

111TH CONGRESS
1ST SESSION

H. R. 3618

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2009

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Clean Hull Act of
3 2009”.

4 **TITLE I—GENERAL PROVISIONS**

5 **SEC. 101. DEFINITIONS.**

6 In this Act:

7 (1) **ADMINISTRATOR.**—The term “Adminis-
8 trator” means the Administrator of the Environ-
9 mental Protection Agency.

10 (2) **ANTIFOULING SYSTEM.**—The term
11 “antifouling system” means a coating, paint, surface
12 treatment, surface, or device that is used or intended
13 to be used on a vessel to control or prevent attach-
14 ment of unwanted organisms.

15 (3) **CONVENTION.**—The term “Convention”
16 means the International Convention on the Control
17 of Harmful Anti-Fouling Systems on Ships, 2001,
18 including its annexes, and including any amend-
19 ments to the Convention or annexes which have en-
20 tered into force for the United States.

21 (4) **FPSO.**—The term “FPSO” means a float-
22 ing production, storage, or offloading unit.

23 (5) **FSU.**—The term “FSU” means a floating
24 storage unit.

25 (6) **GROSS TONNAGE.**—The term “gross ton-
26 nage” as defined in chapter 143 of title 46, United

1 States Code, means the gross tonnage calculated in
2 accordance with the tonnage measurement regula-
3 tions contained in annex 1 to the International Con-
4 vention on Tonnage Measurement of Ships, 1969.

5 (7) INTERNATIONAL VOYAGE.—The term
6 “international voyage” means a voyage by a vessel
7 entitled to fly the flag of one country to or from a
8 port, shipyard, offshore terminal, or other place
9 under the jurisdiction of another country.

10 (8) ORGANOTIN.—The term “organotin” means
11 any compound or additive of tin bound to an organic
12 ligand, that is used or intended to be used as biocide
13 in an antifouling system.

14 (9) PERSON.—The term “person” means—

15 (A) any individual, partnership, associa-
16 tion, corporation, or organized group of persons
17 whether incorporated or not;

18 (B) any department, agency, or instrumen-
19 tality of the United States, except as provided
20 in section 3(b)(2); or

21 (C) any other government entity.

22 (10) SECRETARY.—The term “Secretary”
23 means the Secretary of the department in which the
24 Coast Guard is operating.

1 (11) SELL OR DISTRIBUTE.—The term “sell or
2 distribute” means to distribute, sell, offer for sale,
3 hold for distribution, hold for sale, hold for ship-
4 ment, ship, deliver for shipment, release for ship-
5 ment, import, export, hold for import, hold for ex-
6 port, or receive and (having so received) deliver or
7 offer to deliver.

8 (12) VESSEL.—The term “vessel” has the
9 meaning given that term in section 3 of title 1,
10 United States Code, including hydrofoil boats, air
11 cushion watercraft, submersibles, floating craft,
12 fixed or floating platforms, floating storage units,
13 and floating production, storage, and offloading
14 units.

15 (13) TERRITORIAL SEA.—The term “territorial
16 sea” means the territorial sea as described in Presi-
17 dential Proclamation No. 5928 on December 27,
18 1988.

19 (14) UNITED STATES.—The term “United
20 States” means the several States of the United
21 States, the District of Columbia, Puerto Rico,
22 Guam, American Samoa, the Virgin Islands, the
23 Commonwealth of the Northern Marianas, and any
24 other territory or possession over which the United
25 States has jurisdiction.

1 (15) USE.—The term “use” includes applica-
2 tion, reapplication, installation, or any other employ-
3 ment of an antifouling system.

4 **SEC. 102. COVERED VESSELS.**

5 (a) INCLUDED VESSEL.—Except as provided in sub-
6 section (b), after the Convention enters into force for the
7 United States, the following vessels are subject to the re-
8 quirements of this Act:

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

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

14 (3) Any other vessel when—

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

17 (B) in any port, shipyard, offshore ter-
18 minal, or other place in the United States;

19 (C) lightering in the territorial sea; or

20 (D) to the extent consistent with inter-
21 national law, anchoring in the territorial sea of
22 the United States.

23 (b) EXCLUDED VESSELS.—

24 (1) IN GENERAL.—The following vessels are not
25 subject to the requirements of this Act:

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

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

10 (2) APPLICATION TO UNITED STATES GOVERN-
11 MENT VESSELS.—

12 (A) IN GENERAL.—The Administrator may
13 apply any requirement of this Act to one or
14 more classes of vessels described in paragraph
15 (1)(B), if the head of the Federal department
16 or agency under which those vessels operate
17 concurs in that application.

18 (B) LIMITATION FOR COMBAT-RELATED
19 VESSEL.—Paragraph (1) shall not apply to
20 combat-related vessels.

21 **SEC. 104. ADMINISTRATION AND ENFORCEMENT.**

22 (a) IN GENERAL.—Unless otherwise specified in this
23 Act, with respect to a vessel, the Secretary shall admin-
24 ister and enforce the Convention and this Act.

1 (b) ADMINISTRATOR.—Except with respect to section
 2 301 (b) and (c), the Administrator shall administer and
 3 enforce title III of this Act.

4 (c) REGULATIONS.—The Administrator and the Sec-
 5 retary may each prescribe and enforce regulations as may
 6 be necessary to carry out their respective responsibilities
 7 under this Act.

8 **SEC. 105. COMPLIANCE WITH INTERNATIONAL LAW.**

9 Any action taken under this Act shall be taken in ac-
 10 cordance with treaties to which the United States is a
 11 party and other international obligations of the United
 12 States.

13 **SEC. 106. UTILIZATION OF PERSONNEL, FACILITIES OR**
 14 **EQUIPMENT OF OTHER FEDERAL DEPART-**
 15 **MENTS AND AGENCIES.**

16 The Secretary and the Administrator may utilize by
 17 agreement, with or without reimbursement, personnel, fa-
 18 cilities, or equipment of other Federal departments and
 19 agencies in administering the Convention, this Act, or any
 20 regulations prescribed under this Act.

21 **TITLE II—IMPLEMENTATION OF**
 22 **THE CONVENTION**

23 **SEC. 201. CERTIFICATES.**

24 (a) CERTIFICATE REQUIRED.—On entry into force of
 25 the Convention for the United States, any vessel of at least

1 400 gross tons that engages in one or more international
2 voyages (except fixed or floating platforms, FSUs, and
3 FPSOs) shall carry an International Antifouling System
4 Certificate.

5 (b) ISSUANCE OF CERTIFICATE.—On entry into force
6 of the Convention, on a finding that a successful survey
7 required by the Convention has been completed, a vessel
8 of at least 400 gross tons that engages in at least one
9 international voyage (except fixed or floating platforms,
10 FSUs, and FPSOs) shall be issued an International
11 Antifouling System Certificate. The Secretary may issue
12 the Certificate required by this section. The Secretary may
13 delegate this authority to an organization that the Sec-
14 retary determines is qualified to undertake that responsi-
15 bility.

16 (c) MAINTENANCE OF CERTIFICATE.—The Certifi-
17 cate required by this section shall be maintained as re-
18 quired by the Secretary.

19 (d) CERTIFICATES ISSUED BY OTHER PARTY COUN-
20 TRIES.—A Certificate issued by any country that is a
21 party to the Convention has the same validity as a Certifi-
22 cate issued by the Secretary under this section.

23 (e) VESSELS OF NONPARTY COUNTRIES.—Notwith-
24 standing subsection (a), a vessel of at least 400 gross tons,
25 having the nationality of or entitled to fly the flag of a

1 country that is not a party to the Convention, may dem-
2 onstrate compliance with this Act through other appro-
3 priate documentation considered acceptable by the Sec-
4 retary.

5 **SEC. 202. DECLARATION.**

6 (a) **REQUIREMENTS.**—On entry into force of the Con-
7 vention for the United States, a vessel of at least 24 me-
8 ters in length, but less than 400 gross tons engaged on
9 an international voyage (except fixed or floating platforms,
10 FSUs, and FPSOs) must carry a declaration described in
11 subsection (b) that is signed by the owner or owner’s au-
12 thorized agent. That declaration shall be accompanied by
13 appropriate documentation, such as a paint receipt or a
14 contractor invoice, or contain an appropriate endorsement.

15 (b) **CONTENT OF DECLARATION.**—The declaration
16 must contain a clear statement that the antifouling system
17 on the vessel complies with the Convention. The Secretary
18 may prescribe the form and other requirements of the dec-
19 laration.

20 **SEC. 203. OTHER COMPLIANCE DOCUMENTATION.**

21 In addition to the requirements under sections 201
22 and 202, the Secretary may require vessels to hold other
23 documentation considered necessary to verify compliance
24 with this Act.

1 **SEC. 204. PROCESS FOR CONSIDERING ADDITIONAL CON-**
2 **TROLS.**

3 (a) ACTIONS BY ADMINISTRATOR.—The Adminis-
4 trator may—

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

10 (2) evaluate any risks of adverse effects on non-
11 target organisms or human health presented by a
12 given antifouling system such that the amendment
13 of annex 1 of the Convention may be warranted;

14 (3) undertake an assessment of relevant envi-
15 ronmental, technical, and economic considerations
16 necessary to evaluate any proposals for new or addi-
17 tional controls of antifouling systems under the Con-
18 vention, including benefits in the United States and
19 elsewhere associated with the production and use in
20 the United States and elsewhere, of the subject
21 antifouling system; and

22 (4) develop recommendations based on that as-
23 sessment.

24 (b) REFERRALS TO TECHNICAL GROUP.—

25 (1) CONVENING OF SHIPPING COORDINATING
26 COMMITTEE.—On referral of any antifouling system

1 to the technical group described in article 7 of the
2 Convention for consideration of new or additional
3 controls, the Secretary of State shall convene a pub-
4 lic meeting of the Shipping Coordinating Committee
5 for the purpose of receiving information and com-
6 ments regarding controls on such antifouling system.
7 The Secretary of State shall publish advance notice
8 of such meeting in the Federal Register and on the
9 State Department's Web site. The Administrator
10 shall assemble and maintain a public docket con-
11 taining notices pertaining to that meeting, any com-
12 ments responding to those notices, the minutes of
13 that meeting, and materials presented at that meet-
14 ing.

15 (2) REPORT BY TECHNICAL GROUP.—The Ad-
16 ministrator shall promptly make any report by the
17 technical group described in the Convention available
18 to the public through the docket established pursu-
19 ant to subsection (b) and announce the availability
20 of that report in the Federal Register. The Adminis-
21 trator shall provide an opportunity for public com-
22 ment on the report for a period of not less than 30
23 days from the time the availability of the report is
24 announced in the Federal Register.

1 (3) CONSIDERATION OF COMMENTS.—To the
2 extent practicable, the Administrator shall take any
3 comments into consideration in developing rec-
4 ommendations under subsection (a).

5 **SEC. 205. SCIENTIFIC AND TECHNICAL RESEARCH AND**
6 **MONITORING; COMMUNICATION AND INFOR-**
7 **MATION.**

8 The Secretary, the Administrator, and the Adminis-
9 trator of the National Oceanic and Atmospheric Adminis-
10 tration may each undertake scientific and technical re-
11 search and monitoring pursuant to article 8 of the Con-
12 vention and to promote the availability of relevant infor-
13 mation concerning—

14 (1) scientific and technical activities undertaken
15 in accordance with the Convention;

16 (2) marine scientific and technological pro-
17 grams and their objectives; and

18 (3) the effects observed from any monitoring
19 and assessment programs relating to antifouling sys-
20 tems.

21 **SEC. 206. COMMUNICATION AND EXCHANGE OF INFORMA-**
22 **TION.**

23 (a) IN GENERAL.—Except as provided in subsection
24 (b), with respect to those antifouling systems regulated by
25 the Administrator, the Administrator shall provide to any

1 party to the Convention that requests it, relevant informa-
2 tion on which the decision to regulate was based, including
3 information provided for in annex 3 to the Convention,
4 or other information suitable for making an appropriate
5 evaluation of the antifouling system.

6 (b) LIMITATION.—This section shall not be construed
7 to authorize the provision of information the disclosure of
8 which is otherwise prohibited by law.

9 **TITLE III—PROHIBITIONS AND** 10 **ENFORCEMENT AUTHORITY**

11 **SEC. 301. PROHIBITIONS.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, it is unlawful for any person—

14 (1) to act in violation of this Act, or any regula-
15 tion prescribed under this Act;

16 (2) to sell or distribute in domestic or inter-
17 national commerce organotin or an antifouling sys-
18 tem containing organotin;

19 (3) to manufacture, process, or use organotin to
20 formulate an antifouling system;

21 (4) to apply an antifouling system containing
22 organotin on any vessel to which this Act applies; or

23 (5) after the Convention enters into force for
24 the United States, to apply or otherwise use in a
25 manner inconsistent with the Convention, an

1 antifouling system on any vessel that is subject to
2 this Act.

3 (b) VESSEL HULLS.—Except as provided in sub-
4 section (c), no vessel shall bear on its hull or outer surface
5 any antifouling system containing organotin, regardless of
6 when such system was applied, unless that vessel bears
7 an overcoating which forms a barrier to organotin leaching
8 from the underlying antifouling system.

9 (c) LIMITATIONS.—

10 (1) EXCEPTED VESSEL.—Subsection (b) does
11 not apply to fixed or floating platforms, FSUs, or
12 FPSOs that were constructed prior to January 1,
13 2003, and that have not been in dry dock on or after
14 that date.

15 (2) SALE, MANUFACTURE, ETC.—This section
16 does not apply to—

17 (A) the sale, distribution, or use pursuant
18 to any agreement between the Administrator
19 and any person that results in an earlier prohi-
20 bition or cancellation date than specified in this
21 Act; or

22 (B) the manufacture, processing, formula-
23 tion, sale, distribution, or use of organotin or
24 antifouling systems containing organotin used
25 or intended for use only for sonar domes or in

1 conductivity sensors in oceanographic instru-
2 ments.

3 **SEC. 302. INVESTIGATIONS AND INSPECTIONS BY SEC-**
4 **RETARY.**

5 (a) IN GENERAL.—The Secretary may conduct inves-
6 tigation and inspections regarding a vessel’s compliance
7 with this Act or the Convention.

8 (b) VIOLATIONS; SUBPOENAS.—In any investigation
9 under this section, the Secretary may issue subpoenas to
10 require the attendance of witnesses and the production of
11 documents and other evidence. In case of refusal to obey
12 a subpoena issued to any person, the Secretary may re-
13 quest the Attorney General to invoke the aid of the appro-
14 priate district court of the United States to compel compli-
15 ance.

16 (c) FURTHER ACTION.—On completion of an inves-
17 tigation, the Secretary may take whatever further action
18 the Secretary considers appropriate under the Convention
19 or this Act.

20 (d) COOPERATION.—The Secretary may cooperate
21 with other parties to the Convention in the detection of
22 violations and in enforcement of the Convention. Nothing
23 in this section affects or alters requirements under any
24 other laws.

1 **SEC. 303. EPA ENFORCEMENT.**

2 (a) INSPECTIONS, SUBPOENAS.—

3 (1) IN GENERAL.—For purposes of enforcing
4 this Act or any regulation prescribed under this Act,
5 officers or employees of the Environmental Protec-
6 tion Agency or of any State designated by the Ad-
7 ministrator may enter at reasonable times any loca-
8 tion where there is being held or may be held
9 organotin or any other substance or antifouling sys-
10 tem regulated under the Convention, for the purpose
11 of inspecting and obtaining samples of any con-
12 tainers or labeling for organotin or other substance
13 or system regulated under the Convention.

14 (2) SUBPOENAS.—In any investigation under
15 this section the Administrator may issue subpoenas
16 to require the attendance of any witness and the
17 production of documents and other evidence. In case
18 of refusal to obey such a subpoena, the Adminis-
19 trator may request the Attorney General to compel
20 compliance.

21 (b) STOP MANUFACTURE, SALE, USE, OR REMOVAL
22 ORDERS.—Consistent with section 104, whenever any
23 organotin or other substance or system regulated under
24 the Convention is found by the Administrator and there
25 is reason to believe that a manufacturer, seller, dis-
26 tributor, or user has violated or is in violation of any provi-

1 sion of this Act, or that such organotin or other substance
 2 or system regulated under the Convention has been or is
 3 intended to be manufactured, distributed, sold, or used in
 4 violation of this Act, the Administrator may issue a stop
 5 manufacture, sale, use, or removal order to any person
 6 that owns, controls, or has custody of such organotin or
 7 other substance or system regulated under the Convention.
 8 After receipt of that order the person may not manufac-
 9 ture, sell, distribute, use, or remove the organotin or other
 10 substance or system regulated under the Convention de-
 11 scribed in the order except in accordance with the order.

12 **SEC. 304. ADDITIONAL AUTHORITY OF THE ADMINIS-**
 13 **TRATOR.**

14 The Administrator, in consultation with the Sec-
 15 retary, may establish, as necessary, terms and conditions
 16 regarding the removal and disposal of antifouling systems
 17 prohibited or restricted under this Act.

18 **TITLE IV—ACTION ON VIOLA-**
 19 **TION, PENALTIES, AND RE-**
 20 **FERRALS**

21 **SEC. 401. CRIMINAL ENFORCEMENT.**

22 Any person who knowingly violates paragraph (2),
 23 (3), (4), or (5) of section 301(a) or section 301(b) shall
 24 be fined under title 18, United States Code, or imprisoned
 25 not more than 6 years, or both.

1 **SEC. 402. CIVIL ENFORCEMENT.**

2 (a) CIVIL PENALTY.—

3 (1) IN GENERAL.—Any person who is found by
4 the Secretary or the Administrator, as appropriate,
5 after notice and an opportunity for a hearing, to
6 have—

7 (A) violated the Convention, this Act, or
8 any regulation prescribed under this Act is lia-
9 ble to the United States Government for a civil
10 penalty of not more than \$37,500 for each vio-
11 lation; or

12 (B) made a false, fictitious, or fraudulent
13 statement or representation in any matter in
14 which a statement or representation is required
15 to be made to the Secretary under the Conven-
16 tion, this Act, or any regulations prescribed
17 under this Act, is liable to the United States for
18 a civil penalty of not more than \$50,000 for
19 each such statement or representation.

20 (2) RELATIONSHIP TO OTHER LAW.—This sub-
21 section shall not limit or affect the authority of the
22 Government under section 1001 of title 18, United
23 States Code.

24 (b) ASSESSMENT OF PENALTY.—The amount of the
25 civil penalty shall be assessed by the Secretary or Adminis-
26 trator, as appropriate, by written notice.

1 (c) LIMITATION FOR RECREATIONAL VESSEL.—A
2 civil penalty imposed under subsection (a) against the
3 owner or operator of a recreational vessel, as that term
4 is defined in section 2101 of title 46, United States Code,
5 for a violation of the Convention, this Act, or any regula-
6 tion prescribed under this Act involving that recreational
7 vessel, may not exceed \$5,000 for each violation.

8 (d) DETERMINATION OF PENALTY.—For purposes of
9 penalties under this section, each day of a continuing vio-
10 lation constitutes a separate violation. In determining the
11 amount of the penalty, the Secretary or Administrator
12 shall take into account the nature, circumstances, extent,
13 and gravity of the prohibited acts committed and, with re-
14 spect to the violator, the degree of culpability, any history
15 of prior offenses, the economic impact of the penalty on
16 the violator, the economic benefit to the violator and other
17 matters as justice may require.

18 (e) REWARD.—An amount equal to not more than
19 one-half of any civil penalty assessed by the Secretary or
20 Administrator under this section may, subject to the avail-
21 ability of appropriations, be paid by the Secretary or Ad-
22 ministrator, respectively, to any person who provided in-
23 formation that led to the assessment or imposition of the
24 penalty.

1 (f) REFERRAL TO ATTORNEY GENERAL.—If any per-
2 son fails to pay a civil penalty assessed under this section
3 after it has become final, or comply with an order issued
4 under this Act, the Secretary or Administrator, as appro-
5 priate, may refer the matter to the Attorney General of
6 the United States for collection in any appropriate district
7 court of the United States.

8 (g) COMPROMISE, MODIFICATION, OR REMISSION.—
9 Before referring any civil penalty that is subject to assess-
10 ment or has been assessed under this section to the Attor-
11 ney General, the Secretary, or Administrator, as appro-
12 priate, may compromise, modify, or remit, with or without
13 conditions, the civil penalty.

14 (h) NONPAYMENT PENALTY.—Any person who fails
15 to pay on a timely basis a civil penalty assessed under
16 this section shall also be liable to the United States for
17 interest on the penalty at an annual rate equal to 11 per-
18 cent compounded quarterly, attorney fees and costs for
19 collection proceedings, and a quarterly nonpayment pen-
20 alty for each quarter during which such failure to pay per-
21 sists. That nonpayment penalty shall be in an amount
22 equal to 20 percent of the aggregate amount of that per-
23 son's penalties and nonpayment penalties that are unpaid
24 as of the beginning of that quarter.

1 **SEC. 403. LIABILITY IN REM.**

2 A vessel operated in violation of the Convention, this
3 Act, or any regulation prescribed under this Act, is liable
4 in rem for any fine imposed under section 18, United
5 States Code, or civil penalty assessed pursuant to section
6 402, and may be proceeded against in the United States
7 district court of any district in which the vessel may be
8 found.

9 **SEC. 404. VESSEL CLEARANCE OR PERMITS; REFUSAL OR**
10 **REVOCATION; BOND OR OTHER SURETY.**

11 If any vessel that is subject to the Convention or this
12 Act, or its owner, operator, or person in charge, is liable
13 for a fine or civil penalty under section 402 or 403, or
14 if reasonable cause exists to believe that the vessel, its
15 owner, operator, or person in charge may be subject to
16 a fine or civil penalty under section 402 or 403, the Sec-
17 retary may refuse or revoke the clearance required by sec-
18 tion 60105 of title 46, United States Code. Clearance may
19 be granted upon the filing of a bond or other surety satis-
20 faction to the Secretary.

21 **SEC. 405. WARNINGS, DETENTIONS, DISMISSALS, EXCLU-**
22 **SION.**

23 (a) IN GENERAL.—If a vessel is detected to be in vio-
24 lation of the Convention, this Act, or any regulation pre-
25 scribed under this Act, the Secretary may warn, detain,

1 dismiss, or exclude the vessel from any port or offshore
2 terminal under the jurisdiction of the United States.

3 (b) NOTIFICATIONS.—If action is taken under sub-
4 section (a), the Secretary, in consultation with the Sec-
5 retary of State, shall make the notifications required by
6 the Convention.

7 **SEC. 406. REFERRALS FOR APPROPRIATE ACTION BY FOR-**
8 **EIGN COUNTRY.**

9 Notwithstanding sections 401, 402, 403, and 405, if
10 a violation of the Convention is committed by a vessel reg-
11 istered in or of the nationality of a country that is a party
12 to the Convention, or by a vessel operated under the au-
13 thority of a country that is a party to the Convention,
14 the Secretary, acting in coordination with the Secretary
15 of State, may refer the matter to the government of the
16 country of the vessel's registry or nationality, or under
17 whose authority the vessel is operating, for appropriate ac-
18 tion, rather than taking the actions otherwise required or
19 authorized by this title.

20 **SEC. 407. REMEDIES NOT AFFECTED.**

21 (a) IN GENERAL.—Nothing in this Act limits, denies,
22 amends, modifies, or repeals any other remedy available
23 to the United States.

24 (b) RELATIONSHIP TO STATE AND LOCAL LAW.—
25 Nothing in this Act limits, denies, amends, modifies, or

1 repeals any rights under existing law, of any State, terri-
2 tory, or possession of the United States, or any political
3 subdivision thereof, to regulate any antifouling system.
4 Compliance with the requirements of a State, territory, or
5 possession of the United States, or political subdivision
6 thereof related to antifouling paint or any other
7 antifouling system does not relieve any person of the obli-
8 gation to comply with this Act.

9 **SEC. 408. REPEAL.**

10 The Organotin Antifouling Paint Control Act of 1988
11 (33 U.S.C. 2401 et seq.) is repealed.

Passed the House of Representatives November 17,
2009.

Attest:

LORRAINE C. MILLER,

Clerk.