

App. 1 et seq.) or the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.); or”.

2009—Subsec. (j)(3). Pub. L. 111-16 substituted “14 days” for “10 days”.

2001—Subsec. (i)(2)(D). Pub. L. 107-56 inserted “or the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.)” before semicolon.

2000—Subsec. (a)(2)(C)(ii). Pub. L. 106-561 struck out “(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous” after “such property”.

Subsec. (j). Pub. L. 106-185, §9, added subsec. (j).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-16 effective Dec. 1, 2009, see section 7 of Pub. L. 111-16, set out as a note under section 109 of Title 11, Bankruptcy.

##### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-561, §3(b), Dec. 21, 2000, 114 Stat. 2791, provided that: “The amendment made by this section [amending this section] shall take effect as if included in the amendment made by section 2(a) of Public Law 106-185.”

##### EFFECTIVE DATE

Section applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106-185, set out as an Effective Date of 2000 Amendment note under section 1324 of Title 8, Aliens and Nationality.

##### ANTI-TERRORIST FORFEITURE PROTECTION

Pub. L. 107-56, title III, §316(a)–(c), Oct. 26, 2001, 115 Stat. 309, which provided the procedure for an owner of property that had been confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists to contest such confiscation, was repealed and restated as section 987 of this title by Pub. L. 109-177, title IV, §406(b)(1)(B), (2), Mar. 9, 2006, 120 Stat. 244, 245.

#### § 984. Civil forfeiture of fungible property

(a)(1) In any forfeiture action in rem in which the subject property is cash, monetary instruments in bearer form, funds deposited in an account in a financial institution (as defined in section 20 of this title), or precious metals—

(A) it shall not be necessary for the Government to identify the specific property involved in the offense that is the basis for the forfeiture; and

(B) it shall not be a defense that the property involved in such an offense has been removed and replaced by identical property.

(2) Except as provided in subsection (b), any identical property found in the same place or account as the property involved in the offense that is the basis for the forfeiture shall be subject to forfeiture under this section.

(b) No action pursuant to this section to forfeit property not traceable directly to the offense that is the basis for the forfeiture may be commenced more than 1 year from the date of the offense.

(c)(1) Subsection (a) does not apply to an action against funds held by a financial institution in an interbank account unless the account holder knowingly engaged in the offense that is the basis for the forfeiture.

(2) In this subsection—

(A) the term “financial institution” includes a foreign bank (as defined in section 1(b)(7) of

the International Banking Act of 1978 (12 U.S.C. 3101(b)(7));<sup>1</sup> and

(B) the term “interbank account” means an account held by one financial institution at another financial institution primarily for the purpose of facilitating customer transactions.

(d) Nothing in this section may be construed to limit the ability of the Government to forfeit property under any provision of law if the property involved in the offense giving rise to the forfeiture or property traceable thereto is available for forfeiture.

(Added Pub. L. 102-550, title XV, §1522(a), Oct. 28, 1992, 106 Stat. 4063; amended Pub. L. 103-325, title IV, §411(c)(2)(E), Sept. 23, 1994, 108 Stat. 2253; Pub. L. 106-185, §13(a), Apr. 25, 2000, 114 Stat. 218.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 1(b)(7) of the International Banking Act of 1978, referred to in subsec. (c)(2)(A), is classified to section 3101(7) of Title 12, Banks and Banking.

##### AMENDMENTS

2000—Subsec. (a). Pub. L. 106-185, §13(a)(1), (2), redesignated subsec. (b) as (a), substituted “or precious metals” for “or other fungible property” in introductory provisions of par. (1) and “subsection (b)” for “subsection (c)” in par. (2), and struck out former subsec. (a) which read as follows: “This section shall apply to any action for forfeiture brought by the Government in connection with any offense under section 1956, 1957, or 1960 of this title or section 5322 or 5324 of title 31, United States Code.”

Subsec. (b). Pub. L. 106-185, §13(a)(1), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 106-185, §13(a)(1), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(1). Pub. L. 106-185, §13(a)(3)(A), added par. (1) and struck out former par. (1) which read as follows: “No action pursuant to this section to forfeit property not traceable directly to the offense that is the basis for the forfeiture may be taken against funds held by a financial institution in an interbank account, unless the financial institution holding the account knowingly engaged in the offense.”

Subsec. (c)(2). Pub. L. 106-185, §13(a)(3)(B), substituted “In this subsection—” for “As used in this section, the term”, added subpar. (A), and inserted “(B) the term” before “‘interbank account’ means”.

Subsec. (d). Pub. L. 106-185, §13(a)(4), added subsec. (d). Former subsec. (d) redesignated (c).

1994—Subsec. (a). Pub. L. 103-325 substituted “section 5322 or 5324 of title 31” for “section 5322 of title 31”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-185 applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106-185, set out as a note under section 1324 of Title 8, Aliens and Nationality.

#### § 985. Civil forfeiture of real property

(a) Notwithstanding any other provision of law, all civil forfeitures of real property and interests in real property shall proceed as judicial forfeitures.

(b)(1) Except as provided in this section—

<sup>1</sup> See References in Text note below.