVIDENCE.**—In considering a claim filed under this section, a court may admit evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court determines that the evidence is reliable, and that compliance with the Federal Rules of Evidence may jeopardize the national security interests of the United States.

(c) **CLARIFICATIONS.**—

(1) **PROTECTION OF RIGHTS.**—The exclusion of certain provisions of Federal law from the definition of the term “civil forfeiture statute” in section 983(i) of title 18, United States Code, shall not be construed to deny an owner of property the right to contest the confiscation of assets of suspected international terrorists under—

(A) subsection (a) of this section;

(B) the Constitution; or

(C) subchapter II of chapter 5 of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(2) **SAVINGS CLAUSE.**—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 of title 18, United States Code, or any other provision of law.

(Added Pub. L. 109-177, title IV, §406(b)(1)(B), Mar. 9, 2006, 120 Stat. 244.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (a), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure. The Supplemental Rules for Certain Admiralty and Maritime Claims, which are set out as part of the Federal Rules of Civil Procedure, were renamed the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

The Federal Rules of Evidence, referred to in subsec. (b), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 107-56, title III, §316(a)-(c), Oct. 26, 2001, 115 Stat. 309, which was set out as a note under section 983 of this title, prior to repeal by Pub. L. 109-177, §406(b)(2).

CHAPTER 47—FRAUD AND FALSE STATEMENTS

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1003. Demands against the United States.
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1024. Purchase or receipt of military, naval, or veteran's facilities property.
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1026. Compromise, adjustment, or cancellation of farm indebtedness.
1027. False statements and concealment of facts in relation to documents required by the Employee Retirement Income Security Act of 1974.
1028. Fraud and related activity in connection with identification documents and information.¹
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1029. Fraud and related activity in connection with access devices.
1030. Fraud and related activity in connection with computers.
1031. Major fraud against the United States.
1032. Concealment of assets from conservator, receiver, or liquidating agent of financial institution.²
1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.
1034. Civil penalties and injunctions for violations of section 1033.
1035. False statements relating to health care matters.
1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.
1037. Fraud and related activity in connection with electronic mail.
1038. False information and hoaxes.
1039. Fraud and related activity in connection with obtaining confidential phone records information of a covered entity.
1040. Fraud in connection with major disaster or emergency benefits.

AMENDMENTS

2008—Pub. L. 110-179, §2(b), Jan. 7, 2008, 121 Stat. 2557, added item 1040.

2007—Pub. L. 109-476, §3(b), Jan. 12, 2007, 120 Stat. 3571, added item 1039.

¹Section catchline amended by Pub. L. 108-21 without corresponding amendment of chapter analysis.

²Section catchline amended by Pub. L. 111-203 without corresponding amendment of chapter analysis.