

1994, Pub. L. 103-123, title III, Oct. 28, 1993, 107 Stat. 1235, 1237.

§ 1509. Establishment of Special Forfeiture Fund

(a) In general

There is established in the Treasury of the United States the Special Forfeiture Fund (hereafter referred to in this section as the “Fund”) which shall be available to the Director of the National Drug Control Policy without fiscal year limitation in such amounts as may be specified in appropriations Acts.

(b) Deposits

There shall be deposited into the Fund the amounts specified by section 524(c)(9)¹ of title 28 and section 9307(g)¹ of title 31 and any earnings on the investments authorized by subsection (d) of this section.

(c) Super surplus

(1) Any unobligated balance up to \$20,000,000 remaining in the Fund on September 30 of a fiscal year shall be available to the Director, subject to paragraph (2), to transfer to, and for obligation and expenditure in connection with drug control activities of, any Federal agency or State or local entity with responsibilities under the National Drug Control Strategy.

(2) A transfer may be made under paragraph (1) only with the advance written approval of the Committees on Appropriations of each House of Congress.

(d) Investment of Fund

Amounts in the Fund which are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

(e) President's budget

The President shall, in consultation with the Director for National Drug Control Policy, include, as part of the budget submitted to the Congress under section 1105(a) of title 31, a separate and detailed request for the use of the amounts in the Fund. This request shall reflect the priorities of the National Drug Control strategy.²

(f) Funds provided supplemental

Funds disbursed under this subsection³ shall not be used to supplant existing funds, but shall be used to supplement the amount of funds that would be otherwise available.

(g) Annual report

No later than 4 months after the end of each fiscal year, the President shall submit to both Houses of Congress a detailed report on the amounts deposited in the Fund and a description of expenditures made under this subsection.³

(Pub. L. 100-690, title VI, § 6073, Nov. 18, 1988, 102 Stat. 4323; Pub. L. 101-647, title XX, § 2001(b), Nov. 29, 1990, 104 Stat. 4854; Pub. L. 102-393, title VI, § 638(c), Oct. 6, 1992, 106 Stat. 1788; Pub. L. 103-322, title IX, § 90205(a), (d), Sept. 13, 1994, 108 Stat. 1994, 1995.)

REFERENCES IN TEXT

Section 524(c)(9) of title 28, referred to in subsec. (b), was redesignated section 524(c)(8) by Pub. L. 104-66, title I, § 1091(h)(2), Dec. 21, 1995, 109 Stat. 722.

Section 9307(g) of title 31, referred to in subsec. (b), probably should be a reference to section 9703(g) of title 31, and probably means the section 9703 of title 31 added by section 638(b)(1) of Pub. L. 102-393.

CODIFICATION

Section was enacted as part of the Anti-Drug Abuse Act of 1988 and as part of the Asset Forfeiture Amendments Act of 1988, and not as part of the National Narcotics Leadership Act of 1988 which comprises this chapter.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322, § 90205(a), which directed that this section be amended to read as follows, was executed by amending subsec. (b) of this section generally, to reflect the probable intent of Congress. Prior to amendment, subsec. (b) read as follows: “There may be transferred to and deposited into the Special Forfeiture Fund, amounts from—

“(1) the Department of Justice Assets Forfeiture Fund pursuant to section 524(c)(9) of title 28; and

“(2) the Department of the Treasury Forfeiture Fund pursuant to section 9703(g)(3)(A) of title 31.”

Subsecs. (c) to (g). Pub. L. 103-322, § 90205(d), added subsec. (c) and redesignated former subsecs. (c) to (f) as (d) to (g), respectively.

1992—Subsec. (b). Pub. L. 102-393 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Deposits in the Fund shall be made by transfer from the Department of Justice Assets Forfeiture Fund in the manner provided in section 524(c)(9) of title 28.”

1990—Subsec. (b). Pub. L. 101-647 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Beginning in fiscal year 1990, there shall be deposited in the Fund not to exceed \$150,000,000 in unobligated amounts remaining at the end of each fiscal year from the Department of Justice Assets Forfeiture Fund (28 U.S.C. 524(c)) except that amounts specified in section 524(c)(9) of title 28 may be carried forward and remain available for appropriation in the next fiscal year.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 524; title 31 section 9703.

¹ See References in Text note below.

² So in original. Probably should be capitalized.

³ So in original. Probably should be “section”.