

the Secretary or Administrator, respectively, to any person who provided information that led to the assessment or imposition of the penalty.

(f) Referral to Attorney General

If any person fails to pay a civil penalty assessed under this section after it has become final, or comply with an order issued under this chapter, the Secretary or Administrator, as appropriate, may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

(g) Compromise, modification, or remission

Before referring any civil penalty that is subject to assessment or has been assessed under this section to the Attorney General, the Secretary, or Administrator, as appropriate, may compromise, modify, or remit, with or without conditions, the civil penalty.

(h) Nonpayment penalty

Any person who fails to pay on a timely basis a civil penalty assessed under this section shall also be liable to the United States for interest on the penalty at an annual rate equal to 11 percent compounded quarterly, attorney fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. That nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of that person's penalties and nonpayment penalties that are unpaid as of the beginning of that quarter.

(Pub. L. 111-281, title X, §1042, Oct. 15, 2010, 124 Stat. 3030.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1), (c), and (f), 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 L. 111-281, Oct. 15, 2010, 124 Stat. 3023, which enacted this chapter and repealed chapter 37 (§2401 et seq.)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.

§ 3853. Liability in rem

A vessel operated in violation of the Convention, this chapter, or any regulation prescribed under this chapter, is liable in rem for any fine imposed under title 18 or civil penalty assessed pursuant to section 3852 of this title, and may be proceeded against in the United States district court of any district in which the vessel may be found.

(Pub. L. 111-281, title X, §1043, Oct. 15, 2010, 124 Stat. 3031; Pub. L. 111-330, §1(20), Dec. 22, 2010, 124 Stat. 3571.)

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.

AMENDMENTS

2010—Pub. L. 111-330 substituted "under title 18" for "under section 18".

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(20) is effective with the enactment of Pub. L. 111-281.

§ 3854. Vessel clearance or permits; refusal or revocation; bond or other surety

If any vessel that is subject to the Convention or this chapter, or its owner, operator, or person in charge, is liable for a fine or civil penalty under section 3852 or 3853 of this title, or if reasonable cause exists to believe that the vessel, its owner, operator, or person in charge may be subject to a fine or civil penalty under section 3852 or 3853 of this title, the Secretary may refuse or revoke the clearance required by section 60105 of title 46. Clearance may be granted upon the filing of a bond or other surety satisfaction to the Secretary.

(Pub. L. 111-281, title X, §1044, Oct. 15, 2010, 124 Stat. 3031.)

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.

§ 3855. Warnings, detentions, dismissals, exclusion

(a) In general

If a vessel is detected to be in violation of the Convention, this chapter, or any regulation prescribed under this chapter, the Secretary may warn, detain, dismiss, or exclude the vessel from any port or offshore terminal under the jurisdiction of the United States.

(b) Notifications

If action is taken under subsection (a), the Secretary, in consultation with the Secretary of State, shall make the notifications required by the Convention.

(Pub. L. 111-281, title X, §1045, Oct. 15, 2010, 124 Stat. 3031.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

§ 3856. Referrals for appropriate action by foreign country

Notwithstanding sections 3851, 3852, 3853, and 3855 of this title, if a violation of the Convention is committed by a vessel registered in or of the nationality of a country that is a party to the Convention, or by a vessel operated under the authority of a country that is a party to the Convention, the Secretary, acting in coordination with the Secretary of State, may refer the

matter to the government of the country of the vessel's registry or nationality, or under whose authority the vessel is operating, for appropriate action, rather than taking the actions otherwise required or authorized by this subchapter.

(Pub. L. 111-281, title X, §1046, Oct. 15, 2010, 124 Stat. 3031.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this subtitle", meaning subtitle D (§§1041-1048) of title X of Pub. L. 111-281, Oct. 15, 2010, 124 Stat. 3029, which enacted this subchapter and repealed chapter 37 (§2401 et seq.) of this title. For complete classification of subtitle D to the Code, see Tables.

§ 3857. Remedies not affected

(a) In general

Nothing in this chapter limits, denies, amends, modifies, or repeals any other remedy available to the United States.

(b) Relationship to State and local law

Nothing in this chapter limits, denies, amends, modifies, or repeals any rights under existing law, of any State, territory, or possession of the United States, or any political subdivision thereof, to regulate any antifouling system. Compliance with the requirements of a State, territory, or possession of the United States, or political subdivision thereof related to antifouling paint or any other antifouling system does not relieve any person of the obligation to comply with this chapter.

(Pub. L. 111-281, title X, §1047, Oct. 15, 2010, 124 Stat. 3031.)

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.

CHAPTER 52—WATER INFRASTRUCTURE FINANCE AND INNOVATION

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§ 3901. Definitions

In this chapter:

(1) Administrator

The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) Community water system

The term "community water system" has the meaning given the term in section 300f of title 42.

(3) Federal credit instrument

The term "Federal credit instrument" means a secured loan or loan guarantee authorized to be made available under this chapter with respect to a project.

(4) Investment-grade rating

The term "investment-grade rating" means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(5) Lender

(A) In general

The term "lender" means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or a successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)).

(B) Inclusions

The term "lender" includes—

- (i) a qualified retirement plan (as defined in section 4974(c) of title 26) that is a qualified institutional buyer; and
- (ii) a governmental plan (as defined in section 414(d) of title 26) that is a qualified institutional buyer.

(6) Loan guarantee

The term "loan guarantee" means any guarantee or other pledge by the Secretary or the Administrator to pay all or part of the principal of, and interest on, a loan or other debt obligation issued by an obligor and funded by a lender.

(7) Obligor

The term "obligor" means an eligible entity that is primarily liable for payment of the principal of, or interest on, a Federal credit instrument.

(8) Project obligation

(A) In general

The term "project obligation" means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project.

(B) Exclusion

The term "project obligation" does not include a Federal credit instrument.

(9) Rating agency

The term "rating agency" means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 78c(a) of title 15).

(10) Secured loan

The term "secured loan" means a direct loan or other debt obligation issued by an obligor and funded by the Secretary or Administrator, as applicable, in connection with the