

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.)

**Editorial Notes**

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 L. 111-281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.)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.

**Statutory Notes and Related Subsidiaries**

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.)

**Editorial Notes**

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 ad-