

(B) is acquired, possessed, sold, transferred, or offered for sale in violation of those laws;

(C) is acquired by theft, robbery, or burglary and transported—

- (i) in the District of Columbia or a territory or possession of the United States; or
- (ii) from a place in a State, the District of Columbia, or a territory or possession of the United States, to a place in another State, the District of Columbia, or a territory or possession; or

(D) does not bear tax-paid internal revenue stamps required by those laws or regulations;

(2) a firearm involved in a violation of chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.);

(3) a forged, altered, or counterfeit—

(A) coin or an obligation or other security of the United States Government (as defined in section 8 of title 18); or

(B) coin, obligation, or other security of the government of a foreign country;

(4) material or equipment used, or intended to be used, in making a coin, obligation, or other security referred to in clause (3) of this subsection;

(5) a cigarette involved in a violation of chapter 114 of title 18 or a regulation prescribed under chapter 114; or

(6)(A) a counterfeit label for a phonorecord, copy of a computer program or computer program documentation or packaging, or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

(B) a phonorecord or copy in violation of section 2319 of title 18;

(C) a fixation of a sound recording or music video of a live musical performance in violation of section 2319A of title 18; or

(D) any good bearing a counterfeit mark (as defined in section 2320 of title 18).

(b) PROHIBITIONS.—A person may not—

(1) transport contraband in an aircraft, vehicle, or vessel;

(2) conceal or possess contraband on an aircraft, vehicle, or vessel; or

(3) use an aircraft, vehicle, or vessel to facilitate the transportation, concealment, receipt, possession, purchase, sale, exchange, or giving away of contraband.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1353; Pub. L. 104-153, §13, July 2, 1996, 110 Stat. 1389.)

HISTORICAL AND REVISION NOTES—CONTINUED

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>  | <i>Source (Statutes at Large)</i>  |
|------------------------|--|--|
| 80302(a)(3) ..         | 49 App.:781(b)(3) (words before 1st semicolon).<br>49 App.:787(f). | Aug. 9, 1939, ch. 618, §7(f), 53 Stat. 1293; restated Oct. 31, 1951, ch. 655, §55(b), 65 Stat. 729; Nov. 2, 1978, Pub. L. 95-575, §3(b)(2), 92 Stat. 2465. |
| 80302(a)(4) ..         | 49 App.:781(b)(3) (words after 1st semicolon).                     |  |
| 80302(a)(5) ..         | 49 App.:781(b)(4).   | Aug. 9, 1939, ch. 618, 53 Stat. 1291, §§1(b)(4), 7(g); added Nov. 2, 1978, Pub. L. 95-575, §3(a)(3), (b)(3), 92 Stat. 2465.                                |
| 80302(b) .....         | 49 App.:787(g).<br>49 App.:781(a).                                 | Aug. 9, 1939, ch. 618, §1(a), 53 Stat. 1291.   |

In subsection (a)(1)(A) and (B), the words “dealing therewith” are omitted as surplus.

In subsection (a)(1)(A), the words “has been or” are omitted as surplus.

In subsection (a)(1)(C), before subclause (i), the word “transported” is substituted for “carried or transported” to eliminate unnecessary words. In subclause (ii), the words “the Canal Zone” are omitted because of the Panama Canal Treaty of 1977. The words “a place in” are added for consistency in the revised title.

In subsection (a)(2), the words “involved in a violation” are substituted for “with respect to which there has been committed any violation” to eliminate unnecessary words. The text of 49 App.:787(e) is omitted as unnecessary because of the restatement. The National Firearms Act referred to in the source provisions has been repealed and replaced by chapter 53 of the Internal Revenue Code of 1986 (26 U.S.C. 5801 et seq.).

In subsection (a)(3), before subclause (A), the words “falsely made” are omitted as being included in “counterfeit”. In subclause (B), the words “coin, obligation, or other security” are added for clarity.

In subsection (a)(4), the words “equipment used” are substituted for “apparatus, or paraphernalia fitted . . . which shall have been used” to eliminate unnecessary words. The words “coin, obligation, or other security referred to in clause (3) of this subsection” are substituted for “such falsely made, forged, altered, or counterfeit coin or obligation or other security” because of the restatement.

In subsection (a)(5), the text of 49 App.:787(g) is omitted as unnecessary because the term “cigarettes” does not appear in 49 App.: ch. 11 and because the definition of “contraband cigarettes” referred to is part of 18:ch. 114.

In subsection (b), before clause (1), the words “A person may not” are substituted for “It shall be unlawful” for consistency in the revised title. In clause (1), the word “transport” is substituted for “transport, carry, or convey” because it is inclusive. In clause (2), the words “or upon the person of anyone in or upon any vessel, vehicle, or aircraft” are omitted as unnecessary. In clause (3), the word “transportation” is substituted for “transportation, carriage, conveyance” for consistency in this section. The word “barter” is omitted as being included in “exchange”.

AMENDMENTS

1996—Subsec. (a)(6). Pub. L. 104-153 added par. (6).

§ 80303. Seizure and forfeiture

The Secretary of the Treasury or the Governor of Guam or of the Northern Mariana Islands as provided in section 80304 of this title, or, when the violation of this chapter involves contraband described in paragraph (2) or (5) of section 80302(a), the Attorney General or a person authorized by another law to enforce section 80302

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>                 | <i>Source (Statutes at Large)</i>   |
|------------------------|---|---|
| 80302(a)(1) ..         | 49 App.:781(b)(1).<br><br>49 App.:787(d). | Aug. 9, 1939, ch. 618, §1(b)(1), 53 Stat. 1291; restated Aug. 9, 1950, ch. 655, 64 Stat. 427.<br>Aug. 9, 1939, ch. 618, §7(d), 53 Stat. 1293; restated Oct. 27, 1970, Pub. L. 91-513, §1102(r), 84 Stat. 1294.          |
| 80302(a)(2) ..         | 49 App.:781(b)(2).<br><br>49 App.:787(e). | Aug. 9, 1939, ch. 618, §1(b)(2), (3), 53 Stat. 1291; Nov. 2, 1978, Pub. L. 95-575, §3(a)(1), (2), 92 Stat. 2465.<br>Aug. 9, 1939, ch. 618, §7(e), 53 Stat. 1293; Nov. 2, 1978, Pub. L. 95-575, §3(b)(1), 92 Stat. 2465. |

of this title, shall seize an aircraft, vehicle, or vessel involved in a violation of section 80302 and place it in the custody of a person designated by the Secretary, the Attorney General, or appropriate Governor, as the case may be. The seized aircraft, vehicle, or vessel shall be forfeited, except when the owner establishes that a person except the owner committed the violation when the aircraft, vehicle, or vessel was in the possession of a person who got possession by violating a criminal law of the United States or a State. However, an aircraft, vehicle, or vessel used by a common carrier to provide transportation for compensation may be forfeited only when—

- (1) the owner, conductor, driver, pilot, or other individual in charge of the aircraft or vehicle (except a rail car or engine) consents to, or knows of, the alleged violation when the violation occurs;
- (2) the owner of the rail car or engine consents to, or knows of, the alleged violation when the violation occurs; or
- (3) the master or owner of the vessel consents to, or knows of, the alleged violation when the violation occurs.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1354; Pub. L. 107-296, title XI, §1112(q), Nov. 25, 2002, 116 Stat. 2278.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                               | Source (Statutes at Large)   |
|-----------------|--|--|
| 80303 .....     | 49 App.:782.<br><br>49 App.:783 (last sentence). | Aug. 9, 1939, ch. 618, §2, 53 Stat. 1291; Nov. 18, 1988, Pub. L. 100-690, §6076(a), 102 Stat. 4324.<br>Aug. 9, 1939, ch. 318, §3 (last sentence), 53 Stat. 1292. |

In this section, before clause (1), the words “The Secretary of the Treasury . . . shall seize” are substituted for “shall be seized” in 49 App.:782 and “It shall be the duty of any officer, agent, or other person so authorized or designated . . . whenever he shall discover any vessel, vehicle, or aircraft” in 49 App.:783 (last sentence) to eliminate unnecessary words and for consistency in the revised title. The words “the Governor of Guam or of the Northern Mariana Islands as provided in section 80304 of this title” are added because under 49 App.:789 the Governor of Guam enforces 49 App.:ch. 11 in Guam and because, under section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94-241, 90 Stat. 263), and proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593, 48 U.S.C. 1681 (note)), the Commonwealth was given the same authority as Guam when a law applies to Guam and the States of the United States generally. The words “or a person authorized by another law to enforce section 80302 of this title” are substituted for “or authorized by law” for clarity. The words “involved in a violation of section 80302” are substituted for “which has been or is being used in violation of any provision of section 781 of this Appendix, or in, upon, or by means of which any violation of said section has taken or is taking place” in 49 App.:782 and “which has been or is being used in violation of any of the provisions of this chapter, or in, upon, or by means of which any violation of this chapter has taken or is taking place” in 49 App.:783 (last sentence) to eliminate unnecessary words. The word “designated” is substituted for “authorized or designated” in 49 App.:783 (last sentence) to eliminate unnecessary words. The words “or appropriate Governor,

as the case may be” are added for clarity and for consistency in this section. The words “to await disposition pursuant to the provisions of this chapter and any regulations issued hereunder” are omitted as unnecessary. The words “except when . . . committed the violation” are substituted for “*Provided further*, That no vessel, vehicle, or aircraft shall be forfeited under the provisions of this chapter by reason of any act or omission . . . committed or omitted” in 49 App.:782 for clarity. The words “However . . . used by a common carrier to provide transportation for compensation may be forfeited only when” are substituted for “*Provided*, That no . . . used by any person as a common carrier in the transaction of business as such common carrier shall be forfeited under the provisions of this chapter unless it shall appear that” for clarity and consistency in the revised title. In clauses (1)–(3), the words “knows of” are substituted for “privity thereto” for clarity. The word “violation” is substituted for “illegal act” for consistency in the revised title and with other titles of the United States Code.

REFERENCES IN TEXT

The criminal laws of the United States, referred to in text, are classified generally to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2002—Pub. L. 107-296, §1112(q)(2), inserted “, the Attorney General,” after “by the Secretary” in introductory provisions.

Pub. L. 107-296, §1112(q)(1), which directed amendment of this section by inserting “or, when the violation of this chapter involves contraband described in paragraph (2) or (5) of section 80302(a), the Attorney General” after “section 80304 of this title.”, was executed by making the insertion after “section 80304 of this title,” to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

§ 80304. Administrative

(a) GENERAL.—Except as provided in subsections (b), (c), and (d) of this section, the Secretary of the Treasury—

- (1) may designate officers, employees, agents, or other persons to carry out this chapter; and
- (2) shall prescribe regulations to carry out this chapter.

(b) IN GUAM.—The Governor of Guam—

- (1) or officers of the government of Guam designated by the Governor shall carry out this chapter in Guam;
- (2) may carry out laws referred to in section 80306(b) of this title with modifications the Governor decides are necessary to meet conditions in Guam; and
- (3) may prescribe regulations to carry out this chapter in Guam.

(c) IN NORTHERN MARIANA ISLANDS.—The Governor of the Northern Mariana Islands—

- (1) or officers of the government of the Northern Mariana Islands designated by the Governor shall carry out this chapter in the Northern Mariana Islands;
- (2) may carry out laws referred to in section 80306(b) of this title with modifications the Governor decides are necessary to meet conditions in the Northern Mariana Islands; and