

(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 clandestinely introduces or attempts to smuggle or clandestinely introduce into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, or other document or paper; or

Whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law—

Shall be fined under this title or imprisoned not more than 20 years, or both.

Proof of defendant’s possession of such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize conviction for violation of this section.

Merchandise introduced into the United States in violation of this section, or the value thereof, to be recovered from any person described in the first or second paragraph of this section, shall be forfeited to the United States.

The term “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; Aug. 24, 1954, ch. 890, §1, 68 Stat. 782; Sept. 1, 1954, ch. 1213, title V, §507, 68 Stat. 1141; June 30, 1955, ch. 258, §2(c), 69 Stat. 242; Pub. L. 103-322, title XXXIII,

§320903(c), title XXXIII, §§330004(18), 330016(1)(L), Sept. 13, 1994, 108 Stat. 2125, 2142, 2147; Pub. L. 104-294, title VI, §604(b)(23), Oct. 11, 1996, 110 Stat. 3508; Pub. L. 109-177, title III, §310, Mar. 9, 2006, 120 Stat. 242.)

#### HISTORICAL AND REVISION NOTES

Based on section 1593 of title 19, U.S.C., 1940 ed., Customs Duties (June 17, 1930, ch. 497, title IV, §593, 46 Stat. 751).

Reference in first paragraph to aiders, contained in words “his, her, or their aiders and abettors” was omitted as unnecessary since such persons are made principals by section 2 of this title. For the same reason words “or assists in so doing” in second paragraph were deleted.

Words “shall be deemed guilty of a misdemeanor,” in first paragraph were omitted in view of definition of misdemeanor in section 1 of this title.

Conviction provision in first paragraph reading “and on conviction thereof” was deleted as surplusage since punishment cannot be imposed until a conviction is secured.

Minimum punishment provision “nor less than \$50” in second paragraph was deleted.

Forfeiture provision was rephrased to make it clear that forfeiture was not dependent upon conviction.

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

Changes were made in phraseology.

#### AMENDMENTS

2006—Pub. L. 109-177, which directed amendment of third par. by substituting “20 years” for “5 years”, was executed by making the substitution for “five years”, to reflect the probable intent of Congress.

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

1994—Pub. L. 103-322, §330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000” 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.

Pub. L. 103-322, §320903(c), inserted “or attempts to smuggle or clandestinely introduce” after “clandestinely introduces” in first par.

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

1954—Act Sept. 1, 1954, permitted forfeiture of value of merchandise imported in violation of section.

Act Aug. 24, 1954, increased fine from \$5,000 to \$10,000 and imprisonment from two years to five years.

#### 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.

#### EFFECTIVE DATE OF 1954 AMENDMENT

Act Aug. 24, 1954, ch. 890, §2, 68 Stat. 783, provided that: “The amendments made by the first section of this Act [amending this section] shall apply only with respect to offenses committed on and after the date of the enactment of this Act [Aug. 24, 1954].”

### § 546. Smuggling goods into foreign countries

Any person owning in whole or in part any vessel of the United States who employs, or participates in, or allows the employment of, such vessel for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any