

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.

§ 773d. Cooperation of Federal agencies

Any agency of the Federal Government is authorized upon request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish on a reimbursable basis, facilities and personnel for the purposes of assisting the Commission in carrying out its duties under the Convention. Such agency may accept reimbursement from the Commission.

(Pub. L. 97-176, § 6, May 17, 1982, 96 Stat. 80.)

§ 773e. Prohibited acts

It is unlawful—

(1) for any person subject to the jurisdiction of the United States—

(A) to violate any provision of the Convention, this subchapter or any regulation adopted under this subchapter;

(B) to refuse to permit any enforcement officer to board a fishing vessel subject to such person's control for purposes of conducting any search, investigation, or inspection in connection with the enforcement of the Convention, this subchapter or any regulation adopted under this subchapter;

(C) to forcibly assault, resist, oppose, impede, intimidate or interfere with any enforcement officer in the conduct of any search, investigation, or inspection described in paragraph (2);

(D) to resist a lawful arrest or detention for any act prohibited by this section;

(E) to ship, transport, offer for sale, sell, purchase, import, export or have custody, control or possession of, any fish taken or retained in violation of the Convention, this subchapter, or any regulation adopted under this subchapter;

(F) to interfere with, delay or prevent, by any means, the apprehension, arrest or detention of another person, knowing that such person has committed any act prohibited by this section; or

(2) for any foreign fishing vessel, and for the owner or operator of any foreign fishing vessel, to engage in fishing for halibut in the fishery conservation zone, unless such fishing is authorized by, and conducted in accordance with the Convention, this subchapter and regulations adopted under this subchapter.

(Pub. L. 97-176, § 7, May 17, 1982, 96 Stat. 80; Pub. L. 102-251, title III, § 302(b), Mar. 9, 1992, 106 Stat. 65; Pub. L. 114-81, title I, § 110, Nov. 5, 2015, 129 Stat. 659.)

AMENDMENT OF PARAGRAPH (2)

Pub. L. 102-251, title III, §§ 302(b), 308, Mar. 9, 1992, 106 Stat. 65, 66, provided that, effective on the date on which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until the

date on which the Agreement enters into force for the United States, paragraph (2), formerly subsection (b) of this section, is amended by substituting "exclusive economic zone or special areas" for "fishery conservation zone".

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-251 effective on date on which Agreement between United States and Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for United States, with authority to prescribe implementing regulations effective Mar. 9, 1992, but with no such regulation to be effective until date on which Agreement enters into force for United States, see section 308 of Pub. L. 102-251, set out as a note under section 773 of this title.

AMENDMENTS

2015—Pub. L. 114-81 redesignated subsecs. (a) and (b) as pars. (1) and (2), respectively, and former pars. (1) to (6) of subsec. (a) as subpars. (A) to (F), respectively, of par. (1), inserted “, investigation,” before “or inspection” in par. (1)(B) and (C), struck out “or” after the semicolon in par. (1)(E), and substituted “section; or” for “section.” in par. (1)(F).

§ 773f. Civil penalties

(a) Liability; continuing violations; notice; determination of amount

Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, to have committed an act prohibited by section 773e of this title shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$200,000 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 Secretary, or his 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, and such other matters as justice may require. In assessing such penalty, the Secretary may also consider any information provided by the violator relating to the ability of the violator to pay if the information is provided to the Secretary at least 30 days prior to an administrative hearing.

(b) Judicial review

Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate 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 Secretary and the Attorney General. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, in accordance with rules prescribed pursuant to section 2112 of title 28. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5.

(c) Recovery of assessed penalties by Attorney General

If any person fails to pay an assessment of a civil penalty after it has become a final and