

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1183 of this title, prior to the complete revision of this chapter by Pub. L. 98-129.

§ 1174. Penalties

(a) Any person who knowingly violates any provision of this chapter or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than \$20,000 for such violation, or imprisoned for not more than one year, or both.

(b) Any person who violates any provision of this chapter or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

(Pub. L. 89-702, title III, §304, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1184 of this title, prior to the complete revision of this chapter by Pub. L. 98-129.

§ 1175. Authorization of appropriations

(a) There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to \$2,000,000, for fiscal year 1984 for the purpose of upgrading Federal property to be transferred pursuant to section 1165 of this title, \$736,000 for fiscal year 1984 for the purposes of sections 1154 and 1168 of this title and such sums as may be necessary for

each fiscal year thereafter for the purposes of sections 1154 and 1168 of this title.

(b) The contract authority of the Secretary under this chapter is effective for any fiscal year only to the extent that appropriations are available for such purposes.

(Pub. L. 89-702, title III, §305, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

§§ 1181 to 1187. Omitted

CODIFICATION

Sections were omitted in the general revision of this chapter by Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 835.

Section 1181, Pub. L. 89-702, title IV, §401, Nov. 2, 1966, 80 Stat. 1097, related to seizure and forfeiture of vessels. See section 1171 of this title.

Section 1182, Pub. L. 89-702, title IV, §402, Nov. 2, 1966, 80 Stat. 1097; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; 1978 Reorg. Plan No. 2 of 1978, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784, set out additional enforcement provisions. See section 1172 of this title.

Section 1183, Pub. L. 89-702, title IV, §403, Nov. 2, 1966, 80 Stat. 1098; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, authorized the Secretary of Commerce to issue regulations. See section 1173 of this title.

Section 1184, Pub. L. 89-702, title IV, §404, Nov. 2, 1966, 80 Stat. 1098, set out penalties for violations. See section 1174 of this title.

Section 1185, Pub. L. 89-702, title IV, §405, Nov. 2, 1966, 80 Stat. 1098; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, related to contracts or agreements for research. See section 1155(b) of this title.

Section 1186, Pub. L. 89-702, title IV, §406, Nov. 2, 1966, 80 Stat. 1098, defined terms as used in this chapter. See section 1151 of this title.

Section 1187, Pub. L. 89-702, title IV, §407, Nov. 2, 1966, 80 Stat. 1098, related to creation of a Pribilof Islands fund. See section 1166 of this title.

CHAPTER 25—JELLYFISH OR SEA NETTLES, OTHER SUCH PESTS, AND SEAWEED IN COASTAL WATERS: CONTROL OR ELIMINATION

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| 1205. | General authority of Secretary for conducting studies, research, and investigations unaffected. |

§ 1201. Declaration of purposes; Secretary's cooperation with and assistance to States

For the purposes of conserving and protecting the fish and shellfish resources in the coastal waters of the United States and the Commonwealth of Puerto Rico, and promoting and safeguarding water-based recreation for present and future generations in these waters, the Secretary of Commerce is authorized to cooperate with, and provide assistance to, the States in controlling and eliminating jellyfish, commonly referred to as "sea nettles", and other such pests and in conducting research for the purposes of controlling floating seaweed in such waters.