

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 continue 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 4211 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.)

#### Editorial Notes

##### 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”.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 8669c. Assessments required prior to start of construction on first ship of a shipbuilding program

(a) **IN GENERAL.**—The Secretary of the Navy may not approve the start of construction of the first ship for any major shipbuilding program until a period of 30 days has elapsed following the date on which the Secretary—

(1) submits a report to the congressional defense committees on the results of any production readiness review;

(2) certifies to the congressional defense committees that the findings of any such review support commencement of construction; and

(3) certifies to the congressional defense committees that the basic and functional design of the vessel is complete.

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

(1) **BASIC AND FUNCTIONAL DESIGN.**—The term “basic and functional design”, when used with

respect to a vessel, means design through computer aided models, that—

(A) fixes the major hull structure of the vessel;

(B) sets the hydrodynamics of the vessel; and

(C) routes major portions of all distributive systems of the vessel, including electricity, water, and other utilities.

(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 this title.

(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.

(5) **START OF CONSTRUCTION.**—The term “start of construction” means the beginning of fabrication of the hull and superstructure of the ship.

(Added Pub. L. 117–81, div. A, title X, §1013(a), Dec. 27, 2021, 135 Stat. 1892.)

**§ 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.)

**Editorial Notes**

**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”.

**Statutory Notes and Related Subsidiaries**

**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 4351 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(f), formerly §1849(m), Jan. 1, 2021, 134 Stat. 4264, renumbered §1849(f) and amended Pub. L. 117–81, div. A, title XVII, §1701(o)(5)(B), (6)(D), Dec. 27, 2021, 135 Stat. 2147.)

**Editorial Notes**

**AMENDMENTS**

2021—Subsec. (b)(2). Pub. L. 116–283, §1849(f), formerly §1849(m), as renumbered and amended by Pub. L. 117–81, §1701(o)(5)(B), (6)(D), substituted “section 4351” 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