

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 15 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 the start of construction; and

(3) certifies to the congressional defense committees that at least 95 percent of all the basic and functional design drawing packages for the ship have reached final approval.

(b) REPORT.—The report required by subsection (a)(1) shall include each of the following:

(1) An identification of the degree to which detail design and production design drawings and related documents have been completed in accordance with the shipbuilding contract.

(2) An assessment of the readiness of the shipyard facilities and workforce to begin construction.

(3) The Navy's estimated delivery date and a description of any risks that could affect such delivery date.

(4) An assessment of the extent to which adequate processes and metrics are in place to measure and manage program risks.

(5) With respect to the first ship, a description of the plans of the Navy to oversee and document the construction of the ship to ensure that the detail design supports the construction schedule for the ship.

(6) A definition of the term “start of construction” that—

(A) is applicable to the first ship; and

(B) does not mean a point in time—

(i) after the completion of 5 percent of lightship displacement; or

(ii) after the advance procurement or advance construction of the ship.

(7) An identification of any fabrication of the hull and superstructure of the ship that will occur before the date on which the Secretary submits the certifications required under paragraphs (2) and (3) of subsection (a).

(8) An identification of the extent of to which vendor- and government-furnished information supports the overall maturity and stability of the ship's design, including information regarding—

(A) whether vendor selection is complete for major distributive systems and key equipment supporting operational requirements;

(B) whether specifications are finalized for major distributive systems and key equipment; and

(C) the status of factory acceptance testing, as applicable, to validate finalized specifications for major distributive systems and key equipment through manufacturing.

(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, and when used with respect to manned surface and undersea combatants, means design through the completion of three-dimensional computer aided modeling, that—

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

(B) sets the hydrodynamics of the vessel; and

(C) positions and routes all major distributive systems of the ship, 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.

(Added Pub. L. 117-81, div. A, title X, §1013(a), Dec. 27, 2021, 135 Stat. 1892; amended Pub. L. 118-159, div. A, title X, §1024, Dec. 23, 2024, 138 Stat. 2053.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a). Pub. L. 118-159, §1024(1)(A), substituted “15 days” for “30 days” in introductory provisions.

Subsec. (a)(2). Pub. L. 118-159, §1024(1)(B), substituted “the start” for “commencement”.

Subsec. (a)(3). Pub. L. 118-159, §1024(1)(C), inserted “at least 95 percent of all” before “the basic” and substituted “drawing packages for the ship have reached final approval” for “of the vessel is complete”.

Subsec. (b). Pub. L. 118-159, §1024(2)(A), struck out “, at a minimum, an assessment of” after “include” in introductory provisions.

Subsec. (b)(1) to (8). Pub. L. 118-159, §1024(2)(B), added pars. (1) to (8) and struck out former pars. (1) to (6) which read as follows:

“(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.”

Subsec. (c)(1). Pub. L. 118–159, §1024(3)(A)(i), inserted “, and when used with respect to manned surface and undersea combatants, means design through the completion of three-dimensional computer aided modeling” after “computer aided models” in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 118–159, §1024(3)(A)(ii), substituted “supports” for “fixes”.

Subsec. (c)(1)(C). Pub. L. 118–159, §1024(3)(A)(iii), substituted “positions and routes all major distributive systems of the ship” for “routes major portions of all distributive systems of the vessel”.

Subsec. (c)(5). Pub. L. 118–159, §1024(3)(B), struck out par. (5) which defined “start of construction”.

§ 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 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).

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EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117–81 applicable as if included in the enactment of title XVIII of Pub. L. 116–283 as enacted, see section 1701(a)(2) of Pub. L. 117–81, set out in a note preceding section 3001 of this title and note below.