

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7297 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.

§ 8669. Contracts: applicability of chapter 65 of title 41

Each contract for the construction, alteration, furnishing, or equipping of a naval vessel is subject to chapter 65 of title 41 unless the President determines that this requirement is not in the interest of national defense.

(Added Pub. L. 104-106, div. A, title VIII, §815(a), Feb. 10, 1996, 110 Stat. 396, §7299; amended Pub. L. 111-350, §5(b)(52), Jan. 4, 2011, 124 Stat. 3846; renumbered §8669, 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 7299 of this title as this section.

2011—Pub. L. 111-350 substituted “chapter 65 of title 41” for “Walsh-Healey Act” in section catchline and for “the Walsh-Healey Act (41 U.S.C. 35 et seq.)” in text.

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.

§ 8669a. Construction of combatant and escort vessels and assignment of vessel projects

(a) The assignment of naval vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of naval shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.

(b) In evaluating bids or proposals for a contract for the overhaul, repair, or maintenance of 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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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).

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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.

§ 8669b. Senior Technical Authority for each naval vessel class

(a) SENIOR TECHNICAL AUTHORITY.—

(1) DESIGNATION FOR EACH VESSEL CLASS REQUIRED.—The Secretary of the Navy shall designate, in writing, a Senior Technical Authority for each class of naval vessels as follows:

(A) In the case of a class of vessels which has received Milestone A approval, an approval to enter into technology maturation and risk reduction, or an approval to enter into a subsequent Department of Defense or Department of the Navy acquisition phase as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, not later than 30 days after such date of enactment.

(B) In the case of any class of vessels which has not received any approval described in subparagraph (A) as of such date of enactment, at or before the first of such approvals.

(2) INDIVIDUALS ELIGIBLE FOR DESIGNATION.—Each individual designated as a Senior Technical Authority under paragraph (1) shall be an employee of the Navy in the Senior Executive Service in an organization of the Navy that—

(A) possesses the technical expertise required to carry out the responsibilities specified in subsection (b); and

(B) operates independently of chains-of-command for acquisition program management.

(3) TERM.—Each Senior Technical Authority shall be designated for a fixed term, not shorter than the time anticipated to establish demonstrated successful performance of the class of vessels concerned in accordance with its approved capabilities document, as determined by the Secretary at the time of designation.

(4) VOLUNTARY DEPARTURE.—If an individual designated as a Senior Technical Authority voluntarily departs the position before demonstrated successful performance of the class of vessels concerned, the Secretary shall designate, in writing, a replacement, and shall notify, in writing, the congressional defense committees not later than 90 days after such departure.

(5) REMOVAL.—An individual may be removed involuntarily from designation as a Senior Technical Authority only by the Secretary. Not later than 15 days after the involuntary removal of an individual from such designation, the Secretary shall notify, in writing, the congressional defense committees

of the removal, including the reasons for the removal. Not later than 90 days after the involuntary removal, the Secretary shall designate, in writing, a replacement, and shall notify, in writing, the congressional defense committees of such designation.

(6) REASSIGNMENT FOR MISSION NEEDS.—Subject to paragraphs (4) and (5), the Secretary may reassign a Senior Technical Authority or remove an individual from designation as a Senior Technical Authority in furtherance of Department of the Navy mission needs.

(b) RESPONSIBILITIES AND AUTHORITY.—Each Senior Technical Authority shall be responsible for, and have the authority to, establish, monitor, and approve technical standards, tools, and processes for the class of naval vessels for which designated under this section in conformance with applicable laws and Department of Defense and Department of the Navy policies, requirements, architectures, and standards.

(c) LIMITATION ON OBLIGATION OF FUNDS ON LEAD VESSEL IN VESSEL CLASS.—

(1) IN GENERAL.—On or after January 1, 2021, funds authorized to be appropriated for Shipbuilding and Conversion, Navy or Other Procurement, Navy may not be obligated for the first time on the lead vessel in a class of naval vessels unless the Secretary of the Navy certifies as described in paragraph (2).

(2) CERTIFICATION ELEMENTS.—The certification on a class of naval vessels described in this paragraph is a certification containing each of the following:

(A) The name or names of the individual or individuals designated as the Senior Technical Authority for such class of vessels, and the qualifications and professional biography or biographies of the individual or individuals so designated.

(B) A description by the Senior Technical Authority of the systems engineering, technology, and ship integration risks for such class of vessels.

(C) The designation by the Senior Technical Authority of each critical hull, mechanical, electrical, propulsion, and combat system of such class of vessels, including systems relating to power generation, power distribution, and key operational mission areas.

(D) The date on which the Senior Technical Authority approved the systems engineering, engineering development, and land-based engineering and testing plans for such class of vessels.

(E) A description by the Senior Technical Authority of the key technical knowledge objectives and demonstrated system performance of each plan approved as described in subparagraph (D).

(F) A determination by the Senior Technical Authority that such plans are sufficient to achieve thorough technical knowledge of critical systems of such class of vessels before the start of detail design and construction.

(G) A determination by the Senior Technical Authority that actual execution of activities in support of such plans as of the date of the certification have been and con-