

§ 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.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subssecs. (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 L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.)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.)

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 L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.)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

§ 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.)

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 L. 111–281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.)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

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.)

Editorial Notes

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