

(11) Sell or distribute

The term “sell or distribute” means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, import, export, hold for import, hold for export, or receive and (having so received) deliver or offer to deliver.

(12) Vessel

The term “vessel” has the meaning given that term in section 3 of title 1, including hydrofoil boats, air cushion watercraft, submersibles, floating craft, fixed or floating platforms, floating storage units, and floating production, storage, and offloading units.

(13) Territorial sea

The term “territorial sea” means the territorial sea as described in Presidential Proclamation No. 5928 on December 27, 1988.

(14) United States

The term “United States” means the several States of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.

(15) Use

The term “use” includes application, re-application, installation, or any other employment of an antifouling system.

(Pub. L. 111–281, title X, §1011, Oct. 15, 2010, 124 Stat. 3023; Pub. L. 111–330, §1(19), Dec. 22, 2010, 124 Stat. 3570.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title X of Pub. L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.) of this title. For complete classification of title X to the Code, see Tables.

Presidential Proclamation No. 5928, referred to in par. (13), is set out under section 1331 of Title 43, Public Lands.

AMENDMENTS

2010—Par. (9)(B). Pub. L. 111–330 made technical amendment to reference in original act which appears in text as reference to section 3802(b)(2) of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(19) is effective with the enactment of Pub. L. 111–281.

§ 3802. Covered vessels**(a) Included vessel**

Except as provided in subsection (b), after the Convention enters into force for the United States, the following vessels are subject to the requirements of this chapter:

(1) A vessel documented under chapter 121 of title 46 or one operated under the authority of the United States, wherever located.

(2) Any vessel permitted by a Federal agency to operate on the Outer Continental Shelf.

(3) Any other vessel when—

(A) in the internal waters of the United States;

(B) in any port, shipyard, offshore terminal, or other place in the United States;

(C) lightering in the territorial sea; or

(D) to the extent consistent with international law, anchoring in the territorial sea of the United States.

(b) Excluded vessels**(1) In general**

The following vessels are not subject to the requirements of this chapter:

(A) Any warship, naval auxiliary, or other vessel owned or operated by a foreign state, and used, for the time being, only on government noncommercial service.

(B) Except as provided in paragraph (2), any warship, naval auxiliary, or other vessel owned or operated by the United States and used for the time being only on government noncommercial service.

(2) Application to United States government vessels**(A) In general**

The Administrator may apply any requirement of this chapter to one or more classes of vessels described in paragraph (1)(B), if the head of the Federal department or agency under which those vessels operate concurs in that application.

(B) Limitation for combat-related vessel

Subparagraph (A) shall not apply to combat-related vessels.

(Pub. L. 111–281, title X, §1012, Oct. 15, 2010, 124 Stat. 3024.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title X of Pub. L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.) of this title. For complete classification of title X to the Code, see Tables.

§ 3803. Administration and enforcement**(a) In general**

Unless otherwise specified in this chapter, with respect to a vessel, the Secretary shall administer and enforce the Convention and this chapter.

(b) Administrator

Except with respect to section 3841(b) and (c) of this title, the Administrator shall administer and enforce subchapter III.

(c) Regulations

The Administrator and the Secretary may each prescribe and enforce regulations as may be necessary to carry out their respective responsibilities under this chapter.

(Pub. L. 111–281, title X, §1013, Oct. 15, 2010, 124 Stat. 3025.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), was in the original “this title”, meaning title X of Pub. L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.) of this title. For complete classification of title X to the Code, see Tables.

§ 3804. Compliance with international law

Any action taken under this chapter shall be taken in accordance with treaties to which the

United States is a party and other international obligations of the United States.

(Pub. L. 111–281, title X, §1014, Oct. 15, 2010, 124 Stat. 3025.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title X of Pub. L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.) of this title. For complete classification of title X to the Code, see Tables.

§ 3805. Utilization of personnel, facilities or equipment of other Federal departments and agencies

The Secretary and the Administrator may utilize by agreement, with or without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering the Convention, this chapter, or any regulations prescribed under this chapter.

(Pub. L. 111–281, title X, §1015, Oct. 15, 2010, 124 Stat. 3025.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title X of Pub. L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.) of this title. For complete classification of title X to the Code, see Tables.

SUBCHAPTER II—IMPLEMENTATION OF THE CONVENTION

§ 3821. Certificates

(a) Certificate required

On entry into force of the Convention for the United States, any vessel of at least 400 gross tons that engages in one or more international voyages (except fixed or floating platforms, FSUs, and FPSOs) shall carry an International Antifouling System Certificate.

(b) Issuance of Certificate

On entry into force of the Convention, on a finding that a successful survey required by the Convention has been completed, a vessel of at least 400 gross tons that engages in at least one international voyage (except fixed or floating platforms, FSUs, and FPSOs) shall be issued an International Antifouling System Certificate. The Secretary may issue the Certificate required by this section. The Secretary may delegate this authority to an organization that the Secretary determines is qualified to undertake that responsibility.

(c) Maintenance of Certificate

The Certificate required by this section shall be maintained as required by the Secretary.

(d) Certificates issued by other party countries

A Certificate issued by any country that is a party to the Convention has the same validity as a Certificate issued by the Secretary under this section.

(e) Vessels of nonparty countries

Notwithstanding subsection (a), a vessel of at least 400 gross tons, having the nationality of or entitled to fly the flag of a country that is not a party to the Convention, may demonstrate

compliance with this chapter through other appropriate documentation considered acceptable by the Secretary.

(Pub. L. 111–281, title X, §1021, Oct. 15, 2010, 124 Stat. 3025.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e), was in the original “this title”, meaning title X of Pub. L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.) of this title. For complete classification of title X to the Code, see Tables.

§ 3822. Declaration

(a) Requirements

On entry into force of the Convention for the United States, a vessel of at least 24 meters in length, but less than 400 gross tons engaged on an international voyage (except fixed or floating platforms, FSUs, and FPSOs) must carry a declaration described in subsection (b) that is signed by the owner or owner’s authorized agent. That declaration shall be accompanied by appropriate documentation, such as a paint receipt or a contractor invoice, or contain an appropriate endorsement.

(b) Content of declaration

The declaration must contain a clear statement that the antifouling system on the vessel complies with the Convention. The Secretary may prescribe the form and other requirements of the declaration.

(Pub. L. 111–281, title X, §1022, Oct. 15, 2010, 124 Stat. 3026.)

§ 3823. Other compliance documentation

In addition to the requirements under sections 3821 and 3822 of this title, the Secretary may require vessels to hold other documentation considered necessary to verify compliance with this chapter.

(Pub. L. 111–281, title X, §1023, Oct. 15, 2010, 124 Stat. 3026.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title X of Pub. L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.) of this title. For complete classification of title X to the Code, see Tables.

§ 3824. Process for considering additional controls

(a) Actions by Administrator

The Administrator may—

(1) participate in the technical group described in Article 7 of the Convention, and in any other body convened pursuant to the Convention for the consideration of new or additional controls on antifouling systems;

(2) evaluate any risks of adverse effects on nontarget organisms or human health presented by a given antifouling system such that the amendment of annex 1 of the Convention may be warranted;

(3) undertake an assessment of relevant environmental, technical, and economic considerations necessary to evaluate any proposals