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SUBCHAPTER I—GENERAL PROVISIONS

§ 3801. Definitions

In this chapter:

(1) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Antifouling system

The term “antifouling system” means a coating, paint, surface treatment, surface, or device that is used or intended to be used on a vessel to control or prevent attachment of unwanted organisms.

(3) Convention

The term “Convention” means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, including its annexes, and including any amendments to the Convention or annexes which have entered into force for the United States.

(4) FPSO

The term “FPSO” means a floating production, storage, or offloading unit.

(5) FSU

The term “FSU” means a floating storage unit.

(6) Gross tonnage

The term “gross tonnage” as defined in chapter 143 of title 46 means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex 1 to the International Convention on Tonnage Measurement of Ships, 1969.

(7) International voyage

The term “international voyage” means a voyage by a vessel entitled to fly the flag of one country to or from a port, shipyard, offshore terminal, or other place under the jurisdiction of another country.

(8) Organotin

The term “organotin” means any compound or additive of tin bound to an organic ligand, that is used or intended to be used as biocide in an antifouling system.

(9) Person

The term “person” means—

(A) any individual, partnership, association, corporation, or organized group of persons whether incorporated or not;

(B) any department, agency, or instrumentality of the United States, except as provided in section 3802(b)(2) of this title; or

(C) any other government entity.

(10) Secretary

The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(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