

**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.

## PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS

Pub. L. 117-263, div. A, title III, § 393, Dec. 23, 2022, 136 Stat. 2550, provided that:

“(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of the Navy may not obligate or expend funds to discontinue or prepare to discontinue, including by making a substantive reduction in training and operational employment, any element of the Marine Mammal Program of the Navy, that has been used, or is currently being used, for—

“(1) port security at Navy bases, known as Mark-6 systems; or

“(2) mine search capabilities, known as Mark-7 systems.

“(b) WAIVER.—The Secretary of the Navy may waive the prohibition under subsection (a) if the Secretary, with the concurrence of the Director of Operational Test and Evaluation, certifies in writing to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that the Secretary has—

“(1) identified a replacement capability and the necessary quantity of such capability to meet all operational requirements currently being met by the Marine Mammal Program, including a detailed explanation of such capability and quantity;

“(2) achieved initial operational capability of all capabilities referred to in paragraph (1), including a detailed explanation of such achievement; and

“(3) deployed a sufficient quantity of capabilities referred to in paragraph (1) that have achieved initial operational capability to continue to meet or exceed all operational requirements currently being met by Marine Mammal Program, including a detailed explanation of such deployment.”

**§ 8755. Disclosures for offerors for certain shipbuilding major defense acquisition program contracts**

(a) IN GENERAL.—Any covered offeror seeking to be awarded a shipbuilding construction contract as part of a major defense acquisition program with funds from the Shipbuilding and Conversion, Navy account shall disclose along with the offer and any subsequent revisions of the offer (including the final proposal revision offer) if any part of the planned contract performance will or is expected to include foreign government subsidized performance, foreign financing, foreign financial guarantees, or foreign tax concessions.

(b) REQUIREMENTS.—A disclosure required under subsection (a) shall be made in a form prescribed by the Secretary of the Navy and shall include a specific description of the extent to which the planned contract performance will include, with or without contingencies, any foreign government subsidized performance, foreign financing, foreign financial guarantees, or foreign tax concessions.

(c) CONGRESSIONAL NOTIFICATION.—Not later than 5 days after awarding a contract described under subsection (a), the Secretary of the Navy shall notify the congressional defense committees and summarize the disclosure provided under such subsection.

(d) DEFINITIONS.—In this section:

(1) COVERED OFFEROR.—The term “covered offeror” means any offeror that requires or may reasonably be expected to require, during the period of performance on a shipbuilding construction contract described in subsection (a), a method to mitigate or negate foreign ownership under section 2004.34(f)(6) of title 32, Code of Federal Regulations.

(2) FOREIGN GOVERNMENT SUBSIDIZED PERFORMANCE.—The term “foreign government subsidized performance” means any financial support, materiel, services, or guarantees of support, services, supply, performance, or intellectual property concessions, that may be provided to or for the covered offeror or the customer of the offeror by a foreign government or entity effectively owned or controlled by a foreign government, which may have the effect of supplementing, supplying, servicing, or reducing the cost or price of an end item, or supporting, financing in whole or in part, or guaranteeing contract performance by the offeror.

(3) MAJOR DEFENSE ACQUISITION PROGRAM.—The term “major defense acquisition program” has the meaning given the term in section 4201 of this title.

(Added Pub. L. 116-283, div. A, title VIII, § 803(a), Jan. 1, 2021, 134 Stat. 3734, § 2339c; renumbered § 8755 and amended Pub. L. 117-81, div. A, title XVII, § 1701(e)(1)(A), Dec. 27, 2021, 135 Stat. 2138.)

**Editorial Notes**

## AMENDMENTS

2021—Pub. L. 117-81 renumbered section 2339c of this title as this section and substituted “section 4201” for “section 2430” in subsec. (d)(3).

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## EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81, which renumbered section 2339c of this title as this section, deemed to have taken effect immediately before section 1881 of Pub. L. 116-283, subsec. (a) of which had repealed chapter 137 of this title, where section 2339c of this title was located. See section 881(a) of Pub. L. 117-263, set out as a note under section 4027 of this title.

**CHAPTER 875—DISPOSAL OF OBSOLETE OR SURPLUS MATERIAL**

Sec.	
8761.	Obsolete and other material: gift or sale to Boy Scouts of America, Naval Sea Cadet Corps and Young Marines of the Marine Corps League.
8761a.	Uniform clothing: sale to Naval Sea Cadet Corps.
8761b.	Authority to make grants for purposes of Naval Sea Cadet Corps.
8762.	Excess clothing: sale for distribution to needy.
8763.	Useless ordnance material: disposition of proceeds on sale.
8764.	Devices and trophies: transfer to other agencies.
8765.	Obsolete material and articles of historical interest: loan or gift.
8766.	Loan or gift of articles to ships' sponsors and donors.
8767.	Equipment for instruction in seamanship: loan to military schools.