

(c) CIVIL PENALTY PROCEDURE.—

(1) IN GENERAL.—Whenever a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code.

(2) COMMENCEMENT OF CIVIL ACTIONS.—If any person fails to pay a civil penalty imposed under this chapter, the Secretary may request the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the date the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(3) REMISSION OR MITIGATION OF PENALTIES.—The Secretary may remit or mitigate any penalties imposed under paragraph (1) if, in the Secretary's opinion—

(A) the penalties were incurred without willful negligence or fraud; or

(B) other circumstances exist that justify a remission or mitigation.

(4) APPLICABLE LAW FOR DELEGATED FUNCTIONS.—If, pursuant to section 306, the Secretary delegates functions under this section to another agency, the provisions of law of that agency relating to penalty assessment, remission or mitigation of such penalties, collection of such penalties, and limitations of actions and compromise of claims, shall apply.

(5) DEPOSIT OF PAYMENTS IN GENERAL FUND OF THE TREASURY.—Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.

(d) ENFORCEMENT.—

(1) BY THE SECRETARY OF COMMERCE.—The Secretary of Commerce may designate officers or employees of the Office of Export Enforcement to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

(2) BY THE COMMISSIONER OF CUSTOMS.—The Commissioner of Customs¹ may designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter.

(e) REGULATIONS.—The Secretary of Commerce shall promulgate regulations for the implementation and enforcement of this section.

(f) EXEMPTION.—The criminal fines provided for in this section are exempt from the provi-

sions of section 3571 of title 18, United States Code.

(Added Pub. L. 87-826, § 2, Oct. 15, 1962, 76 Stat. 952; amended Pub. L. 107-228, div. B, title XIV, § 1404(f)(1), Sept. 30, 2002, 116 Stat. 1455; Pub. L. 114-125, title VIII, § 802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

AMENDMENTS

2002—Pub. L. 107-228 substituted “Penalties for unlawful export information activities” for “Violations, penalties” in section catchline and amended text generally. Prior to amendment, text read as follows: “Any person, including the owners or operators of carriers, violating the provisions of this chapter, or any rule, regulation, or order issued thereunder, except as provided in section 304 above, shall be liable to a penalty not to exceed \$1,000 in addition to any other penalty imposed by law. The amount of any such penalty shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States.”

CHANGE OF NAME

Reference to Commissioner of Customs deemed to be reference to Commissioner of U.S. Customs and Border Protection pursuant to section 802(d)(2) of Pub. L. 114-125, set out as a note under section 211 of Title 6, Domestic Security.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

§ 306. Delegation of functions

Subject to the concurrence of the head of the department or agency concerned, the Secretary may make such provisions as he shall deem appropriate, authorizing the performance by any officer, agency, or employee of the United States Government departments or offices, or the governments of any areas over which the United States exercises sovereignty, jurisdiction, or control, of any function of the Secretary, contained in this chapter.

(Added Pub. L. 87-826, § 2, Oct. 15, 1962, 76 Stat. 952.)

§ 307. Relationship to general census law

The following sections only, 1, 2, 3, 4, 5, 6, 7, 11, 21, 22, 23, 24, 211, 212, 213, and 214, of chapters 1 through 7 of this title are applicable to this chapter.

(Added Pub. L. 87-826, § 2, Oct. 15, 1962, 76 Stat. 952.)

CHAPTER 10—EXCHANGE OF CENSUS INFORMATION

Sec.

401. Exchange of census information with Bureau of Economic Analysis.

¹ See Change of Name note below.

Sec.
402. Providing business data to Designated Statistical Agencies.

AMENDMENTS

2002—Pub. L. 107-347, title V, § 526(b)(2), Dec. 17, 2002, 116 Stat. 2970, added item 402.

§ 401. Exchange of census information with Bureau of Economic Analysis

(a) EXCHANGE OF INFORMATION.—The Bureau of the Census shall exchange with the Bureau of Economic Analysis of the Department of Commerce information collected under this title, and under the International Investment and Trade in Services Survey Act, that pertains to any business enterprise that is operating in the United States, if the Secretary of Commerce determines such information is appropriate to augment and improve the quality of data collected under the International Investment and Trade in Services Survey Act. Information provided to the Bureau of Economic Analysis by the Bureau of the Census shall be only those data collected directly from respondents by the Bureau of the Census.

(b) REQUESTS FOR INFORMATION.—The Director of the Bureau requesting information under this section shall make the request in writing and shall certify that the information will be used only for statistical activities performed to improve the quality of data collected under the authority of title 13, United States Code, and the International Investment and Trade in Services Survey Act.

(c) DEFINITION.—As used in subsection (a), the terms “business enterprise” and “United States” have the meanings given those terms in section 3 of the International Investment and Trade in Services Survey Act.

(Added Pub. L. 101-533, § 5(a), Nov. 7, 1990, 104 Stat. 2347.)

REFERENCES IN TEXT

The International Investment and Trade in Services Survey Act, referred to in text, is Pub. L. 94-472, Oct. 11, 1976, 90 Stat. 2059, as amended, which is classified generally to chapter 46 (§ 3101 et seq.) of Title 22, Foreign Relations and Intercourse. Section 3 of the Act is classified to section 3102 of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 22 and Tables.

§ 402. Providing business data to Designated Statistical Agencies

The Bureau of the Census may provide business data to the Bureau of Economic Analysis and the Bureau of Labor Statistics (“Designated Statistical Agencies”) if such information is required for an authorized statistical purpose and the provision is the subject of a written agreement with that Designated Statistical Agency, or their successors, as defined in the Confidential Information Protection and Statistical Efficiency Act of 2002.

(Added Pub. L. 107-347, title V, § 526(b)(1), Dec. 17, 2002, 116 Stat. 2969; amended Pub. L. 115-435, title III, § 302(c)(2), Jan. 14, 2019, 132 Stat. 5553.)

AMENDMENT OF SECTION

Pub. L. 115-435, title III, § 302(c)(2), title IV, § 403, Jan. 14, 2019, 132 Stat. 5553, 5557, provided that, effective 180 days after Jan. 14, 2019, this section is amended by striking “the Confidential Information Protection and Statistical Efficiency Act of 2002” and inserting “section 3576(e) of title 44”. See 2019 Amendment note below.

REFERENCES IN TEXT

The Confidential Information Protection and Statistical Efficiency Act of 2002, referred to in text, is title V of Pub. L. 107-347, Dec. 17, 2002, 116 Stat. 2962, which enacted this section, amended section 176a of Title 15, Commerce and Trade, and enacted provisions set out as a note under section 3501 of Title 44, Public Printing and Documents. Provisions defining “Designated Statistical Agency” are contained in section 522 of the Act, which is set out in a note under section 3501 of Title 44.

AMENDMENTS

2019—Pub. L. 115-435 substituted “section 3576(e) of title 44” for “the Confidential Information Protection and Statistical Efficiency Act of 2002”.

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 115-435 effective 180 days after Jan. 14, 2019, see section 403 of Pub. L. 115-435, set out as a note under section 306 of Title 5, Government Organization and Employees.

TRANSITIONAL AND SAVINGS PROVISIONS

For transitional and savings provisions related to the amendment of this section and other provisions of law by title III of Pub. L. 115-435, see section 302(d) of Pub. L. 115-435, set out as a note under section 3561 of Title 44, Public Printing and Documents.