

(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 activities as required by its flag nation or the relevant coastal nation;
 - (B) the fish on board were taken in violation of foreign law or in contravention of any RFMO conservation and management measure; or
 - (C) the vessel has engaged in IUU fishing or fishing-related activities in support of

such fishing, including in support of a listed IUU vessel, unless it can establish that—

- (i) it was acting in a manner consistent with applicable RFMO conservation and management measures; or
- (ii) in the case of the provision of personnel, fuel, gear, and other supplies at sea, the vessel provisioned was not, at the time of provisioning, a listed IUU vessel.

(d) Exceptions

Notwithstanding subsections (b) and (c), the Secretary of the department in which the Coast Guard is operating may allow port entry or the use of port services—

- (1) if they are essential to the safety or health of the crew or safety of the vessel;
- (2) to allow, where appropriate, for the scrapping of the vessel; or
- (3) pursuant to an inspection or other enforcement action.

(Pub. L. 114-81, title III, §305, Nov. 5, 2015, 129 Stat. 666.)

§ 7405. Inspections

The Secretary, and the Secretary of the department in which the Coast Guard is operating, shall conduct foreign vessel inspections in ports subject to the jurisdiction of the United States as necessary to achieve the purposes of the Agreement and this chapter. If, following an inspection, the Secretary has reasonable grounds to believe that a foreign vessel has engaged in IUU fishing or fishing-related activities in support of such fishing, the Secretary may take enforcement action under this chapter or other applicable law, and shall deny the vessel the use of port services, in accordance with section 7404 of this title.

(Pub. L. 114-81, title III, §306, Nov. 5, 2015, 129 Stat. 667.)

§ 7406. Prohibited acts

It is unlawful for any person subject to the jurisdiction of the United States—

- (1) to violate any provision of this chapter or the regulations issued under this chapter;
- (2) to refuse to permit any authorized officer to board, search, or inspect a vessel that is subject to the person's control in connection with the enforcement of this chapter or the regulations issued under this chapter;
- (3) to submit false information pursuant to any requirement under this chapter or the regulations issued under this chapter; or
- (4) to commit any offense enumerated in paragraph (4), (5), (7), or (9) of section 707(a)¹ of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6906(a)).

(Pub. L. 114-81, title III, §307, Nov. 5, 2015, 129 Stat. 667.)

REFERENCES IN TEXT

Section 707(a) of the Western and Central Pacific Fisheries Convention Implementation Act, referred to in par. (4), probably means section 507(a) of title V of Pub. L. 109-479, which is classified to section 6906(a) of this title.

¹ See References in Text note below.