

EXTENDING THE PROVISIONS OF RIVERS AND HARBORS LAWS
RELATING TO THE REMOVAL OF SUNKEN VESSELS TO THE
VIRGIN ISLANDS

FEBRUARY 12, 1929.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. DEMPSEY, from the Committee on Rivers and Harbors, submitted
the following

REPORT

[To accompany H. J. Res. 411]

The Committee on Rivers and Harbors, to whom was referred the resolution (H. J. Res. 411) to extend the provisions of section 19 of the rivers and harbors act approved March 3, 1899, to the navigable waters of the Virgin Islands, having considered the same, reports it back to the House with the following amendment:

Page 1, line 3, strike out the words "section 19" and insert in lieu thereof the words "sections 19 and 20."

As so amended the committee recommends that the bill do pass.

Sections 19 and 20 of the rivers and harbors act approved March 3, 1899, authorize the Secretary of War, in his discretion and under certain conditions, to remove sunken wrecks or other similar obstructions from any navigable waters of the United States whenever navigation is endangered by such obstructions. The joint resolution reported herewith amends these sections so as to make them applicable to the Virgin Islands.

At the present time there is a wreck of an old floating dry dock lying at the bottom of the harbor of St. Thomas, Virgin Islands, which is a serious obstruction to the water traffic of that harbor. The Secretary of the Navy reports that this wreck would constitute a menace to safe navigation of ships in the event of a national emergency.

A letter from the Secretary of the Navy, recommending that this proposed legislation be enacted, is appended herewith, as is also a communication from the Secretary of War suggesting the form and phraseology in which it should be enacted.

NAVY DEPARTMENT,
Washington, November 9, 1928.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: I have the honor to transmit herewith a draft of a proposed bill to amend section 19 of the rivers and harbors act, 1899, relating to the removal of obstructions to navigation in the navigable waters of the United States.

The purpose of this proposed legislation is to amend section 19 of the act of March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes" (30 Stat., p. 1154; U. S. C., title 33, sec. 414), so as to make its provisions include the navigable waters of the Virgin Islands.

There is at present the wreck of an old floating dry dock that has been lying at the bottom of the harbor of St. Thomas, Virgin Islands, since May, 1924. This wreck, which has been abandoned by its owner, is a serious obstruction to the traffic of the harbor of St. Thomas and would constitute a menace to safe navigation of ships in the event of a national emergency. The Virgin Islands' government can not under the law compel its former owner to remove the wreck, and the civil government of the Virgin Islands is without funds for the purpose.

The United States has a direct interest in the harbor of St. Thomas, because the Navy maintains a station there, with a station ship, and naval transports enter the harbor regularly. The Navy has held winter maneuvers at Culebra, and as a result numerous warships entered the harbor of St. Thomas.

The United States Shipping Board also maintains a fuel-oil station at St. Thomas, which its ships occasionally visit. Because of its strategic position, the harbor of St. Thomas would be of importance to the defense of the Panama Canal in the event of a national emergency.

Although the removal of the wreck above mentioned could be accomplished by the enactment of a bill giving specific authority and making an appropriation for that purpose, it is deemed preferable to extend the provisions of the rivers and harbors act of 1899 to the Virgin Islands in order that any obstructions to navigation in that vicinity, found in the future, may be taken care of without the necessity of further legislation.

The cost to the Government, if the proposed legislation is enacted, would involve no additional appropriation, since funds for the removal of the sunken dry dock would be allotted from the general fund provided by Congress for the removal of wrecks.

In view of the foregoing, the Navy Department recommends that the proposed legislation be enacted.

Sincerely yours,

CURTIS D. WILBUR,
Secretary of the Navy.

A BILL To amend section 19 of the rivers and harbors act, 1899, relating to the removal of obstructions to navigation in the navigable waters of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of the act of March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," (30 Stat. L., 1154; U. S. Code, title 33, sec. 414) is hereby amended by inserting in line 2 after the phrase "or other navigable waters of the United States" the words "or of the Virgin Islands," so that section 19 as amended will read as follows:

"That whenever the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States or of the Virgin Islands, shall be obstructed or endangered by any sunken vessel, boat, water craft, raft, or other similar obstruction, and such obstruction has existed for a longer period than thirty days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, water craft, raft, or other obstruction shall be subject to be broken up, removed, sold, or otherwise disposed of by the Secretary of War at his discretion, without liability for any damage to the owners of the same: *Provided*, That in his discretion, the Secretary of War may cause reasonable notice of such obstruction of not less than thirty days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed 'To whom it may concern,'

in a newspaper published nearest to the locality of the obstruction, requiring the removal thereof: *And provided also*, That the Secretary of War may, in his discretion, at or after the time of giving such notice, cause sealed proposals to be solicited by public advertisement, giving reasonable notice of not less than ten days, for the removal of such obstruction as soon as possible after the expiration of the above specified thirty days' notice, in case it has not in the meantime been so removed, these proposals and contracts, at his discretion, to be conditioned that such vessel, boat, water craft, raft, or other obstruction, and all cargo and property contained therein, shall become the property of the contractor, and the contract shall be awarded to the bidder making the proposition most advantageous to the United States: *Provided*, That such bidder shall give satisfactory security to execute the work: *Provided further*, That any money received from the sale of any such wreck, or from any contractor for the removal of wrecks, under this paragraph shall be covered into the Treasury of the United States."

WAR DEPARTMENT,
Washington, December 1, 1928.

THE SECRETARY OF THE NAVY.

DEAR MR. SECRETARY: Receipt is acknowledged of your letter of November 12, 1928, transmitting copy of a communication to the Speaker, House of Representatives, recommending an amendment to section 19 of the river and harbor act of March 3, 1899.

The purpose of the amendment is to extend the provisions of section 19 to the navigable waters of the Virgin Islands. This could be done simply by joint resolution without the necessity of reenacting the entire section and without disturbing the unity of sections 9 to 20 of the act of 1899, all of which contain general provisions relating to the preservation and protection of navigable waters.

This department much prefers that the aforesaid sections 9 to 20 be not disturbed, and I have, therefore, the honor to request that your recommendation to Congress be modified so as to suggest the enactment of a resolution along the lines of the accompanying draft instead of the reenactment of the entire section 19.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War*.

JOINT RESOLUTION To extend the provisions of section 19 of the rivers and harbors act of March 3 1899, to the navigable waters of the Virgin Islands

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 19 of the act of March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," are hereby made applicable to the navigable waters of the Virgin Islands.

NAVY DEPARTMENT,
Washington, December 8, 1928.

THE CHAIRMAN COMMITTEE ON RIVERS AND HARBORS,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Referring to my letter addressed to the Speaker of the House of Representatives dated November 9, 1928, transmitting a draft of a proposed bill to amend section 19 of the rivers and harbors act, 1899, relating to the removal of obstructions to navigation in the navigable waters of the United States, which letter was on December 3, 1928, referred to the committee of which you are chairman, I have the honor to request that the inclosed draft of a proposed joint resolution be substituted for the draft of the proposed bill transmitted by my letter above referred to.

The purpose of the joint resolution is identical with the purpose of the proposed bill. The substitution is requested at the suggestion of the Secretary of War.

A copy of my letter to the Speaker of the House of Representatives was forwarded to the Secretary of War for his information and such comment as he desired to make. I have just received a letter from that official, in which he states that the War Department prefers that the draft of the proposed joint

resolution be enacted rather than that sections 9 to 20 of the act of 1899, containing general provisions relating to the preservation and protection of navigable waters, be disturbed as provided in the draft of the proposed bill.

In view of the foregoing, the Navy Department recommends that the proposed draft of the joint resolution be substituted for the proposed draft of the bill formerly recommended, and that the legislation as substituted be enacted.

Sincerely yours,

CURTIS D. WILBUR,
Secretary of the Navy.

SECTION 20 OF RIVERS AND HARBORS ACT APPROVED MARCH 3, 1899

SEC. 20. That under emergency, in the case of any vessel, boat, water craft, or raft, or other similar obstruction, sinking or grounding, or being unnecessarily delayed in any Government canal or lock, or in any navigable waters mentioned in section 19, in such manner as to stop, seriously interfere with, or specially endanger navigation, in the opinion of the Secretary of War, or any agent of the United States to whom the Secretary may delegate proper authority, the Secretary of War or any such agent shall have the right to take immediate possession of such boat, vessel, or other water craft, or raft, so far as to remove or to destroy it and to clear immediately the canal, lock, or navigable waters aforesaid of the obstruction thereby caused, using his best judgment to prevent any unnecessary injury; and no one shall interfere with or prevent such removal or destruction: *Provided*, That the officer or agent charged with the removal or destruction of an obstruction under this section may in his discretion give notice in writing to the owners of any such obstruction requiring them to remove it: *And provided further*, That the expense of removing any such obstruction as aforesaid shall be a charge against such craft and cargo; and if the owners thereof fail or refuse to reimburse the United States for such expense within 30 days after notification, then the officer or agent aforesaid may sell the craft or cargo, or any part thereof that may not have been destroyed in removal, and the proceeds of such sale shall be covered into the Treasury of the United States.

Such sum of money as may be necessary to execute this section and the preceding section of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid out on the requisition of the Secretary of War.

That all laws or parts of laws inconsistent with the foregoing sections 9 to 20, inclusive, of this act are hereby repealed: *Provided*, That no action begun, or right of action accrued, prior to the passage of this act shall be affected by this repeal.