

(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 as² 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 chapter¹) 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

Sec.	
7501.	Definitions.
7502.	Purposes and agreements.
7503.	National Oceans and Coastal Security Fund.
7504.	Eligible uses.
7505.	Grants.
7506.	Annual report.
7507.	Funding.

§ 7501. Definitions

In this chapter:

² So in original. The word "a" probably should appear.

(1) Coastal county

The term “coastal county” has the meaning given the term by the National Oceanic and Atmospheric Administration in the document entitled “NOAA’s List of Coastal Counties for the Bureau of the Census” (or similar successor document).

(2) Coastal State

The term “coastal State” has the meaning given the term “coastal state” in section 1453 of this title.

(3) Foundation

The term “Foundation” means the National Fish and Wildlife Foundation established by section 3701(a) of this title.

(4) Fund

The term “Fund” means the National Oceans and Coastal Security Fund established under section 7503(a) of this title.

(5) Indian tribe

The term “Indian tribe” means any federally recognized Indian tribe.

(6) Administrator

Except as otherwise specifically provided, the term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

(7) Tidal shoreline

The term “tidal shoreline” has the meaning given that term pursuant to section 923.110(c)(2)(i) of title 15, Code of Federal Regulations, or a similar successor regulation.

(Pub. L. 114–113, div. O, title IX, §902, Dec. 18, 2015, 129 Stat. 3031.)

SHORT TITLE

Pub. L. 114–113, div. O, title IX, §901, Dec. 18, 2015, 129 Stat. 3031, provided that: “This title [enacting this chapter] may be cited as the ‘National Oceans and Coastal Security Act.’”

§ 7502. Purposes and agreements**(a) Purposes**

The purposes of this chapter are to better understand and utilize the oceans, coasts, and Great Lakes of the United States, and ensure present and future generations will benefit from the full range of ecological, economic, social, and recreational opportunities, security, and services these resources are capable of providing.

(b) Agreements

The Administrator and the Foundation may enter into such agreements as may be necessary to carry out the purposes of this chapter.

(Pub. L. 114–113, div. O, title IX, §903, Dec. 18, 2015, 129 Stat. 3031.)

§ 7503. National Oceans and Coastal Security Fund**(a) Establishment**

The Administrator and the Foundation are authorized to establish the National Oceans and

Coastal Security Fund as a tax exempt fund to further the purposes of this chapter.

(b) Deposits**(1) In general**

There shall be deposited into the Fund amounts appropriated or otherwise made available to carry out this chapter.

(2) Prohibitions on donations from foreign governments

No amounts donated by a foreign government, as defined in section 7342 of title 5, may be deposited into the Fund.

(c) Requirements

Any amounts received by the Foundation pursuant to this chapter shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), except the provisions of—

- (1) section 4(e)(1)(B) of that Act (16 U.S.C. 3703(e)(1)(B)); and
- (2) section 10(a) of that Act (16 U.S.C. 3709(a)).

(d) Expenditure

Of the amounts deposited into the Fund for each fiscal year—

- (1) funds may be used by the Foundation to award grants to coastal States under section 7505(b) of this title;
- (2) funds may be used by the Foundation to award grants under section 7505(c) of this title;
- (3) no more than 2 percent may be used by the Administrator and the Foundation for administrative expenses to carry out this chapter, which amount shall be divided between the Administrator and the Foundation pursuant to an agreement reached and documented by both the Administrator and the Foundation.

(e) Recovery of payments

After notice and an opportunity for a hearing, the Administrator is authorized to recover any Federal payments under this section if the Foundation—

- (1) makes a withdrawal or expenditure from the Fund that is not consistent with the requirements of section 7504 of this title; or
- (2) fails to comply with a procedure, measure, method, or standard established under section 7505(a)(1) of this title.

(Pub. L. 114–113, div. O, title IX, §904, Dec. 18, 2015, 129 Stat. 3031.)

REFERENCES IN TEXT

The National Fish and Wildlife Foundation Establishment Act, referred to in subsec. (c), is Pub. L. 98–244, Mar. 26, 1984, 98 Stat. 107, which is classified generally to chapter 57 (§3701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

§ 7504. Eligible uses**(a) In general**

Amounts in the Fund may be allocated by the Foundation to support programs and activities intended to better understand and utilize ocean and coastal resources and coastal infrastructure, including baseline scientific research,