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**§ 1220. State applications for obsolete ships for use as offshore reefs**

**(a) Conservation of marine life**

Any State may apply to the Secretary of Transportation (hereafter referred to in this chapter as the “Secretary”) for obsolete ships which, but for the operation of this chapter, would be designated by the Secretary for scrapping if the State intends to sink such ships for use as an offshore artificial reef for the conservation of marine life.

**(b) Manner and form of applications; minimum requirements**

A State shall apply for obsolete ships under this chapter in such manner and form as the Secretary shall prescribe, but such application shall include at least (1) the location at which the State proposes to sink the ships, (2) a certificate from the Administrator, Environmental Protection Agency, that the proposed use of the particular vessel or vessels requested by the State will be compatible with water quality standards and other appropriate environmental protection requirements, and (3) statements and estimates with respect to the conservation goals which are sought to be achieved by use of the ships.

**(c) Copies to Federal officers for official comments and views**

Before taking any action with respect to an application submitted under this chapter, the Secretary shall provide copies of the application to the Secretary of the Interior, the Secretary of Defense, and any other appropriate Federal officer, and shall consider comments and views of such officers with respect to the application.

**(d) United States territory, possession, or Commonwealth; foreign country**

Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107-314 (16 U.S.C. 1220 note).

(Pub. L. 92-402, §3, Aug. 22, 1972, 86 Stat. 618; Pub. L. 98-623, title II, §207(1), (2), Nov. 8, 1984, 98 Stat. 3397; Pub. L. 111-84, div. C, title XXXV, §3513(a), Oct. 28, 2009, 123 Stat. 2724.)

AMENDMENTS

2009—Subsec. (d). Pub. L. 111-84 added subsec. (d).  
 1984—Subsecs. (a), (b). Pub. L. 98-623, §207, substituted “Secretary of Transportation” for “Secretary of Commerce” and “obsolete ships” for “Liberty ships”, wherever appearing.

ENVIRONMENTAL BEST MANAGEMENT PRACTICES FOR PREPARING VESSELS FOR USE AS ARTIFICIAL REEFS

Pub. L. 107-314, div. C, title XXXV, §3504(b), Dec. 2, 2002, 116 Stat. 2754, as amended by Pub. L. 108-136, div. C, title XXXV, §3516, Nov. 24, 2003, 117 Stat. 1795, provided that:

“(1) Not later than March 31, 2004, the Secretary of Transportation, acting through the Maritime Administration, and the Administrator of the Environmental Protection Agency shall jointly develop guidance recommending environmental best management practices to be used in the preparation of vessels for use as artificial reefs.

“(2) The guidance recommending environmental best management practices under paragraph (1) shall be developed in consultation with the heads of other Federal agencies, and State agencies, having an interest in the use of vessels as artificial reefs.

“(3) The environmental best management practices under paragraph (1) shall—

“(A) include recommended practices for the preparation of vessels for use as artificial reefs to ensure that vessels so prepared will be environmentally sound in their use as artificial reefs;

“(B) promote consistent use of such practices nationwide;

“(C) provide a basis for estimating the costs associated with the preparation of vessels for use as artificial reefs; and

“(D) include mechanisms to enhance the utility of the Artificial Reefing Program of the Maritime Administration as an option for the disposal of obsolete vessels.

“(4) The environmental best management practices developed under paragraph (1) shall serve as national guidance for Federal agencies for the preparation of vessels for use as artificial reefs.

“(5) Not later than March 31, 2004, the Secretary of Transportation, acting through the Maritime Administration, and the Administrator of the Environmental Protection Agency shall jointly establish an application process for governments of States, commonwealths, and United States territories and possession, and foreign governments, for the preparation of vessels for use as artificial reefs, including documentation and certification requirements for that application process.

“(6) The Secretary of Transportation shall submit to Congress a report on the environmental best management practices developed under paragraph (1) through the existing ship disposal reporting requirements in section 3502 of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 1654A-492 [1654A-490]) [54 U.S.C. 308704 note]. The report shall describe such practices, and may include such other matters as the Secretary considers appropriate.”

**§ 1220a. Transfer of title; terms and conditions**

If, after consideration of such comments and views as are received pursuant to section 1220(c) of this title, the Secretary finds that the use of obsolete ships proposed by a State will not violate any Federal law, contribute to degradation of the marine environment, create undue interference with commercial fishing or navigation, and is not frivolous, he may transfer without consideration to the State all right, title, and interest of the United States in and to any obsolete ships which are available for transfer under this chapter if—

(1) the State gives to the Secretary such assurances as he deems necessary that such ships will be utilized and maintained only for the purposes stated in the application and, when sunk, will be charted and marked as a hazard to navigation;