

Subsec. (e)(1)(C). Pub. L. 103-238, §5(b)(3), added subpar. (C).

1988—Subsec. (c). Pub. L. 100-711, §5(d), designated existing provisions as par. (1) and substituted “scientific research, public display, or enhancing the survival or recovery of a species or stock” for “display or scientific research” in two places, and added pars. (2) to (4).

Subsec. (h)(2)(B). Pub. L. 100-711, §4(d), added cls. (iv) to (ix).

1984—Subsec. (h). Pub. L. 98-364 designated existing provisions as par. (1), and added pars. (2) and (3).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1997 AMENDMENT

For effective date of amendment by Pub. L. 105-42, see section 8 of Pub. L. 105-42, set out as a note under section 1362 of this title.

##### EFFECTIVE DATE

Section effective upon the expiration of the sixty-day period following Oct. 21, 1972, see section 4 of Pub. L. 92-522, set out as a note under section 1361 of this title.

##### MODIFICATION OF PERMITS EXISTING PRIOR TO APRIL 30, 1994

Pub. L. 103-238, §5(c), Apr. 30, 1994, 108 Stat. 541, provided that: “Any permit issued under section 104(c)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(2)) before the date of the enactment of this Act [Apr. 30, 1994] is hereby modified to be consistent with that section as amended by this Act.”

#### § 1375. Penalties

(a)(1) Any person who violates any provision of this subchapter or of any permit or regulation issued thereunder, except as provided in section 1387 of this title, 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. Each unlawful taking or importation shall be a separate offense. Any such civil penalty 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 a 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.

(2) In any case involving an alleged unlawful importation of a marine mammal or marine mammal product, if such importation is made by an individual for his own personal or family use (which does not include importation as an accommodation to others or for sale or other commercial use), the Secretary may, in lieu of instituting a proceeding under paragraph (1), allow the individual to abandon the mammal or product, under procedures to be prescribed by the Secretary, to the enforcement officer at the port of entry.

(b) Any person who knowingly violates any provision of this subchapter or of any permit or regulation issued thereunder (except as provided in section 1387 of this title) shall, upon conviction, be fined not more than \$20,000 for each such violation, or imprisoned for not more than one year, or both.

(Pub. L. 92-522, title I, §105, Oct. 21, 1972, 86 Stat. 1036; Pub. L. 97-58, §3(b), Oct. 9, 1981, 95 Stat. 982; Pub. L. 103-238, §13(a), (b), Apr. 30, 1994, 108 Stat. 558.)

#### Editorial Notes

##### AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-238, §13(a), inserted “, except as provided in section 1387 of this title,” after “thereunder”.

Subsec. (b). Pub. L. 103-238, §13(b), inserted “(except as provided in section 1387 of this title)” after “thereunder”.

1981—Subsec. (a). Pub. L. 97-58 designated existing provisions as par. (1) and added par. (2).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective upon the expiration of the sixty-day period following Oct. 21, 1972, see section 4 of Pub. L. 92-522, set out as a note under section 1361 of this title.

#### § 1375a. Use of fines for protection and recovery of manatees, polar bears, sea otters, and walruses

On and after November 29, 1999, all fines collected by the United States Fish and Wildlife Service for violations of the Marine Mammal Protection Act (16 U.S.C. 1362-1407) and implementing regulations shall be available to the Secretary, without further appropriation, to be used for the expenses of the United States Fish and Wildlife Service in administering activities for the protection and recovery of manatees, polar bears, sea otters, and walruses, and shall remain available until expended.

(Pub. L. 106-113, div. B, §1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-139.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Marine Mammal Protection Act, referred to in text, probably means the Marine Mammal Protection Act of 1972, Pub. L. 92-522, Oct. 21, 1972, 86 Stat. 1027, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1361 of this title and Tables.

##### CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 2000, and not as part of the Marine Mammal Protection Act of 1972 which comprises this chapter.

#### § 1376. Seizure and forfeiture of cargo

##### (a) Application of consistent provisions

Any vessel or other conveyance subject to the jurisdiction of the United States that is employed in any manner in the unlawful taking of any marine mammal shall have its entire cargo or the monetary value thereof subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of the customs laws, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeiture, shall apply with respect to the cargo of any vessel or other con-