

a naval vessel, the Secretary of the Navy shall, in determining the cost or price of work to be performed in an area outside the area of the homeport of the vessel, consider foreseeable costs of moving the vessel and its crew from the homeport to the outside area and from the outside area back to the homeport at the completion of the contract.

(c)(1) Before issuing a solicitation for a contract for short-term work for the overhaul, repair, or maintenance of a naval vessel, the Secretary of the Navy shall determine if there is adequate competition available among firms able to perform the work at the homeport of the vessel. If the Secretary determines that there is adequate competition among such firms, the Secretary—

(A) shall issue such a solicitation only to firms able to perform the work at the homeport of the vessel; and

(B) may not award such contract to a firm other than a firm that will perform the work at the homeport of the vessel.

(2) Paragraph (1) applies notwithstanding subsection (a) or any other provision of law.

(3) Paragraph (1) does not apply in the case of voyage repairs.

(4) In this subsection, the term “short-term work” means work that will be for a period of 10 months or less.

(Added Pub. L. 97-295, §1(48)(A), Oct. 12, 1982, 96 Stat. 1298, §7299a; amended Pub. L. 99-661, div. A, title XII, §1201(a), Nov. 14, 1986, 100 Stat. 3967; Pub. L. 100-180, div. A, title XI, §1101, Dec. 4, 1987, 101 Stat. 1145; Pub. L. 101-510, div. A, title XIV, §1422, Nov. 5, 1990, 104 Stat. 1682; Pub. L. 102-484, div. A, title X, §1016, Oct. 23, 1992, 106 Stat. 2485; Pub. L. 114-328, div. A, title X, §1021, Dec. 23, 2016, 130 Stat. 2388; renumbered §8669a, 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>
7299a	10:7291 (note).	June 11, 1965, Pub. L. 89-37, §§ 302, 303, 79 Stat. 128.

In subsection (a), the words “combatant vessels” are substituted for “warships” for consistency in title 10 and because of 1:3. The words “for which appropriations are authorized by this Act and hereafter” are omitted as unnecessary.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7299a of this title as this section.

2016—Subsec. (c)(4). Pub. L. 114-328 substituted “10 months” for “six months”.

1992—Subsec. (a). Pub. L. 102-484, §1016(a), (b)(1), redesignated subsec. (b) as (a) and struck out former subsec. (a) which read as follows: “The distribution of assignments and contracts for the construction of combatant vessels and escort vessels is subject to the Act of March 27, 1934 (ch. 95, 48 Stat. 503), requiring that the first and each succeeding alternate vessel be constructed in a Navy yard. However, the President may direct that a vessel be constructed in a Navy or private yard if the requirement of this subsection is inconsistent with the public interest.”

Subsec. (b). Pub. L. 102-484, §1016(b)(1), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Subsecs. (c), (d). Pub. L. 102-484, §1016(b), redesignated subsec. (d) as (c) and substituted “subsection (a)” for “subsection (b)” in par. (2). Former subsec. (c) redesignated (b).

1990—Subsec. (d)(3). Pub. L. 101-510 substituted “apply in the case of voyage repairs.” for “apply—

“(A) in the case of voyage repairs; or

“(B) in the case of a vessel that is assigned to the Naval Reserve force and homeported on the West Coast of the United States.”

1987—Subsec. (d). Pub. L. 100-180 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows:

“(1) Notwithstanding subsections (b) and (c), the Secretary may award a contract for short-term work for the overhaul, repair, or maintenance of a naval vessel only to a contractor that is able to perform the work at the homeport of the vessel, if the Secretary determines that adequate competition is available among firms able to perform the work at the homeport of the vessel.

“(2) In this subsection, the term ‘short-term work’ means work that will be for a period of six months or less.”

1986—Subsecs. (c), (d). Pub. L. 99-661 added subsecs. (c) and (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.

DELEGATION OF AUTHORITY

For delegation of authority of President under subsec. (a) of this section, see section 2 of Ex. Ord. No. 12765, June 11, 1991, 56 F.R. 27401, set out as a note under section 113 of this title.

§ 8670. Contracts for nuclear ships: sales of naval shipyard articles and services to private shipyards

The conditions set forth in section 2208(j)(1)(B) of this title and subsections (a)(1) and (c)(1)(A) of section 2563 of this title shall not apply to a sale by a naval shipyard of articles or services to a private shipyard that is made at the request of the private shipyard in order to facilitate the private shipyard’s fulfillment of a Department of Defense contract with respect to a nuclear ship. This section does not authorize a naval shipyard to construct a nuclear ship for the private shipyard, to perform a majority of the work called for in a contract with a private entity, or to provide articles or services not requested by the private shipyard.

(Added Pub. L. 106-65, div. A, title X, §1016(a), Oct. 5, 1999, 113 Stat. 744, §7300; amended Pub. L. 106-398, §1 [[div. A], title X, §1033(c)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-261; renumbered §8670, Pub. L. 115-232, div. A, title VIII, §807(d)(2), Aug. 13, 2018, 132 Stat. 1836.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7300 of this title as this section.

2000—Pub. L. 106-398 substituted “section 2563” for “section 2553”.

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.

§ 8671. Determination of vessel delivery dates

(a) IN GENERAL.—The delivery of a covered vessel shall be deemed to occur on the date on which—

- (1) the Secretary of the Navy determines that the vessel is assembled and complete; and
- (2) custody of the vessel and all systems contained in the vessel transfers to the Navy.

(b) INCLUSION IN BUDGET AND ACQUISITION REPORTS.—The delivery dates of covered vessels shall be included—

- (1) in the materials submitted to Congress by the Secretary of Defense in support of the budget of the President for each fiscal year (as submitted to Congress under section 1105(a) of title 31, United States Code); and
- (2) in any relevant Selected Acquisition Report submitted to Congress under section 2432 of this title.

(c) LISTING AS BATTLE FORCE SHIP IN NAVAL VESSEL REGISTER.—A covered vessel may not be listed in the Naval Vessel Register or other fleet inventory measures as a battle force ship until the delivery date specified in subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term “covered vessel” means any vessel of the Navy that is under construction or constructed using amounts authorized to be appropriated for the Department of Defense for shipbuilding and conversion, Navy.

(2) The term “battle force ship” means the following:

(A) A commissioned United States Ship warship capable of contributing to combat operations.

(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.

(Added Pub. L. 114–328, div. A, title I, §121(a)(1), Dec. 23, 2016, 130 Stat. 2029, §7301; renumbered §8671 and amended Pub. L. 115–232, div. A, title VIII, §807(d)(2), title X, §1014, Aug. 13, 2018, 132 Stat. 1836, 1948.)

AMENDMENTS

2018—Pub. L. 115–232, §807(d)(2), renumbered section 7301 of this title as this section.

Subsec. (c). Pub. L. 115–232, §1014(a)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 115–232, §1014(b), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “In this section, the term ‘covered vessel’ means any vessel of the Navy that is under construction on or after the date of the enactment of this section using amounts authorized to be appropriated for the Department of Defense for shipbuilding and conversion, Navy.”

Pub. L. 115–232, §1014(a)(1), redesignated subsec. (c) as (d).

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 807(d)(2) of 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.

CERTIFICATION

Pub. L. 114–328, div. A, title I, §121(b), Dec. 23, 2016, 130 Stat. 2030, provided that:

“(1) IN GENERAL.—Not later than January 1, 2017, the Secretary of the Navy shall certify to the congressional

defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that the delivery dates of the following vessels have been adjusted in accordance with section 7301 [now 8671] of title 10, United States Code, as added by subsection (a):

- “(A) The U.S.S. John F. Kennedy (CVN–79).
- “(B) The U.S.S. Zumwalt (DDG–1000).
- “(C) The U.S.S. Michael Monsoor (DDG–1001).
- “(D) The U.S.S. Lyndon B. Johnson (DDG–1002).
- “(E) Any other vessel of the Navy that is under construction on the date of the enactment of this Act [Dec. 23, 2016].

“(2) CONTENTS.—The certification under paragraph (1) shall include—

- “(A) an identification of each vessel for which the delivery date was adjusted; and
- “(B) the delivery date of each such vessel, as so adjusted.”

§ 8673. Model Basin; investigation of hull designs

The Secretary of the Navy may authorize experiments to be made at the Model Basin for private persons. The costs of experiments made for private persons shall be paid by those persons under regulations prescribed by the Secretary. The results of private experiments are confidential and may not be divulged without the consent of the persons for whom they are made. However, the data obtained from such experiments may be used by the Secretary for governmental purposes, subject to the patent laws of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 451, §7303; Pub. L. 89–718, §41, Nov. 2, 1966, 80 Stat. 1120; renumbered §8673 and amended Pub. L. 115–232, div. A, title VIII, §807(d)(2), title X, §1015(a), Aug. 13, 2018, 132 Stat. 1836, 1949.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7303	5 U.S.C. 430a.	May 6, 1936, ch. 333, 49 Stat. 1263; June 20, 1940, ch. 400, §1(a), (b), 54 Stat. 492.

In subsection (a) the authority to purchase a site and construct the model basin is omitted as executed. The words “David W. Taylor Model Basin, Carderock, Maryland” are inserted to designate the model basin established under this authority. The words “investigations to determine” are substituted for the words “work of investigating and determining.” The phrase “vessels, including aircraft” is changed to read “vessels and aircraft”, and the words “their design” are substituted for “ship design”.

AMENDMENTS

2018—Pub. L. 115–232, §807(d)(2), renumbered section 7303 of this title as this section.

Pub. L. 115–232, §1015(a), struck out subsec. (b) designation before “The Secretary” and struck out subsec. (a) which read as follows: “An office or agency in the Department of the Navy designated by the Secretary of the Navy shall conduct at the David W. Taylor Model Basin, Carderock, Maryland, investigations to determine the most suitable shapes and forms for United States vessels and aircraft and investigations of other problems of their design.”

1966—Subsec. (a). Pub. L. 89–718 substituted “An officer or agency of the Department of the Navy designated by the Secretary of the Navy” for “The Bureau of Ships”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by section 807(d)(2) of Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination