

**TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**  
**PART I - CRIMES**  
**CHAPTER 46 - FORFEITURE**

**§ 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.

**Footnotes**

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

(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.)

**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).

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 2, 2006 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

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”.

### **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.