

(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General as to whether the subpoena—

- (i) is reasonable; and
- (ii) will interfere with a criminal investigation; and

(B) the Attorney General—

- (i) determines that the subpoena is reasonable and will not interfere with a criminal investigation; or
- (ii) fails to make a determination with respect to the subpoena before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A) with respect to the subpoena.

(2) ENFORCEMENT.—In the case of a refusal to obey a subpoena issued to any person under this section, the Secretary may invoke the aid of the appropriate district court of the United States to compel compliance.

(Added Pub. L. 112-213, title III, §308(a), Dec. 20, 2012, 126 Stat. 1566.)

SUBCHAPTER IV—PENALTIES

§ 12151. Penalties

(a) IN GENERAL.—

(1) CIVIL PENALTIES.—Except as provided in paragraph (2), a person that violates this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$15,000. Each day of a continuing violation is a separate violation.

(2) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—A person that violates section 12111(d) or a regulation prescribed under that section is liable to the United States Government for a civil penalty in an amount that is \$25,000 or twice the charter rate of the vessel involved in the violation (as determined by the Secretary), whichever is greater. Each day of a continuing violation is a separate violation.

(b) SEIZURE AND FORFEITURE OF VESSELS.—A vessel and its equipment are liable to seizure by and forfeiture to the Government if—

- (1) the owner of the vessel or the representative or agent of the owner knowingly falsifies or conceals a material fact, or knowingly makes a false statement or representation, about the documentation of the vessel or in applying for documentation of the vessel;
- (2) a certificate of documentation is knowingly and fraudulently used for the vessel;
- (3) the vessel is operated after its endorsement has been denied or revoked under section 12152 of this title;
- (4) the vessel is employed in a trade without an appropriate endorsement;
- (5) the vessel has only a recreational endorsement and is operated other than for pleasure;
- (6) the vessel is a documented vessel and is placed under the command of a person not a citizen of the United States, except as authorized by section 12131(b) of this title; or
- (7) the vessel is rebuilt outside the United States and a report of the rebuilding is not

submitted as required by section 12139(b) of this title.

(c) ENGAGING IN FISHING AFTER FALSIFYING ELIGIBILITY.—In addition to other penalties under this section, the owner of a documented vessel for which a fishery endorsement has been issued is liable to the Government for a civil penalty of not more than \$100,000 for each day the vessel engages in fishing (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) within the exclusive economic zone, if the owner or the representative or agent of the owner knowingly falsified or concealed a material fact, or knowingly made a false statement or representation, about the eligibility of the vessel under section 12113(c) or (d) of this title in applying for or applying to renew the fishery endorsement.

(Pub. L. 109-304, §5, Oct. 6, 2006, 120 Stat. 1508; Pub. L. 112-213, title III, §309, Dec. 20, 2012, 126 Stat. 1566.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12151(a) .....	46:12122(a).	R.S. §4136 (last proviso); Feb. 24, 1915, ch. 57, §38 Stat. 812; Pub. L. 103-182, title VI, §686(a)(4), Dec. 8, 1993, 107 Stat. 2220. July 14, 1956, ch. 600, §2 (2d, last sentences), 70 Stat. 544; Pub. L. 86-583, §2, July 5, 1960, 74 Stat. 321.
12151(b) .....	46:12122(b), 46 App.:14 (last proviso).	
	46 App.:883a (2d, last sentences).	
12151(c) .....	46:12122(c).	

In subsection (b), in restating 46 App. U.S.C. 883a (2d, last sentences), the penalty of \$200 for the owner and master of the vessel is omitted because subsection (a) provides a general civil penalty for violation of this chapter. The authority to remit or mitigate a penalty under section 2107(b) is omitted because section 2107(b) applies to subtitle II and this section is in subtitle II.

Editorial Notes

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-213 designated existing provisions as par. (1), inserted par. (1) heading, substituted “Except as provided in paragraph (2), a person that violates” for “A person that violates” and “\$15,000” for “\$10,000”, and added par. (2).

§ 12152. Denial or revocation of endorsement for non-payment of civil penalty

If the owner of a vessel fails to pay a civil penalty imposed by the Secretary, the Secretary may deny the issuance or renewal of an endorsement, or revoke the endorsement, on a certificate of documentation issued for the vessel under this chapter.

(Pub. L. 109-304, §5, Oct. 6, 2006, 120 Stat. 1508.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
12152 .....	46:12123.	

CHAPTER 123—NUMBERING UNDOCUMENTED VESSELS

Sec. 12301. Numbering vessels.