(C) the activities of which affect interstate or foreign commerce.

''State'' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) PENALTY.—The sentence of a person convicted of an offense described in subsection (c) shall be increased by up to 10 years if the offense is committed under the circumstances described in subsection (d).

(c) OFFENSES.—The offenses described in this section are—

(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years;

(2) a Federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another; and

(3) a conspiracy to commit an offense described in paragraph (1) or (2).

(d) CIRCUMSTANCES.—The circumstances described in this section are that the offense described in subsection (c) was committed by a person who—

(1) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);

(2) intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; and

(3) has been convicted within the past 5 years for—

(A) an offense described in subsection (c);

(B) a State offense—

(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years' imprisonment; or

(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense; or

(D) a conspiracy to commit an offense described in subparagraph (A), (B), or (C).

(Added Pub. L. 103–322, title XV, §150001(a), Sept. 13, 1994, 108 Stat. 2034; amended Pub. L. 104–294, title VI, §607(q), Oct. 11, 1996, 110 Stat. 3513; Pub. L. 107–273, div. B, title IV, §4002(b)(3), Nov. 2, 2002, 116 Stat. 1807.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–273 realigned margins of par. defining ''State''.

1996—Subsec. (a). Pub. L. 104–294 inserted par. defining ''State'' at end.

CHAPTER 27—CUSTOMS

Sec.
541. Entry of goods falsely classified.
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551. Concealing or destroying invoices or other papers.
552. Officers aiding importation of obscene or treasonous books and articles.
553. Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft.
554. Smuggling goods from the United States.
555. Border tunnels and passages.

AMENDMENTS

2007—Pub. L. 110–161, div. E, title V, §553(a)(2), Dec. 26, 2007, 121 Stat. 2082, added item 555 and struck out item 554 ''Border tunnels and passages''.

2006—Pub. L. 109–295, title V, §551(b), Oct. 4, 2006, 120 Stat. 1390, added item 554 ''Border tunnels and passages''.

Pub. L. 109–177, title III, §311(b), Mar. 9, 2006, 120 Stat. 242, added item 554 ''Smuggling goods from the United States''.

1984—Pub. L. 98–547, title III, §301(b), Oct. 25, 1984, 98 Stat. 2771, added item 553.

§541. Entry of goods falsely classified

Whoever knowingly effects any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification as to quality or value, or by the payment of less than the amount of duty legally due, shall be fined under this title or imprisoned not more than two years, or both.

(June 25, 1948, ch. 645, 62 Stat. 715; Pub. L. 103–322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §126 (Mar. 4, 1909, ch. 321, §69, 35 Stat. 1101).

Reference to persons aiding, contained in words ''or aid in effecting,'' was omitted as unnecessary as such persons are made principals by section 2 of this title.

Changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $5,000''.

§542. Entry of goods by means of false statements

Whoever enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance, or makes any false statement in any declaration without reasonable cause to believe the truth of such statement, or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, whether or not the United States shall or may be deprived of any lawful duties; or

Whoever is guilty of any willful act or omission whereby the United States shall or may be deprived of any lawful duties accruing upon merchandise embraced or referred to in such invoice, declaration, affidavit, letter, paper, or statement, or affected by such act or omission—

Shall be fined for each offense under this title or imprisoned not more than two years, or both.

Nothing in this section shall be construed to relieve imported merchandise from forfeiture under other provisions of law.

The term ''commerce of the United States'', as used in this section, shall not include commerce with the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or Guam.

(June 25, 1948, ch. 645, 62 Stat. 715; June 30, 1955, ch. 258, § 2(c), 69 Stat. 242; Pub. L. 103–322, title XXXIII, §§ 330004(18), 330016(1)(K), Sept. 13, 1994, 108 Stat. 2142, 2147; Pub. L. 104–294, title VI, § 604(b)(23), Oct. 11, 1996, 110 Stat. 3508.)

HISTORICAL AND REVISION NOTES

Based on section 1591 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, § 591, 46 Stat. 750; Aug. 5, 1935, ch. 438, title III, § 304(a), 49 Stat. 527).

The reference in the first paragraph to persons aiding, contained in the phrase ''or aids,'' was omitted as unnecessary as such persons are made principals by section 2 of this title.

Words ''upon conviction'' before ''be fined'' were omitted as surplusage since punishment cannot be imposed until conviction is secured.

Enumeration of persons at beginning of section and provision preserving forfeitures where authorized by law were omitted as surplusage.

The fourth paragraph was added to the revised section to make clear the intent of Congress that forfeiture is an additional consequence independent of the criminal punishment.

The final paragraph was added to conform with section 1709 of title 19, U.S.C., 1940 ed.

Changes in phraseology were also made.

AMENDMENTS

1996—Pub. L. 104–294 amended Pub. L. 103–322, § 330004(18). See 1994 Amendment note below.

1994—Pub. L. 103–322, § 330016(1)(K), substituted ''fined under this title'' for ''fined not more than $5,000'' in third par.

Pub. L. 103–322, § 330004(18), as amended by Pub. L. 104–294, § 604(b)(23), struck out ''Philippine Islands,'' before ''Virgin Islands'' in last par.

1955—Act June 30, 1955, inserted reference to Johnston Island in last par.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104–294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act June 30, 1955, effective July 1, 1955, see section 2(d) of act June 30, 1955, set out as a note under section 1401 of Title 19, Customs Duties.

§ 543. Entry of goods for less than legal duty

Whoever, being an officer of the revenue, knowingly admits to entry, any goods, wares, or merchandise, upon payment of less than the amount of duty legally due, shall be fined under this title or imprisoned not more than two years, or both, and removed from office.

(June 25, 1948, ch. 645, 62 Stat. 716; Pub. L. 103–322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 125 (Mar. 4, 1909, ch. 321, § 68, 35 Stat. 1101).

Reference to persons aiding, contained in words ''or aid in admitting,'' was omitted as unnecessary as such persons are made principals by section 2 of this title.

Changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103–322 substituted ''fined under this title'' for ''fined not more than $5,000''.

§ 544. Relanding of goods

If any merchandise entered or withdrawn for exportation without payment of the duties thereon, or with intent to obtain a drawback of the duties paid, or of any other allowances given by law on the exportation thereof, is relanded at any place in the United States without entry having been made, such merchandise shall be considered as having been imported into the United States contrary to law, and each person concerned shall be fined under this title or imprisoned not more than two years, or both; and such merchandise shall be forfeited.

The term ''any place in the United States'', as used in this section, shall not include the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, or Guam.

(June 25, 1948, ch. 645, 62 Stat. 716; June 30, 1955, ch. 258, § 2(c), 69 Stat. 242; Pub. L. 103–322, title XXXIII, §§ 330004(18), 330016(1)(K), Sept. 13, 1994, 108 Stat. 2142, 2147; Pub. L. 104–294, title VI, § 604(b)(23), Oct. 11, 1996, 110 Stat. 3508.)

HISTORICAL AND REVISION NOTES

Based on section 1589 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, § 589, 46 Stat. 750).

The final paragraph was added to conform with section 1709 of title 19, U.S.C., 1940 ed.

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104–294 amended Pub. L. 103–322, § 330004(18). See 1994 Amendment note below.

1994—Pub. L. 103–322, § 330016(1)(K), substituted ''fined under this title'' for ''fined not more than $5,000'' in first par.

Pub. L. 103–322, § 330004(18), as amended by Pub. L. 104–294, § 604(b)(23), struck out ''Philippine Islands,'' before ''Virgin Islands'' in last par.

1955—Act June 30, 1955, inserted reference to Johnston Island in last par.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104–294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act June 30, 1955, effective July 1, 1955, see section 2(d) of act June 30, 1955, set out as a note under section 1401 of Title 19, Customs Duties.

§ 545. Smuggling goods into the United States

Whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clan-