adopted pursuant to this subchapter, shall be fined under title 18 or imprisoned not more than 5 years, or both.

(2) Civil sanctions

An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this subchapter where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this subchapter or the regulations adopted pursuant to this subchapter, shall be subject to a fine of not more than $25,000 per violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

(b) Civil monetary penalties

(1) In general

The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this subchapter, the regulations issued by the Secretary pursuant to this subchapter, or agreements made in accordance with this subchapter, by—

(A) submitting information to the Secretary that is false;

(B) providing the Secretary with false certifications;

(C) failing to submit information requested by the Secretary in a timely manner;

(D) failing to maintain the property subject to loans made or guaranteed under this subchapter in good repair and condition, as determined by the Secretary;

(E) failing to provide management for a project which received a loan made or guaranteed under this subchapter that is acceptable to the Secretary; or

(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

(2) Conditions for renewal or extension

The Secretary may require that expiring loan or assistance agreements entered into under this subchapter shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

(3) Amount

(A) In general

The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

(i) twice the damages the Department of Agriculture, the guaranteed lender, or the project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

(ii) $50,000 per violation.

(B) Determination

In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

(i) the gravity of the offense;

(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

(iii) the ability of the violator to pay the penalty;

(iv) any injury to tenants;

(v) any injury to the public;

(vi) any benefits received by the violator as a result of the violation;

(vii) deterrence of future violations; and

(viii) such other factors as the Secretary may establish by regulation.

(4) Payment of penalties

No payment of a penalty assessed under this section may be made from funds provided under this subchapter or from funds of a project which serve as security for a loan made or guaranteed under this subchapter.

(5) Remedies for noncompliance

(A) Judicial intervention

If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorney's fees and other expenses incurred by the United States in connection with the action.

(B) Reviewability of determination

In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.

(July 15, 1949, ch. 338, title V, § 543, as added Pub. L. 106–569, title VII, § 708(a), Dec. 27, 2000, 114 Stat. 3016.)

REFERENCES IN TEXT

Enactment of this section, referred to in subsec. (b)(3)(B)(ii), means enactment of Pub. L. 106–569, which enacted this section and was approved Dec. 27, 2000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 1956.

CHAPTER 8B—PUBLIC WORKS OR FACILITIES

§§ 1491 to 1497. Omitted

CODIFICATION

Sections were omitted pursuant to section 5316 of this title which terminated the authority to make grants or loans under this chapter after Jan. 1, 1975.

Section 1491, acts Aug. 11, 1955, ch. 783, title II, § 201, 69 Stat. 642; June 30, 1961, Pub. L. 87–70, title V, § 501(a),

75 Stat. 173; Oct. 15, 1962, Pub. L. 87–808, §1, 76 Stat. 920, set forth Congressional declaration of policy for public works or facilities provisions.

Section 1492, acts Aug. 11, 1955, ch. 783, title II, §202, 69 Stat. 643; June 30, 1961, Pub. L. 87–70, title V, §501(b)–(d)(1), (e)–(g), 75 Stat. 173, 174; Sept. 5, 1962, Pub. L. 87–634, 76 Stat. 435; Sept. 14, 1962, Pub. L. 87–658, §5, 76 Stat. 543; Oct. 15, 1962, Pub. L. 87–808, §2, 76 Stat. 920; Oct. 15, 1962, Pub. L. 87–809, 76 Stat. 920; Sept. 2, 1964, Pub. L. 88–560, title VI, §601, 78 Stat. 798; Aug. 10, 1965, Pub. L. 89–117, title XI, §1107, 79 Stat. 503; Nov. 3, 1966, Pub. L. 89–754, title IV, §407, title X, §1009, 80 Stat. 1273, 1286; May 25, 1967, Pub. L. 90–19, §12(b), (c), 81 Stat. 23; Aug. 1, 1968, Pub. L. 90–448, title IV, §416(a), 82 Stat. 518; Dec. 31, 1970, Pub. L. 91–609, title VII, §727(b), 84 Stat. 1802, related to purchase of securities or obligations and loans, restrictions and limitations upon such powers, priority for applications, etc.

Section 1493, acts Aug. 11, 1955, ch. 783, title II, §203, 69 Stat. 643; Sept. 14, 1960, Pub. L. 86–788, §2(c), 74 Stat. 1028; June 30, 1961, Pub. L. 87–70, title V, §501(d)(2), (h), (j), 75 Stat. 174, 175; May 25, 1967, Pub. L. 90–19, §12(b), 81 Stat. 23; Oct. 17, 1984, Pub. L. 98–479, title II, §203(f), 98 Stat. 2230, related to forms and denominations, maturities, terms and conditions, etc., respecting notes and obligations.

Section 1494, acts Aug. 11, 1955, ch. 783, title II, §204, 69 Stat. 644; May 25, 1967, Pub. L. 90–19, §12(b), 81 Stat. 23, related to functions, powers, and duties of the Secretary, and administrative expenses.

Section 1495, act Aug. 11, 1955, ch. 783, title II, §205, 69 Stat. 644, prohibited making of loans under section 459 of Title 40, Public Buildings, Property, and Works, after Aug. 11, 1955, except pursuant to an application for such loan filed prior to such date.

Section 1496, act Aug. 11, 1955, ch. 783, title II, §206, as added Aug. 7, 1956, ch. 1029, title VI, §603, 70 Stat. 1114; amended Dec. 24, 1969, Pub. L. 91–152, title IV, §403(b), 83 Stat. 395, defined ''States'' for purposes of this chapter.

Section 1497, act Aug. 11, 1955, ch. 783, title II, §207, as added June 30, 1961, Pub. L. 87–70, title V, §501(i), 75 Stat. 175; amended Oct. 15, 1962, Pub. L. 87–808, §3, 76 Stat. 920; May 25, 1967, Pub. L. 90–19, §12(b), 81 Stat. 23, related to technical advisory services in budgeting, financing, planning, and construction of community facilities, and appropriations.

CHAPTER 8C—OPEN-SPACE LAND

§§ 1500 to 1500b. Omitted

CODIFICATION

Sections were omitted pursuant to section 5316 of this title which terminated the authority to make grants or loans under this chapter after Jan. 1, 1975.

Section 1500, Pub. L. 87–70, title VII, §701, June 30, 1961, 75 Stat. 183; Pub. L. 89–177, title IX, §901(b), (c), Aug. 10, 1965, 79 Stat. 494; Pub. L. 89–754, title VI, §605(b), (c), Nov. 3, 1966, 80 Stat. 1279; Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1781, set forth Congressional declaration of findings and purpose for open-space land provisions.

Section 1500a, Pub. L. 87–70, title VII, §702, June 30, 1961, 75 Stat. 184; Pub. L. 88–560, title X, §1001, Sept. 2, 1964, 78 Stat. 806; Pub. L. 89–117, title IX, §§902(a), (b), 903, 904, 909(b), (c), Aug. 10, 1965, 79 Stat. 495, 497; Pub. L. 89–754, title VI, §605(d), Nov. 3, 1966, 80 Stat. 1279; Pub. L. 90–19, §18(c), (d), May 25, 1967, 81 Stat. 25; Pub. L. 90–448, title VI, §606(a), Aug. 1, 1968, 82 Stat. 534; Pub. L. 91–152, title III, §303, Dec. 24, 1969, 83 Stat. 391; Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1781, related to authorizations, limitations and restrictions, etc., respecting grants to States and local public bodies for acquisition and development of open-space land.

Section 1500b, Pub. L. 87–70, title VII, §703, June 30, 1961, 75 Stat. 184; Pub. L. 89–117, title IX, §905, Aug. 10, 1965, 79 Stat. 495; Pub. L. 90–19, §18(c), May 25, 1967, 81 Stat. 25; Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1782, related to planning requirements.

§1500c. Repealed. Pub. L. 98–181, title I, §126(b)(3), Nov. 30, 1983, 97 Stat. 1175

Section, Pub. L. 87–70, title VII, §704, June 30, 1961, 75 Stat. 185; Pub. L. 89–117, title IX, §909(d), Aug. 10, 1965, 79 Stat. 497; Pub. L. 90–19, §18(c), May 25, 1967, 81 Stat 25; Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1782, related to conversion to other uses.

§§ 1500c–1 to 1500e. Omitted

CODIFICATION

Sections 1500c–1 to 1500d–1 were omitted pursuant to section 5316 of this title which terminated the authority to make grants or loans under this chapter after Jan. 1, 1975.

Section 1500c–1, Pub. L. 87–70, title VII, §705, as added Pub. L. 89–117, title IX, §906, Aug. 10, 1965, 79 Stat. 496; amended Pub. L. 90–19, §18(c), May 25, 1967, 81 Stat. 25; Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1782, related to conversions of land involving historic or architectural purposes.

Section 1500c–2, Pub. L. 87–70, title VII, §706, as added Pub. L. 89–117, title IX, §906, Aug. 10, 1965, 79 Stat. 496; amended Pub. L. 89–754, title VI, §605(e), Nov. 3, 1966, 80 Stat. 1280; Pub. L. 90–19, §18(c), May 25, 1967, 81 Stat. 25; Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1783; Pub. L. 98–181, title I, §126(b)(3), Nov. 30, 1983, 97 Stat. 1175, related to acquisition of interests to guide urban development.

Section 1500c–3, Pub. L. 87–70, title VII, §707, as added Pub. L. 89–117, title IX, §907, Aug. 10, 1965, 79 Stat. 496; amended Pub. L. 90–19, §18(c), May 25, 1967, 81 Stat. 25; Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1783, related to labor standards.

Section 1500d, Pub. L. 87–70, title VII, §708, formerly §705, June 30, 1961, 75 Stat. 185, renumbered §708 and amended Pub. L. 89–117, title IX, §§906, 908, Aug. 10, 1965, 79 Stat. 495, 497; Pub. L. 89–754, title VI, §605(f), Nov. 3, 1966, 80 Stat. 1280; Pub. L. 90–19, §18(c), May 25, 1967, 81 Stat, 25; Pub. L. 90–448, title VI, §606(b), Aug. 1, 1968, 82 Stat. 534; Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1783; Pub. L. 92–213, §8(b), Dec. 22, 1971, 85 Stat. 776; Pub. L. 92–335, §5, July 1, 1972, 86 Stat. 405; Pub. L. 93–117, §7, Oct. 2, 1973, 87 Stat. 422, authorized appropriations for purpose of making grants under this chapter.

Section 1500d–1, Pub. L. 87–70, title VII, §709, as added Pub. L. 89–754, title VI, §605(g), Nov. 3, 1966, 80 Stat. 1280; amended Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1783, defined the terms ''open-space land'', ''urban area'', ''State'', ''local public body'', and ''open-space uses'' for purposes of this chapter.

Section 1500e, Pub. L. 87–70, title VII, §710, formerly §706, June 30, 1961, 75 Stat. 185; renumbered §709 and amended Pub. L. 89–117, title IX, §§902(c), 906, Aug. 10, 1965, 79 Stat. 495; renumbered §710, Pub. L. 89–754, title VI, §605(g), Nov. 3, 1966, 80 Stat. 1280; amended Pub. L. 90–19, §18(c), May 25, 1967, 81 Stat. 25, which defined ''open-space land'', ''urban area'', ''State'', and ''open space uses'', was omitted in the general amendment of this chapter by Pub. L. 91–609, title IV, §401, Dec. 31, 1970, 84 Stat. 1781.

CRITERIA FOR GRANTS FOR HISTORIC PRESERVATION

Pub. L. 89–754, title VI, §605(h), Nov. 3, 1966, 80 Stat. 1280, provided that beginning three years after Nov. 3, 1966, no grant shall be made (except pursuant to a contract or commitment entered into less than three years after such date) under provisions of sections 1453 or 1500d–1 of this title or section 461(h) of Title 40, Public Buildings, Property, and Works, to the extent that it was to be used for historic or architectural preservation, except with respect to districts, sites, buildings, structures, and objects which the Secretary of Housing and Urban Development found met criteria comparable to those used in establishing the National Register maintained by the Secretary of the Interior pursuant to other provisions of law.