

**Appendix A*****National Defense Authorization Act for Fiscal Year 2004***

The National Defense Authorization Act for Fiscal Year 2004 (PL 108-136) included two provisions relating to the use of vessels as artificial reefs. One such provision, § 3516 (PL 108-136, Div. C, Title XXXV, § 3516, Nov. 24, 2003, 117 Stat. 1795), amended the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (PL 107-314, Div. C, Title XXXV, § 3504(b), Dec. 2, 2002, 116 Stat. 2754; 16 U.S.C. 1220 note) to read in pertinent part as follows:

***Title XXXV – Maritime Administration******Subtitle A – Maritime Administration Reauthorization******Section 3516. AUTHORITY TO CONVEY OBSOLETE VESSELS TO UNITED STATES TERRITORIES AND FOREIGN COUNTRIES FOR REEFING*****(b) Environmental Best Management Practices for Preparing Vessels for Use as Artificial Reefs.—**

(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 possessions, 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) [Pub.L. 106-398, Div. C, Title XXXV, § 3502, Oct. 30, 2000, 114 Stat. 1654A-492, which is not classified to the Code]. The report shall describe such practices, and may include such other matters as the Secretary considers appropriate.

The second such provision, § 1013 (PL 108-136, Div. A, Title X, § 1013, Nov. 24, 2003, 117 Stat. 1590), amended Title 10 of the United States Code by adding section § 7306b. New § 7306b (a) authorizes the Secretary of the Navy to transfer vessels stricken from the Naval Vessel Register for use as an artificial reef. New § 7306b (c) requires the Secretary of the Navy to ensure that the preparation of a vessel transferred pursuant to 10 U.S.C. § 7306b (a) for use as an artificial reef is conducted in accordance with the environmental best management practices developed pursuant to 16 U.S.C. § 1220 note and applicable environmental laws. The complete text of Section 1013 of the National Defense Authorization Act for Fiscal Year 2004 is as follows:

***Title X – General Provisions***  
***Subtitle B – Naval Vessels and Shipyards***  
***Section 1013. TRANSFER OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER FOR USE AS ARTIFICIAL REEFS.***

(a) AUTHORITY TO MAKE TRANSFER- Chapter 633 of title 10, United States Code, is amended by inserting after section 7306a the following new section:  
**Sec. 7306b. Vessels stricken from Naval Vessel Register: transfer by gift or otherwise for use as artificial reefs**

(a) AUTHORITY TO MAKE TRANSFER- The Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register to any State, Commonwealth, or possession of the United States, or any municipal corporation or political subdivision thereof, for use as provided in subsection (b).