

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.

§ 8676b. 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).

(b) **VESSEL TO BE USED AS ARTIFICIAL REEF.**—An agreement for the transfer of a vessel under subsection (a) shall require that—

(1) the recipient use, site, construct, monitor, and manage the vessel only as an artificial reef in accordance with the requirements of the National Fishing Enhancement Act of 1984 (33 U.S.C. 2101 et seq.), except that the recipient may use the artificial reef to enhance diving opportunities if that use does not have an adverse effect on fishery resources (as that term is defined in section 3(14) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(14))); and

(2) the recipient obtain, and bear all responsibility for complying with, applicable Federal, State, interstate, and local permits for using, siting, constructing, monitoring, and managing the vessel as an artificial reef.

(c) **PREPARATION OF VESSEL FOR USE AS ARTIFICIAL REEF.**—The Secretary shall ensure that the preparation of a vessel transferred under subsection (a) for use as an artificial reef is conducted in accordance with—

(1) the environmental best management practices developed pursuant to section 3504(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 16 U.S.C. 1220 note); and

(2) any applicable environmental laws.

(d) **COST SHARING.**—The Secretary may share with the recipient of a vessel transferred under subsection (a) any costs associated with transferring the vessel under that subsection, including costs of the preparation of the vessel under subsection (c).

(e) **NO LIMITATION ON NUMBER OF VESSELS TRANSFERABLE TO PARTICULAR RECIPIENT.**—A State, Commonwealth, or possession of the United States, or any municipal corporation or political subdivision thereof, may be the recipient of more than one vessel transferred under subsection (a).

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a transfer authorized by subsection (a) as the Secretary considers appropriate.

(g) **CONSTRUCTION.**—Nothing in this section shall be construed to establish a preference for the use as artificial reefs of vessels stricken

from the Naval Vessel Register in lieu of other authorized uses of such vessels, including the domestic scrapping of such vessels, or other disposals of such vessels, under this chapter or other applicable authority.

(Added Pub. L. 108-136, div. A, title X, § 1013(a), Nov. 24, 2003, 117 Stat. 1590, § 7306b; amended Pub. L. 109-364, div. A, title X, § 1071(a)(36), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 111-84, div. A, title X, § 1073(a)(31), Oct. 28, 2009, 123 Stat. 2474; renumbered § 8676b, Pub. L. 115-232, div. A, title VIII, § 807(d)(2), Aug. 13, 2018, 132 Stat. 1836.)

Editorial Notes

REFERENCES IN TEXT

The National Fishing Enhancement Act of 1984, referred to in subsec. (b)(1), is title II of Pub. L. 98-623, Nov. 8, 1984, 98 Stat. 3394, which enacted chapter 35 (§ 2101 et seq.) of Title 33, Navigation and Navigable Waters, and section 1220d of Title 16, Conservation, and amended sections 1220 to 1220c of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of Title 33 and Tables.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7306b of this title as this section.

2009—Subsec. (b)(1). Pub. L. 111-84 substituted “‘1802(14))’” for “‘1802(14))’”.

2006—Subsec. (b)(1). Pub. L. 109-364 substituted “‘3(14)’” for “‘2(14)’”.

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§ 8677. Disposals to foreign nations

(a) **LARGER OR NEWER VESSELS.**—A naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) unless the disposal of that vessel, or of a vessel of the class of that vessel, is authorized by law enacted after August 5, 1974. A lease or loan of such a vessel under such a law may be made only in accordance with the provisions of chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 et seq.) or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.). In the case of an authorization by law for the disposal of such a vessel that names a specific vessel as being authorized for such disposal, the Secretary of Defense may substitute another vessel of the same class, if the vessel substituted has virtually identical capabilities as the named vessel. In the case of an authorization by law for the disposal of vessels of a specified class, the Secretary may dispose of vessels of that class pursuant to that authorization only in the number of such vessels specified in that law as being authorized for disposal.

(b) **OTHER VESSELS.**—(1) A naval vessel not subject to subsection (a) may be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) in accord-

ance with applicable provisions of law, but only after—

(A) the Secretary of the Navy notifies the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives in writing of the proposed disposition; and

(B) 30 days of continuous session of Congress have expired following the date on which such notice is sent to those committees.

(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

(Added Pub. L. 103–160, div. A, title VIII, § 824(b), Nov. 30, 1993, 107 Stat. 1709, § 7307; amended Pub. L. 104–106, div. A, title XV, § 1502(a)(1), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106–65, div. A, title X, § 1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 109–364, div. A, title X, § 1013, Oct. 17, 2006, 120 Stat. 2376; renumbered § 8677, Pub. L. 115–232, div. A, title VIII, § 807(d)(2), Aug. 13, 2018, 132 Stat. 1836.)

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, as amended. Chapter 6 of that Act is classified generally to subchapter VI (§ 2796 et seq.) of chapter 39 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 2 of part II of that Act is classified generally to part II (§ 2311 et seq.) of subchapter II of chapter 32 of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 7307 of this title as this section.

2006—Subsec. (a). Pub. L. 109–364 substituted “disposal of that vessel, or of a vessel of the class of that vessel, is authorized” for “disposition of that vessel is approved” and inserted at end “In the case of an authorization by law for the disposal of such a vessel that names a specific vessel as being authorized for such disposal, the Secretary of Defense may substitute another vessel of the same class, if the vessel substituted has virtually identical capabilities as the named vessel. In the case of an authorization by law for the disposal of vessels of a specified class, the Secretary may dispose of vessels of that class pursuant to that authorization only in the number of such vessels specified in that law as being authorized for disposal.”

1999—Subsec. (b)(1)(A). Pub. L. 106–65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1996—Subsec. (b)(1)(A). Pub. L. 104–106 substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and House of Representatives”.

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special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

§ 8678. Chief of Naval Operations: certification required for disposal of combatant vessels

Notwithstanding any other provision of law, no combatant vessel of the Navy may be sold, transferred, or otherwise disposed of unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States.

(Added Pub. L. 103–160, div. A, title VIII, § 824(b), Nov. 30, 1993, 107 Stat. 1710, § 7308; renumbered § 8678, 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 7308 of this title as this section.

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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.

§ 8678a. Limitation on decommissioning or inactivating a battle force ship before the end of expected service life

(a) LIMITATION.—The Secretary of the Navy may not decommission or inactivate a battle force ship before the end of the expected service life of the ship.

(b) WAIVER.—The Secretary of the Navy may waive the limitation under subsection (a) with respect to a battle force ship if—

(1) the Secretary submits to the congressional defense committees the certification described in subsection (c) with respect to such ship by not later than three days after the date on which the President submits the budget materials under section 1105(a) of title 31 for the fiscal year in which such waiver is sought; and

(2) a period of 30 days has elapsed following the date on which the National Defense Authorization Act for such fiscal year is enacted.

(c) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification that—

(1)(A) maintaining the battle force ship in a reduced operating status is not feasible;

(B) maintaining the ship with reduced capability is not feasible;

(C) maintaining the ship as a Navy Reserve unit is not feasible;

(D) transferring the ship to the Coast Guard is not feasible; and

(E) maintaining the ship is not required to support the most recent national defense strategy required by section 113(g) of this title; and

(2) includes an explanation of—

(A) the options assessed and the rationale for the determinations under subparagraphs (A) through (D) of paragraph (1); and