

**§ 16. Offenses; punishment; forfeitures of property**

(a) Whoever shall willfully violate any of the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] or of any license, rule, or regulation issued thereunder, and who ever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of the Act [said sections] shall, upon conviction, be fined not more than \$1,000,000, or if a natural person, be imprisoned for not more than 20 years, or both.

(b)(1) A civil penalty of not to exceed \$50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix].

(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be forfeited to the United States Government.

(3) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

(4) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.

(c) Upon conviction, any property, funds, securities, papers, or other articles or documents, or any vessel, together with tackle, apparel, furniture, and equipment, concerned in any violation of subsection (a) may be forfeited to the United States.

(Oct. 6, 1917, ch. 106, § 16, 40 Stat. 425; Pub. L. 95-223, title I, § 103(a), Dec. 28, 1977, 91 Stat. 1626; Pub. L. 102-393, title VI, § 628, Oct. 6, 1992, 106 Stat. 1772; Pub. L. 102-484, div. A, title XVII, § 1710(c), Oct. 23, 1992, 106 Stat. 2580; Pub. L. 104-114, title I, § 102(d), Mar. 12, 1996, 110 Stat. 792; Pub. L. 111-195, title I, § 107(a)(4), July 1, 2010, 124 Stat. 1337.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-195 substituted “if a natural person, be imprisoned for not more than 20 years, or both.” for “if a natural person, be fined not more than \$100,000, or imprisoned for not more than ten years or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall, upon conviction, be fined not more than \$100,000 or imprisoned for not more than ten years or both.”

1996—Pub. L. 104-114, § 102(d)(3)(A), made technical amendment inserting section designation in original.

Subsec. (a). Pub. L. 104-114, § 102(d)(3)(B), substituted “participates” for “participants”.

Subsec. (b). Pub. L. 104-114, § 102(d)(1), amended subsec. (b), as added by Pub. L. 102-484, generally. Prior to amendment, subsec. (b) read as follows:

“(b)(1) The Secretary of the Treasury may impose a civil penalty of not more than \$50,000 on any person who violates any license, order, rule, or regulation issued under this Act.

“(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its

tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

“(3) The penalties provided under this subsection may not be imposed for—

“(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

“(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

“(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

“(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.”

Pub. L. 104-114, § 102(d)(2), struck out subsec. (b), as added by Pub. L. 102-393, which read as follows:

“(b)(1) A civil penalty of not to exceed \$50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

“(2) The penalties provided under this subsection may not be imposed for—

“(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

“(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.”

1992—Pub. L. 102-484, which directed substitution of “(a) Whoever” for “That whoever” and addition of subsec. (b) at end, was executed to reflect the probable intent of Congress in light of the intervening general amendment by Pub. L. 102-393 (see below), by adding subsec. (b) after subsec. (a).

Pub. L. 102-393 amended section generally, substituting subsecs. (a) to (c) for former undesignated provisions which read as follows: “Whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and who ever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act shall, upon conviction, be fined not more than \$50,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States.”

1977—Pub. L. 95-223 substituted “\$50,000” for “\$10,000”.

**§ 17. Rules by district courts; appeals**

The district courts of the United States are given jurisdiction to make and enter all such rules as to notice and otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix], with a right of appeal from the final order or decree of such court as provided in sections one hundred and twenty-eight and two hundred and thirty-eight of the Act of March third, nineteen hundred and eleven, entitled “An Act to codify, revise, and amend the laws relating to the judiciary.”

(Oct. 6, 1917, ch. 106, § 17, 40 Stat. 425.)

REFERENCES IN TEXT

Sections one hundred and twenty-eight and two hundred and thirty-eight of the Act of March third, nineteen hundred and eleven, entitled "An Act to codify, revise, and amend the laws relating to the judiciary", referred to in text, enacted sections 225 and 345 of former Title 28, Judicial Code and Judiciary, respectively. Section 225 of former Title 28 was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992, and reenacted as sections 1291, 1292, 1293, and 1294 of Title 28, Judiciary and Judicial Procedure. Section 345 of former Title 28 was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992.

**§ 18. Jurisdiction of courts of Philippines and Canal Zone of offenses**

The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix] committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this Act [said sections] committed upon the high seas and of conspiracies to commit such offenses as defined by section thirty-seven of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, and the provisions of such section for the purpose of this Act [said sections] are extended to the Philippine Islands and to the Canal Zone.

(Oct. 6, 1917, ch. 106, § 18, 40 Stat. 425.)

REFERENCES IN TEXT

Section thirty-seven of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine, referred to in text, enacted section 88 of former Title 18, Criminal Code and Criminal Procedure, and was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and reenacted as section 371 of Title 18, Crimes and Criminal Procedure.

TERMINATION OF UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE CANAL ZONE

For termination of the United States District Court for the District of the Canal Zone at end of the "transition period", being the 30-month period beginning Oct. 1, 1979, and ending midnight Mar. 31, 1982, see Paragraph 5 of Article XI of the Panama Canal Treaty of 1977 and sections 2101 and 2201 to 2203 of Pub. L. 96-70, title II, Sept. 27, 1979, 93 Stat. 493, formerly classified to sections 3831 and 3841 to 3843, respectively, of Title 22, Foreign Relations and Intercourse.

PHILIPPINE INDEPENDENCE

Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, issued pursuant to section 1394 of Title 22, Foreign Relations and Intercourse, recognized the independence of the Philippine Islands as of July 4, 1946, and is set out under that section.

**§ 19. Print, newspaper or publication in foreign languages**

Ten days after the approval of this act [Oct. 6, 1917] and until the end of the war, it shall be unlawful for any person, firm, corporation, or association, to print, publish, or circulate, or cause to be printed, published, or circulated in any foreign language, any news item, editorial or other printed matter, respecting the Govern-

ment of the United States, or of any nation engaged in the present war, its policies, international relations, the state or conduct of the war, or any matter relating thereto: *Provided*, That this section shall not apply to any print, newspaper, or publication where the publisher or distributor thereof, on or before offering the same for mailing, or in any manner distributing it to the public, has filed with the postmaster at the place of publication, in the form of an affidavit, a true and complete translation of the entire article containing such matter proposed to be published in such print, newspaper, or publication, and has caused to be printed, in plain type in the English language, at the head of each such item, editorial, or other matter, on each copy of such print, newspaper, or publication, the words "True translation filed with the postmaster at \_\_\_\_\_ on \_\_\_\_\_ (naming the post office where the translation was filed, and the date of filing thereof), as required by the Act of \_\_\_\_\_ (here giving the date of this Act [Oct. 6, 1917])."

Any print, newspaper, or publication in any foreign language which does not conform to the provisions of this section is declared to be non-mailable, and it shall be unlawful for any person, firm, corporation, or association, to transport, carry, or otherwise publish or distribute the same, or to transport, carry or otherwise publish or distribute any matter which is made nonmailable by the provisions of the Act relating to espionage, approved June fifteenth, nineteen hundred and seventeen: *Provided, further*, That upon evidence satisfactory to him that any print, newspaper, or publication, printed in a foreign language may be printed, published, and distributed free from the foregoing restrictions and conditions without detriment to the United States in the conduct of the present war, the President may cause to be issued to the printers or publishers of such print, newspaper, or publication, a permit to print, publish, and circulate the issue or issues of their print, newspaper, or publication, free from such restrictions and requirements, such permits to be subject to revocation at his discretion. And the Postmaster General<sup>1</sup> shall cause copies of all such permits and revocations of permits to be furnished to the postmaster of the post office serving the place from which the print, newspaper, or publication, granted the permit is to emanate. All matter printed, published and distributed under permits shall bear at the head thereof in plain type in the English language, the words, "Published and distributed under permit authorized by the Act of \_\_\_\_\_ (here giving date of this Act [Oct. 6, 1917]), on file at the post office of \_\_\_\_\_ (giving name of office)."

Any person who shall make an affidavit containing any false statement in connection with the translation provided for in this section shall be guilty of the crime of perjury and subject to the punishment provided therefor by section one hundred and twenty-five of the Act of March fourth, nineteen hundred and nine, entitled "An Act to codify, revise, and amend the penal laws of the United States," and any person, firm, corporation, or association, violating any other re-

<sup>1</sup> See Transfer of Functions note below.