

Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and House of Representatives”.

§ 7308. 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.)

PRIOR PROVISIONS

A prior section 7308, acts Aug. 10, 1956, ch. 1041, 70A Stat. 453; Dec. 12, 1980, Pub. L. 96-513, title V, §513(29), 94 Stat. 2933; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(6), 102 Stat. 2059; Nov. 5, 1990, Pub. L. 101-510, div. A, title XIV, §1427, 104 Stat. 1685, related to transfer or gift of obsolete, condemned, and captured vessels, prior to repeal by Pub. L. 103-160, §824(b).

§ 7309. Construction of vessels in foreign shipyards: prohibition

(a) PROHIBITION.—Except as provided in subsection (b), no vessel to be constructed for any of the armed forces, and no major component of the hull or superstructure of any such vessel, may be constructed in a foreign shipyard.

(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.

(c) EXCEPTION FOR INFLATABLE BOATS.—An inflatable boat or a rigid inflatable boat, as defined by the Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).

(Added Pub. L. 103-160, div. A, title VIII, §824(b), Nov. 30, 1993, 107 Stat. 1710.)

PRIOR PROVISIONS

A prior section 7309, added Pub. L. 97-252, title XI, §1127(a), Sept. 8, 1982, 96 Stat. 758; amended Pub. L. 98-473, title I, §101(h)[title VIII, §8095], Oct. 12, 1984, 98 Stat. 1904, 1941; Pub. L. 99-145, title XIII, §1303(a)(24)(A), Nov. 8, 1985, 99 Stat. 740; Pub. L. 100-180, div. A, title XI, §1103, Dec. 4, 1987, 101 Stat. 1146; Pub. L. 100-456, div. A, title XII, §1224(a), (b)(1), Sept. 29, 1988, 102 Stat. 2054; Pub. L. 101-189, div. A, title XVI, §1622(c)(8), Nov. 29, 1989, 103 Stat. 1604; Pub. L. 102-190, div. A, title X, §1017, Dec. 5, 1991, 105 Stat. 1459; Pub. L. 102-484, div. A, title X, §1012, Oct. 23, 1992, 106 Stat. 2483, related to restrictions on construction and repair of vessels in foreign shipyards, prior to repeal by Pub. L. 103-160, §824(b).

DELEGATION OF AUTHORITY

For delegation of authority of President under subsec. (b) of this section, see section 3 of Ex. Ord. No. 12765, June 11, 1991, 56 F.R. 27401, set out as a note under section 113 of this title.

§ 7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions

(a) VESSELS UNDER JURISDICTION OF THE SECRETARY OF THE NAVY WITH HOMEPORT IN UNITED STATES OR GUAM.—(1) A naval vessel the homeport of which is in the United States or Guam may not be overhauled, repaired, or maintained in a shipyard outside the United States or Guam, other than in the case of voyage repairs.

(2)(A) Notwithstanding paragraph (1) and subject to subparagraph (B), in the case of a naval vessel classified as a Littoral Combat Ship and operating on deployment, corrective and preventive maintenance or repair (whether intermediate or depot level) and facilities maintenance may be performed on the vessel—

- (i) in a foreign shipyard;
- (ii) at a facility outside of a foreign shipyard; or
- (iii) at any other facility convenient to the vessel.

(B)(i) Corrective and preventive maintenance or repair may be performed on a vessel as described in subparagraph (A) if the work is performed by United States Government personnel or United States contractor personnel.

(ii) Facilities maintenance may be performed by a foreign contractor on a vessel as described in subparagraph (A) only as approved by the Secretary of the Navy.

(C) In this paragraph:

(i) The term “corrective and preventive maintenance or repair” means—

(I) maintenance or repair actions performed as a result of a failure in order to return or restore equipment to acceptable performance levels; and

(II) scheduled maintenance or repair actions to prevent or discover functional failures.

(ii) The term “facilities maintenance” means preservation or corrosion control efforts and cleaning services.

(D) This paragraph shall expire on September 30, 2020.

(b) VESSEL CHANGING HOMEPORTS.—(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.

(2) In the case of a naval vessel the homeport of which is in the United States (or a territory of the United States), the Secretary of the Navy shall during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the United States (or a territory of the United States) perform in the United States (or a territory of the United States) any work for the overhaul, repair, or maintenance of the vessel that is scheduled—

- (A) to begin during the 15-month period; and
- (B) to be for a period of more than six months.