

of this title, the Secretary finds that the use of obsolete ships proposed by a State will not violate any Federal law, contribute to degradation of the marine environment, create undue interference with commercial fishing or navigation, and is not frivolous, he may transfer without consideration to the State all right, title, and interest of the United States in and to any obsolete ships which are available for transfer under this chapter if—

(1) the State gives to the Secretary such assurances as he deems necessary that such ships will be utilized and maintained only for the purposes stated in the application and, when sunk, will be charted and marked as a hazard to navigation;

(2) the State agrees to secure any licenses or permits which may be required under the provisions of any other applicable Federal law;

(3) the State agrees to such other terms and conditions as the Secretary shall require in order to protect the marine environment and other interests of the United States; and

(4) the transfer would be at no cost to the Government (except for any financial assistance provided under section 1220(c)(1)<sup>1</sup> of this title) with the State taking delivery of such obsolete ships and titles in an “as-is—where-is” condition at such place and time designated as may be determined by the Secretary of Transportation.

(Pub. L. 92-402, §4, Aug. 22, 1972, 86 Stat. 618; Pub. L. 98-623, title II, §207(1), (3), Nov. 8, 1984, 98 Stat. 3397; Pub. L. 107-314, div. C, title XXXV, §3504(a)(2), Dec. 2, 2002, 116 Stat. 2754; Pub. L. 109-163, div. C, title XXXV, §3505(c), Jan. 6, 2006, 119 Stat. 3552.)

#### REFERENCES IN TEXT

Section 1220(c)(1) of this title, referred to in par. (4), probably means section 7 of Pub. L. 92-402, which is classified to section 1220c-1 of this title.

#### AMENDMENTS

2006—Par. (4), Pub. L. 109-163 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “the transfer would be at no cost to the Government (except for any financial assistance provided under section 1220c-1 of this title) with the State taking delivery of such obsolete ships at fleetside of the National Defense Reserve Fleet in an ‘as is—where is’ condition.”

2002—Par. (4), Pub. L. 107-314 inserted “(except for any financial assistance provided under section 1220c-1 of this title)” after “at no cost to the Government”.

1984—Pub. L. 98-623 substituted “obsolete ships” for “Liberty ships” wherever appearing in provisions preceding par. (1) and in par. (4), and substituted “may transfer” for “shall transfer” in provisions preceding par. (1).

### § 1220b. Obsolete ships available; number; equitable administration

A State may apply for more than one obsolete ship under this chapter. The Secretary shall, however, taking into account the number of obsolete ships which may be or become available for transfer under this chapter, administer this chapter in an equitable manner with respect to the various States.

<sup>1</sup> See References in Text note below.

(Pub. L. 92-402, §5, Aug. 22, 1972, 86 Stat. 618; Pub. L. 98-623, title II, §207(1), Nov. 8, 1984, 98 Stat. 3397.)

#### AMENDMENTS

1984—Pub. L. 98-623 substituted “obsolete ships” for “Liberty ships” wherever appearing.

### § 1220c. Denial of applications; finality of decision

A decision by the Secretary denying any application for a<sup>1</sup> obsolete ship under this chapter is final.

(Pub. L. 92-402, §6, Aug. 22, 1972, 86 Stat. 618; Pub. L. 98-623, title II, §207(1), Nov. 8, 1984, 98 Stat. 3397.)

#### AMENDMENTS

1984—Pub. L. 98-623 substituted “obsolete ship” for “Liberty ship”.

### § 1220c-1. Financial assistance to State to prepare transferred ship

#### (a) Assistance authorized

The Secretary, subject to the availability of appropriations, may provide, to any State to which an obsolete ship is transferred under this chapter, financial assistance to prepare the ship for use as an artificial reef, including for—

- (1) environmental remediation;
- (2) towing; and
- (3) sinking.

#### (b) Amount of assistance

The Secretary shall determine the amount of assistance under this section with respect to an obsolete ship based on—

- (1) the total amount available for providing assistance under this section;
- (2) the benefit achieved by providing assistance for that ship; and
- (3) the cost effectiveness of disposing of the ship by transfer under this chapter and provision of assistance under this section, compared to other disposal options for that ship.

#### (c) Terms and conditions

The Secretary—

- (1) shall require a State seeking assistance under this section to provide cost data and other information determined by the Secretary to be necessary to justify and document the assistance; and
- (2) may require a State receiving such assistance to comply with terms and conditions necessary to protect the environment and the interests of the United States.

#### (d) Limitation

The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this chapter.

(Pub. L. 92-402, §7, as added Pub. L. 107-314, div. C, title XXXV, §3504(a)(1)(B), Dec. 2, 2002, 116 Stat. 2754; amended Pub. L. 111-84, div. C, title XXXV, §3513(b), Oct. 28, 2009, 123 Stat. 2724.)

#### PRIOR PROVISIONS

A prior section 7 of Pub. L. 92-402 was renumbered section 8 and is classified to section 1220d of this title.

<sup>1</sup> So in original. Probably should be “an”.