

establishment of such committees is considered necessary because the issues involved are highly complex or controversial.

(Added Pub. L. 115-282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4261.)

#### SAFETY ZONES FOR PERMITTED MARINE EVENTS

Pub. L. 114-120, title III, § 305, Feb. 8, 2016, 130 Stat. 54, provided that: “Not later than 6 months after the date of the enactment of this Act [Feb. 8, 2016], the Secretary of the department in which the Coast Guard is operating shall establish and implement a process to—

“(1) account for the number of safety zones established for permitted marine events;

“(2) differentiate whether the event sponsor who requested a permit for such an event is—

“(A) an individual;

“(B) an organization; or

“(C) a government entity; and

“(3) account for Coast Guard resources utilized to enforce safety zones established for permitted marine events, including for—

“(A) the number of Coast Guard or Coast Guard Auxiliary vessels used; and

“(B) the number of Coast Guard or Coast Guard Auxiliary patrol hours required.”

### § 70035. Investigatory powers

(a) SECRETARY.—The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage to, any structure subject to subchapters A through C<sup>1</sup> and this subchapter, or that affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States.

(b) POWERS.—In an investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents or other evidence relating to such incident, accident, or act. If any person refuses to obey a subpoena, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance with the subpoena. Any district court of the United States may, in the case of refusal to obey a subpoena, issue an order requiring compliance with the subpoena, and failure to obey the order may be punished by the court as contempt. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.

(Added Pub. L. 115-282, title IV, § 401(a), Dec. 4, 2018, 132 Stat. 4262.)

### § 70036. Enforcement

(a) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated subchapters A through C<sup>1</sup> or this subchapter or a regulation issued under subchapters A through C<sup>1</sup> or this subchapter shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The

amount of such civil penalty shall be assessed by the Secretary, or the Secretary’s designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account 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 such other matters as justice may require.

(2) COMPROMISE, MODIFICATION, OR REMISSION.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(3) FAILURE TO PAY PENALTY.—If any 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 of the United States, for collection in any appropriate district court of the United States.

(b) CRIMINAL PENALTY.—

(1) CLASS D FELONY.—Any person who willfully and knowingly violates subchapters A through C<sup>1</sup> or this subchapter or any regulation issued thereunder commits a class D felony.

(2) CLASS C FELONY.—Any person who, in the willful and knowing violation of subchapters A through C<sup>1</sup> or this subchapter or of any regulation issued thereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the provisions of such a subchapter or the regulations issued under such subchapter, commits a class C felony.

(c) IN REM LIABILITY.—Any vessel that is used in violation of subchapters A, B, or C<sup>2</sup> or this subchapter, or any regulations issued under such subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (a) and may be proceeded against in the United States district court for any district in which such vessel may be found.

(d) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of subchapter A, B, or C<sup>2</sup> or this subchapter or of regulations issued under such subchapter, for cause shown.

(e) DENIAL OF ENTRY.—Except as provided in section 70021, the Secretary may, subject to recognized principles of international law, deny entry by any vessel that is not in compliance with subchapter A, B, or C<sup>2</sup> or this subchapter or the regulations issued under such subchapter—

(1) into the navigable waters of the United States; or

(2) to any port or place under the jurisdiction of the United States.

(f) WITHHOLDING OF CLEARANCE.—

(1) IN GENERAL.—If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the

<sup>1</sup>So in original. Probably should be “subchapters I through III”.

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<sup>2</sup>So in original. Probably should be “subchapter I, II, or III”.