

greedily generating more profit before new regulations go into effect. We've all seen it. These practices include rising minimum payment amounts and interest rates, decreasing limits and closing accounts without proper notification. For these reasons and many more, consumer protection must be the cornerstone of financial reform. Further, we must restore accountability and transparency of financial institutions and eliminate risks that contributed to the financial collapse.

I look forward to voting on legislation which will address these past failures, strengthen regulation and oversight and put our country back on a path to economic stability.

HOW QUICKLY WE FORGET

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, how quickly we forget. Last year at this time the Nation faced the worst financial crisis in decades, shedding over 600,000 jobs a month. We knew that unemployment was going to get worse before it got better. This is little consolation to the millions of Americans who are currently unemployed, facing foreclosure, or forced to take multiple low-paying jobs to make ends meet.

Earlier this year, we took unprecedented action by passing the American Recovery and Reinvestment Act. The impact of this legislation is growing more evident each day across this country, but it's not enough, especially if you don't have a job.

It's time for us to focus on creating jobs that enable Americans to take care of themselves and their families. We must engage in long-term job creation, continuing the Recovery Act to rebuild our roads, bridges, water, sewer, and energy infrastructure to compete in a global economy. We must open credit markets to enable the real job creators, small businesses, to grow and hire.

Mr. Speaker, as millions of Americans continue to suffer, I ask us to get busy creating jobs and move quickly to pass a bill that will create hundreds of thousands of new jobs and make critical investments in our infrastructure.

HEALTH CARE REFORM

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, there are a lot of special interests out there that are making noise about what the House health care bill means for seniors. But seniors that I met with yesterday in Meriden, Connecticut, they're not falling for the scare tactics. That's because for years they've been dealing with the rising cost of health insurance, and they're the ones that have been paying for the

prescription drug doughnut hole that was created by the Republicans and their drug industry allies. The seniors that I talked to yesterday, they support the health care reform bill because it lowers their out-of-pocket expenses in Medicare. It eliminates the doughnut hole, and it extends the life of Medicare to make sure that it will be around for their kids and their grandkids.

And that's why AARP supports the bill as well, with polling showing that their members also support health care reform by a 2-1 margin. Mr. Speaker, seniors out there support health care reform because they, better than anybody, know what the status quo is, and they don't like it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CLEAN HULL ACT OF 2009

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3618) to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Hull Act of 2009".

TITLE I—GENERAL PROVISIONS

SEC. 101. DEFINITIONS.

In this Act:

(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, United States Code, 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 3(b)(2); 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, United States Code, 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, reapplication, installation, or any other employment of an antifouling system.

SEC. 102. 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 Act:

(1) A vessel documented under chapter 121 of title 46, United States Code, 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 Act:

(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 Act 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.—Paragraph (1) shall not apply to combat-related vessels.

SEC. 104. ADMINISTRATION AND ENFORCEMENT.

(a) IN GENERAL.—Unless otherwise specified in this Act, with respect to a vessel, the Secretary shall administer and enforce the Convention and this Act.

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

(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 Act.

SEC. 105. COMPLIANCE WITH INTERNATIONAL LAW.

Any action taken under this Act shall be taken in accordance with treaties to which the United States is a party and other international obligations of the United States.

SEC. 106. 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 Act, or any regulations prescribed under this Act.

TITLE II—IMPLEMENTATION OF THE CONVENTION

SEC. 201. 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 Act through other appropriate documentation considered acceptable by the Secretary.

SEC. 202. 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 complies with the Convention. The Secretary may prescribe the form and other requirements of the declaration.

SEC. 203. OTHER COMPLIANCE DOCUMENTATION.

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

SEC. 204. PROCESS FOR CONSIDERING ADDITIONAL CONTROLS.

(a) ACTIONS BY ADMINISTRATOR.—The Administrator may—

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

(2) evaluate any risks of adverse effects on nontarget organisms or human health presented by a given antifouling system such that the amendment of annex 1 of the Convention may be warranted;

(3) undertake an assessment of relevant environmental, technical, and economic considerations necessary to evaluate any proposals for new or additional controls of antifouling systems under the Convention, including benefits in the United States and elsewhere associated with the production and use in the United States and elsewhere, of the subject antifouling system; and

(4) develop recommendations based on that assessment.

(b) REFERRALS TO TECHNICAL GROUP.—

(1) CONVENING OF SHIPPING COORDINATING COMMITTEE.—On referral of any antifouling system to the technical group described in article 7 of the Convention for consideration of new or additional controls, the Secretary of State shall convene a public meeting of the Shipping Coordinating Committee for the purpose of receiving information and comments regarding controls on such antifouling system. The Secretary of State shall publish advance notice of such meeting in the Federal Register and on the State Department's Web site. The Administrator shall assemble and maintain a public docket containing notices pertaining to that meeting, any comments responding to those notices, the minutes of that meeting, and materials presented at that meeting.

(2) REPORT BY TECHNICAL GROUP.—The Administrator shall promptly make any report by the technical group described in the Convention available to the public through the docket established pursuant to subsection (b) and announce the availability of that report in the Federal Register. The Administrator shall provide an opportunity for public comment on the report for a period of not less than 30 days from the time the availability of the report is announced in the Federal Register.

(3) CONSIDERATION OF COMMENTS.—To the extent practicable, the Administrator shall take any comments into consideration in developing recommendations under subsection (a).

SEC. 205. SCIENTIFIC AND TECHNICAL RESEARCH AND MONITORING; COMMUNICATION AND INFORMATION.

The Secretary, the Administrator, and the Administrator of the National Oceanic and Atmospheric Administration may each undertake scientific and technical research and

monitoring pursuant to article 8 of the Convention and to promote the availability of relevant information concerning—

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

(2) marine scientific and technological programs and their objectives; and

(3) the effects observed from any monitoring and assessment programs relating to antifouling systems.

SEC. 206. COMMUNICATION AND EXCHANGE OF INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), with respect to those antifouling systems regulated by the Administrator, the Administrator shall provide to any party to the Convention that requests it, relevant information on which the decision to regulate was based, including information provided for in annex 3 to the Convention, or other information suitable for making an appropriate evaluation of the antifouling system.

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

TITLE III—PROHIBITIONS AND ENFORCEMENT AUTHORITY

SEC. 301. PROHIBITIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any person—

(1) to act in violation of this Act, or any regulation prescribed under this Act;

(2) to sell or distribute in domestic or international commerce organotin or an antifouling system containing organotin;

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

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

(5) after the Convention enters into force for the United States, to apply or otherwise use in a manner inconsistent with the Convention, an antifouling system on any vessel that is subject to this Act.

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

(c) LIMITATIONS.—

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

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

(A) the sale, distribution, or use pursuant to any agreement between the Administrator and any person that results in an earlier prohibition or cancellation date than specified in this Act; or

(B) the manufacture, processing, formulation, sale, distribution, or use of organotin or antifouling systems containing organotin used or intended for use only for sonar domes or in conductivity sensors in oceanographic instruments.

SEC. 302. INVESTIGATIONS AND INSPECTIONS BY SECRETARY.

(a) IN GENERAL.—The Secretary may conduct investigations and inspections regarding a vessel's compliance with this Act or the Convention.

(b) VIOLATIONS; SUBPOENAS.—In any investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents and other evidence. In case of refusal

to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

(c) **FURTHER ACTION.**—On completion of an investigation, the Secretary may take whatever further action the Secretary considers appropriate under the Convention or this Act.

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

SEC. 303. EPA ENFORCEMENT.

(a) **INSPECTIONS, SUBPOENAS.**—

(1) **IN GENERAL.**—For purposes of enforcing this Act or any regulation prescribed under this Act, officers or employees of the Environmental Protection Agency or of any State designated by the Administrator may enter at reasonable times any location where there is being held or may be held organotin or any other substance or antifouling system regulated under the Convention, for the purpose of inspecting and obtaining samples of any containers or labeling for organotin or other substance or system regulated under the Convention.

(2) **SUBPOENAS.**—In any investigation under this section the Administrator may issue subpoenas to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey such a subpoena, the Administrator may request the Attorney General to compel compliance.

(b) **STOP MANUFACTURE, SALE, USE, OR REMOVAL ORDERS.**—Consistent with section 104, whenever any organotin or other substance or system regulated under the Convention is found by the Administrator and there is reason to believe that a manufacturer, seller, distributor, or user has violated or is in violation of any provision of this Act, or that such organotin or other substance or system regulated under the Convention has been or is intended to be manufactured, distributed, sold, or used in violation of this Act, the Administrator may issue a stop manufacture, sale, use, or removal order to any person that owns, controls, or has custody of such organotin or other substance or system regulated under the Convention. After receipt of that order the person may not manufacture, sell, distribute, use, or remove the organotin or other substance or system regulated under the Convention described in the order except in accordance with the order.

SEC. 304. ADDITIONAL AUTHORITY OF THE ADMINISTRATOR.

The Administrator, in consultation with the Secretary, may establish, as necessary, terms and conditions regarding the removal and disposal of antifouling systems prohibited or restricted under this Act.

TITLE IV—ACTION ON VIOLATION, PENALTIES, AND REFERRALS

SEC. 401. CRIMINAL ENFORCEMENT.

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

SEC. 402. CIVIL ENFORCEMENT.

(a) **CIVIL PENALTY.**—

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

(A) violated the Convention, this Act, or any regulation prescribed under this Act is liable to the United States Government for a civil penalty of not more than \$37,500 for each violation; or

(B) made a false, fictitious, or fraudulent statement or representation in any matter in which a statement or representation is required to be made to the Secretary under the Convention, this Act, or any regulations prescribed under this Act, is liable to the United States for a civil penalty of not more than \$50,000 for each such statement or representation.

(2) **RELATIONSHIP TO OTHER LAW.**—This subsection shall not limit or affect the authority of the Government under section 1001 of title 18, United States Code.

(b) **ASSESSMENT OF PENALTY.**—The amount of the civil penalty shall be assessed by the Secretary or Administrator, as appropriate, by written notice.

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

(d) **DETERMINATION OF PENALTY.**—For purposes of penalties under this section, each day of a continuing violation constitutes a separate violation. In determining the amount of the penalty, the Secretary or Administrator shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, the economic impact of the penalty on the violator, the economic benefit to the violator and other matters as justice may require.

(e) **REWARD.**—An amount equal to not more than one-half of any civil penalty assessed by the Secretary or Administrator under this section may, subject to the availability of appropriations, be paid by 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 Act, 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.

SEC. 403. LIABILITY IN REM.

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

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

If any vessel that is subject to the Convention or this Act, or its owner, operator, or person in charge, is liable for a fine or civil penalty under section 402 or 403, 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 402 or 403, the Secretary may refuse or revoke the clearance required by section 60105 of title 46, United States Code. Clearance may be granted upon the filing of a bond or other surety satisfaction to the Secretary.

SEC. 405. WARNINGS, DETENTIONS, DISMISSALS, EXCLUSION.

(a) **IN GENERAL.**—If a vessel is detected to be in violation of the Convention, this Act, or any regulation prescribed under this Act, 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.

SEC. 406. REFERRALS FOR APPROPRIATE ACTION BY FOREIGN COUNTRY.

Notwithstanding sections 401, 402, 403, and 405, 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 title.

SEC. 407. REMEDIES NOT AFFECTED.

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

(b) **RELATIONSHIP TO STATE AND LOCAL LAW.**—Nothing in this Act 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 Act.

SEC. 408. REPEAL.

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

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3618.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of the Clean Hull Act of 2009, H.R. 3618, as amended, which would institute the legal changes needed to bring the United States into full compliance with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships. I commend the chairman of the full Committee on Transportation and Infrastructure, Congressman OBERSTAR, for his hard work on this legislation, and for his tireless commitment to ensuring that we do all that we can to minimize the impact of our transportation systems on our environment. I also commend the ranking member of the full committee, Mr. MICA, and the ranking member of the Coast Guard Subcommittee, Congressman LOBIONDO, for their work on this legislation.

On June 10, I convened the subcommittee to examine the impact on the marine environment of the use of coatings on the hulls of ships containing the compound tributyltin, better known as TBT. Such coatings are applied to prevent hull fouling. In the maritime world, the term "fouling" is defined as the unwanted growth of biological material, such as barnacles and algae, on a surface immersed in water. Because such material can slow a ship's movement through the water and can be transferred from one body of water to another, ship owners and operators have attempted throughout the history of maritime transportation to eliminate the accumulation of such materials through a variety of methods.

In the 1960s and 70s, hull coatings were developed that had as their main ingredient the compound TBT. At that time, TBT was hailed as the best anti-fouling agent ever developed. Unfortunately, as so often happened in that period, a product that showed promise was rushed to market before the full range of its impacts on the environment was understood. Over the years, it has become clear that TBT is highly toxic to marine life, including crustaceans, fish and even marine mammals. TBT has caused alterations in oyster shells, and has caused female dog whelks, a type of snail, to begin developing male sexual characteristics. There's even some evidence that TBT is bio-accumulative, meaning that larger animals can ingest it as they consume smaller animals on the food chain. Thus, the IMO reports that traces of TBT contamination have now been found even in whales.

I note that the use of TBT is already strictly regulated by U.S. law, specifically, under the Organotin Anti-Fouling Paint Control Act of 1998. Under this Act, the sale and most applications of TBT coatings are already prohibited in the United States. However, the best way of controlling the use of

TBT is by the U.S. accession to the International Convention on the Control of Harmful Anti-Fouling Systems on Ships. The Convention was adopted by the International Maritime Organization in October of 2001 to ban the use of hull coatings that contain TBT. The Convention came into force internationally on September 17, 2008. The United States Senate gave its consent to the Convention just a few days later, in September of 2008.

H.R. 3618 would finally implement in the United States the laws that will bring our Nation into full compliance with the Convention, thus completing our ratification of the Convention. By enacting H.R. 3618, the United States can prohibit ships with TBT coatings from entering U.S. waters unless the ships have overcoatings that prevent TBT from leaching from one underlying anti-fouling system.

I also note that in order to prevent a compound like TBT from ever again entering the environment through an anti-fouling coating, the International Convention on the Control of Harmful Anti-Fouling Systems on Ships also established a system under which new anti-fouling coatings can be tested to assess the effects on the marine environment. Coatings can be added to the list of prohibited anti-fouling systems under the Convention if they are found to be harmful. H.R. 3618 authorizes the Environmental Protection Agency to participate in international technical bodies convened to assess the safety of new anti-fouling systems.

I strongly believe that it is time for us to fully implement the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, and I urge the adoption of H.R. 3618 by the House today.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, November 12, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 3618, the "Clean Hull Act of 2009."

H.R. 3618 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 3618 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 3618 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,
BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, November 12, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 3618, the "Clean Hull Act of 2009".

I agree that provisions in H.R. 3618 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 3618.

This exchange of letters will be inserted in the Committee Report on H.R. 3618 and in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,
JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, September 28, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 3618, the Clean Hull Act of 2009. This legislation was initially referred to both the Committee on Transportation and Infrastructure and the Committee on Science and Technology.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 3618, or any similar legislation.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this, or any similar legislation. I also ask that a copy of this letter and your response be placed in the legislative report on H.R. 3618 and the CONGRESSIONAL RECORD during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,
BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 29, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 3618, the "Clean Hull Act of 2009".

I appreciate your willingness to waive rights to further consideration of H.R. 3618,

notwithstanding the jurisdictional interest of the Committee on Science and Technology. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Further, I will support your request to be represented in a House-Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 3618.

This exchange of letters will be placed in the Committee Report on H.R. 3618 and inserted in the CONGRESSIONAL RECORD as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I'd like to start off by saying that I strongly support H.R. 3618, the Clean Hull Act of 2009. I want to thank Mr. CUMMINGS and Mr. OBERSTAR for their help and cooperation in putting this bill together. The Committee on Transportation and Infrastructure first considered the topics addressed by this bill in June, and I'm very pleased to see that we're considering legislation to implement these international rules so quickly.

The bill would adopt the requirements of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships for purposes of U.S. law. Under the bill, use of toxic tin-based anti-fouling paints would be prohibited. These compounds have had a very negative significant impact on marine environments when they are leached into the water column from vessels' hulls. The United States has already taken steps to prohibit the use of these compounds by prohibiting the manufacture or sale of such marine paints. The bill would complete the process by allowing the United States to join as a party to the Convention in preventing foreign vessels treated with tin-based paints from entering U.S. waters.

I appreciate the assistance that has been provided by the Coast Guard and the EPA during the process to craft this bill, and I urge all Members to support the bill.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I now yield 5 minutes to the distinguished chairman of the Transportation Committee, Congressman OBERSTAR of Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the Chair of the subcommittee, Mr. CUMMINGS, for his leadership on this issue, and Mr. LOBIONDO for his participation in the hearings that we've held and the markup in the crafting of this very important legislation. It's an issue that I've been dealing with for 35 years, since I've served in the House.

I started my service, of course, on the Public Works Committee, as it was called then, but also on the Merchant Marine and Fisheries Committee, which has jurisdiction over our waters and the water environment and the ocean environment. Many years ago I gave a talk to a maritime group and quoted the poet Coleridge, citing our ocean environment and the ocean itself as deep, dark, heaving, endless and mysterious.

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Deep it is. Deeper than perhaps the Himalaya chain.

Dark in its greatest depths, heaving in the worst of storms, mysterious, and we are beginning to unlock the mysteries of the ocean.

Endless it is not. Endless has given rise to the notion we can discharge whatever refuge we have of humanity into the ocean because it is endless. It is not. The drift nets that continue to kill with no social redeeming purpose; the trash of plastic that we discharge into the oceans and that gather in a swirl where Pacific Ocean currents meet and gather thousands of square miles of plastics that are ingested by whales, and one was found starving because it had ingested so much Styrofoam it couldn't process food. It is not endless. And neither are the chemicals that we discharge into it. They don't just fall harmlessly into the bottom and go out of sight. They enter into the food chain.

I learned in my earliest service on the Merchant Marine and Fisheries Committee and on the Merchant Marine Subcommittee the need to protect the hull and vessels from fouling, that our large, deep, draft merchant vessels can accumulate up to 6,000 tons of plants—yes, plants that will grow and the accumulation on the hulls—and creatures and shellfish and, of course, the well-known and oft-referenced barnacles. And that accumulation can slow down the vessel, can cause up to a 40-percent reduction in speed and 40-percent increase in fuel.

And science was enlisted to find a coating for hulls that would inhibit plant growth, and they found one: tributyltin. And like so many of these great discoveries, it has terrible side effects. It is causing shell deformation in oysters, neurotoxic and genetic effects in other marine species, and it's been found in the fatty tissue of whales and dolphins and sharks and other sea creatures. And it just goes on into the food chain. It is like PCB on land. We have to stop this.

There is happily an international convention on toxics in the marine environment, and we need to be a part of that. We need to be a leader, even though our merchant fleet has gone downhill. From the time I was elected and took office in 1975, we had 800 merchant vessels in the fleet. We were eighth in the world's fleets. That was dead last.

But at one time we had 25 million dead weight tons of shipping, we had

5,500 merchant vessels. We were number one in the world. Well, now the Cosco, the Chinese shipping company, is the number one, they have the greatest number of vessels. They have 25 million dead weight tons of merchant shipping.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I grant the gentleman an additional 3 minutes.

Mr. OBERSTAR. I thank the gentleman.

And the Maersk fleet of Denmark now carrying 13,000 containers on vessels a thousand feet in length, and other behemoths that ply the waters. And they are all accumulating these organisms and this tributyltin material being applied to the hulls. And it's all being sloughed off into the oceans.

So while we are, as a flag-carrier nation, small in the picture, our leadership is still huge. We have to take this step, this important step to prevent the continued pollution of the oceans and of their marine life within it so that some day we can return to Coleridge and find the ocean deep, dark, heaving, endless, and mysterious; and clean, inhabitable, useful for itself and for humanity.

Mr. Speaker, I rise today in strong support of H.R. 3618, the "Clean Hull Act of 2009". I thank the gentleman from Florida (Mr. MICA), the Ranking Member of the Committee on Transportation and Infrastructure, and Coast Guard and Maritime Transportation Subcommittee Chairman CUMMINGS and Ranking Member LOBIONDO for their bipartisan support of this much needed legislation.

Enacting H.R. 3618 will make the necessary changes in U.S. law to comply with the requirements of the International Convention on the Control of Harmful Antifouling Systems on Ships (Convention), which was adopted by the International Maritime Organization in October 2001 and entered into force on September 17, 2008.

Biological fouling is the unwanted accumulation of microorganisms, plants, and animals on structures that are exposed to the marine environment. Fouling can accelerate corrosion on a vessel's hull and on offshore and coastal marine structures. Antifouling is the process of removing or preventing the accumulation of biological fouling organisms.

In less than six months, a deep draft tank vessel's hull can accumulate up to 6,000 tons of fouling material if it is not treated with an antifouling application. Such fouling can cause significant economic and environmental impacts by increasing a vessel's fuel consumption by up to 40 percent. Biological fouling has also been a conduit for the transfer of invasive species into ecosystems.

Over the past 50 years, there have been a number of antifouling substances used to treat structures, but the most toxic to date has been tributyltin (TBT). Over time, TBT has been found in marine animals (including dolphins and whales) and in the waters of marinas, ports, harbors, open seas, and oceans. TBT has caused significant environmental and monetary impact by causing shell deformations in oysters, and neurotoxic and genetic effects in other marine species.

Since 2000, the Environmental Protection Agency has prohibited the sale or application

of paints containing TBT in the United States by enforcing the Organotin Anti-Fouling Paint Control Act of 1988 (OAPCA). In OAPCA, organotin-based antifouling paints are prohibited on some vessels less than 25 meters and the leaching rate of antifouling paints on larger vessels is limited.

H.R. 3618 will ban all vessels using antifouling paint containing TBT from entering the United States, further protecting our marine environment from this dangerous chemical. It also prohibits a person from selling or distributing organotin or an antifouling system containing organotin and from applying an antifouling system containing organotin on any ship to which H.R. 3618 applies.

H.R. 3618 will give the Coast Guard and Environmental Protection Agency the authority to ban foreign-flag ships from entering the United States if they have their hulls covered with paint containing TBT. The Convention will ultimately replace the OAPCA.

I urge my colleagues to join me in supporting H.R. 3618, the "Clean Hull Act of 2009".

Mr. LOBIONDO. Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to just comment and associate myself with the words of Chairman OBERSTAR and add to them that this is our watch, this is a time that we have responsibility for this environment and it is our duty to make it even better than what we found it. I want to thank the chairman for his words. They were very inspiring.

With that, I urge the Members to vote for H.R. 3618.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 3618, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DRIVE SAFER SUNDAY

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 841) expressing support for designation of November 29, 2009, as "Drive Safer Sunday".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 841

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas the National Highway Traffic Safety Administration (NHTSA) estimates that 37,313 people, or more than 100 drivers a day, were killed in motor vehicle traffic crashes in 2008;

Whereas the term "distracted driving" refers to anything that takes your eyes, hands,

or mind away from driving, including food and beverages, traffic accidents, adjusting the radio, children, pets, objects moving in the vehicle, talking or texting on a cell phone, smoking, putting on makeup, shaving, and reading;

Whereas the NHTSA researched driver distraction with respect to both behavioral and vehicle safety countermeasures in an effort to understand and mitigate crashes associated with distracted driving;

Whereas, on September 30, 2009, the Department of Transportation (DOT) Secretary Ray LaHood announced new research findings by the NHTSA that show nearly 6,000 people died in 2008 in crashes involving a distracted or inattentive driver, and more than half a million were injured;

Whereas distracted driving was reported to have been involved in 16 percent of all fatal crashes in 2008 according to data from the Fatality Analysis Reporting System (FARS);

Whereas the age group with the greatest proportion of distracted drivers was the under-20 age group, 16 percent of all under-20 drivers in fatal crashes were reported to have been distracted while driving;

Whereas an estimated 22 percent of injury crashes were reported to have involved distracted driving, according to data from the General Estimates System (GES);

Whereas crashes in which the critical reason for the crash was attributed to the driver, approximately 18 percent involved distraction, according to the National Motor Vehicle Crash Causation Survey (NMVCCS);

Whereas during the 100-Car Naturalistic Driving Study, driver involvement in secondary tasks contributed to over 22 percent of all crashes;

Whereas everyone traveling on the roads and highways needs to drive safer to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas driver behavior can be effectively changed through education and awareness; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year and would be appropriate to designate as "Drive Safer Sunday": Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's Band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safer; and

(E) all people of the United States to use this as an opportunity to educate themselves about the dangers of distracted driving and highway safety; and

(2) supports the designation of "Drive Safer Sunday".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from New Jersey (Mr. LOBIONDO) will each control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 841.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 841, a resolution that supports the designation of November 29, 2009, as Drive Safer Sunday, and encourages the greater education and awareness of the growing dangers caused by distracted driving on the Nation's roadways. I thank the gentleman from Pennsylvania (Mr. GERLACH) for introducing this resolution ahead of the Thanksgiving holiday as part of a growing effort to combat this dangerous trend.

Improving roadway safety is a top priority of our national transportation policy. Through the coordinated efforts of the Congress, the Department of Transportation, States, local governments, and community leaders, we can—and we must—take steps to reduce the alarming numbers of fatalities on the Nation's roadways each year.

On average over the past 5 years, over 41,500 people annually have lost their lives in vehicle crashes resulting in yearly costs of \$289 billion to the United States economy. Despite these startling statistics, the public has in many ways come to accept traffic fatalities as unavoidable.

Recently, a number of high-profile accidents have brought public scrutiny on the dangers of distracted driving, particularly texting while driving. This attention has led to a growing consensus that tasks that require drivers to divert attention from the road—such as dialing a cell phone or sending text messages—undermine driver performance and must be combated.

According to the National Highway Traffic Safety Administration, in 2008, 5,870 people lost their lives and an estimated 515,000 people were injured in police-reported crashes in which at least one form of driver distraction was cited on the crash report. Driver distraction was reported to have been involved in 16 percent of all fatal crashes in 2008, increasing from 12 percent in 2004.

Addressing this troubling number of fatalities on our roadways will require a comprehensive approach to highway safety. That is why it is important during periods of above-average risk that we do everything in our power to inform the driving public about the importance of driving safety, remaining focused on the primary task at hand of operating a vehicle, and avoiding the many distractions that have caused so many unnecessary accidents.

This resolution brings much-needed awareness to the threats posed by roadway fatalities, particularly around the