

(3) funds appropriated for those costs.

(Added Pub. L. 106–65, div. A, title X, §1014(a)(1), Oct. 5, 1999, 113 Stat. 741, §7233; renumbered §8633, Pub. L. 115–232, div. A, title VIII, §807(d)(1), Aug. 13, 2018, 132 Stat. 1836; Pub. L. 116–283, div. A, title XVIII, §1883(b)(2), Jan. 1, 2021, 134 Stat. 4294.)

AMENDMENT OF SECTION

Pub. L. 116–283, div. A, title XVIII, §§1801(d), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4151, 4294, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, except as otherwise provided in title XVIII of Pub. L. 116–283, in title 10, United States Code, each reference in the text of such title to a source section that is redesignated by title XVIII of Pub. L. 116–283, is amended by striking such reference and inserting a reference to the appropriate section as so redesignated. See 2021 Amendment note below.

PRIOR PROVISIONS

A prior section 8633, act Aug. 10, 1946, ch. 1041, 70A Stat. 532, provided for forfeiture of pay when dropped from rolls, prior to repeal by Pub. L. 87–649, §14c(55), Sept. 7, 1962, 76 Stat. 502, effective Nov. 1, 1962. See section 803 of Title 37, Pay and Allowances of the Uniformed Services.

AMENDMENTS

2021—Subsec. (g)(1). Pub. L. 116–283 substituted “sub-section (b)(2) of section 3672 and section 3675” for “sub-sections (e)(2) and (f) of section 2401”.

2018—Pub. L. 115–232 renumbered section 7233 of this title as this section.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116–283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116–283, set out as a note preceding section 3001 of this title.

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

Pub. L. 106–65, div. A, title X, §1014(c), Oct. 5, 1999, 113 Stat. 742, provided that: “Section 7233 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999.”

§ 8634. Submarine safety programs: participation of NATO naval personnel

(a) ACCEPTANCE OF ASSIGNMENT OF FOREIGN NAVAL PERSONNEL.—In order to facilitate the development, standardization, and interoperability of submarine vessel safety and rescue systems and procedures, the Secretary of the Navy may conduct a program under which members of the naval service of any of the member nations of the North Atlantic Treaty Organization may be assigned to United States commands to work on such systems and procedures.

(b) RECIPROCITY NOT REQUIRED.—The authority under subsection (a) is not an exchange program. Reciprocal assignments of members of the

Navy to the naval service of a foreign country is not a condition for the exercise of such authority.

(c) COSTS FOR FOREIGN PERSONNEL.—(1) The United States may not pay the following costs for a member of a foreign naval service sent to the United States under the program authorized by this section:

- (A) Salary.
- (B) Per diem.
- (C) Cost of living.
- (D) Travel costs.
- (E) Cost of language or other training.
- (F) Other costs.

(2) Paragraph (1) does not apply to the following costs, which may be paid by the United States:

(A) The cost of temporary duty directed by the Secretary of the Navy or an officer of the Navy authorized to do so.

(B) The cost of training programs conducted to familiarize, orient, or certify members of foreign naval services regarding unique aspects of their assignments.

(C) Costs incident to the use of the facilities of the Navy in the performance of assigned duties.

(d) RELATIONSHIP TO OTHER AUTHORITY.—The provisions of this section shall apply in the exercise of any authority of the Secretary of the Navy to enter into an agreement with the government of a foreign country, subject to the concurrence of the Secretary of State, to provide for the assignment of members of the naval service of the foreign country to a Navy submarine safety program. The Secretary of the Navy may prescribe regulations for the application of this section in the exercise of such authority.

(e) TERMINATION OF AUTHORITY.—The Secretary of the Navy may not accept the assignment of a member of the naval service of a foreign country under this section after September 30, 2008.

(Added Pub. L. 108–375, div. A, title XII, §1223(a), Oct. 28, 2004, 118 Stat. 2089, §7234; renumbered §8634, Pub. L. 115–232, div. A, title VIII, §807(d)(1), Aug. 13, 2018, 132 Stat. 1836.)

PRIOR PROVISIONS

A prior section 8634, act Aug. 10, 1956, ch. 1041, 70A Stat. 532; Pub. L. 101–510, div. A, title III, §327(c), Nov. 5, 1990, 104 Stat. 1532, generally prohibited Air Force band from being paid for performance outside air base, prior to repeal by Pub. L. 110–181, div. A, title V, §590(b)(1), Jan. 28, 2008, 122 Stat. 138. See section 974 of this title.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 7234 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.

§ 8635. Establishment of the Southern Sea Otter Military Readiness Areas

(a) ESTABLISHMENT.—The Secretary of the Navy shall establish areas, to be known as

“Southern Sea Otter Military Readiness Areas”, for national defense purposes. Such areas shall include each of the following:

(1) The area that includes Naval Base Ventura County, San Nicolas Island, and Beggs Rock and the adjacent and surrounding waters within the following coordinates:

N. Latitude/W. Longitude
 33°27.8'/119°34.3'
 33°20.5'/119°15.5'
 33°13.5'/119°11.8'
 33°06.5'/119°15.3'
 33°02.8'/119°26.8'
 33°08.8'/119°46.3'
 33°17.2'/119°56.9'
 33°30.9'/119°54.2'.

(2) The area that includes Naval Base Coronado, San Clemente Island and the adjacent and surrounding waters running parallel to shore to 3 nautical miles from the high tide line designated by part 165 of title 33, Code of Federal Regulations, on May 20, 2010, as the San Clemente Island 3NM Safety Zone.

(b) ACTIVITIES WITHIN THE SOUTHERN SEA OTTER MILITARY READINESS AREAS.—

(1) INCIDENTAL TAKINGS UNDER ENDANGERED SPECIES ACT OF 1973.—Sections 4 and 9 of the Endangered Species Act of 1973 (16 U.S.C. 1533, 1538) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting a military readiness activity.

(2) INCIDENTAL TAKINGS UNDER MARINE MAMMAL PROTECTION ACT OF 1972.—Sections 101 and 102 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371, 1372) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting a military readiness activity.

(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, §7235; amended Pub. L. 115-91, div. A, title X, §1081(a)(50), Dec. 12, 2017, 131 Stat. 1597; renumbered §8635, Pub. L. 115-232, div. A, title VIII, §807(d)(1), Aug. 13, 2018, 132 Stat. 1836.)

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.

PRIOR PROVISIONS

A prior section 8635, act Aug. 10, 1956, ch. 1041, 70A Stat. 532, set forth restrictions on civilian employment for enlisted members of Air Force on active duty, prior to repeal by Pub. L. 90-235, §6(a)(7), Jan. 2, 1968, 81 Stat. 762.

A prior section 8639 was renumbered section 9239 of this title.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7235 of this title as this section.

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

CHAPTER 863—NAVAL VESSELS

- Sec.
- 8661. Classification.
- 8662. Naming.
- 8663. Number in service in time of peace.
- 8664. Suspension of construction in case of treaty.
- 8667. Changing category or type: limitations.
- 8669. Contracts: applicability of chapter 65 of title 41.
- 8669a. Construction of combatant and escort vessels and assignment of vessel projects.
- 8669b. Senior Technical Authority for each naval vessel class.
- 8670. Contracts for nuclear ships: sales of naval shipyard articles and services to private shipyards.
- 8671. Determination of vessel delivery dates.
- 8673. Model basin; investigation of hull designs.
- 8674. Examination of vessels; striking of vessels from Naval Vessel Register.
- 8675. Vessels stricken from Naval Vessel Register: sale.
- 8675a. Vessels stricken from Naval Vessel Register: contracts for dismantling on net-cost basis.
- 8676. Vessels stricken from Naval Vessel Register; captured vessels: conveyance by donation.
- 8676a. Vessels stricken from Naval Vessel Register: use for experimental purposes.
- 8676b. Vessels stricken from Naval Vessel Register: transfer by gift or otherwise for use as artificial reefs.
- 8677. Disposals to foreign nations.
- 8678. Chief of Naval Operations: certification required for disposal of combatant vessels.
- 8679. Construction of vessels in foreign shipyards: prohibition.
- 8680. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions.
- 8681. Repair or maintenance of naval vessels: handling of hazardous waste.
- 8682. Service craft stricken from Naval Vessel Register; obsolete boats: use of proceeds from exchange or sale.
- 8683. Ship overhaul work: availability of appropriations for unusual cost overruns and for changes in scope of work.
- 8684. Overhaul of naval vessels: competition between public and private shipyards.
- 8684a. Repair, maintenance, or overhaul of naval vessels: rate for progress payments.

- Sec.
- 8685. Preservation of Navy shipbuilding capability.
- 8686. Support for transfers of decommissioned vessels and shipboard equipment.
- 8687. Status of Government rights in the designs of vessels, boats, and craft, and components thereof.
- 8688. Warranty requirements for shipbuilding contracts.
- 8688a. Construction and conversion of naval vessels: liens.
- 8689. Requirements for availability of funds relating to advanced naval nuclear fuel systems based on low-enriched uranium.
- 8690. Limitation on length of overseas forward deployment of naval vessels.
- 8691. Nuclear-powered aircraft carriers: dismantlement and disposal.
- 8692.¹ Ford-class aircraft carriers: cost limitation baselines.
- 8692.¹ Biennial report on shipbuilder training and the defense industrial base.

AMENDMENTS

- 2021—Pub. L. 116-283, div. A, title XVIII, §1876(d), Jan. 1, 2021, 134 Stat. 4291, added items 8684a and 8688a.
- Pub. L. 116-283, div. A, title X, §1026(b), Jan. 1, 2021, 134 Stat. 3844, added item 8692 “Biennial report on shipbuilder training and the defense industrial base”.
- 2019—Pub. L. 116-92, div. A, title I, §121(b), title X, §1034(b), Dec. 20, 2019, 133 Stat. 1234, 1583, added item 8669b and item 8692 “Ford-class aircraft carriers: cost limitation baselines”.
- 2018—Pub. L. 115-232, div. A, title VIII, §807(e)(4), (f)(1), Aug. 13, 2018, 132 Stat. 1838, redesignated chapter 633 of this title as this chapter and items 7291 to 7294, 7297, 7299 to 7301, and 7303 to 7321 as 8661 to 8664, 8667, 8669 to 8671, and 8673 to 8691, respectively.
- Pub. L. 115-232, div. A, title III, §323(a)(2), title X, §§1015(b)(2), 1016(b), Aug. 13, 2018, 132 Stat. 1720, 1949, 1951, added items 7320 and 7321 and struck out item 7295 “Vessels: under-age”.
- 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.

¹ So in original. Two items 8692 have been enacted.