

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”.

§ 8661. 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, § 7291; renumbered § 8661, Pub. L. 115-232, div. A, title VIII, § 807(d)(2), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7291 of this title as this section.

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.

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:

“(a) METERING REQUIRED.—The Secretary of the Navy shall meter Navy piers so that the energy consumption of naval vessels while in port can be accurately measured and captured and steps taken to improve the efficient use of energy by naval vessels while in port.

“(b) PROGRESS REPORTS.—In each of the Department of Defense energy management reports submitted to Congress during fiscal years 2012 through 2017 under section 2925(a) of title 10, United States Code, the Secretary of the Navy shall include information on the progress being made to implement the metering of Navy piers, including information on any reductions in energy consumption achieved through the use of such metering.”

ADVANCE PROCUREMENT FUNDING

Pub. L. 111-84, div. A, title I, § 124(a), Oct. 28, 2009, 123 Stat. 2214, provided that:

“(a) ADVANCE PROCUREMENT.—With respect to a naval vessel for which amounts are authorized to be appro-

priated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract, in advance of a contract for construction of any vessel, for any of the following:

“(1) Components, parts, or materiel.

“(2) Production planning and other related support services that reduce the overall procurement lead time of such vessel.”

ASSESSMENTS REQUIRED PRIOR TO START OF CONSTRUCTION ON FIRST SHIP OF A SHIPBUILDING PROGRAM

Pub. L. 110-181, div. A, title I, § 124, Jan. 28, 2008, 122 Stat. 28, provided that:

“(a) IN GENERAL.—Concurrent with approving the start of construction of the first ship for any major shipbuilding program, the Secretary of the Navy shall—

“(1) submit a report to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] on the results of any production readiness review; and

“(2) certify to the congressional defense committees that the findings of any such review support commencement of construction.

“(b) REPORT.—The report required by subsection (a)(1) shall include, at a minimum, an assessment of each of the following:

“(1) The maturity of the ship’s design, as measured by stability of the ship contract specifications and the degree of completion of detail design and production design drawings.

“(2) The maturity of developmental command and control systems, weapon and sensor systems, and hull, mechanical and electrical systems.

“(3) The readiness of the shipyard facilities and workforce to begin construction.

“(4) The Navy’s estimated cost at completion and the adequacy of the budget to support the estimate.

“(5) The Navy’s estimated delivery date and description of any variance to the contract delivery date.

“(6) The extent to which adequate processes and metrics are in place to measure and manage program risks.

“(c) APPLICABILITY.—This section applies to each major shipbuilding program beginning after the date of the enactment of this Act [Jan. 28, 2008].

“(d) DEFINITIONS.—For the purposes of subsection (a):

“(1) START OF CONSTRUCTION.—The term ‘start of construction’ means the beginning of fabrication of the hull and superstructure of the ship.

“(2) FIRST SHIP.—The term ‘first ship’ applies to a ship if—

“(A) the ship is the first ship to be constructed under that shipbuilding program; or

“(B) the shipyard at which the ship is to be constructed has not previously started construction on a ship under that shipbuilding program.

“(3) MAJOR SHIPBUILDING PROGRAM.—The term ‘major shipbuilding program’ means a program for the construction of combatant and support vessels required for the naval vessel force, as reported within the annual naval vessel construction plan required by section 231 of title 10, United States Code.

“(4) PRODUCTION READINESS REVIEW.—The term ‘production readiness review’ means a formal examination of a program prior to the start of construction to determine if the design is ready for production, production engineering problems have been resolved, and the producer has accomplished adequate planning for the production phase.”

FAST SEALIFT PROGRAM

Pub. L. 101-510, div. A, title XIV, § 1424, Nov. 5, 1990, 104 Stat. 1683, as amended by Pub. L. 102-190, div. A, title X, § 1015, Dec. 5, 1991, 105 Stat. 1458; Pub. L. 102-484,

div. A, title X, §1022, Oct. 23, 1992, 106 Stat. 2485; Pub. L. 103-337, div. A, title I, §125, Oct. 5, 1994, 108 Stat. 2683, provided that:

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Navy shall establish a program for the construction and operation, or conversion and operation, of cargo vessels that incorporate features essential for military use of the vessels.

“(b) PROGRAM REQUIREMENTS.—The program under this section shall be carried out as follows:

“(1) The Secretary of the Navy shall establish the design requirements for vessels to be constructed or converted under the program.

“(2) In establishing the design requirements for vessels to be constructed or converted under the program, the Secretary shall use commercial design standards and shall consult with the Administrator of the Maritime Administration.

“(3) Construction or conversion of the vessels shall be accomplished in private United States shipyards.

“(4) The vessels constructed or converted under the program shall incorporate propulsion systems whose main components (that is, the engines, reduction gears, and propellers) are manufactured in the United States.

“(5) The vessels constructed or converted under the program shall incorporate bridge and machinery control systems and interior communications equipment which—

“(A) are manufactured in the United States; and
“(B) have more than half of their value, in terms of cost, added in the United States.

“(6) The Secretary of Defense may waive the requirement of paragraph (5) with respect to a system or equipment described in that paragraph if—

“(A) the system or equipment is not available; or
“(B) the costs of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

“(c) CHARTER OF VESSELS CONSTRUCTED.—(1) Except when the Secretary determines that having a vessel immediately available with a full or partial crew is in the national interest, the Secretary, in consultation with the Administrator of the Maritime Administration, shall charter each vessel constructed before October 1, 1995, under the program for commercial operation. Any such charter—

“(A) shall not permit the operation of the vessel other than in the foreign commerce of the United States;

“(B) may be made only with an individual or entity that is a citizen of the United States (which, in the case of a corporation, partnership, or association, shall be determined in the manner specified in section 2 of the Shipping Act, 1916 ([former] 46 U.S.C. App. 802)) [see 46 U.S.C. 50501]; and

“(C) shall require that the vessel be documented (and remain documented) under the laws of the United States.

“(2) The Secretary may enter into a charter under paragraph (1) only through the use of competitive bidding procedures that ensure that the highest charter rates are obtained by the United States consistent with good business practice, except that the Secretary may operate the vessel (or contract to have the vessel operated) in direct support of United States military forces during a time of war or national emergency and at other times when the Administrator of the Maritime Administration determines that that operation would not unfairly compete with another United States-flag vessel.

“(3) If the Secretary determines that a vessel previously chartered under the program no longer has commercial utility, the Secretary may transfer the vessel to the National Defense Reserve Fleet.

“(4) A contract for the charter of a vessel under paragraph (1) shall include a provision that the charter may be terminated for national security reasons without cost to the United States.

“(d) REPORTS TO CONGRESS.—(1) Not later than six months after the date of the enactment of this Act

[Nov. 5, 1990], the Secretary of the Navy shall submit to Congress a report describing the Secretary's plan for implementing the fast sealift program authorized by this section.

“(2) Not later than three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the implementation of the plan described in the report submitted under paragraph (1). The report shall include a description of vessels built or under contract to be built pursuant to this section, the use of such vessels, and the operating experience and manning of such vessels.

“(3) The reports under paragraphs (1) and (2) shall be prepared in consultation with the Administrator of the Maritime Administration.

“(e) AVAILABILITY OF FUNDS.—Amounts appropriated to the Department of Defense for any fiscal year for acquisition of fast sealift vessels may be used for the program under this section.”

FUNDING FOR SHIP PRODUCTION ENGINEERING

Pub. L. 101-189, div. A, title XVI, §1613, Nov. 29, 1989, 103 Stat. 1601, provided that:

“(a) CATEGORY FOR FUNDING.—Any request submitted to Congress for appropriations for ship production engineering necessary to support the procurement of any ship included (at the time the request is submitted) in the five-year shipbuilding and conversion plan of the Navy shall be set forth in the Shipbuilding and Conversion account of the Navy (rather than in research and development accounts).

“(b) APPLICABILITY.—Subsection (a) shall apply only with respect to appropriations for a fiscal year after fiscal year 1990.”

REPAIR OF VESSELS IN FOREIGN SHIPYARDS

Pub. L. 99-500, §101(c) [title IX, §9101], Oct. 18, 1986, 100 Stat. 1783-82, 1783-118, and Pub. L. 99-591, §101(c) [title IX, §9101], Oct. 30, 1986, 100 Stat. 3341-82, 3341-118, provided that: “No naval vessel or any vessel owned and operated by the Department of Defense homeported in the United States may be overhauled, repaired, or maintained in a foreign owned and operated shipyard located outside of the United States, except for voyage repairs.”

ENCOURAGEMENT OF CONSTRUCTION IN UNITED STATES SHIPYARDS OF COMBATANT VESSELS FOR UNITED STATES ALLIES

Pub. L. 99-145, title XIV, §1455, Nov. 8, 1985, 99 Stat. 761, provided that:

“(a) IN GENERAL.—The Secretary of the Navy shall take such steps as necessary—

“(1) to encourage United States shipyards to construct combatant vessels for nations friendly to the United States, subject to the requirement to safeguard sensitive warship technology; and

“(2) to ensure that no effort is made by any element of the Department of the Navy to inhibit, delay, or halt the provision of any United States naval system to a nation allied with the United States if that system is approved for export to a foreign nation, unless approval of such system for export is withheld solely for the purpose of safeguarding sensitive warship technology;

“(3) if opportunities arise to construct combatant vessels (including diesel submarines) outside the United States in a shipyard of a friendly foreign nation, with some or all of the costs provided by United States funds—

“(A) to encourage United States firms to participate in such construction to the maximum extent possible, subject to the requirement to safeguard sensitive warship technology; and

“(B) to ensure, whenever practicable, that at least 51 percent of the dollar value of such construction is provided by United States firms.

“(b) DEFINITION.—For the purposes of this section, the term ‘sensitive warship technology’ means tech-

nology relating to the design or construction of a combatant naval vessel that is determined by the Secretary of Defense to be vital to United States security.”

SIX-HUNDRED-SHIP GOAL FOR NAVY; SENSE OF CONGRESS

Pub. L. 97-114, title VII, §791, Dec. 29, 1981, 95 Stat. 1593, provided that: “It is the sense of the Congress that—

“(1) A larger and stronger American Navy is needed as an essential ingredient of our Armed Forces, in order to fulfill its basic missions of (A) protecting the sea lanes to preserve the safety of the free world’s commerce, (B) assuring continued access to raw materials essential to the well-being of the free world, (C) enhancing our capacity to project effective American forces into regions of the world where the vital interests of the United States must be protected, (D) engaging the Navy of the Soviet Union or any other potential adversary successfully, (E) continuing to serve as a viable leg of our strategic triad, and (F) providing visible evidence of American diplomatic, economic and military commitments throughout the world.

“(2) In order to conduct the numerous and growing missions of the modern American Navy, a goal of a naval inventory of approximately six hundred active ships of various types by the end of the century at the latest, is highly desirable, the exact figure to be flexible to accommodate new designs as the specific details of our naval missions evolve to meet various contingencies.

“(3) The Secretary of Defense comply with section 808 of Public Law 94-106, the Department of Defense Appropriation Authorization Act of 1976 [set out as a note under this section], in order that the Congress may more properly appropriate the funds necessary to reach a six hundred-ship goal at least by the end of the present century.”

TONNAGE BALANCE FOR CONSTRUCTION OF SHIPS;
REPEAL

Pub. L. 89-37, title III, §301, June 11, 1965, 79 Stat. 128, provided that: “Outstanding tonnage balances remaining in law for construction of Navy ships are hereby repealed.”

§ 8662. Naming

(a) Not more than one vessel of the Navy may have the same name.

(b) Each battleship shall be named for a State. However, if the names of all the States are in use, a battleship may be named for a city, place, or person.

(c) The Secretary of the Navy may change the name of any vessel bought for the Navy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 448, §7292; Pub. L. 112-239, div. A, title X, §1018(b), Jan. 2, 2013, 126 Stat. 1910; Pub. L. 113-291, div. A, title X, §1071(f)(27), Dec. 19, 2014, 128 Stat. 3511; Pub. L. 114-92, div. A, title X, §1074(a), Nov. 25, 2015, 129 Stat. 996; renumbered §8662, Pub. L. 115-232, div. A, title VIII, §807(d)(2), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7292(a)	34 U.S.C. 462.	R.S. 1532.
7292(b)	34 U.S.C. 461.	May 4, 1898, ch. 234, 30 Stat. 390 (2d sentence under “Armor and Armament”); May 13, 1908, ch. 166, 35 Stat. 159; June 29, 1949, ch. 278, 63 Stat. 300 (6th par.).

HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7292(c)	34 U.S.C. 463.	R.S. 1533.

In subsection (a) the words “care shall be taken that” are omitted as surplusage.

In subsection (b) the words “first class” are omitted as obsolete.

In subsection (c) the words “by authority of law” are omitted as surplusage.

PRIOR PROVISIONS

A prior section 8662, act Aug. 10, 1956, ch. 1041, 70A Stat. 533, provided for military training, organization, and equipping of prisoners who have been sent to United States Disciplinary Barracks, prior to repeal by Pub. L. 90-377, §6(3), July 5, 1968, 82 Stat. 288.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7292 of this title as this section.

2015—Subsec. (d). Pub. L. 114-92 struck out subsec. (d) which read as follows:

“(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

“(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1018(a) of the National Defense Authorization Act for Fiscal Year 2013.”

2014—Subsec. (d)(2). Pub. L. 113-291 substituted “section 1018(a)” for “section 1024(a)”.

2013—Subsec. (d). Pub. L. 112-239 added subsec. (d).

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 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1018(c), Jan. 2, 2013, 126 Stat. 1911, provided that: “This section [amending this section and enacting provisions set out as a note under this section] and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act [Jan. 2, 2013].”

FINDINGS

Pub. L. 112-239, div. A, title X, §1018(a), Jan. 2, 2013, 126 Stat. 1910, provided that: “Congress makes the following findings:

“(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

“(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

“(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.”