

States otherwise than by court decree, it may, in the event that the property is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Administrator to that effect, and such property shall—

(a) in the event that it is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be delivered by such agency, upon order of the Administrator given within a reasonable time, to any other agency which requests and in the judgment of the Administrator should be given the property, or

(b) upon order of the Administrator given within a reasonable time, be disposed of as otherwise provided by law.

(Aug. 27, 1935, ch. 740, title III, § 303, 49 Stat. 879; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304k, 304l, 304m of this title; title 18 section 3668.

§ 304i. Disposition of property subject to pending court proceedings for forfeiture

In the event that proceedings are or have been commenced for the forfeiture of any property by court decree, the agency which seized such property shall forthwith notify the Administrator and may at the same time file with him a request for such property for its official use. The Administrator shall, before entry of a decree, apply to the court to order delivery of such property—

(a) to the agency filing such request; or

(b) if no such request has been filed, to any other agency which requests and in the judgment of the Administrator should be given such property; or

(c) if the agency which seized such property has not requested it, and no other agency has requested and in the judgment of the Administrator should be given such property, and if in the judgment of the Administrator the property may later become necessary to any agency for official use, to the seizing agency to be retained in its custody. Thereafter, the Administrator shall, within a reasonable time, order such agency to deliver the property to any other agency which requests and in his judgment should be given such property, or to dispose of it as otherwise provided by law,

and if forfeiture thereof is decreed, the court shall, in the event that the property is not ordered by competent authority to be returned to any claimant, order delivery accordingly. All the property for which no such application is made shall be disposed of by the court in accordance with law.

(Aug. 27, 1935, ch. 740, title III, § 304, 49 Stat. 880; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

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§ 304j. Appropriation available for maintenance, etc., of abandoned and forfeited property, payment of liens and other charges

The appropriation available to any agency for the purchase, hire, operation, maintenance, and repair of property of any kind shall be available for the payment of expenses of operation, maintenance, and repair of property of the same kind received by it under any provision of sections 304f to 304m of this title for official use; for the payment of any lien recognized and allowed pursuant to law, and for the payment of all moneys found to be due any person upon the duly authorized remission or mitigation of any forfeiture; and for reimbursement of other agencies as hereafter provided. The costs of hauling, transporting, towing, and storage of such property shall be paid by the agency which has seized such property or to which it has been abandoned; and, if such property is later delivered to another agency for official use under sections 304g to 304i of this title, the latter shall make reimbursement for all such costs incurred prior to the date of delivery to it of such property.

(Aug. 27, 1935, ch. 740, title III, § 305, 49 Stat. 880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304l, 304m of this title; title 18 section 3668.

§ 304k. Retention or delivery of abandoned or forfeited property deemed sale with respect to informer's fees and mitigation of forfeiture

Retention or delivery of forfeited or abandoned property under sections 304f to 304m of this title shall be regarded as the sale thereof for the purpose of laws providing for informer's fees or remission or mitigation of any forfeiture. Any property so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property.

(Aug. 27, 1935, ch. 740, title III, § 306, 49 Stat. 880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304l, 304m of this title; title 18 section 3668.

§ 304I. Reports by agencies concerning abandoned or forfeited property; rules and regulations

The Administrator is authorized, with the approval of the Secretary of the Treasury, (1) to require any agency, from time to time, to make a report of all property abandoned to it or seized and the disposal thereof, and (2) to make such rules and regulations as may be necessary to carry out the provisions of sections 304f to 304m of this title.

(Aug. 27, 1935, ch. 740, title III, § 307, 49 Stat. 880; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304k, 304m of this title; title 18 section 3668.

§ 304m. Effect on other laws; abandoned or forfeited property excluded from allocation

Nothing contained in sections 304f to 304m of this title shall be construed as repealing any other laws relating to the disposition of forfeited or abandoned property, except such provisions of such laws as are directly in conflict with any provisions of said sections.

The following classes of property shall not be subject to allocation under sections 304g to 304i of this title, but shall be disposed of in the manner otherwise provided by law:

- (1) arms or munitions of war included in section 404 of title 22;
- (2) narcotic drugs, as defined in the Controlled Substances Act [21 U.S.C. 801 et seq.];
- (3) firearms, as defined in section 5845 of title 26; and
- (4) such other classes or kinds of property as the Administrator, with the approval of the Secretary of the Treasury, may deem in the public interest, and may by rules and regulations provide.

(Aug. 27, 1935, ch. 740, title III, § 308, 49 Stat. 880; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380; Pub. L. 91-513, title III, § 1102(o), Oct. 27, 1970, 84 Stat. 1293.)

REFERENCES IN TEXT

Section 404 of title 22, referred to in par. (1), was repealed by act Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577.

The Controlled Substances Act, referred to in par. (2), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

CODIFICATION

In par. (3), “section 5845 of title 26” substituted for “section 2733 of title 26” on authority of section 7852(b)

of Title 26, Internal Revenue Code, which provides that a reference in other laws to the Internal Revenue Code of 1939 is deemed a reference to corresponding provision of the Internal Revenue Code of 1986.

AMENDMENTS

1970—Pub. L. 91-513 substituted “the Controlled Substances Act” for “section 171 of title 21” in definition of narcotic drugs.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-513 effective on first day of seventh calendar month that begins after the day immediately preceding the date of enactment of Pub. L. 91-513, which was approved on Oct. 27, 1970, see section 1105(a) of Pub. L. 91-513, set out as an Effective Date note under section 951 of Title 21, Food and Drugs.

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SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of amendment of this section by section 1102 of Pub. L. 91-513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91-513, set out as a note under section 171 of Title 21, Food and Drugs.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304k, 304l of this title; title 18 section 3668.

§ 305. Power to obtain releases

Whenever any lands have been or shall be conveyed to individuals or officers, for the use or benefit of the United States, the President is authorized to obtain from such person a release of his interest to the United States.

(R.S. § 3752.)

CODIFICATION

R.S. § 3752 derived from act Apr. 28, 1828, ch. 41, § 3, 4 Stat. 264.

§ 306. Release of lands in certain cases

In cases where real estate has become the property of the United States, by conveyance, extent, or otherwise, in payment of a debt, and such debt is afterward fully paid in money, and the same has been received by the United States, the Administrator of General Services may release by deed or otherwise convey the same real estate to the debtor from whom it was taken, if he is living, or, if such debtor is dead, to his heirs or devisees, or such person as they may appoint: *Provided*, That this section shall not apply to real estate so acquired by the United States in payment of any debt arising under the internal-revenue laws.

(R.S. § 3751; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759; Pub. L. 89-30, § 3, June 2, 1965, 79 Stat. 119.)

REFERENCES IN TEXT

The internal-revenue laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.