

<i>Former section</i>	<i>Present section</i>
452	1552
453	1553
454	1554
455	1555
456	1556
457	1557
458	1558
459	1559

§ 460. Retention of distilled spirits, wines, etc., in warehouse during prohibitory period

Under regulations prescribed by the Secretary of the Treasury, any imported distilled spirits, wines, or other liquors which may be in any customs bonded warehouse under the customs laws on the date any prohibition of their sale or removal, by any Act of Congress, or proclamation of the President of the United States takes effect shall be permitted to remain therein without payment of any taxes or duties thereon, beyond the three-year period provided by law, during such period of prohibition; and may be exported at any time during such extended period. Any imported spirits, wines, or other liquors as to which the three-year bonded period may have expired after February 24, 1919, and prior to the date such prohibition takes effect may at the option of the owner remain in bond during such period of prohibition.

(Feb. 24, 1919, ch. 18, title VI, § 600(b), 40 Stat. 1106.)

§§ 461 to 466. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Sections, act Sept. 21, 1922, ch. 356, title IV, §§ 560-565, 42 Stat. 977-979, related to leasing warehouses by Secretary of the Treasury, public stores, withdrawal from and deterioration of merchandise in bonded warehouses, liens for freight charges and cartage of merchandise.

The following table shows the classification of former sections to the present similar provisions in the Tariff Act of 1930, as incorporated in this title.

<i>Former section</i>	<i>Present section</i>
461	1560
462	1561
463	1562
464	1563
465	1564
466	1565

§ 467. Imported distilled spirits, wines, or malt liquors; regulations for marks, brands, and stamps or devices on bulk containers; forfeitures

The Secretary of the Treasury may by regulation require such marks, brands, and stamps or devices to be placed on any bulk container (including a pipeline) used for holding, storing, transferring or conveying imported distilled spirits, wines, or malt liquors as he deems necessary and proper in the administration of the Federal laws applicable to such imported distilled spirits, wines, or malt liquors and may specify those marks, brands, and stamps or devices which the importer or owner shall place or have placed on such containers. Any such container of imported distilled spirits, wines, or malt liquors withdrawn from customs custody

purporting to contain imported distilled spirits, wines, or malt liquors found without having thereon any mark, brand, stamp, or device the Secretary of the Treasury may require, shall be with its contents, forfeited to the United States of America.

(Mar. 1, 1879, ch. 125, § 11, 20 Stat. 342; Pub. L. 95-410, title II, § 201, Oct. 3, 1978, 92 Stat. 898.)

Editorial Notes

AMENDMENTS

1978—Pub. L. 95-410 substituted provisions authorizing the Secretary of the Treasury to require by regulation the placing of marks, brands, and stamps or devices on bulk containers of imported distilled spirits, wines, or malt liquors used for holding, storing, transferring or conveying the imported liquors for prior provisions for deposit of imported distilled spirits, wines, and malt liquors in public store or bonded warehouse, inspection of packages, affixing of stamps thereto, and special stamps for cask or package of not less than five wine-gallons filled for shipment, sale, or delivery on premises of any wholesale liquor-dealer under rules and regulations prescribed by Commissioner of Internal Revenue.

§ 468. Stamps and brands effaced on emptying packages of imported liquors

Every person who empties or draws off, or causes to be emptied or drawn off, the contents of any package of imported liquors stamped as above required, shall, at the time of such emptying, efface, obliterate, and destroy the stamp thereon, and also all other marks or brands which shall have been placed thereon in accordance with the law or regulations concerning imported liquors; every cask or other package from which the stamp for imported liquors required by section 467 of this title to be placed thereon shall not be effaced, obliterated, or destroyed, on emptying such package, shall be forfeited, and the same may be seized by any officer of internal revenue wherever found; and all the provisions and penalties of R.S. § 3324, relating to empty casks or packages from which the marks, brands, or stamps have not been effaced or obliterated, and relating to the removal of stamps from packages, and to having in possession any stamps so removed, shall apply to the stamps for imported spirits herein provided for, and to the casks or other packages on which such stamps shall have been used.

(Mar. 1, 1879, ch. 125, § 12, 20 Stat. 342; May 28, 1880, ch. 108, § 12, 21 Stat. 148.)

Editorial Notes

REFERENCES IN TEXT

R.S. § 3324, referred to in text, related to stamps and brands to be effaced from empty casks and penalty for omitting to efface and for transporting in violation of law. See sections 5206(d), 5604, and 7301 of Title 26, Internal Revenue Code.

§ 469. Dealing in or using empty stamped imported liquor containers

If any person shall purchase or sell, with the imported-liquor stamp herein required remaining thereon, or any of the marks or brands which shall have been placed thereon in accordance with the laws or regulations concerning

imported liquors remaining thereon, any cask or other package, after the same has been once used to contain imported liquors and has been emptied; or if any person shall use or have in possession such cask or package, with any imitation of such marks or brands, for the purpose of placing domestic distilled spirits therein for sale; every such cask or package, with its contents, if any, shall be forfeited to the United States. And every such person who shall violate any of the provisions of this section shall be liable to a penalty of \$200 for every such cask or package so purchased, sold, used, or had in possession.

(Mar. 1, 1879, ch. 125, § 13, 20 Stat. 343; May 28, 1880, ch. 108, § 13, 21 Stat. 148.)

§ 471. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 560, 42 Stat. 977, related to prohibition of ownership of bonded warehouses by customs officers.

Corresponding provisions of Tariff Act of 1930, see section 1560 of this title.

§§ 472 to 475. Repealed. Aug. 8, 1953, ch. 397, § 16(f), 67 Stat. 517

Sections, act June 8, 1896, ch. 371, §§ 1–4, 29 Stat. 263, related to special delivery and appraisement of imported articles of limited value and weight.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Act Aug. 8, 1953, ch. 397, § 1, 67 Stat. 507, provided that such act is effective, except as otherwise specifically provided for, on and after thirtieth day following date of its enactment (Aug. 8, 1953).

The exception “except as otherwise specifically provided for” apparently refers to amendments made to provisions preceding subd. (1) of section 1308 of this title and to section 1557(b) of this title, for which separate effective dates were provided as explained in notes under those sections.

SAVINGS PROVISION

For savings provision generally providing that the repeal or modification of existing law by act Aug. 8, 1953, ch. 397, would not affect acts, rights, or civil or criminal proceedings commenced prior to such act, see section 23 of act Aug. 8, 1953, ch. 397, set out as a note under section 1304 of this title.

PART 5—ENFORCEMENT PROVISIONS

§ 481. Repealed. June 17, 1930, ch. 497, title IV, § 651(a)(1), 46 Stat. 762, eff. June 18, 1930

Section, act Sept. 21, 1922, ch. 356, title IV, § 581, 42 Stat. 979, related to seizure of vessel or merchandise. Corresponding provisions of Tariff Act of 1930, see section 1581 of this title.

§ 482. Search of vehicles and persons

(a) Any of the officers or persons authorized to board or search vessels may stop, search, and examine, as well without as within their respective districts, any vehicle, beast, or person, on which or whom he or they shall suspect there is merchandise which is subject to duty, or shall have been introduced into the United States in any manner contrary to law, whether by the person in possession or charge, or by, in, or upon

such vehicle or beast, or otherwise, and to search any trunk or envelope, wherever found, in which he may have a reasonable cause to suspect there is merchandise which was imported contrary to law; and if any such officer or other person so authorized shall find any merchandise on or about any such vehicle, beast, or person, or in any such trunk or envelope, which he shall have reasonable cause to believe is subject to duty, or to have been unlawfully introduced into the United States, whether by the person in possession or charge, or by, in, or upon such vehicle, beast, or otherwise, he shall seize and secure the same for trial.

(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith and used reasonable means while effectuating such search.

(R.S. § 3061; Pub. L. 107–210, div. A, title III, § 341(a), Aug. 6, 2002, 116 Stat. 980.)

Editorial Notes

CODIFICATION

R.S. § 3061 derived from act July 18, 1866, ch. 201, § 3, 14 Stat. 178.

AMENDMENTS

2002—Pub. L. 107–210 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–210 applicable to petitions for certification filed under part 2 or 3 of subchapter II of chapter 12 of this title on or after the date that is 90 days after Aug. 6, 2002, except as otherwise provided, see section 151 of Pub. L. 107–210, set out as a note preceding section 2271 of this title.

REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS

Pub. L. 107–210, div. A, title III, § 341(b), Aug. 6, 2002, 116 Stat. 980, provided that: “Not later than 30 days after the date of the enactment of this Act [Aug. 6, 2002], the Commissioner of Customs shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.”

[For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.]

§ 483. Repealed. Sept. 1, 1954, ch. 1213, title V, § 502, 68 Stat. 1140

Section, R.S. § 3062; act Aug. 5, 1935, ch. 438, title II, § 208, 49 Stat. 526, related to forfeitures and penalty for