



THE ASSISTANT SECRETARY OF THE NAVY  
(Research, Development and Acquisition)  
WASHINGTON, D.C. 20350-1000

JUL 24 2002

The Honorable Bob Stump  
Chairman, Committee on  
Armed Services  
House of Representatives  
Washington, DC 20515

Dear Mr. Chairman

Section 8053 of the Fiscal Year 1998 Department of Defense Appropriations Act, P.L. 105-56, prohibits the use of Fiscal Year 1998 or later funds "...to modify an aircraft, weapon, ship or other item of equipment, that the military department concerned plans to retire or otherwise dispose of within 5 years after completion of modification: Provided, That this prohibition shall not apply to safety modifications: Provided further, That this prohibition may be waived by the Secretary of a military department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing." The Secretary of the Navy has delegated this waiver authority to the Assistant Secretary of the Navy (Research, Development, and Acquisition).

This is to provide notice that I have granted a waiver from Section 8053 for the installation of a mission-essential Command, Control, Communications, Computers, and Intelligence equipment upgrade for USS CONSTELLATION (CV 64). This upgrade, funded with Operations & Maintenance Navy (OMN) funds, installs the Linked Operations Intelligence Centers of Europe (LOCE) system. This system will provide increased Allied interoperability during the ship's upcoming deployment. The upgrade will be completed within five years of the planned decommissioning of USS CONSTELLATION in Fiscal Year 2003. The summary description and the waiver decision memorandum are enclosed.

A similar letter has been sent to Chairmen Levin, Lewis, and Inouye. As always, if I can be of any further assistance, please let me know.

Sincerely,

  
John J. Young, Jr.

Enclosures

Copy to:  
The Honorable Ike Skelton  
Ranking Minority Member



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(Research, Development and Acquisition)  
WASHINGTON, D.C. 20350-1000

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MEMORANDUM FOR THE RECORD

Subj: USS CONSTELLATION (CV 64) WAIVER OF PROHIBITION AGAINST CERTAIN SHIP  
MODIFICATIONS - DETERMINATION

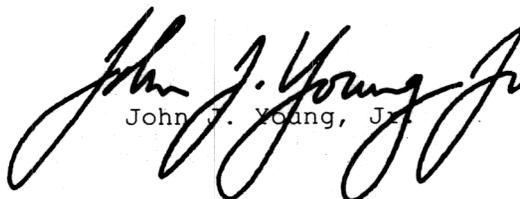
Ref: (a) ASN(RD&A) memo of 9 Jun 00  
(b) CNO memo 3090 Ser N610/2U555102 of 29 Jun 2002

Section 8053 of the Fiscal Year 1998 Department of Defense Appropriations Act, P.L. 105-56, prohibits the use of Fiscal Year 1998 or later funds "...to modify an aircraft, weapon, ship or other item of equipment, that the military department concerned plans to retire or otherwise dispose of within 5 years after completion of modification: Provided, That this prohibition shall not apply to safety modifications: Provided further, That this prohibition may be waived by the Secretary of a military department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing." The Secretary of the Navy has delegated this waiver authority to the Assistant Secretary of the Navy (Research, Development, and Acquisition) by reference (a).

As documented in reference (b), the upgrade for USS CONSTELLATION (CV 64) involves installation of mission-essential Command, Control, Communications, Computers, and Intelligence (C4I) equipment that is operationally required by the ship. This upgrade, funded with Operations & Maintenance Navy (OMN) funds, installs the Linked Operations Intelligence Centers of Europe (LOCE) installation. The upgrade will be completed within five years of the planned decommissioning in Fiscal Year 2003.

The equipment to be installed in connection with this upgrade is separable from the ship. The equipment will be removed and installed on another ship upon decommissioning.

I hereby determine it is in the best national security interest of the United States to waive the prohibition of Section 8053 for the purpose of completion of the foregoing Fiscal Year 2002 funded ship modification for USS CONSTELLATION.

  
John J. Young, Jr.