

§ 1443. Protection of interim investments

In order to further the objectives set forth in section 1441 of this title, the Administrator, not more than one year after June 28, 1980—

(1) shall submit to the Congress proposed legislation necessary for the United States to implement a system for the protection of interim investments that has been adopted as part of an international agreement and any resolution relating to such international agreement; or

(2) if a system for the protection of interim investments has not been so adopted, shall report to the Congress on the status of negotiations relating to the establishment of such a system.

(Pub. L. 96-283, title II, §203, June 28, 1980, 94 Stat. 576.)

§ 1444. Disclaimer of obligation to pay compensation

Sections 1441 and 1442 of this title do not create or express any legal or moral obligation on the part of the United States Government to compensate any person for any impairment of the value of that person's investment in any operation for exploration or commercial recovery under subchapter I of this chapter which might occur in connection with the entering into force of an international agreement with respect to the United States.

(Pub. L. 96-283, title II, §204, June 28, 1980, 94 Stat. 576.)

SUBCHAPTER III—ENFORCEMENT AND
MISCELLANEOUS PROVISIONS

§ 1461. Prohibited acts

It is unlawful for any person who is a United States citizen, or a foreign national on board a vessel documented or numbered under the laws of the United States, or subject to the jurisdiction of the United States under a reciprocating state agreement negotiated under section 1428(e) of this title—

(1) to violate any provision of this chapter, any regulation issued under this chapter, or any term, condition, or restriction of any license or permit issued to such person under this chapter;

(2) to engage in exploration or commercial recovery after the revocation, or during the period of suspension, of an applicable license or permit issued under this chapter, to engage in a particular exploration or commercial recovery activity during the period such activity has been suspended under this chapter, or to fail to modify a particular exploration or commercial recovery activity for which modification was required under this chapter;

(3) to refuse to permit any Federal officer or employee authorized to monitor or enforce the provisions of this chapter, as provided in sections 1424 and 1464 of this title, to board a vessel documented or numbered under the laws of the United States, or any vessel for which such boarding is authorized by a treaty or executive agreement, for purposes of conducting any search or inspection in connection with

the monitoring or enforcement of this chapter or any regulation, term, condition, or restriction referred to in paragraph (1);

(4) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer or employee in the conduct of any search or inspection described in paragraph (3);

(5) to resist a lawful arrest for any act prohibited by this section;

(6) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of any hard mineral resource recovered, processed, or retained in violation of this chapter or any regulation, term, condition, or restriction referred to in paragraph (1); or

(7) to interfere with, delay, or prevent, by any means, the apprehension or arrest of any other person subject to this section knowing that such other person has committed any act prohibited by this section.

(Pub. L. 96-283, title III, §301, June 28, 1980, 94 Stat. 577.)

§ 1462. Civil penalties**(a) Assessment of penalty**

Any person subject to section 1461 of this title who is found by the Administrator, after notice and an opportunity for a hearing in accordance with section 554 of title 5, to have committed any act prohibited by section 1461 of this title shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Administrator by written notice. In determining the amount of such penalty, the Administrator shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed and, with respect to the violator, any history of prior offenses, good faith demonstrated in attempting to achieve timely compliance after being cited for the violation, and such other matters as justice may require.

(b) Review of civil penalty

Any person subject to section 1461 of this title against whom a civil penalty is assessed under subsection (a) of this section may obtain review thereof in an appropriate district court of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator. The Administrator shall promptly file in such court a certified copy of the record upon which the particular violation was found and such penalty was imposed, as provided in section 2112 of title 28. The findings and order of the Administrator shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2)(E) of title 5.

(c) Action upon failure to pay assessment

If any person subject to section 1461 of this title fails to pay a civil penalty assessed against such person after the penalty has become final,

or after the appropriate court has entered final judgment in favor of the Administrator, the Administrator shall refer the matter to the Attorney General of the United States, who shall recover the civil penalty assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(d) Compromise or other action by the Administrator

The Administrator may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section unless an action brought under subsection (b) or (c) of this section is pending in a court of the United States.

(Pub. L. 96-283, title III, §302, June 28, 1980, 94 Stat. 577.)

§ 1463. Criminal offenses

(a) Offense

A person subject to section 1461 of this title is guilty of an offense if such person willfully and knowingly commits any act prohibited by section 1461 of this title.

(b) Punishment

Any offense described in paragraphs (1), (2), and (6) of section 1461 of this title is punishable by a fine of not more than \$75,000 for each day during which the violation continues. Any offense described in paragraphs (3), (4), (5), and (7) of section 1461 of this title is punishable by a fine of not more than \$75,000 or imprisonment for not more than six months, or both. If, in the commission of any offense, the person subject to the jurisdiction of the United States uses a dangerous weapon, engages in conduct that causes bodily injury to any Federal officer or employee, or places any such Federal officer or employee in fear of imminent bodily injury, the offense is punishable by a fine of not more than \$100,000 or imprisonment for not more than ten years, or both.

(Pub. L. 96-283, title III, §303, June 28, 1980, 94 Stat. 578.)

§ 1464. Enforcement

(a) Responsibility

Subject to the other provisions of this subsection, the Administrator shall enforce the provisions of this chapter. The Secretary of the department in which the Coast Guard is operating shall exercise such other enforcement responsibilities with respect to vessels subject to the provisions of this chapter as are authorized under other provisions of law and may, upon the specific request of the Administrator, assist the Administrator in the enforcement of the provisions of this chapter. The Secretary of the department in which the Coast Guard is operating shall have the exclusive responsibility for enforcement measures which affect the safety of life and property at sea. The Administrator and the Secretary of the department in which the Coast Guard is operating may, by agreement, on

a reimbursable basis or otherwise, utilize the personnel, services, equipment, including aircraft and vessels, and facilities of any other Federal agency or department, and may authorize officers or employees of other departments or agencies to provide assistance as necessary in carrying out subsection (b) of this section. While providing such assistance, these officers and employees shall be under the control, authority, and supervision of the Coast Guard. The Administrator and the Secretary of the department in which the Coast Guard is operating may issue regulations jointly or severally as may be necessary and appropriate to carry out their duties under this section.

(b) Powers of authorized officers

To enforce this chapter on board any vessel subject to the provisions of this chapter, any officer who is authorized by the Administrator or by the Secretary of the department in which the Coast Guard is operating may—

(1) board and inspect any vessel which is subject to the provisions of this chapter;

(2) search any such vessel if the officer has reasonable cause to believe that the vessel has been used or employed in the violation of any provision of this chapter;

(3) arrest any person subject to section 1461 of this title if the officer has reasonable cause to believe that the person has committed a criminal offense under section 1463 of this title;

(4) seize any such vessel together with its gear, furniture, appurtenances, stores, and cargo, used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of this chapter if such seizure is necessary to prevent evasion of the enforcement of this chapter;

(5) seize any hard mineral resource recovered or processed in violation of any provision of this chapter;

(6) seize any other evidence related to any violation of any provision of this chapter;

(7) execute any warrant or other process issued by any court of competent jurisdiction; and

(8) exercise any other lawful authority.

(c) Definitions

For purposes of this section, the term “provisions of this chapter” or “provision of this chapter” means (1) any provision of subchapter I or II of this chapter or this subchapter, (2) any regulation issued under subchapter I of this chapter, subchapter II of this chapter, or this subchapter, and (3) any term, condition, or restriction of any license or permit issued under subchapter I of this chapter.

(d) Proprietary information

Proprietary and privileged information seized or maintained under this subchapter concerning a person or vessel engaged in exploration or commercial recovery shall not be made available for general or public use or inspection. The Administrator and the Secretary of the department in which the Coast Guard is operating shall issue regulations to insure the confidentiality of privileged and proprietary information.