

(3) Except as provided in paragraph (4), the report also shall include the following with respect to each covered naval vessel:

(A) The justification under law and operational justification for the repair in a foreign shipyard.

(B) The name and class of vessel repaired.

(C) The category of repair and whether the repair qualified as voyage repair as defined in Commander Military Sealift Command Instruction 4700.15C (September 13, 2007) or Joint Fleet Maintenance Manual (Commander Fleet Forces Command Instruction 4790.3 Revision A, Change 7), Volume III. Scheduled availabilities are to be considered as a composite and reported as a single entity without individual repair and maintenance items listed separately.

(D) The shipyard where the repair work was carried out.

(E) The number of days the vessel was in port for repair.

(F) The cost of the repair and the amount (if any) that the cost of the repair was less than or greater than the cost of the repair provided for in the contract.

(G) The schedule for repair, the amount of work accomplished (stated in terms of work days), whether the repair was accomplished on schedule, and, if not so accomplished, the reason for the schedule over-run.

(H) The homeport or location of the vessel prior to its voyage for repair.

(I) Whether the repair was performed under a contract awarded through the use of competitive procedures or procedures other than competitive procedures.

(4) In the case of a covered vessel described in subparagraph (C) of paragraph (5), the report shall not be required to include the information described in subparagraphs (A), (E), (F), (G), and (I) of paragraph (3).

(5) In this subsection, the term “covered naval vessel” means any of the following:

(A) A naval vessel.

(B) Any other vessel under the jurisdiction of the Secretary of the Navy.

(C) A vessel not described in subparagraph (A) or (B) that is operated pursuant to a contract entered into by the Secretary of the Navy and the Maritime Administration or the United States Transportation Command in support of Department of Defense operations.

(Added and amended Pub. L. 103-160, div. A, title III, § 367, title VIII, § 824(b), Nov. 30, 1993, 107 Stat. 1632, 1710, § 7310; Pub. L. 104-106, div. A, title X, § 1017, Feb. 10, 1996, 110 Stat. 425; Pub. L. 109-364, div. A, title X, § 1014, Oct. 17, 2006, 120 Stat. 2376; Pub. L. 110-417, [div. A], title X, § 1012, Oct. 14, 2008, 122 Stat. 4584; Pub. L. 112-239, div. A, title III, § 344, Jan. 2, 2013, 126 Stat. 1700; Pub. L. 115-91, div. A, title X, § 1023, Dec. 12, 2017, 131 Stat. 1548; renumbered § 8680, Pub. L. 115-232, div. A, title VIII, § 807(d)(2), Aug. 13, 2018, 132 Stat. 1836; Pub. L. 116-92, div. A, title X, § 1035, Dec. 20, 2019, 133 Stat. 1583; Pub. L. 116-283, div. A, title X, §§ 1025, 1081(a)(45), Jan. 1, 2021, 134 Stat. 3843, 3873.)

## AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116-283, § 1025(a)(1), struck out “, other than in the case of voyage repairs” after “outside the United States or Guam”.

Subsec. (a)(2)(B)(i). Pub. L. 116-283, § 1025(b), designated existing provisions as subcl. (I) and added subcls. (II) and (III).

Subsec. (a)(2)(C)(ii). Pub. L. 116-283, §§ 1025(c), 1081(a)(45), amended introductory provisions identically, striking out period after “means—”.

Subsec. (a)(3). Pub. L. 116-283, § 1025(a)(2), added par. (3).

2019—Subsec. (a)(2)(C)(ii). Pub. L. 116-92, § 1035(1), substituted “means—” for “means preservation or corrosion control efforts and cleaning services” and added subcls. (I) to (III).

Subsec. (a)(2)(D). Pub. L. 116-92, § 1035(2), struck out subpar. (D) which read as follows: “This paragraph shall expire on September 30, 2020.”

2018—Pub. L. 115-232 renumbered section 7310 of this title as this section.

2017—Subsec. (a). Pub. L. 115-91 inserted “Under Jurisdiction of the Secretary of the Navy” after “Vessels” in heading, designated existing provisions as par. (1), substituted “A naval vessel” for “A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy)”, and added par. (2).

2013—Subsec. (c)(3). Pub. L. 112-239, § 344(1)(A), substituted “Except as provided in paragraph (4), the report” for “The report” in introductory provisions.

Subsec. (c)(3)(A). Pub. L. 112-239, § 344(1)(B), inserted “and operational justification” after “justification under law”.

Subsec. (c)(4). Pub. L. 112-239, § 344(3), added par. (4). Former par. (4) redesignated (5).

Subsec. (c)(5). Pub. L. 112-239, § 344(2), redesignated par. (4) as (5).

Subsec. (c)(5)(C). Pub. L. 112-239, § 344(4), added subpar. (C).

2008—Subsec. (c). Pub. L. 110-417 added subsec. (c).

2006—Subsec. (a). Pub. L. 109-364 inserted “or Guam” after “United States” in heading and after “in the United States” in text.

1996—Subsec. (a). Pub. L. 104-106 inserted “or Guam” after “outside the United States”.

1993—Subsec. (b). Pub. L. 103-160, § 367, amended subsec. (b) generally, designating existing provisions as par. (1) and adding par. (2).

## 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.

## TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (c) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

**§ 8681. Repair or maintenance of naval vessels: handling of hazardous waste**

(a) CONTRACTUAL PROVISIONS.—The Secretary of the Navy shall ensure that each contract entered into for work on a naval vessel (other than new construction) includes the following provisions:

(1) IDENTIFICATION OF HAZARDOUS WASTES.—A provision in which the Navy identifies the types and amounts of hazardous wastes that are required to be removed by the contractor from the vessel, or that are expected to be generated, during the performance of work under the contract, with such identification by the Navy to be in a form sufficient to en-

able the contractor to comply with Federal and State laws and regulations on the removal, handling, storage, transportation, or disposal of hazardous waste.

(2) COMPENSATION.—A provision specifying that the contractor shall be compensated under the contract for work performed by the contractor for duties of the contractor specified under paragraph (3).

(3) STATEMENT OF WORK.—A provision specifying the responsibilities of the Navy and of the contractor, respectively, for the removal (including the handling, storage, transportation, and disposal) of hazardous wastes.

(4) ACCOUNTABILITY FOR HAZARDOUS WASTES.—(A) A provision specifying the following:

(i) In any case in which the Navy is the sole generator of hazardous waste that is removed, handled, stored, transported, or disposed of by the contractor in the performance of the contract, all contracts, manifests, invoices, and other documents related to the removal, handling, storage, transportation, or disposal of such hazardous waste shall bear a generator identification number issued to the Navy pursuant to applicable law.

(ii) In any case in which the contractor is the sole generator of hazardous waste that is removed, handled, stored, transported, or disposed of by the contractor in the performance of the contract, all contracts, manifests, invoices, and other documents related to the removal, handling, storage, transportation, or disposal of such hazardous waste shall bear a generator identification number issued to the contractor pursuant to applicable law.

(iii) In any case in which both the Navy and the contractor are generators of hazardous waste that is removed, handled, stored, transported, or disposed of by the contractor in the performance of the contract, all contracts, manifests, invoices, and other documents related to the removal, handling, storage, transportation, or disposal of such hazardous waste shall bear both a generator identification number issued to the Navy and a generator identification number issued to the contractor pursuant to applicable law.

(B) A determination under this paragraph of whether the Navy is a generator, a contractor is a generator, or both the Navy and a contractor are generators, shall be made in the same manner provided under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) and regulations promulgated under that subtitle.

(b) RENEGOTIATION OF CONTRACT.—The Secretary of the Navy shall renegotiate a contract described in subsection (a) if—

(1) the contractor, during the performance of work under the contract, discovers hazardous wastes different in type or amount from those identified in the contract; and

(2) those hazardous wastes originated on, or resulted from material furnished by the Government for, the naval vessel on which the work is being performed.

(c) REMOVAL OF WASTES.—The Secretary of the Navy shall remove known hazardous wastes from a vessel before the vessel's arrival at a contractor's facility for performance of a contract, to the extent such removal is feasible.

(d) RELATIONSHIP TO SOLID WASTE DISPOSAL ACT.—Nothing in this section shall be construed as altering or otherwise affecting those provisions of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) that relate to generators of hazardous waste. For purposes of this section, any term used in this section for which a definition is provided by the Solid Waste Disposal Act (or regulations promulgated pursuant to such Act) has the meaning provided by that Act or regulations.

(Added Pub. L. 99-661, div. A, title XII, §1202(a), Nov. 14, 1986, 100 Stat. 3967, §7311; amended Pub. L. 101-189, div. A, title XVI, §1611(a), Nov. 29, 1989, 103 Stat. 1599; renumbered §8681, Pub. L. 115-232, div. A, title VIII, §807(d)(2), Aug. 13, 2018, 132 Stat. 1836.)

#### REFERENCES IN TEXT

The Solid Waste Disposal Act, referred to in subsecs. (a)(4)(B) and (d), is title II of Pub. L. 89-272, Oct. 20, 1965, 79 Stat. 997, as amended generally by Pub. L. 94-580, §2, Oct. 21, 1976, 90 Stat. 2795, which is classified generally to chapter 82 (§6901 et seq.) of Title 42, The Public Health and Welfare. Subtitle C of the Solid Waste Disposal Act is classified generally to subchapter III (§6921 et seq.) of chapter 82 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of Title 42 and Tables.

#### PRIOR PROVISIONS

A prior section 8681 was renumbered section 9251 of this title.

Another prior section 8681, act Aug. 10, 1956, ch. 1041, 70A Stat. 534, prescribed service to be listed in official Air Force Register, prior to repeal by Pub. L. 85-861, §36B(28), Sept. 2, 1958, 72 Stat. 1571.

#### AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7311 of this title as this section.

1989—Pub. L. 101-189 amended section generally, substituting subsecs. (a) to (d) for former subsecs. (a) relating to contractual provisions, and (b) relating to renegotiation of contract.

#### 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.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-189, div. A, title XVI, §1611(b), Nov. 29, 1989, 103 Stat. 1601, provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to any contract for work on a naval vessel (other than new construction) entered into after the end of the 90-day period beginning on the date of the enactment of this Act [Nov. 29, 1989]."

#### § 8682. Service craft stricken from Naval Vessel Register; obsolete boats: use of proceeds from exchange or sale

(a) EXCHANGE OR SALE OF SIMILAR ITEMS.—When the Secretary of the Navy sells an obsolete service craft or an obsolete boat, or ex-