

cense or permit issued to such person under this chapter;

(2) to engage in exploration or commercial recovery after the revocation, or during the period of suspension, of an applicable license or permit issued under this chapter, to engage in a particular exploration or commercial recovery activity during the period such activity has been suspended under this chapter, or to fail to modify a particular exploration or commercial recovery activity for which modification was required under this chapter;

(3) to refuse to permit any Federal officer or employee authorized to monitor or enforce the provisions of this chapter, as provided in sections 1424 and 1464 of this title, to board a vessel documented or numbered under the laws of the United States, or any vessel for which such boarding is authorized by a treaty or executive agreement, for purposes of conducting any search or inspection in connection with the monitoring or enforcement of this chapter or any regulation, term, condition, or restriction referred to in paragraph (1);

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer or employee in the conduct of any search or inspection described in paragraph (3);

(5) to resist a lawful arrest for any act prohibited by this section;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of any hard mineral resource recovered, processed, or retained in violation of this chapter or any regulation, term, condition, or restriction referred to in paragraph (1); or

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of any other person subject to this section knowing that such other person has committed any act prohibited by this section.

(Pub. L. 96-283, title III, §301, June 28, 1980, 94 Stat. 577.)

§ 1462. Civil penalties

(a) Assessment of penalty

Any person subject to section 1461 of this title who is found by the Administrator, after notice and an opportunity for a hearing in accordance with section 554 of title 5, to have committed any act prohibited by section 1461 of this title shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Administrator by written notice. In determining the amount of such penalty, the Administrator shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed and, with respect to the violator, any history of prior offenses, good faith demonstrated in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

(b) Review of civil penalty

Any person subject to section 1461 of this title against whom a civil penalty is assessed under

subsection (a) may obtain review thereof in an appropriate district court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator. The Administrator shall promptly file in such court a certified copy of the record upon 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) 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 pro-