

103D CONGRESS  
1ST SESSION

# H. R. 2082

To direct the Secretary of Transportation to dispose of certain vessels in the National Defense Reserve Fleet.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1993

Mr. WYDEN (for himself and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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## A BILL

To direct the Secretary of Transportation to dispose of certain vessels in the National Defense Reserve Fleet.

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 “NDRF Ship Disposal  
5       Act of 1993”.

6       **SEC. 2. DISPOSAL OF NATIONAL DEFENSE RESERVE FLEET**  
7       **VESSELS.**

8       (a) DISPOSAL REQUIREMENT.—

9               (1) IN GENERAL.—Notwithstanding any other  
10       provision of law (other than paragraph (3)) and be-

1 fore January 1, 1999, the Secretary of Transpor-  
2 tation shall dispose of all vessels that are in the Na-  
3 tional Defense Reserve Fleet on the date of the en-  
4 actment of this Act and that—

5 (A) are not assigned to the Ready Reserve  
6 Force component of that fleet; and

7 (B) are not specifically authorized or re-  
8 quired by statute to be used for a particular  
9 purpose.

10 (2) NOTIFICATION OF SECRETARY OF THE  
11 NAVY.—The Secretary shall notify the Secretary of  
12 the Navy of the intent of the Secretary to dispose  
13 of a vessel under this section, by not later than 90  
14 days before the date of that disposal.

15 (3) LIMITATIONS ON DISPOSAL REQUIRE-  
16 MENT.—

17 (A) RETENTION FOR NATIONAL DEFENSE  
18 PURPOSES.—The Secretary shall not dispose of  
19 a vessel under this section if the Secretary of  
20 the Navy certifies to the Secretary within 30  
21 days after receiving notification of the intent of  
22 the Secretary to dispose of the vessel, that—

23 (i) the vessel is militarily useful, and

1                   (ii) retention of the vessel in the Na-  
2                   tional Defense Reserve Fleet is necessary  
3                   for national defense purposes.

4                   (B) USE BY STATE OR FEDERAL  
5                   AGENCY.—The Secretary is authorized to not  
6                   dispose of a vessel otherwise required to be dis-  
7                   posed of under this section if the Secretary cer-  
8                   tifies to the Congress that the vessel is needed  
9                   for use by a State or Federal governmental  
10                  agency.

11                  (C) RECERTIFICATION REQUIRED AFTER  
12                  ONE YEAR.—Notwithstanding subparagraphs  
13                  (A) and (B), the Secretary—

14                   (i) may dispose of a vessel after the  
15                   one-year period beginning on the date on  
16                   which the Secretary of the Navy makes a  
17                   certification described in subparagraph (A)  
18                   with respect to the vessel, unless the Sec-  
19                   retary of the Navy makes a subsequent  
20                   certification under that subparagraph with  
21                   respect to the vessel; and

22                   (ii) shall dispose of a vessel after the  
23                   one-year period beginning on the date the  
24                   Secretary makes a certification described  
25                   in subparagraph (B) with respect to the

1 vessel, unless the Secretary makes a subse-  
2 quent certification under that subpara-  
3 graph with respect to the vessel.

4 (D) ENDANGERED SPECIES ACT.—This  
5 section shall not be construed as superseding,  
6 or authorizing any activity prohibited by, the  
7 Endangered Species Act of 1973 (16 U.S.C.  
8 1531 et seq.).

9 (4) METHOD OF DISPOSAL.—Except as pro-  
10 vided in subsection (c), the Secretary shall dispose  
11 of vessels pursuant to this section—

12 (A) in accordance with section 508 or  
13 510(i) of the Merchant Marine Act, 1936 (46  
14 App. U.S.C. 1158, 1160(i)); and

15 (B) in the case of vessels disposed of after  
16 3 months after the effective date of this section,  
17 in accordance with the plan submitted by the  
18 Secretary under subsection (b).

19 (b) VESSEL DISPOSAL PLAN.—

20 (1) IN GENERAL.—The Secretary shall submit  
21 to the Congress a plan for disposing of vessels pur-  
22 suant to this section, by not later than 3 months  
23 after the effective date of this section.

24 (2) CONTENTS.—The plan submitted under this  
25 subsection shall include—

1 (A) procedures to be followed in disposing  
2 of vessels, including procedures for notifying  
3 the Secretary of the Navy pursuant to sub-  
4 section (a)(2);

5 (B) standards developed by the Secretary  
6 for—

7 (i) identifying vessels to be disposed  
8 of,

9 (ii) establishing the priority for dis-  
10 posing of each vessel so identified, and

11 (iii) making certifications under sub-  
12 section (a)(3)(B);

13 (C) standards developed by the Secretary  
14 of the Navy for making certifications under  
15 subsection (a)(3)(A); and

16 (D) a preliminary schedule for vessel dis-  
17 posals which indicates the number of vessels, or  
18 percentage of the total number of vessels re-  
19 quired to be disposed of, that will be disposed  
20 of each year.

21 (c) USE OF VESSELS FOR ARTIFICIAL REEF  
22 PROGRAM.—

23 (1) IDENTIFICATION AND APPLICATION BY  
24 STATE.—The Secretary may select not more than 15  
25 of the vessels required to be disposed of under this

1 section, for which any State may apply for use as an  
2 offshore artificial reef in accordance with the Act en-  
3 titled “An Act to authorize appropriations for fiscal  
4 year 1973 for certain programs of the Department  
5 of Commerce and for other purposes”, approved Au-  
6 gust 22, 1972 (16 U.S.C. 1220 et seq.).

7 (2) REQUIREMENT TO TRANSFER.—The Sec-  
8 retary shall transfer, in accordance with the Act re-  
9 ferred to in paragraph (1), a vessel identified under  
10 paragraph (1) to a State which fulfills the require-  
11 ments for that transfer under that Act.

12 (d) DEFINITIONS.—For purposes of this section:

13 (1) NATIONAL DEFENSE RESERVE FLEET.—  
14 The term “National Defense Reserve Fleet” means  
15 that fleet maintained under section 11 of the Mer-  
16 chant Ship Sales Act of 1946 (50 App. U.S.C.  
17 1744).

18 (2) SECRETARY.—The term “Secretary” means  
19 the Secretary of Transportation.

20 (e) EFFECTIVE DATE.—This section shall take effect  
21 on January 1, 1994.

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