

investigation under this chapter may issue subpoenas as provided in this section and administer oaths to witnesses.

(c) Failure to comply

When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an order directing that person to comply with the subpoena. The court may punish as contempt any disobedience of its order.

(d) Witness fees

A witness complying with a subpoena issued under this section may be paid for actual travel and attendance at the rate provided for witnesses in the district courts of the United States.

(Pub. L. 100-688, title IV, § 4106, Nov. 18, 1988, 102 Stat. 4157.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this part" and was translated as reading "this title" to reflect the probable intent of Congress.

§ 2607. Fees

The Secretary of Transportation may collect a fee under section 9701 of title 31 of not more than \$1,000, from each person to whom a permit is issued under this subchapter for a permitting system and to maintain information.

(Pub. L. 100-688, title IV, § 4107, Nov. 18, 1988, 102 Stat. 4158.)

§ 2608. Civil penalty procedures

(a) General procedures

After notice and an opportunity for a hearing, a person found by the Secretary of Transportation to have violated this chapter or a regulation prescribed under this chapter for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(b) Compromising penalties

The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty under this chapter until the assessment is referred to the Attorney General.

(c) Referral to Attorney General

If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

(d) Refund of penalty

The Secretary may refund or remit a civil penalty collected under this chapter if—

(1) application has been made for refund or remission of the penalty within one year from the date of payment; and

(2) the Secretary finds that the penalty was unlawfully, improperly, or excessively imposed.

(Pub. L. 100-688, title IV, § 4108, Nov. 18, 1988, 102 Stat. 4158.)

§ 2609. Penalties

(a) General penalty

Except as provided in subsection (b) of this section, a person violating this chapter is liable to the United States Government for a civil penalty of not more than \$25,000. Each day of a continuing violation is a separate violation. A vessel involved in the violation also is liable in rem for the penalty.

(b) Operating without a permit

A person violating section 2602 of this title is liable to the United States Government for a civil penalty of not more than \$10,000. Each day of a continuing violation is a separate violation. A vessel involved in the violation also is liable in rem for the penalty.

(c) Criminal penalty

Any person that knowingly violates, or that knowingly aids, abets, authorizes, or instigates a violation of this chapter, shall be fined under title 18, imprisoned for not more than 3 years, or both.

(d) Payments for information

The court, the Secretary of Transportation, or the Administrator, as the case may be, may pay up to one-half of a fine or penalty to any person giving information leading to the assessment of the fine or penalty.

(Pub. L. 100-688, title IV, § 4109, Nov. 18, 1988, 102 Stat. 4158.)

SUBCHAPTER II—RELATED PROVISIONS

§ 2621. Study and recommendations

(a) Study

The Administrator, in consultation with the Secretary of Transportation, shall conduct a study to determine the need for, and effectiveness of additional tracking systems for vessels to assure that municipal or commercial waste is not deposited in coastal waters. In conducting this study, the Administrator shall use the data collected from its permitting and enforcement activities under this chapter. In determining the effectiveness of tracking systems, the Administrator shall rely on the information provided by the Secretary under subsection (b) of this section. The report shall include a recommendation whether additional tracking systems are needed. This study shall be submitted to Congress within 24 months after November 18, 1988.

(b) Recommendations

The Secretary shall provide recommendations to the Administrator concerning the various tracking systems that might be applicable to vessels transporting municipal or commercial waste which the Secretary currently is study-