EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–241, title IX, § 901(g), July 11, 2006, 120 Stat. 564, provided that the amendment made by section 901(g) is effective Aug. 9, 2004.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

INITIAL APPOINTMENTS TO COMMERCIAL FISHING INDUSTRY ADVISORY COMMITTEE

Pub. L. 100–424, § 2(b), Sept. 9, 1988, 102 Stat. 1589, provided that:

''(1) TERMS OF INITIAL APPOINTMENTS.—Of the members first appointed to the Commercial Fishing Industry Advisory Committee under section 4508 of title 46, United States Code (as amended by this Act)—

''(A) one-third of the members shall serve a term of one year and one-third of the members shall serve a term of two years, to be determined by lot at the first meeting of the Committee; and

''(B) terms may be adjusted to coincide with the Government's fiscal year.

''(2) COMPLETION OF INITIAL APPOINTMENTS.—The Secretary shall complete appointment of members pursuant to this subsection not later than 90 days after the date of the enactment of this Act [Sept. 9, 1988].''

CHAPTER 47—ABANDONMENT OF BARGES

Sec.
4701. Definitions.
4702. Abandonment of barge prohibited.
4703. Penalty for unlawful abandonment of barge.
4704. Removal of abandoned barges.
4705. Liability of barge removal contractors.

§ 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.)

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''.

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].''

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.)

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