

Pub. L. 109-241, title IX, §901(l)(1), July 11, 2006, 120 Stat. 565; Pub. L. 109-304, §15(33)(A), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 110-181, div. C, title XXXV, §3529(c)(1), Jan. 28, 2008, 122 Stat. 603.)

PRIOR PROVISIONS

A prior section 70118 was renumbered section 70117 of this title.

Another prior section 70118 was renumbered section 70121 of this title.

AMENDMENTS

2008—Pub. L. 110-181 repealed Pub. L. 109-304, §15(33)(A). See 2006 Amendment note below.

2006—Pub. L. 109-304, §15(33)(A), which directed renumbering identical to that made by Pub. L. 109-241, was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241 renumbered section 70119 of this title, as added by Pub. L. 108-293, §801(a), as this section.

CONSTRUCTION OF 2006 AMENDMENT

Provisions of Pub. L. 109-304 repealed by section 3529(c)(1) of Pub. L. 110-181 to be treated as if never enacted, see section 3529(c)(2) of Pub. L. 110-181, set out as a note under section 9504 of Title 26, Internal Revenue Code.

§ 70119. Civil penalty

(a) **IN GENERAL.**—Any person that violates this chapter or any regulation under this chapter shall be liable to the United States for a civil penalty of not more than \$25,000 for each day during which the violation continues.

(b) **CONTINUING VIOLATIONS.**—The maximum amount of a civil penalty for a violation under this section shall not exceed \$50,000.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2084, §70117; renumbered §70119, Pub. L. 108-293, title VIII, §802(a)(1), Aug. 9, 2004, 118 Stat. 1078; amended Pub. L. 109-241, title III, §306(a), July 11, 2006, 120 Stat. 528.)

CODIFICATION

Another section 70119 was renumbered section 70118 of this title.

AMENDMENTS

2006—Pub. L. 109-241 designated existing provisions as subsec. (a), inserted heading, substituted “day during which the violation continues” for “violation”, and added subsec. (b).

§ 70120. In rem liability for civil penalties and certain costs

(a) **CIVIL PENALTIES.**—Any vessel operated in violation of this chapter or any regulations prescribed under this chapter shall be liable in rem for any civil penalty assessed pursuant to section 70119 for such violation, and may be proceeded against for such liability in the United States district court for any district in which the vessel may be found.

(b) **REIMBURSABLE COSTS OF SERVICE PROVIDERS.**—A vessel shall be liable in rem for the reimbursable costs incurred by any service provider related to implementation and enforcement of this chapter and arising from a violation by the operator of the vessel of this chapter or any regulations prescribed under this chapter, and may be proceeded against for such liability in the United States district court for any district in which such vessel may be found.

(c) **DEFINITIONS.**—In this subsection—

(1) the term “reimbursable costs” means costs incurred by any service provider acting in conformity with a lawful order of the Federal government or in conformity with the instructions of the vessel operator; and

(2) the term “service provider” means any port authority, facility or terminal operator, shipping agent, Federal, State, or local government agency, or other person to whom the management of the vessel at the port of supply is entrusted, for—

(A) services rendered to or in relation to vessel crew on board the vessel, or in transit to or from the vessel, including accommodation, detention, transportation, and medical expenses; and

(B) required handling of cargo or other items on board the vessel.

(Added Pub. L. 108-293, title VIII, §802(a)(2), Aug. 9, 2004, 118 Stat. 1078, §70117; renumbered §70120 and amended Pub. L. 109-241, title IX, §901(l)(2), (3), July 11, 2006, 120 Stat. 565; Pub. L. 109-304, §15(33)(B), (C), Oct. 6, 2006, 120 Stat. 1705; Pub. L. 110-181, div. C, title XXXV, §3529(c)(1), Jan. 28, 2008, 122 Stat. 603.)

AMENDMENTS

2008—Pub. L. 110-181 repealed Pub. L. 109-304, §15(33)(B), (C). See 2006 Amendment notes below.

2006—Pub. L. 109-304, §15(33)(B), which directed renumbering identical to that made by Pub. L. 109-241, §901(l)(2), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, §901(l)(2), renumbered section 70117 of this title, as added by Pub. L. 108-293, §802(a)(2), as this section.

Subsec. (a). Pub. L. 109-304, §15(33)(C), which directed amendment identical to that made by Pub. L. 109-241, §901(l)(3), was repealed by Pub. L. 110-181. See Amendment note and Construction of 2006 Amendment note below.

Pub. L. 109-241, §901(l)(3), substituted “section 70119” for “section 70120”.

CONSTRUCTION OF 2006 AMENDMENT

Provisions of Pub. L. 109-304 repealed by section 3529(c)(1) of Pub. L. 110-181 to be treated as if never enacted, see section 3529(c)(2) of Pub. L. 110-181, set out as a note under section 9504 of Title 26, Internal Revenue Code.

§ 70121. Withholding of clearance

(a) **REFUSAL OR REVOCATION OF CLEARANCE.**—If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty under section 70119, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70119, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 60105 of this title.

(b) **CLEARANCE UPON FILING OF BOND OR OTHER SURETY.**—The Secretary may require the filing of a bond or other surety as a condition of granting clearance refused or revoked under this subsection.

(Added Pub. L. 108-293, title VIII, §802(a)(2), Aug. 9, 2004, 118 Stat. 1079, §70118; renumbered §70121 and amended Pub. L. 109-241, title IX, §901(l)(2), (4), July 11, 2006, 120 Stat. 565; Pub. L. 109-304,