

§901(g), July 11, 2006, 120 Stat. 564; Pub. L. 111-281, title VI, §604(c)(1)-(3), Oct. 15, 2010, 124 Stat. 2964, 2965, established the Commercial Fishing Safety Advisory Committee. See section 15102 of this title.

CHAPTER 47—ABANDONMENT OF BARGES

Sec.

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§ 4701. Definitions

In this chapter—

(1) “abandon” means to moor, strand, wreck, sink, or leave a barge of more than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title unattended for longer than forty-five days.

(2) “barge removal contractor” means a person that enters into a contract with the United States to remove an abandoned barge under this chapter.

(3) “navigable waters of the United States” means waters of the United States, including the territorial sea.

(4) “removal” or “remove” means relocation, sale, scrapping, or other method of disposal.

(Added Pub. L. 102-587, title V, §5302, Nov. 4, 1992, 106 Stat. 5081; amended Pub. L. 104-324, title VII, §718, Oct. 19, 1996, 110 Stat. 3937.)

Editorial Notes

AMENDMENTS

1996—Par. (1). Pub. L. 104-324 inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “100 gross tons”.

Statutory Notes and Related Subsidiaries

APPLICATION TO CERTAIN BARGES

Pub. L. 102-587, title V, §5303, Nov. 4, 1992, 106 Stat. 5083, provided that: “Chapter 47 of title 46, United States Code, as added by subsection (a) [section 5302], does not apply to a barge abandoned before June 11, 1992, if the barge was removed before the date that is 1 year after the date of enactment of this title [Nov. 4, 1992].”

Executive Documents

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 4702. Abandonment of barge prohibited

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

- (1) it is located at a Federally- or State-approved mooring area;
- (2) it is on private property with the permission of the owner of the property; or

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

(Added Pub. L. 102-587, title V, §5302, Nov. 4, 1992, 106 Stat. 5082; amended Pub. L. 109-304, §15(18), Oct. 6, 2006, 120 Stat. 1703.)

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-304 struck out subsec. (a) designation before “An owner”.

§ 4703. Penalty for unlawful abandonment of barge

Thirty days after the notification procedures under section 4704(a)(1) are completed, the Secretary may assess a civil penalty of not more than \$1,000 for each day of the violation against an owner or operator that violates section 4702. A vessel with respect to which a penalty is assessed under this chapter is liable in rem for the penalty.

(Added Pub. L. 102-587, title V, §5302, Nov. 4, 1992, 106 Stat. 5082.)

§ 4704. Removal of abandoned barges

(a)(1) The Secretary may remove a barge that is abandoned after complying with the following procedures:

(A) If the identity of the owner or operator can be determined, the Secretary shall notify the owner or operator by certified mail—

- (i) that if the barge is not removed it will be removed at the owner’s or operator’s expense; and
- (ii) of the penalty under section 4703.

(B) If the identity of the owner or operator cannot be determined, the Secretary shall publish an announcement in—

- (i) a notice to mariners; and
- (ii) an official journal of the county in which the barge is located

that if the barge is not removed it will be removed at the owner’s or operator’s expense.

(2) The United States, and any officer or employee of the United States is not liable to an owner or operator for damages resulting from removal of an abandoned barge under this chapter.

(b) The owner or operator of an abandoned barge is liable, and an abandoned barge is liable in rem, for all expenses that the United States incurs in removing an abandoned barge under this chapter.

(c)(1) The Secretary may, after providing notice under subsection (a)(1), solicit by public advertisement sealed bids for the removal of an abandoned barge.

(2) After solicitation under paragraph (1) the Secretary may award a contract. The contract—

- (A) may be subject to the condition that the barge and all property on the barge is the property of the barge removal contractor; and
- (B) must require the barge removal contractor to submit to the Secretary a plan for the removal.

(3) Removal of an abandoned barge may begin thirty days after the Secretary completes the procedures under subsection (a)(1).