

Dec. 21, 2000, 114 Stat. 2763, 2763A–248; Pub. L. 106–562, title I, §106(a)(2), Dec. 23, 2000, 114 Stat. 2799.)

#### Editorial Notes

##### REFERENCES IN TEXT

Subsection (a), referred to in text, was a reference to subsection (a) of section 3 of Pub. L. 104–91 when the text of this section was originally enacted as subsec. (d) of section 3 of Pub. L. 104–91, set out in a note under section 1165 of this title, see Codification note below.

##### CODIFICATION

The text of this section as added by Pub. L. 106–554 and Pub. L. 106–562 is based on the text of Pub. L. 104–91, §3(d), Jan. 6, 1996, 110 Stat. 9, as amended by Pub. L. 106–554, §1(a)(4) [div. B, title I, §144(e)(6)(A)(i)], Dec. 21, 2000, 114 Stat. 2763, 2763A–248; Pub. L. 106–562, title I, §106(a)(1), Dec. 23, 2000, 114 Stat. 2799. Pub. L. 104–91, §3(d), was included in a note set out under section 1165 of this title prior to being redesignated and transferred by Pub. L. 106–554 and Pub. L. 106–562 so as to appear as section 212 of Pub. L. 89–702.

Another section 212 of Pub. L. 89–702 is classified to section 1169a of this title.

#### SUBCHAPTER III—ENFORCEMENT

### § 1171. Seizure and forfeiture of vessels

(a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this chapter, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture; and all fur seals, or parts thereof, taken or retained in violation of this chapter, or the monetary value thereof, shall be forfeited.

(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the 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 chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

(Pub. L. 89–702, title III, §301, Nov. 2, 1966, 80 Stat. 1096; Pub. L. 98–129, §2, Oct. 14, 1983, 97 Stat. 844.)

#### Editorial Notes

##### AMENDMENTS

1983—Pub. L. 98–129 amended section generally, substituting provisions, which were contained in section 1181 of this title, relating to seizure and forfeiture of vessels for provisions prohibiting the taking of sea otters on the high seas.

### § 1172. Practice and procedure

#### (a) Joint responsibility; designation by Secretary of State officers and employees as Federal law enforcement agents; non-Federal employees for civil service purposes

Enforcement of the provisions of this chapter is the joint responsibility of the Secretary, the

Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating. In addition, the Secretary may designate officers and employees of the States of the United States to enforce the provisions of this chapter which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes; but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Office of Personnel Management.

#### (b) Issuance of warrants and other process

The judges of the United States district courts and United States magistrate judges may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this chapter and any regulations issued thereunder.

#### (c) Execution of warrants or other process by enforcement agents

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

#### (d) Arrests and searches by enforcement agents

Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this chapter or the regulations issued thereunder, to search such vessel and to arrest such person.

#### (e) Seizure of vessels and related articles

Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this chapter or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this chapter or the regulations issued hereunder.

#### (f) Seizure and disposition of fur seals

Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this chapter or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this chapter shall be disposed of in accordance with the provisions of section 1155 of this title.

(Pub. L. 89–702, title III, §302, Nov. 2, 1966, 80 Stat. 1097; Pub. L. 98–129, §2, Oct. 14, 1983, 97