

tinue to be effective and supportive of the acquisition schedule for such class of vessels.

(H) A description by the Senior Technical Authority of other technology maturation and risk reduction efforts not included in such plans for such class of vessels taken as of the date of the certification.

(I) A certification by the Senior Technical Authority that each critical system covered by subparagraph (C) has been demonstrated through testing of a prototype or identical component in its final form, fit, and function in a realistic environment.

(J) A determination by the Secretary that the plans approved as described in subparagraph (D) are fully funded and will be fully funded in the future-years defense program for the fiscal year beginning in the year in which the certification is submitted.

(K) A determination by the Secretary that the Senior Technical Authority will approve, in writing, the ship specification for such class of vessels before the request for proposals for detail design, construction, or both, as applicable, is released.

(3) **DEADLINE FOR SUBMITTAL OF CERTIFICATION.**—The certification required by this subsection with respect to a class of naval vessels shall be submitted, in writing, to the congressional defense committees not fewer than 30 days before the Secretary obligates for the first time funds authorized to be appropriated for Shipbuilding and Conversion, Navy or Other Procurement, Navy for the lead vessel in such class of naval vessels.

(d) **DEFINITIONS.**—In this section:

(1) The term “class of naval vessels”—

(A) means any group of similar undersea or surface craft procured with Shipbuilding and Conversion, Navy or Other Procurement, Navy funds, including manned, unmanned, and optionally-manned craft; and

(B) includes—

(i) a substantially new class of craft (including craft procured using “new start” procurement); and

(ii) a class of craft undergoing a significant incremental change in its existing class (such as a next “flight” of destroyers or next “block” of attack submarines).

(2) The term “future-years defense program” has the meaning given that term in section 221 of this title.

(3) The term “Milestone A approval” has the meaning given that term in section 2431a of this title.

(Added Pub. L. 116–92, div. A, title X, §1034(a), Dec. 20, 2019, 133 Stat. 1580; amended 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.

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 and such date of enactment, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 116–92, which was approved Dec. 20, 2019.

AMENDMENTS

2021—Subsec. (d)(3). Pub. L. 116–283 substituted “section 4211” for “section 2431a”.

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1883(b)(2) of 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.

§ 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; Pub. L. 116-283, div. A, title XVIII, §1849(m), Jan. 1, 2021, 134 Stat. 4264.)

AMENDMENT OF SUBSECTION (b)(2)

Pub. L. 116-283, div. A, title XVIII, §§1801(d), 1849(m), Jan. 1, 2021, 134 Stat. 4151, 4264, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, subsection (b)(2) of this section is amended by striking “section 2432” and inserting “chapter 324”. See 2021 Amendment note below.

AMENDMENTS

2021—Subsec. (b)(2). Pub. L. 116-283 substituted “chapter 324” for “section 2432”.

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 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 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 redesigna-

tions, 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

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