

which the United States is a party. No regulation shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States, unless in accordance with—

- (1) generally recognized principles of international law;
- (2) an agreement between the United States and the foreign state of which the person is a citizen; or
- (3) an agreement between the United States and the flag state of a foreign vessel, if the person is a crewmember of the vessel.

(b) Negotiations

The Secretary of State, in consultation with the Secretary, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of any national marine sanctuary and to promote the purposes for which the sanctuary is established.

(c) International cooperation

The Secretary, in consultation with the Secretary of State and other appropriate Federal agencies, shall cooperate with other governments and international organizations in furtherance of the purposes and policies of this chapter and consistent with applicable regional and multilateral¹ arrangements for the protection and management of special marine areas.

(Pub. L. 92-532, title III, § 305, as added Pub. L. 98-498, title I, § 102, Oct. 19, 1984, 98 Stat. 2302; amended Pub. L. 102-587, title II, § 2105, Nov. 4, 1992, 106 Stat. 5043.)

AMENDMENTS

1992—Pub. L. 102-587, § 2105(b), substituted “; international negotiations and cooperation” for “and international negotiations” in section catchline.

Subsec. (a). Pub. L. 102-587, § 2105(a)(1), substituted “This chapter and the regulations” for “The regulations” and inserted “or be enforced against” after “apply to”.

Subsec. (c). Pub. L. 102-587, § 2105(a)(2), added subsec. (c).

INTERNATIONAL COOPERATION

For direction that the Secretary of State seek effective international action and cooperation through the development of appropriate international rules and regulations in support of the policy of this chapter and chapter 27 of Title 33, Navigation and Navigable Waters, see section 1419 of Title 33.

§ 1436. Prohibited activities

It is unlawful for any person to—

- (1) destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary;
- (2) possess, sell, offer for sale, purchase, import, export, deliver, carry, transport, or ship by any means any sanctuary resource taken in violation of this section;
- (3) interfere with the enforcement of this chapter by—

- (A) refusing to permit any officer authorized to enforce this chapter to board a vessel, other than a vessel operated by the De-

partment of Defense or United States Coast Guard, subject to such person’s control for the purposes of conducting any search or inspection in connection with the enforcement of this chapter;

(B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this chapter or any such authorized officer in the conduct of any search or inspection performed under this chapter; or

(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this chapter in connection with any search or inspection conducted under this chapter; or

(4) violate any provision of this chapter or any regulation or permit issued pursuant to this chapter.

(Pub. L. 92-532, title III, § 306, as added Pub. L. 98-498, title I, § 102, Oct. 19, 1984, 98 Stat. 2302; amended Pub. L. 102-587, title II, § 2106, Nov. 4, 1992, 106 Stat. 5043; Pub. L. 106-513, § 7, Nov. 13, 2000, 114 Stat. 2386.)

AMENDMENTS

2000—Pub. L. 106-513, § 7(1), inserted “for any person” after “unlawful” in introductory provision.

Par. (2). Pub. L. 106-513, § 7(2), inserted “offer for sale, purchase, import, export,” after “sell.”

Par. (3). Pub. L. 106-513, § 7(3), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “interfere with the enforcement of this chapter; or”.

1992—Pub. L. 102-587 amended section generally. Prior to amendment, section read as follows: “The Secretary shall conduct research and educational programs as are necessary and reasonable to carry out the purposes and policies of this chapter.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1437. Enforcement

(a) In general

The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this chapter.

(b) Powers of authorized officers

Any person who is authorized to enforce this chapter may—

(1) board, search, inspect, and seize any vessel suspected of being used to violate this chapter or any regulation or permit issued under this chapter and any equipment, stores, and cargo of such vessel;

(2) seize wherever found any sanctuary resource taken or retained in violation of this chapter or any regulation or permit issued under this chapter;

(3) seize any evidence of a violation of this chapter or of any regulation or permit issued under this chapter;

¹ So in original. Probably should be “multilateral”.