

require the attendance of witnesses and the production of documents or other evidence relating to such incident, accident, or act. If any person refuses to obey a subpoena, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance with the subpoena. Any district court of the United States may, in the case of refusal to obey a subpoena, issue an order requiring compliance with the subpoena, and failure to obey the order may be punished by the court as contempt. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.

(Added Pub. L. 115-282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4262; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §8507(a)(8), Jan. 1, 2021, 134 Stat. 4753.)

#### Editorial Notes

##### AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “I through III” for “A through C”.

#### § 70036. Enforcement

##### (a) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated subchapters I through III or this subchapter or a regulation issued under subchapters I through III or this subchapter shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary’s designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(2) COMPROMISE, MODIFICATION, OR REMISSION.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

(3) FAILURE TO PAY PENALTY.—If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

##### (b) CRIMINAL PENALTY.—

(1) CLASS D FELONY.—Any person who willfully and knowingly violates subchapters I through III or this subchapter or any regulation issued thereunder commits a class D felony.

(2) CLASS C FELONY.—Any person who, in the willful and knowing violation of subchapters I through III or this subchapter or of any regulation issued thereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily in-

jury to any officer authorized to enforce the provisions of such a subchapter or the regulations issued under such subchapter, commits a class C felony.

(c) IN REM LIABILITY.—Any vessel that is used in violation of subchapters I, II, or III or this subchapter, or any regulations issued under such subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (a) and may be proceeded against in the United States district court for any district in which such vessel may be found.

(d) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of subchapter I, II, or III or this subchapter or of regulations issued under such subchapter, for cause shown.

(e) DENIAL OF ENTRY.—Except as provided in section 70021 or 70022, the Secretary may, subject to recognized principles of international law, deny entry by any vessel that is not in compliance with subchapter I, II, or III or this subchapter or the regulations issued under such subchapter—

(1) into the navigable waters of the United States; or

(2) to any port or place under the jurisdiction of the United States.

##### (f) WITHHOLDING OF CLEARANCE.—

(1) IN GENERAL.—If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 60105 of title 46.

(2) GRANTING CLEARANCE REFUSED OR REVOKED.—Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

(Added Pub. L. 115-282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4262; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], §§8507(a)(9), 8508(2)(B), Jan. 1, 2021, 134 Stat. 4753, 4755.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116-283, §8507(a)(9), substituted “I through III” for “A through C” and “I, II, or III” for “A, B, or C” wherever appearing.

Subsec. (e). Pub. L. 116-283, §8508(2)(B), inserted “or 70022” after “section 70021” in introductory provisions.

#### SUBCHAPTER V—REGATTAS AND MARINE PARADES

#### § 70041. Regattas and marine parades

(a) IN GENERAL.—The Commandant of the Coast Guard may issue regulations to promote the safety of life on navigable waters during regattas or marine parades.

(b) DETAIL AND USE OF VESSELS.—To enforce regulations issued under this section—

(1) the Commandant may detail any public vessel in the service of the Coast Guard and