

Sec.	
7406.	Prohibited acts.
7407.	Enforcement.
7408.	International cooperation and assistance.
7409.	Relationship to other laws.

### § 7401. Purpose

The purpose of this chapter is to implement the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

(Pub. L. 114–81, title III, §302, Nov. 5, 2015, 129 Stat. 664.)

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 114–81, title III, §301, Nov. 5, 2015, 129 Stat. 664, provided that: “This title [enacting this chapter] may be cited as the ‘Port State Measures Agreement Act of 2015’.”

### § 7402. Definitions

As used in this chapter:

(1) The term “Agreement” means the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at the Food and Agriculture Organization of the United Nations, in Rome, Italy, November 22, 2009, and signed by the United States November 22, 2009.

(2) The term “IUU fishing” means any activity set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

(3) The term “listed IUU vessel” means a vessel that is included in a list of vessels having engaged in IUU fishing or fishing-related activities in support of IUU fishing that has been adopted by a regional fisheries management organization of which the United States is a member, or a list adopted by a regional fisheries management organization of which the United States is not a member if the Secretary determines the criteria used by that organization to create the IUU list is comparable to criteria adopted by RFMOs of which the United States is a member for identifying IUU vessels and activities.

(4) The term “Magnuson-Stevens Act” means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(5) The term “person” has the same meaning as that term has in section 3 of the Magnuson-Stevens Act (16 U.S.C. 1802).

(6) The terms “RFMO” and “regional fisheries management organization” mean a regional fisheries management organization (as that term is defined by the United Nation’s<sup>1</sup> Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) that is recognized by the United States.

(7) The term “Secretary” means the Secretary of Commerce or his or her designee.

(8) The term “vessel” means any vessel, ship of another type, or boat used for, equipped to

be used for, or intended to be used for, fishing or fishing-related activities, including container vessels that are carrying fish that have not been previously landed.

(9) The term “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(10) The term “fishing”—

(A) except as provided in subparagraph (B), means—

(i) the catching, taking, or harvesting of fish;

(ii) the attempted catching, taking, or harvesting of fish;

(iii) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(iv) any operations at sea in support of, or in preparation for, any activity described in clauses (i) through (iii); and

(B) does not include any scientific research activity that is conducted by a scientific research vessel.

(Pub. L. 114–81, title III, §303, Nov. 5, 2015, 129 Stat. 664.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in par. (4), is Pub. L. 94–265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

### § 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;<sup>1</sup> 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 19<sup>1</sup> 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

<sup>1</sup> So in original.

<sup>1</sup> See References in Text note below.