

- (2) Aircraft carriers—20 years.
- (3) Cruisers—20 years.
- (4) Submarines—13 years.
- (5) Other combatant surface vessels—16 years.

(Aug. 10, 1956, ch. 1041, 70A Stat. 449.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7295 .....	34 U.S.C. 498g-1.	June 14, 1940, ch. 364, § 7, 54 Stat. 395.

**§ 7296. Combatant surface vessels: notice before reduction in number; preservation of surge capability**

(a) NOTICE-AND-WAIT BEFORE REDUCTIONS.—(1) A reduction described in paragraph (2) in the number of combatant surface vessels may only be carried out after—

(A) the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written notification of the proposed reduction; and

(B) a period of 90 days has expired after the date on which such notification is received.

(2) A reduction described in this paragraph in the number of combatant surface vessels is a reduction—

(A) from 116, or a number greater than 116, to a number less than 116; or

(B) from a number less than 116 to a lesser number.

(b) CONTENT OF NOTIFICATION.—Any notification under subsection (a)(1)(A) shall include the following:

(1) The schedule for the proposed reduction.

(2) The number of vessels that are to comprise the force of combatant surface vessels after the reduction.

(3) A risk assessment for a force of combatant surface vessels of the number specified under paragraph (2) that is based on the same assumptions as were applied in the QDR 2001 combatant surface force risk assessment.

(c) DEFINITIONS.—In this section:

(1) The term “combatant surface vessels” means cruisers, destroyers, and frigates that are in active service in the Navy or in active reserve service in the Navy.

(2) The term “QDR 2001 combatant surface force risk assessment” means the risk assessment associated with a force of combatant surface vessels numbering 116 that is set forth in the report on the quadrennial defense review submitted to Congress on September 30, 2001, under section 118 of this title.

(Added Pub. L. 107-314, div. A, title X, §1021(b)(1), Dec. 2, 2002, 116 Stat. 2638; amended Pub. L. 108-136, div. A, title X, §1011, Nov. 24, 2003, 117 Stat. 1589.)

PRIOR PROVISIONS

A prior section 7296, act Aug. 10, 1956, ch. 1041, 70A Stat. 449, related to availability for other purposes of appropriations for construction or conversion of vessels, prior to repeal by Pub. L. 103-160, div. A, title VIII, §824(a)(5), Nov. 30, 1993, 107 Stat. 1707.

AMENDMENTS

2003—Subsec. (a)(3). Pub. L. 108-136, §1011(b)(1), redesignated par. (3) as subsec. (b).

Subsec. (b). Pub. L. 108-136, §1011(a), (b)(1), (2), redesignated par. (3) of subsec. (a) as subsec. (b), inserted heading and substituted “subsection (a)(1)(A)” for “paragraph (1)(A)” in introductory provisions, redesignated subpars. (A) to (C) as pars. (1) to (3), respectively, and struck out heading and text of former subsec. (b). Text read as follows: “Whenever the number of combatant surface vessels is less than 116, the Secretary of the Navy shall maintain on the Naval Vessel Register a sufficient number of combatant surface vessels to enable the Navy to regain a force of combatant surface vessels numbering not less than 116 within 120 days after the date of any decision by the President to increase the number of combatant surface vessels.”

Subsec. (b)(3). Pub. L. 108-136, §1011(b)(3), substituted “paragraph (2)” for “subparagraph (B)”.

EFFECTIVE DATE

Pub. L. 107-314, div. A, title X, §1021(c), Dec. 2, 2002, 116 Stat. 2639, provided that: “The provisions of subparagraph (B) of subsection (a)(1) of section 7296 of title 10, United States Code, as added by subsection (b)(1) of this section, shall apply only with respect to notifications submitted under subparagraph (A) of that subsection on or after January 15, 2003.”

**§ 7297. Changing category or type: limitations**

Unless they have been specifically made available for the purpose, funds appropriated for the repair or alteration of naval vessels may not be used to make repairs or alterations of any vessel that would change its category or type.

(Aug. 10, 1956, ch. 1041, 70A Stat. 449.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7297 .....	34 U.S.C. 490.	June 12, 1948, ch. 452, § 2, 62 Stat. 382.

**[§ 7298. Repealed. Pub. L. 103-160, div. A, title VIII, § 824(a)(6), Nov. 30, 1993, 107 Stat. 1707]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 449, related to conversion of combatant and auxiliary naval vessels.

**§ 7299. 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; amended Pub. L. 111-350, §5(b)(52), Jan. 4, 2011, 124 Stat. 3846.)

PRIOR PROVISIONS

A prior section 7299, acts Aug. 10, 1956, ch. 1041, 70A Stat. 449; Aug. 25, 1958, Pub. L. 85-747, 72 Stat. 839; Dec. 12, 1980, Pub. L. 96-513, title V, §513(26), 94 Stat. 2932; Oct. 12, 1982, Pub. L. 97-295, §1(47), 96 Stat. 1298, directed that each contract for construction, alteration, furnishing, or equipping of naval vessel was subject to the Walsh-Healey Act, unless President determined that such requirement was not in interest of national defense, prior to repeal by Pub. L. 103-355, title III, §3023(a), Oct. 13, 1994, 108 Stat. 3333.

AMENDMENTS

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.

**§ 7299a. 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 six months or less.

(Added Pub. L. 97-295, §1(48)(A), Oct. 12, 1982, 96 Stat. 1298; 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.)

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

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 as-

signments 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).

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.

**§ 7300. 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; amended Pub. L. 106-398, §1 [[div. A], title X, §1033(c)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-261.)

PRIOR PROVISIONS

A prior section 7300, act Aug. 10, 1956, ch. 1041, 70A, Stat. 450, related to profit limitations on contracts for construction of naval vessels, prior to repeal by Pub. L. 97-86, title IX, §911(b)(1), Dec. 1, 1981, 95 Stat. 1122.

AMENDMENTS

2000—Pub. L. 106-398 substituted “section 2563” for “section 2553”.