

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

**§ 8675a. Vessels stricken from Naval Vessel Register; contracts for dismantling on net-cost basis**

(a) **AUTHORITY FOR NET-COST BASIS CONTRACTS.**—When the Secretary of the Navy awards a contract for the dismantling of a vessel stricken from the Naval Vessel Register, the Secretary may award the contract on a net-cost basis.

(b) **RETENTION BY CONTRACTOR OF PROCEEDS OF SALE OF SCRAP AND REUSABLE ITEMS.**—When the Secretary awards a contract on a net-cost basis under subsection (a), the Secretary shall provide in the contract that the contractor may retain the proceeds from the sale of scrap and reusable items removed from the vessel dismantled under the contract.

(c) **DEFINITIONS.**—In this section:

(1) The term “net-cost basis”, with respect to a contract for the dismantling of a vessel, means that the amount to be paid to the contractor under the contract for dismantling and for removal and disposal of hazardous waste material is discounted by the offeror’s estimate of the value of scrap and reusable items that the contractor will remove from the vessel during performance of the contract.

(2) The term “scrap” means personal property that has no value except for its basic material content.

(3) The term “reusable item” means a demilitarized component or a removable portion of a vessel or equipment that the Secretary of the Navy has identified as excess to the needs of the Navy but which has potential resale value on the open market.

(Added Pub. L. 108-375, div. A, title X, §1011(a), Oct. 28, 2004, 118 Stat. 2038, §7305a; renumbered §8675a, Pub. L. 115-232, div. A, title VIII, §807(d)(2), Aug. 13, 2018, 132 Stat. 1836.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7305a of this title as this section.

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**§ 8676. Vessels stricken from Naval Vessel Register; captured vessels: conveyance by donation**

(a) **AUTHORITY TO MAKE TRANSFER.**—The Secretary of the Navy may convey, by donation, all right, title, and interest to any vessel stricken

from the Naval Vessel Register or any captured vessel, for use as a museum or memorial for public display in the United States, to—

- (1) any State, the District of Columbia, any Commonwealth or possession of the United States, or any municipal corporation or political subdivision thereof; or
- (2) any nonprofit entity.

(b) **LIMITATIONS ON LIABILITY AND RESPONSIBILITY.**—(1) The United States and all departments and agencies thereof, and their officers and employees, shall not be liable at law or in equity for any injury or damage to any person or property occurring on a vessel donated under this section.

(2) Notwithstanding any other law, the Department of Defense, and the officers and employees of the Department of Defense, shall have no responsibility or obligation to make, engage in, or provide funding for, any improvement, upgrade, modification, maintenance, preservation, or repair to a vessel donated under this section.

(c) **TRANSFERS TO BE AT NO COST TO DEPARTMENT OF DEFENSE.**—Any transfer of a vessel under this section, the maintenance and preservation of that vessel as a museum or memorial, and the ultimate disposal of that vessel, including demilitarization of Munitions List items at the end of the useful life of the vessel as a museum or memorial, shall be made at no cost to the Department of Defense.

(d) **APPLICATION OF ENVIRONMENTAL LAWS.**—Nothing in this section shall affect the applicability of Federal, State, interstate, and local environmental laws and regulations, including the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), to the Department of Defense or to a donee.

(e) **DEFINITIONS.**—In this section:

(1) The term “nonprofit entity” means any entity qualifying as an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) The term “Munitions List” means the United States Munitions List created and controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(3) The term “donee” means any entity receiving a vessel pursuant to subsection (a).

(Added Pub. L. 103-160, div. A, title VIII, §824(b), Nov. 30, 1993, 107 Stat. 1709, §7306; amended Pub. L. 106-65, div. A, title X, §1011, Oct. 5, 1999, 113 Stat. 739; Pub. L. 107-217, §3(b)(29), Aug. 21, 2002, 116 Stat. 1297; Pub. L. 113-66, div. A, title X, §1022(a)–(e)(1), Dec. 26, 2013, 127 Stat. 845, 846; Pub. L. 114-92, div. A, title X, §1074(b), Nov. 25, 2015, 129 Stat. 996; renumbered §8676, Pub. L. 115-232, div. A, title VIII, §807(d)(2), Aug. 13, 2018, 132 Stat. 1836.)

**Editorial Notes**

## REFERENCES IN TEXT

The Toxic Substances Control Act, referred to in subsec. (d), is Pub. L. 94-469, Oct. 11, 1976, 90 Stat. 2003, which is classified generally to chapter 53 (§2601 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 15 and Tables.