

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) Project implementation

Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

- (A) consistent with the proposal and strategy; and
- (B) identified through the collaborative process described in subsection (b)(2).

(3) Annual report

The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

- (A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;
- (B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;
- (C) a description of community benefits achieved, including any local economic benefits;
- (D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and
- (E) a summary of the costs of—
 - (i) treatments; and
 - (ii) relevant fire management activities.

(4) Multiparty monitoring

The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) Report

Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this chapter, to—

- (1) the Committee on Energy and Natural Resources of the Senate;
- (2) the Committee on Appropriations of the Senate;
- (3) the Committee on Natural Resources of the House of Representatives; and
- (4) the Committee on Appropriations of the House of Representatives.

(Pub. L. 111–11, title IV, §4003, Mar. 30, 2009, 123 Stat. 1141.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(1), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (a)(2), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Section 7125 of this title, referred to in subsec. (b)(2)(B)(ii), was in the original “section 205 of Public Law 106–393 (16 U.S.C. 500 note)” and was translated as referring to section 205 of Pub. L. 106–393 as added by Pub. L. 110–343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3905, which is classified to section 7125 of this title. A prior section 205 of Pub. L. 106–393 containing substantially similar provisions was set out in a note under section 500 of this title prior to repeal by Pub. L. 110–343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

§ 7304. Authorization of appropriations

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this chapter. (Pub. L. 111–11, title IV, §4004, Mar. 30, 2009, 123 Stat. 1147.)

CHAPTER 93—AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

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§ 7401. Purpose

The purpose of this chapter is to implement the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

(Pub. L. 114–81, title III, §302, Nov. 5, 2015, 129 Stat. 664.)

SHORT TITLE

Pub. L. 114–81, title III, §301, Nov. 5, 2015, 129 Stat. 664, provided that: “This title [enacting this chapter] may be cited as the ‘Port State Measures Agreement Act of 2015.’”

§ 7402. Definitions

As used in this chapter:

(1) The term “Agreement” means the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at the Food and Agriculture Organization of the United Nations, in Rome, Italy, November 22, 2009, and signed by the United States November 22, 2009.

(2) The term “IUU fishing” means any activity set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

(3) The term “listed IUU vessel” means a vessel that is included in a list of vessels having engaged in IUU fishing or fishing-related

activities in support of IUU fishing that has been adopted by a regional fisheries management organization of which the United States is a member, or a list adopted by a regional fisheries management organization of which the United States is not a member if the Secretary determines the criteria used by that organization to create the IUU list is comparable to criteria adopted by RFMOs of which the United States is a member for identifying IUU vessels and activities.

(4) The term “Magnuson-Stevens Act” means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(5) The term “person” has the same meaning as that term has in section 3 of the Magnuson-Stevens Act (16 U.S.C. 1802).

(6) The terms “RFMO” and “regional fisheries management organization” mean a regional fisheries management organization (as that term is defined by the United Nation’s¹ Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) that is recognized by the United States.

(7) The term “Secretary” means the Secretary of Commerce or his or her designee.

(8) The term “vessel” means any vessel, ship of another type, or boat used for, equipped to be used for, or intended to be used for, fishing or fishing-related activities, including container vessels that are carrying fish that have not been previously landed.

(9) The term “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(10) The term “fishing”—

(A) except as provided in subparagraph (B), means—

(i) the catching, taking, or harvesting of fish;

(ii) the attempted catching, taking, or harvesting of fish;

(iii) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(iv) any operations at sea in support of, or in preparation for, any activity described in clauses (i) through (iii); and

(B) does not include any scientific research activity that is conducted by a scientific research vessel.

(Pub. L. 114–81, title III, §303, Nov. 5, 2015, 129 Stat. 664.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in par. (4), is Pub. L. 94–265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

¹ So in original.

§ 7403. Duties and authorities of the Secretary

(a) Regulations

The Secretary may, as needed, promulgate such regulations—

(1) in accordance with section 553 of title 5;

(2) consistent with provisions of this chapter;¹ and

(3) with respect to enforcement measures, in consultation with the Secretary of the department in which the Coast Guard is operating;

as may be necessary to carry out the purposes of this chapter, to the extent that such regulations are not already promulgated.

(b) Ports of entry

The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, may designate and publicize the ports to which vessels may seek entry. No port may be designated under this section that has not also been designated as a port of entry for customs reporting purposes pursuant to section 1433 of title 19¹ or that is not specified under an existing international fisheries agreement.

(c) Notification

The Secretary shall provide notification of the denial of port entry or the use of port services for a vessel under section 7404 of this title, the withdrawal of the denial of port services for a foreign vessel, the taking of enforcement action pursuant to section 7405 of this title with respect to a foreign vessel, or the results of any inspection of a foreign vessel conducted pursuant to this chapter to the flag nation of the vessel and, as appropriate, to the nation of which the vessel’s master is a national, relevant coastal nations, RFMOs, the Food and Agriculture Organization of the United Nations, and other relevant international organizations.

(d) Confirmation that fish were taken in accordance with conservation and management measures

The Secretary may request confirmation from the flag state of a foreign vessel that the fish on board a foreign vessel in a port subject to the jurisdiction of the United States were taken in accordance with applicable RFMO conservation and management measures.

(Pub. L. 114–81, title III, §304, Nov. 5, 2015, 129 Stat. 665.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), was in the original “the title” and was translated as meaning “this title” to reflect the probable intent of Congress.

Section 1433 of title 19, referred to in subsec. (b), was in the original a reference to “section 1433 of title 19, United States Code” but probably should have been a reference to section 433 of the Tariff Act of 1930, act June 17, 1930, ch. 497, which is classified to section 1433 of Title 19, Customs Duties.

§ 7404. Authorization or denial of port entry

(a) Submission of information required under Agreement

(1) In general

A vessel described in paragraph (2) seeking entry to a port that is subject to the jurisdic-

¹ See References in Text note below.