

§ 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-

tion of the United States must submit to the Secretary of the department in which the Coast Guard is operating information as required under the Agreement in advance of its arrival in port. The Secretary of the department in which the Coast Guard is operating shall provide that information to the Secretary.

(2) Covered vessels

A vessel referred to in paragraph (1) is any vessel that—

- (A) is not documented under chapter 121 of title 46; and
- (B) is not numbered under chapter 123 of that title.

(b) Decision to authorize or deny port entry

(1) Decision

The Secretary shall decide, based on the information submitted under subsection (a), whether to authorize or deny port entry by the vessel, and shall communicate such decision to—

- (A) the Secretary of the department in which the Coast Guard is operating; and
- (B) the vessel or its representative.

(2) Authorization or denial of entry

The Secretary of the department in which the Coast Guard is operating shall authorize or deny entry to vessels to which such a decision applies.

(3) Vessels to which entry may be denied

The Secretary of the department in which the Coast Guard is operating may deny entry to any vessel to which such a decision applies—

- (A) that is described in subsection (a)(2); and
- (B) that—
 - (i) is a listed IUU vessel; or
 - (ii) the Secretary of Commerce has reasonable grounds to believe—
 - (I) has engaged in IUU fishing or fishing-related activities in support of such fishing; or
 - (II) has violated this chapter.

(c) Denial of use of port

If a vessel described in subsection (a)(2) is in a port that is subject to the jurisdiction of the United States, the Secretary of the department in which the Coast Guard is operating, at the request of the Secretary, shall deny such vessel the use of the port for landing, transshipment, packaging and processing of fish, refueling, resupplying, maintenance, and drydocking, if—

- (1) the vessel entered without authorization under subsection (b);
- (2) the vessel is a listed IUU vessel;
- (3) the vessel is not documented under the laws of another nation;
- (4) the flag nation of the vessel has failed to provide confirmation requested by the Secretary that the fish on board were taken in accordance with applicable RFMO conservation and management measures; or
- (5) the Secretary has reasonable grounds to believe—
 - (A) the vessel lacks valid authorizations to engage in fishing or fishing-related activi-

¹ See References in Text note below.