

of the type described in the citation sent under this paragraph.

(6) No forfeiture penalty shall be determined or imposed against any person under this subsection if—

(A) such person holds a broadcast station license issued under subchapter III of this chapter and if the violation charged occurred—

- (i) more than 1 year prior to the date of issuance of the required notice or notice of apparent liability; or
- (ii) prior to the date of commencement of the current term of such license,

whichever is earlier; or

(B) such person does not hold a broadcast station license issued under subchapter III of this chapter and if the violation charged occurred more than 1 year prior to the date of issuance of the required notice or notice of apparent liability.

For purposes of this paragraph, “date of commencement of the current term of such license” means the date of commencement of the last term of license for which the licensee has been granted a license by the Commission. A separate license term shall not be deemed to have commenced as a result of continuing a license in effect under section 307(c) of this title pending decision on an application for renewal of the license.

(June 19, 1934, ch. 652, title V, § 503, 48 Stat. 1101; Pub. L. 86-752, § 7(a), Sept. 13, 1960, 74 Stat. 894; Pub. L. 95-234, § 2, Feb. 21, 1978, 92 Stat. 33; Pub. L. 96-507, § 2(b), Dec. 8, 1980, 94 Stat. 2747; Pub. L. 97-259, title I, § 124, Sept. 13, 1982, 96 Stat. 1098; Pub. L. 98-214, § 4(b), Dec. 8, 1983, 97 Stat. 1468; Pub. L. 101-239, title III, § 3002(i), Dec. 19, 1989, 103 Stat. 2131; Pub. L. 101-396, § 10, Sept. 28, 1990, 104 Stat. 851; Pub. L. 102-538, title II, §§ 206, 210(b), Oct. 27, 1992, 106 Stat. 3543, 3544; Pub. L. 109-235, § 2, June 15, 2006, 120 Stat. 491.)

REFERENCES IN TEXT

Parts II and III of subchapter III of this chapter, referred to in subsec. (b)(1), are classified to sections 351 et seq. and 381 et seq., respectively, of this title.

AMENDMENTS

2006—Subsec. (b)(2)(C). Pub. L. 109-235, § 2(2), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (b)(2)(D). Pub. L. 109-235, § 2(1), (3), redesignated subpar. (C) as (D) and substituted “subparagraph (A), (B), or (C)” for “subparagraph (A) or (B)”. Former subpar. (D) redesignated (E).

Subsec. (b)(2)(E). Pub. L. 109-235, § 2(1), redesignated subpar. (D) as (E).

1992—Subsec. (b)(5). Pub. L. 102-538, § 210(b), substituted “system operator,” for “system operator or” and inserted “, or in the case of violations of section 303(q) of this title, if the person involved is a non-licensee tower owner who has previously received notice of the obligations imposed by section 303(q) of this title from the Commission or the permittee or licensee who uses that tower” after “section 307(e) of this title”.

Subsec. (b)(6). Pub. L. 102-538, § 206(2), inserted at end “For purposes of this paragraph, ‘date of commencement of the current term of such license’ means the date of commencement of the last term of license for which the licensee has been granted a license by the Commission. A separate license term shall not be deemed to have commenced as a result of continuing a license in effect under section 307(c) of this title pending decision on an application for renewal of the license.”

Subsec. (b)(6)(A). Pub. L. 102-538, § 206(1), struck out “so long as such violation occurred within 3 years prior to the date of issuance of such required notice” after “whichever is earlier”.

1990—Subsec. (b)(5). Pub. L. 101-396 inserted “and if such person is not an applicant for a license, permit, certificate, or other authorization issued by the Commission,” before “unless, prior”.

1989—Subsec. (b)(1), (2). Pub. L. 101-239 inserted “(1)” before “Any person who” in first par., added par. (2), and struck out former par. (2) thereby resulting in increasing penalty if violator is a common carrier from \$20,000 to \$100,000 per day to a maximum of \$1,000,000 per act and penalty if violator is a broadcast station licensee or cable television operator from \$20,000 to \$25,000 per day to a maximum of \$250,000 per act, making such penalty also applicable to television operator applicants, and increasing penalty in all other cases from \$5,000 to \$10,000 per day to a maximum of \$75,000.

1983—Subsec. (b)(5). Pub. L. 98-214 inserted “or if the person involved is transmitting on frequencies assigned for use in a service in which individual station operation is authorized by rule pursuant to section 307(e) of this title”.

1982—Subsec. (b)(5). Pub. L. 97-259 inserted “, or is a cable television system operator” after “other authorization is required”.

1980—Subsec. (b). Pub. L. 96-507 conformed references in first paragraph to sections 509(a) and 507 of this title to reflect renumbering of those sections which required no change in text.

1978—Subsec. (b). Pub. L. 95-234 substituted provisions relating to activities making persons liable for forfeiture penalties, amounts of forfeiture penalties, procedures applicable for imposition of forfeiture penalties, and exemptions from liability from imposition of forfeiture penalties, for provisions relating to activities of licensees or permittees constituting violations and authorizing forfeiture to the United States of a sum not to exceed \$1,000 for each separate offense, procedures applicable for imposition of forfeiture liability, and limitations on imposition of forfeiture liability.

1960—Pub. L. 86-752 amended section catchline substituting “Forfeitures” for “Rebates and offsets, forfeitures,”, designated existing provisions as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-234 effective on thirtieth day after Feb. 21, 1978, except that the provisions of subsec. (b) of this section, as in effect on Feb. 21, 1978, shall continue to constitute the applicable law with respect to any act or omission which occurs prior to such thirtieth day, see section 7 of Pub. L. 95-234, set out as a note under section 152 of this title.

§ 504. Forfeitures

(a) Recovery

The forfeitures provided for in this chapter shall be payable into the Treasury of the United States, and shall be recoverable, except as otherwise provided with respect to a forfeiture penalty determined under section 503(b)(3) of this title, in a civil suit in the name of the United States brought in the district where the person or carrier has its principal operating office or in any district through which the line or system of the carrier runs: *Provided*, That any suit for the recovery of a forfeiture imposed pursuant to the provisions of this chapter shall be a trial de novo: *Provided further*, That in the case of forfeiture by a ship, said forfeiture may also be recoverable by way of libel in any district in which such ship shall arrive or depart. Such forfeitures shall be in addition to any other general or specific penalties provided in this chapter. It

shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this chapter. The costs and expenses of such prosecutions shall be paid from the appropriation for the expenses of the courts of the United States.

(b) Remission and mitigation

The forfeitures imposed by subchapter II of this chapter, parts II and III of subchapter III of this chapter, and sections 503(b) and 507 of this title shall be subject to remission or mitigation by the Commission under such regulations and methods of ascertaining the facts as may seem to it advisable, and, if suit has been instituted, the Attorney General, upon request of the Commission, shall direct the discontinuance of any prosecution to recover such forfeitures: *Provided, however*, That no forfeiture shall be remitted or mitigated after determination by a court of competent jurisdiction.

(c) Use of notice of apparent liability

In any case where the Commission issues a notice of apparent liability looking toward the imposition of a forfeiture under this chapter, that fact shall not be used, in any other proceeding before the Commission, to the prejudice of the person to whom such notice was issued, unless (i) the forfeiture has been paid, or (ii) a court of competent jurisdiction has ordered payment of such forfeiture, and such order has become final.

(June 19, 1934, ch. 652, title V, §504, 48 Stat. 1101; May 20, 1937, ch. 229, §14, 50 Stat. 197; June 25, 1948, ch. 646, §1, 62 Stat. 909; Aug. 13, 1954, ch. 735, §4, 68 Stat. 729; Aug. 6, 1956, ch. 973, §2, 70 Stat. 1048; Pub. L. 86-752, §7(b)-(d), Sept. 13, 1960, 74 Stat. 895; Pub. L. 87-448, §2, May 11, 1962, 76 Stat. 69; Pub. L. 95-234, §3, Feb. 21, 1978, 92 Stat. 35; Pub. L. 96-507, §2(c), Dec. 8, 1980, 94 Stat. 2747.)

REFERENCES IN TEXT

Parts II and III of subchapter III of this chapter, referred to in subsec. (b), are classified to sections 351 et seq. and 381 et seq., respectively, of this title.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-507 conformed reference to section 507 of this title to reflect renumbering of that section which required no change in text.

1978—Subsec. (a). Pub. L. 95-234, §3(a), inserted in first sentence “, except as otherwise provided with respect to a forfeiture penalty determined under section 503(b)(3) of this title,” after “recoverable”. Such wording was inserted only after the first reference to “recoverable” as the probable intent of Congress.

Subsec. (b). Pub. L. 95-234, §3(b), inserted reference to subchapter II of this chapter and struck out reference to section 510 of this title and “, upon application therefor,” after “by the Commission”.

1962—Subsec. (b). Pub. L. 87-448 empowered the Commission to remit or mitigate the forfeitures imposed by section 510 of this title.

1960—Subsec. (a). Pub. L. 86-752, §7(b), inserted proviso that any suit for recovery of a forfeiture shall be a trial de novo.

Subsec. (b). Pub. L. 86-752, §7(c), substituted “sections 503(b) and 507” for “section 507”.

Subsec. (c). Pub. L. 86-752, §7(d), added subsec. (c).

1956—Subsec. (b). Act Aug. 6, 1956, inserted reference to part III of subchapter III.

1954—Subsec. (b). Act Aug. 13, 1954, inserted reference to section 507 of this title.

1937—Act May 20, 1937, designated existing provisions as subsec. (a), inserted proviso as to recovery of forfeiture in any district where a ship may arrive or depart, and added subsec. (b).

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorneys” for “district attorneys”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes thereunder.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-234 effective on thirtieth day after Feb. 21, 1978, see section 7 of Pub. L. 95-234, set out as a note under section 152 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Section 3 of Pub. L. 87-448 provided that: “The amendments made by this Act [enacting section 510 of this title and amending this section] shall take effect on the thirtieth day after the date of its enactment [May 11, 1962].”

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act Aug. 6, 1956, effective Mar. 1, 1957, see section 4 of act Aug. 6, 1956, set out as an Effective Date note under section 381 of this title.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Aug. 13, 1954, effective Nov. 13, 1954, see section 6 of act Aug. 13, 1954, set out as an Effective Date note under section 507 of this title.

§ 505. Venue of trials

The trial of any offense under this chapter shall be in the district in which it is committed; or if the offense is committed upon the high seas, or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

(June 19, 1934, ch. 652, title V, §505, 48 Stat. 1101.)

§ 506. Repealed. Pub. L. 96-507, § 1, Dec. 8, 1980, 94 Stat. 2747

Section, act June 19, 1934, ch. 652, title V, §506, as added Apr. 16, 1946, ch. 138, 60 Stat. 89, prohibited certain coercive practices affecting broadcasting and provided penalties for violations.

§ 507. Violation of Great Lakes Agreement

(a) Any vessel of the United States that is navigated in violation of the provisions of the Great Lakes Agreement or the rules and regulations of the Commission made in pursuance thereof and any vessel of a foreign country that is so navigated on waters under the jurisdiction of the United States shall forfeit to the United States the sum of \$500 recoverable by way of suit or libel. Each day during which such navigation occurs shall constitute a separate offense.

(b) Every willful failure on the part of the master of a vessel of the United States to enforce or to comply with the provisions of the Great Lakes Agreement or the rules and regulations of the Commission made in pursuance thereof shall cause him to forfeit to the United States the sum of \$100.