

which the particular violation was found and such penalty was imposed, as provided in section 2112 of title 28. The findings and order of the Administrator shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2)(E) of title 5.

**(c) Action upon failure to pay assessment**

If any person subject to section 1461 of this title fails to pay a civil penalty assessed against such person after the penalty has become final, or after the appropriate court has entered final judgment in favor of the Administrator, the Administrator shall refer the matter to the Attorney General of the United States, who shall recover the civil penalty assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

**(d) Compromise or other action by the Administrator**

The Administrator may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section unless an action brought under subsection (b) or (c) of this section is pending in a court of the United States.

(Pub. L. 96-283, title III, §302, June 28, 1980, 94 Stat. 577.)

**§ 1463. Criminal offenses**

**(a) Offense**

A person subject to section 1461 of this title is guilty of an offense if such person willfully and knowingly commits any act prohibited by section 1461 of this title.

**(b) Punishment**

Any offense described in paragraphs (1), (2), and (6) of section 1461 of this title is punishable by a fine of not more than \$75,000 for each day during which the violation continues. Any offense described in paragraphs (3), (4), (5), and (7) of section 1461 of this title is punishable by a fine of not more than \$75,000 or imprisonment for not more than six months, or both. If, in the commission of any offense, the person subject to the jurisdiction of the United States uses a dangerous weapon, engages in conduct that causes bodily injury to any Federal officer or employee, or places any such Federal officer or employee in fear of imminent bodily injury, the offense is punishable by a fine of not more than \$100,000 or imprisonment for not more than ten years, or both.

(Pub. L. 96-283, title III, §303, June 28, 1980, 94 Stat. 578.)

**§ 1464. Enforcement**

**(a) Responsibility**

Subject to the other provisions of this subsection, the Administrator shall enforce the provisions of this chapter. The Secretary of the department in which the Coast Guard is operating shall exercise such other enforcement responsibilities with respect to vessels subject to the

provisions of this chapter as are authorized under other provisions of law and may, upon the specific request of the Administrator, assist the Administrator in the enforcement of the provisions of this chapter. The Secretary of the department in which the Coast Guard is operating shall have the exclusive responsibility for enforcement measures which affect the safety of life and property at sea. The Administrator and the Secretary of the department in which the Coast Guard is operating may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment, including aircraft and vessels, and facilities of any other Federal agency or department, and may authorize officers or employees of other departments or agencies to provide assistance as necessary in carrying out subsection (b) of this section. While providing such assistance, these officers and employees shall be under the control, authority, and supervision of the Coast Guard. The Administrator and the Secretary of the department in which the Coast Guard is operating may issue regulations jointly or severally as may be necessary and appropriate to carry out their duties under this section.

**(b) Powers of authorized officers**

To enforce this chapter on board any vessel subject to the provisions of this chapter, any officer who is authorized by the Administrator or by the Secretary of the department in which the Coast Guard is operating may—

(1) board and inspect any vessel which is subject to the provisions of this chapter;

(2) search any such vessel if the officer has reasonable cause to believe that the vessel has been used or employed in the violation of any provision of this chapter;

(3) arrest any person subject to section 1461 of this title if the officer has reasonable cause to believe that the person has committed a criminal offense under section 1463 of this title;

(4) seize any such vessel together with its gear, furniture, appurtenances, stores, and cargo, used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this chapter if such seizure is necessary to prevent evasion of the enforcement of this chapter;

(5) seize any hard mineral resource recovered or processed in violation of any provision of this chapter;

(6) seize any other evidence related to any violation of any provision of this chapter;

(7) execute any warrant or other process issued by any court of competent jurisdiction; and

(8) exercise any other lawful authority.

**(c) Definitions**

For purposes of this section, the term “provisions of this chapter” or “provision of this chapter” means (1) any provision of subchapter I or II of this chapter or this subchapter, (2) any regulation issued under subchapter I of this chapter, subchapter II of this chapter, or this subchapter, and (3) any term, condition, or restriction of any license or permit issued under subchapter I of this chapter.

**(d) Proprietary information**

Proprietary and privileged information seized or maintained under this subchapter concerning a person or vessel engaged in exploration or commercial recovery shall not be made available for general or public use or inspection. The Administrator and the Secretary of the department in which the Coast Guard is operating shall issue regulations to insure the confidentiality of privileged and proprietary information.

(Pub. L. 96-283, title III, §304, June 28, 1980, 94 Stat. 578.)

## TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 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.

**§ 1465. Liability of vessels**

Any vessel documented or numbered under the laws of the United States (except a public vessel engaged in noncommercial activities) which is used in any violation of this chapter, any regulation issued under this chapter, or any term, condition, or restriction of any license or permit issued under subchapter I of this chapter shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof.

(Pub. L. 96-283, title III, §305, June 28, 1980, 94 Stat. 579.)

**§ 1466. Civil forfeitures****(a) In general**

Any vessel subject to the provisions of sections 1464 and 1465 of this title, including its gear, furniture, appurtenances, stores, and cargo, which is used, in any manner, in connection with or as a result of the commission of any act prohibited by section 1461 of this title and any hard mineral resource which is recovered, processed, or retained, in any manner, in connection with or as a result of the commission of any such act, shall be subject to forfeiture to the United States. All or part of such vessel, and all such hard mineral resources, may be forfeited to the United States pursuant to a civil proceeding under this section. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel or cargo for violation of the customs laws, and the disposition of the vessel, cargo, or proceeds from the sale thereof and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section insofar as such provisions of law are applicable and not inconsistent with this chapter.

**(b) Jurisdiction of courts**

Any district court of the United States which has jurisdiction under section 1467 of this title

shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) of this section and any action provided for under subsection (d) of this section.

**(c) Judgment**

If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States which has not previously been seized pursuant to this chapter or for which security has not previously been obtained under subsection (d) of this section.

**(d) Procedure**

Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 1467 of this title shall stay the execution of such process, or discharge any property seized pursuant to such process, upon the receipt of a satisfactory bond or other security from any person subject to section 1461 of this title claiming such property. Such bond or other security shall be conditioned upon such person (1) delivering such property to the appropriate court upon order thereof, without any impairment of its value; or (2) paying the monetary value of such property pursuant to any order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

**(e) Rebuttable presumption**

For purposes of this section, it shall be a rebuttable presumption that all hard mineral resources found on board a vessel subject to the provisions of sections 1464 and 1465 of this title which is seized in connection with an act prohibited by section 1461 of this title were recovered, processed, or retained in violation of this chapter.

(Pub. L. 96-283, title III, §306, June 28, 1980, 94 Stat. 580.)

**§ 1467. Jurisdiction of courts**

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this chapter. These courts may, at any time—

- (1) enter restraining orders or prohibitions;
- (2) issue warrants, process in rem, or other process;
- (3) prescribe and accept satisfactory bonds or other security; and
- (4) take such other actions as are in the interest of justice.

(Pub. L. 96-283, title III, §307, June 28, 1980, 94 Stat. 580.)

**§ 1468. Regulations****(a) Proposed regulations**

Not later than 270 days after June 28, 1980, the Administrator shall solicit the views of the agency heads referred to in section 1419(b) of this title and of interested persons, and issue, in accordance with section 553 of title 5, such pro-