

**(3) Action upon failure to pay assessment**

If any person fails to pay an assessment of a civil penalty under this chapter after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount 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.

**(c) Forfeiture****(1) In general**

Any foreign vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) imported or possessed in connection with or as<sup>2</sup> result of the commission of any act prohibited by section 7406 of this title shall be subject to forfeiture under section 1860 of this title.

**(2) Application of the customs laws**

All provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for violation of the customs laws, the disposition of the property forfeited or condemned or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as applicable and not inconsistent with the provisions hereof. For seizures and forfeitures of property under this section by the Secretary, such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs law may be performed by such officers as are designated by the Secretary or, upon request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

**(3) Presumption**

For the purposes of this section there is a rebuttable presumption that all fish, or components thereof, found on board a vessel that is used or seized in connection with a violation of this chapter (including any regulation promulgated under this chapter<sup>1</sup>) were taken, obtained, or retained as a result of IUU fishing or fishing-related activities in support of IUU fishing.

**(d) Criminal enforcement**

Any person (other than a foreign government agency, or entity wholly owned by a foreign government) who knowingly commits an act prohibited by section 7406 of this title shall be subject to subsections (b) and (c) of section 1859 of this title.

**(e) Payment of storage, care, and other costs**

Any person assessed a civil penalty for, or convicted of, any violation of this chapter (includ-

ing any regulation promulgated under this chapter) and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any property seized in connection with the violation.

(Pub. L. 114-81, title III, §308, Nov. 5, 2015, 129 Stat. 668.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1)(B) and the second place appearing in subsec. (c)(3), was in the original "this Act" and was translated as meaning "this title" to reflect the probable intent of Congress.

**§ 7408. International cooperation and assistance****(a) Assistance to developing nations and international organizations**

Consistent with existing authority and the availability of funds, the Secretary shall provide appropriate assistance to developing nations and international organizations of which such nations are members to assist those nations in meeting their obligations under the Agreement.

**(b) Personnel, services, equipment, and facilities**

In carrying out subsection (a), the Secretary may, by agreement, on a reimbursable or non-reimbursable basis, utilize the personnel, services, equipment, and facilities of any Federal, State, local, or foreign government or any entity of any such government.

(Pub. L. 114-81, title III, §309, Nov. 5, 2015, 129 Stat. 669.)

**§ 7409. Relationship to other laws****(a) In general**

Nothing in this chapter shall be construed to displace any requirements imposed by the customs laws of the United States or any other laws or regulations enforced or administered by the Secretary of Homeland Security. Where more stringent requirements regarding port entry or access to port services exist under other Federal law, those more stringent requirements shall apply. Nothing in this chapter shall affect a vessel's entry into port, in accordance with international law, for reasons of force majeure or distress.

**(b) United States obligations under international law**

This chapter shall be interpreted and applied in accordance with United States obligations under international law.

(Pub. L. 114-81, title III, §310, Nov. 5, 2015, 129 Stat. 669.)

**CHAPTER 94—NATIONAL OCEANS AND COASTAL SECURITY**

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**§ 7501. Definitions**

In this chapter:

<sup>2</sup> So in original. The word "a" probably should appear.