

111TH CONGRESS
2^D SESSION

S. 4005

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. PRESERVATION OF PROPERTY SUBJECT TO FOR-**
5 **FEITURE UNDER FOREIGN LAW.**

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

8 “(A) RESTRAINING ORDERS.—

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

16 “(ii) PROCEDURES.—

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

24 “(II) APPLICATION.—For pur-
25 poses of applying such section
26 983(j)—

1 “(aa) references in such sec-
2 tion 983(j) to civil forfeiture or
3 the filing of a complaint shall be
4 deemed to refer to the applicable
5 foreign criminal or forfeiture pro-
6 ceedings; and
7 “(bb) the reference in para-
8 graph (1)(B)(i) of such section
9 983(j) to the United States shall
10 be deemed to refer to the foreign
11 nation.”.

Passed the Senate December 14, 2010.

Attest:

Secretary.

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