

Public Law 111-342
111th Congress

An Act

To amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings.

Dec. 22, 2010
[S. 4005]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preserving Foreign Criminal Assets for Forfeiture Act of 2010”.

SEC. 2. PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE UNDER FOREIGN LAW.

Section 2467(d)(3)(A) of title 28, United States Code, is amended to read as follows:

“(A) RESTRAINING ORDERS.—

“(i) IN GENERAL.—To preserve the availability of property subject to civil or criminal forfeiture under foreign law, the Government may apply for, and the court may issue, a restraining order at any time before or after the initiation of forfeiture proceedings by a foreign nation.

“(ii) PROCEDURES.—

“(I) IN GENERAL.—A restraining order under this subparagraph shall be issued in a manner consistent with subparagraphs (A), (C), and (E) of paragraph (1) and the procedural due process protections for a restraining order under section 983(j) of title 18.

“(II) APPLICATION.—For purposes of applying such section 983(j)—

“(aa) references in such section 983(j) to civil forfeiture or the filing of a complaint shall be deemed to refer to the applicable foreign criminal or forfeiture proceedings; and

Preserving
Foreign
Criminal Assets
for Forfeiture
Act of 2010.
28 USC 1 note.

“(bb) the reference in paragraph (1)(B)(i) of such section 983(j) to the United States shall be deemed to refer to the foreign nation.”.

Approved December 22, 2010.

LEGISLATIVE HISTORY—S. 4005:

CONGRESSIONAL RECORD, Vol. 156 (2010):

Dec. 14, considered and passed Senate.

Dec. 16, considered and passed House.