

104TH CONGRESS
2D SESSION

H. R. 4010

To provide for the removal of abandoned vessels.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Mr. STARK introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for the removal of abandoned vessels.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Abandoned and Dere-
5 lict Vessel Removal Act of 1995”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

8 (1) ABANDON.—The term “abandon” means to
9 moor, strand, wreck, sink, or leave a vessel unat-
10 tended for longer than 45 days.

11 (2) NAVIGABLE WATERS OF THE UNITED
12 STATES.—The term “navigable waters of the United

1 States” means waters of the United States, includ-
2 ing the territorial sea.

3 (3) REMOVAL; REMOVE.—The term “removal”
4 or “remove” means relocation, sale, scrapping, or
5 other method of disposal.

6 (4) SECRETARY.—The term “Secretary” means
7 the Secretary of the Army.

8 (5) VESSEL.—the term “vessel” includes rec-
9 reational, commercial, and government-owned vessels
10 but does not include vessels operated by the Coast
11 Guard or the Navy.

12 (6) VESSEL REMOVAL CONTRACTOR.—The term
13 “vessel removal contractor” means a person that en-
14 ters into a contract with the United States to re-
15 move an abandoned vessel under this Act.

16 **SEC. 3. ABANDONMENT OF VESSEL PROHIBITED.**

17 An owner or operator of a vessel may not abandon
18 it on the navigable waters of the United States. A vessel
19 is deemed not to be abandoned if—

20 (1) it is located at a federally or State-approved
21 mooring area;

22 (2) it is on private property with the permission
23 of the owner of the property; or

1 (3) the owner or operator notifies the Secretary
2 that the vessel is not abandoned and the location of
3 the vessel.

4 **SEC. 4. PENALTY FOR UNLAWFUL ABANDONMENT OF VES-**
5 **SEL.**

6 Thirty days after the notification procedures under
7 section 5(a)(1) are completed, the Secretary may assess
8 a civil penalty of not more than \$500 for each day of the
9 violation against an owner or operator that violates section
10 3. A vessel with respect to which a penalty is assessed
11 under this Act is liable in rem for the penalty.

12 **SEC. 5. REMOVAL OF ABANDONED VESSELS.**

13 (a) PROCEDURES.—

14 (1) IN GENERAL.—The Secretary, in coopera-
15 tion with the Commandant of the Coast Guard, may
16 remove a vessel that is abandoned if—

17 (A) an elected official of a local govern-
18 ment has notified the Secretary of the vessel
19 and requested that the Secretary remove the
20 vessel; and

21 (B) the Secretary has provided notice to
22 the owner or operator—

23 (i) that if the vessel is not removed it
24 will be removed at the owner or operator's
25 expense; and

1 (ii) of the penalty under section 4.

2 (2) FORM OF NOTICE.—The notice to be pro-
3 vided to an owner or operator under paragraph
4 (1)(B) shall be—

5 (A) if the identity of the owner or operator
6 can be determined, via certified mail; and

7 (B) if the identity of the owner or operator
8 cannot be determined, via an announcement in
9 a notice to mariners and in an official journal
10 of the county (or other equivalent political sub-
11 division) in which the vessel is located.

12 (3) LIMITATION ON LIABILITY OF UNITED
13 STATES.—The United States, and any officer or em-
14 ployee of the United States is not liable to an owner
15 or operator for damages resulting from removal of
16 an abandoned vessel under this Act.

17 (b) LIABILITY OF OWNER OR OPERATOR.—The
18 owner or operator of an abandoned vessel is liable, and
19 an abandoned vessel is liable in rem, for all expenses that
20 the United States incurs in removing the abandoned vessel
21 under this Act.

22 (c) CONTRACTING OUT.—

23 (1) SOLICITATION OF BIDS.—The Secretary
24 may, after providing notice under subsection (a)(1),

1 solicit by public advertisement sealed bids for the re-
2 moval of an abandoned vessel.

3 (2) CONTRACT.—After solicitation under para-
4 graph (1) the Secretary may award a contract. The
5 contract—

6 (A) may be subject to the condition that
7 the vessel and all property on the vessel is the
8 property of the vessel removal contractor; and

9 (B) must require the vessel removal con-
10 tractor to submit to the Secretary a plan for
11 the removal.

12 (3) COMMENCEMENT DATE FOR REMOVAL.—
13 Removal of an abandoned vessel may begin 30 days
14 after the Secretary completes the procedures under
15 subsection (a)(1).

16 **SEC. 6. LIABILITY OF VESSEL REMOVAL CONTRACTORS.**

17 A vessel removal contractor and its subcontractor are
18 not liable for damages that result from actions taken or
19 omitted to be taken in the course of removing a vessel
20 under this Act. This section does not apply—

21 (1) with respect to personal injury or wrongful
22 death; or

23 (2) if the contractor or subcontractor is grossly
24 negligent or engages in willful misconduct.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act such sums as may be necessary for fiscal years
4 beginning after September 30, 1996. Such funds shall re-
5 main available until expended.

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