

(b) Powers of authorized officers

To enforce this chapter on board any vessel subject to the provisions of this chapter, any officer who is authorized by the Administrator or by the Secretary of the department in which the Coast Guard is operating may—

- (1) board and inspect any vessel which is subject to the provisions of this chapter;
- (2) search any such vessel if the officer has reasonable cause to believe that the vessel has been used or employed in the violation of any provision of this chapter;
- (3) arrest any person subject to section 1461 of this title if the officer has reasonable cause to believe that the person has committed a criminal offense under section 1463 of this title;
- (4) seize any such vessel together with its gear, furniture, appurtenances, stores, and cargo, used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this chapter if such seizure is necessary to prevent evasion of the enforcement of this chapter;
- (5) seize any hard mineral resource recovered or processed in violation of any provision of this chapter;
- (6) seize any other evidence related to any violation of any provision of this chapter;
- (7) execute any warrant or other process issued by any court of competent jurisdiction; and
- (8) exercise any other lawful authority.

(c) Definitions

For purposes of this section, the term “provisions of this chapter” or “provision of this chapter” means (1) any provision of subchapter I or II or this subchapter, (2) any regulation issued under subchapter I, subchapter II, or this subchapter, and (3) any term, condition, or restriction of any license or permit issued under subchapter I.

(d) Proprietary information

Proprietary and privileged information seized or maintained under this subchapter concerning a person or vessel engaged in exploration or commercial recovery shall not be made available for general or public use or inspection. The Administrator and the Secretary of the department in which the Coast Guard is operating shall issue regulations to insure the confidentiality of privileged and proprietary information.

(Pub. L. 96-283, title III, §304, June 28, 1980, 94 Stat. 578.)

Statutory Notes and Related Subsidiaries**TRANSFER OF FUNCTIONS**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 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.

§ 1465. Liability of vessels

Any vessel documented or numbered under the laws of the United States (except a public vessel engaged in noncommercial activities) which is used in any violation of this chapter, any regulation issued under this chapter, or any term, condition, or restriction of any license or permit issued under subchapter I shall be liable in rem for any civil penalty assessed or criminal fine imposed and may be proceeded against in any district court of the United States having jurisdiction thereof.

(Pub. L. 96-283, title III, §305, June 28, 1980, 94 Stat. 579.)

§ 1466. Civil forfeitures**(a) In general**

Any vessel subject to the provisions of sections 1464 and 1465 of this title, including its gear, furniture, appurtenances, stores, and cargo, which is used, in any manner, in connection with or as a result of the commission of any act prohibited by section 1461 of this title and any hard mineral resource which is recovered, processed, or retained, in any manner, in connection with or as a result of the commission of any such act, shall be subject to forfeiture to the United States. All or part of such vessel, and all such hard mineral resources, may be forfeited to the United States pursuant to a civil proceeding under this section. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel or cargo for violation of the customs laws, and the disposition of the vessel, cargo, or proceeds from the sale thereof and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section insofar as such provisions of law are applicable and not inconsistent with this chapter.

(b) Jurisdiction of courts

Any district court of the United States which has jurisdiction under section 1467 of this title shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) Judgment

If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States which has not previously been seized pursuant to this chapter or for which security has not previously been obtained under subsection (d).

(d) Procedure

Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 1467 of this title shall stay the execution of such process, or discharge any property seized pursuant to such process, upon the receipt of a satisfactory bond or other security from any person subject to section 1461 of this title claiming such property. Such bond or

other security shall be conditioned upon such person (1) delivering such property to the appropriate court upon order thereof, without any impairment of its value; or (2) paying the monetary value of such property pursuant to any order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(e) Rebuttable presumption

For purposes of this section, it shall be a rebuttable presumption that all hard mineral resources found on board a vessel subject to the provisions of sections 1464 and 1465 of this title which is seized in connection with an act prohibited by section 1461 of this title were recovered, processed, or retained in violation of this chapter.

(Pub. L. 96-283, title III, §306, June 28, 1980, 94 Stat. 580.)

§ 1467. Jurisdiction of courts

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this chapter. These courts may, at any time—

- (1) enter restraining orders or prohibitions;
- (2) issue warrants, process in rem, or other process;
- (3) prescribe and accept satisfactory bonds or other security; and
- (4) take such other actions as are in the interest of justice.

(Pub. L. 96-283, title III, §307, June 28, 1980, 94 Stat. 580.)

§ 1468. Regulations

(a) Proposed regulations

Not later than 270 days after June 28, 1980, the Administrator shall solicit the views of the agency heads referred to in section 1419(b) of this title and of interested persons, and issue, in accordance with section 553 of title 5, such proposed regulations as are required by or are necessary and appropriate to implement subchapters I and II and this subchapter. The Administrator shall hold at least one public hearing on such proposed regulations.

(b) Final regulations

Not later than 180 days after the date on which proposed regulations are issued pursuant to subsection (a), the Administrator shall solicit the views of the agency heads referred to in section 1419(b) of this title and of interested persons, consider the comments received during the public hearing required in subsection (a) and any written comments on the proposed regulations received by the Administrator, and issue, in accordance with section 553 of title 5, such regulations as are required by or are necessary and appropriate to implement subchapters I and II and this subchapter.

(c) Amendments

The Administrator may at any time amend regulations issued pursuant to subsection (b) as the Administrator determines to be necessary

and appropriate in order to provide for the conservation of natural resources within the meaning of section 1420 of this title, protection of the environment, and the safety of life and property at sea. Such amended regulations shall apply to all exploration or commercial recovery activities conducted under any license or permit issued or maintained pursuant to this chapter; except that any such amended regulations which provide for conservation of natural resources shall apply to exploration or commercial recovery conducted under an existing license or permit during the present term of such license or permit only if the Administrator determines that such amended regulations providing for conservation of natural resources will not impose serious or irreparable economic hardship on the licensee or permittee. Any amendment to regulations under this subsection shall be made on the record after an opportunity for an agency hearing.

(d) Consistency

This chapter and the regulations issued under this chapter shall not be deemed to supersede any other Federal laws or treaties or regulations issued thereunder.

(Pub. L. 96-283, title III, §308, June 28, 1980, 94 Stat. 581.)

§ 1469. Omitted

Editorial Notes

CODIFICATION

Section, Pub. L. 96-283, title III, §309, June 28, 1980, 94 Stat. 581, which required the Administrator of the National Oceanic and Atmospheric Administration to submit a biennial report to Congress on the administration of this chapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 54 of House Document No. 103-7.

§ 1470. Authorization of appropriations

There are authorized to be appropriated to the Administrator, for purposes of carrying out the provisions of subchapters I and II and this subchapter, such sums as may be necessary for the fiscal years ending September 30, 1981, and September 30, 1982, and \$1,469,000 for the fiscal year ending September 30, 1983, \$2,150,000 for the fiscal year ending September 30, 1984, \$1,500,000 for each of the fiscal years ending September 30, 1985, and September 30, 1986, \$1,500,000 for each of the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989, and \$1,525,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994.

(Pub. L. 96-283, title III, §310, June 28, 1980, 94 Stat. 582; Pub. L. 97-416, Jan. 4, 1983, 96 Stat. 2084; Pub. L. 98-623, title IV, §403, Nov. 8, 1984, 98 Stat. 3408; Pub. L. 99-507, §2, Oct. 21, 1986, 100 Stat. 1847; Pub. L. 101-178, §1, Nov. 28, 1989, 103 Stat. 1297.)

Editorial Notes

AMENDMENTS

1989—Pub. L. 101-178 inserted provisions authorizing appropriations of \$1,525,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.