

10 USC 8676: Vessels stricken from Naval Vessel Register; captured vessels: conveyance by donation
Text contains those laws in effect on May 15, 2019

From Title 10-ARMED FORCES

Subtitle C-Navy and Marine Corps
PART IV-GENERAL ADMINISTRATION
CHAPTER 863-NAVAL VESSELS

Jump To:

[Source Credit](#)
[References In Text](#)
[Amendments](#)
[Effective Date](#)

§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.)

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.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in subsec. (d), is Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

Section 501(c)(3) of the Internal Revenue Code of 1986, referred to in subsec. (e)(1), is classified to section 501(c)(3) of Title 26, Internal Revenue Code.

AMENDMENTS

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

2015-Subsecs. (d) to (f). Pub. L. 114–92 redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out former subsec. (d) which related to congressional notice-and-wait period.

2013-Pub. L. 113–66, §1022(e)(1), substituted "Vessels stricken from Naval Vessel Register; captured vessels: conveyance by donation" for "Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise" in section catchline.

Subsec. (a). Pub. L. 113–66, §1022(a), amended subsec. (a) generally. Prior to amendment, text read as follows: "Subject to section 113 of title 40, the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register, or any captured vessel, to-

"(1) any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof;

"(2) the District of Columbia; or

"(3) any not-for-profit or nonprofit entity."

Subsec. (b). Pub. L. 113–66, §1022(b), amended subsec. (b) generally. Prior to amendment, text read as follows: "An agreement for the transfer of a vessel under subsection (a) shall include a requirement that the transferee will maintain the vessel in a condition satisfactory to the Secretary."

Subsec. (c). Pub. L. 113–66, §1022(c), in heading, substituted "Department of Defense" for "United States" and in text, inserted ", 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," after "under this section" and substituted "the Department of Defense" for "the United States".

Subsecs. (e), (f). Pub. L. 113–66, §1022(d), added subsecs. (e) and (f).

2002-Subsec. (a). Pub. L. 107–217 substituted "section 113 of title 40" for "subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474)".

1999-Subsec. (d). Pub. L. 106–65 amended heading and text of subsec. (d) generally. Text read as follows:

"(1) No transfer under this section takes effect unless-

"(A) notice of the proposal to make the transfer is sent to Congress; and

"(B) 60 days of continuous session of Congress have expired following the date on which such notice is sent to Congress.

"(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 60-day period."

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.