

Stat. 844; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

Editorial Notes

AMENDMENTS

1983—Pub. L. 98-129 amended section generally, substituting provisions, which were contained in section 1182 of this title, relating to practice and procedure in connection with the enforcement of this chapter for provisions which had authorized the sale by the Secretary of sea otter skins that had been forfeited to or seized by the United States.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States magistrate judges” substituted for “United States magistrates” in subsec. (b) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

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.

§ 1173. Regulations

The Secretary is authorized to prescribe such regulations as he deems necessary and appropriate to carry out the provisions of this subchapter.

(Pub. L. 89-702, title III, §303, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1183 of this title, prior to the complete revision of this chapter by Pub. L. 98-129.

§ 1174. Penalties

(a) Any person who knowingly violates any provision of this chapter or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than \$20,000 for such violation, or imprisoned for not more than one year, or both.

(b) Any person who violates any provision of this chapter or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or re-

fusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

(Pub. L. 89-702, title III, §304, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1184 of this title, prior to the complete revision of this chapter by Pub. L. 98-129.

§ 1175. Authorization of appropriations

(a) There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to \$2,000,000, for fiscal year 1984 for the purpose of upgrading Federal property to be transferred pursuant to section 1165 of this title, \$736,000 for fiscal year 1984 for the purposes of sections 1154 and 1168 of this title and such sums as may be necessary for each fiscal year thereafter for the purposes of sections 1154 and 1168 of this title.

(b) The contract authority of the Secretary under this chapter is effective for any fiscal year only to the extent that appropriations are available for such purposes.

(Pub. L. 89-702, title III, §305, as added Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 845.)

§§ 1181 to 1187. Omitted

Editorial Notes

CODIFICATION

Sections were omitted in the general revision of this chapter by Pub. L. 98-129, §2, Oct. 14, 1983, 97 Stat. 835.

Section 1181, Pub. L. 89-702, title IV, §401, Nov. 2, 1966, 80 Stat. 1097, related to seizure and forfeiture of vessels. See section 1171 of this title.

Section 1182, Pub. L. 89-702, title IV, §402, Nov. 2, 1966, 80 Stat. 1097; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; 1978 Reorg. Plan No. 2 of 1978, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784, set out additional enforcement provisions. See section 1172 of this title.

Section 1183, Pub. L. 89-702, title IV, §403, Nov. 2, 1966, 80 Stat. 1098; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, authorized the Secretary of