

(3) TREATMENT AS SPECIES PROPOSED TO BE LISTED.—For purposes of conducting a military readiness activity, any southern sea otter while within the Southern Sea Otter Military Readiness Areas shall be treated for the purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) as a member of a species that is proposed to be listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(c) REMOVAL.—Nothing in this section or any other Federal law shall be construed to require that any southern sea otter located within the Southern Sea Otter Military Readiness Areas be removed from the Areas.

(d) REVISION OR TERMINATION OF EXCEPTIONS.—The Secretary of the Interior may revise or terminate the application of subsection (b) if the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that military activities occurring in the Southern Sea Otter Military Readiness Areas are impeding the southern sea otter conservation or the return of southern sea otters to optimum sustainable population levels.

(e) MONITORING.—

(1) IN GENERAL.—The Secretary of the Navy shall conduct monitoring and research within the Southern Sea Otter Military Readiness Areas to determine the effects of military readiness activities on the growth or decline of the southern sea otter population and on the near-shore ecosystem. Monitoring and research parameters and methods shall be determined in consultation with the Service.

(2) REPORTS.—Not later than November 25, 2017, and every three years thereafter, the Secretary of the Navy shall report to Congress and the public on monitoring undertaken pursuant to paragraph (1).

(f) DEFINITIONS.—In this section:

(1) SOUTHERN SEA OTTER.—The term “southern sea otter” means any member of the subspecies *Enhydra lutris nereis*.

(2) TAKE.—The term “take”—

(A) when used in reference to activities subject to regulation by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), shall have the meaning given such term in that Act; and

(B) when used in reference to activities subject to regulation by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) shall have the meaning given such term in that Act.

(3) INCIDENTAL TAKING.—The term “incidental taking” means any take of a southern sea otter that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

(4) MILITARY READINESS ACTIVITY.—The term “military readiness activity” has the meaning given that term in section 315(f) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (16 U.S.C. 703 note) and includes all training and operations of the armed forces that relate to combat and the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for

proper operation and suitability for combat use.

(5) OPTIMUM SUSTAINABLE POPULATION.—The term “optimum sustainable population” means, with respect to any population stock, the number of animals that will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

(Added Pub. L. 114-92, div. A, title III, §312(a), Nov. 25, 2015, 129 Stat. 787; amended Pub. L. 115-91, div. A, title X, §1081(a)(50), Dec. 12, 2017, 131 Stat. 1597.)

#### REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (f)(2)(A), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

The Marine Mammal Protection Act of 1972, referred to in subsec. (f)(2)(B), is Pub. L. 92-522, Oct. 21, 1972, 86 Stat. 1027, which is classified generally to chapter 31 (§1361 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1361 of Title 16 and Tables.

Section 315 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, referred to in subsec. (f)(4), is section 315 of Pub. L. 107-314, which is set out as a note under section 703 of Title 16, Conservation.

#### AMENDMENTS

2017—Subsec. (e)(2). Pub. L. 115-91 substituted “November 25, 2017,” for “24 months after the date of the enactment of this section”.

#### CHAPTER 633—NAVAL VESSELS

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7291.	Classification.
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- Sec.
- 7309. Construction of vessels in foreign shipyards: prohibition.
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- 7313. Ship overhaul work: availability of appropriations for unusual cost overruns and for changes in scope of work.
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- 7318. Warranty requirements for shipbuilding contracts.
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AMENDMENTS

Pub. L. 115-91, div. C, title XXXI, §3115(b)(2), Dec. 12, 2017, 131 Stat. 1887, added item 7319.

2016—Pub. L. 114-328, div. A, title X, §1022(a)(2), (b), Dec. 23, 2016, 130 Stat. 2388, added item 7318, effective on the later of the date of enactment of the National Defense Authorization for Fiscal Year 2018 or Sept. 30, 2017.

Pub. L. 114-328, div. A, title I, §121(a)(2), Dec. 23, 2016, 130 Stat. 2030, added item 7301.

2013—Pub. L. 113-66, div. A, title X, §1022(e)(2), Dec. 26, 2013, 127 Stat. 846, 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 item 7306.

2011—Pub. L. 112-81, div. A, title X, §1061(27)(B), Dec. 31, 2011, 125 Stat. 1584, struck out item 7296 “Combatant surface vessels: notice before reduction in number; preservation of surge capability”.

Pub. L. 111-350, §5(b)(51), Jan. 4, 2011, 124 Stat. 3846, substituted “chapter 65 of title 41” for “Walsh-Healey Act” in item 7299.

2009—Pub. L. 111-84, div. A, title X, §1073(a)(30), Oct. 28, 2009, 123 Stat. 2474, inserted period after “thereof” in item 7317.

2008—Pub. L. 110-417, [div. A], title VIII, §825(b), Oct. 14, 2008, 122 Stat. 4534, added item 7317.

2004—Pub. L. 108-375, div. A, title X, §§1011(b), 1012(a)(2), Oct. 28, 2004, 118 Stat. 2039, 2040, added items 7305a and 7312.

2003—Pub. L. 108-136, div. A, title X, §§1013(b), 1015(b), Nov. 24, 2003, 117 Stat. 1591, 1592, added items 7306b and 7316.

2002—Pub. L. 107-314, div. A, title X, §1021(b)(2), Dec. 2, 2002, 116 Stat. 2639, added item 7296.

1999—Pub. L. 106-65, div. A, title X, §1016(b), Oct. 5, 1999, 113 Stat. 744, added item 7300.

1997—Pub. L. 105-85, div. A, title X, §1027(a)(2), Nov. 18, 1997, 111 Stat. 1879, added item 7315.

1996—Pub. L. 104-106, div. A, title VIII, §815(b), Feb. 10, 1996, 110 Stat. 396, added item 7299.

1994—Pub. L. 103-355, title II, §2001(j)(3)(A), title III, §§3023(b), 3024(b), Oct. 13, 1994, 108 Stat. 3303, 3333, 3334, struck out items 7299 “Contracts: application of Public Contracts Act”, 7302 “Construction on Pacific Coast”, and 7312 “Repair or maintenance of naval vessels: progress payments under certain contracts”.

1993—Pub. L. 103-160, div. A, title VIII, §828(a)(7), (c)(7), Nov. 30, 1993, 107 Stat. 1713, 1714, struck out items 7296 “Appropriations: available for other purposes”, 7298 “Conversion of combatants and auxiliaries”, and 7301 “Bids on construction: estimates required”, sub-

stituted “Examination of vessels; striking of vessels” for “Examination by board: unfit vessel stricken” in item 7304, “Vessels stricken from Naval Vessel Register: sale” for “Sale of vessel stricken from Naval Vessel Register” in item 7305, and “Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise” for “Use for experimental purposes” in item 7306, added item 7306a, substituted “Disposals to foreign nations” for “Restriction on disposal” in item 7307, “Chief of Naval Operations: certification required for disposal of combatant vessels” for “Transfer or gift of obsolete, condemned, or captured vessels” in item 7308, “Construction of vessels in foreign shipyards: prohibition” for “Restrictions on construction or repair of vessels in foreign shipyards” in item 7309, and “Overhaul, repair, etc. of vessels in foreign shipyards: restrictions” for “Policy in constructing combatant vessels” in item 7310.

1989—Pub. L. 101-189, div. A, title XVI, §1622(a), Nov. 29, 1989, 103 Stat. 1604, redesignated item 7313 “Overhaul of naval vessels: competition between public and private shipyards” as 7314.

1988—Pub. L. 100-456, div. A, title XII, §§1224(b)(2), 1225(a)(2), Sept. 29, 1988, 102 Stat. 2054, 2055, substituted “Restrictions on construction or repair” for “Restriction on construction” in item 7309 and added item 7313 “Overhaul of naval vessels: competition between public and private shipyards”.

Pub. L. 100-370, §1(n)(2), July 19, 1988, 102 Stat. 850, added item 7313 “Ship overhaul work: availability of appropriations for unusual cost overruns and for changes in scope of work”.

1987—Pub. L. 100-180, div. A, title XI, §1102(a)(2), Dec. 4, 1987, 101 Stat. 1145, added item 7312.

1986—Pub. L. 99-661, div. A, title XII, §1202(b), Nov. 14, 1986, 100 Stat. 3968, added item 7311.

1985—Pub. L. 99-145, title XIII, §1303(a)(24)(B), Nov. 8, 1985, 99 Stat. 740, struck out “naval” before “vessels” in item 7309.

1982—Pub. L. 97-295, §1(48)(B), Oct. 12, 1982, 96 Stat. 1298, added item 7299a.

Pub. L. 97-295, §1(49)(B), Oct. 12, 1982, 96 Stat. 1299, added item 7310.

Pub. L. 97-252, title XI, §1127(b), Sept. 8, 1982, 96 Stat. 759, added item 7309.

1981—Pub. L. 97-86, title IX, §911(b)(2), Dec. 1, 1981, 95 Stat. 1122, struck out item 7300 “Contracts for construction: profit limitation”.

**§ 7291. Classification**

The President may establish, and from time to time modify, as the needs of the service require, a classification of naval vessels.

(Aug. 10, 1956, ch. 1041, 70A Stat. 448.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7291 .....	34 U.S.C. 451 (as applicable to classification of vessels).	Mar. 3, 1901, ch. 852 (last par. as applicable to classification of vessels), 31 Stat. 1133.

POLICY OF THE UNITED STATES ON MINIMUM NUMBER OF BATTLE FORCE SHIPS

Pub. L. 115-91, div. A, title X, §1025, Dec. 12, 2017, 131 Stat. 1549, provided that:

“(a) POLICY.—It shall be the policy of the United States to have available, as soon as practicable, not fewer than 355 battle force ships, comprised of the optimal mix of platforms, with funding subject to the availability of appropriations or other funds.

“(b) BATTLE FORCE SHIPS DEFINED.—In this section, the term ‘battle force ship’ has the meaning given the term in Secretary of the Navy Instruction 5030.8C.”

METERING OF NAVY PIERS TO ACCURATELY MEASURE ENERGY CONSUMPTION

Pub. L. 112-81, div. B, title XXVIII, §2828, Dec. 31, 2011, 125 Stat. 1694, provided that: