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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

LEGISLATIVE PROVISIONS

SUBTITLE B—NAVY PROGRAMS

Section 111—Independent Cost Estimate of FFG(X) Frigate Program

This section would require the Secretary of Defense to ensure that an independent cost estimate has been completed prior to milestone B.

SUBTITLE C—AIR FORCE PROGRAMS

Section 121—Modification of Minimum Inventory Requirement for B-1 Bomber Aircraft

This provision would amend section 9062(h)(2) of title 10, United States Code, by changing the B-1 combat coded aircraft requirement from 36 to 24.

Section 125—Inventory Requirements for Certain Air Refueling Tanker Aircraft

This section would prohibit the use of funds authorized to be appropriated in fiscal year 2021 to fiscal year 2023 for the retirement of any KC-135 aircraft. This section would also require the Air Force to maintain a minimum of 50 primary mission KC-10A aircraft in fiscal year 2021, 38 primary mission KC-10A aircraft in fiscal year 2022, and 26 primary mission KC-10A aircraft in fiscal year 2023.

Section 127—Limitation on Production of KC-46A Aircraft

This section would prohibit purchasing more than the 12 KC-46A aircraft until certain category-one deficiencies are fixed. This section would also require the Secretary of the Air Force to provide a report by February 1, 2021, on the schedule for the correction of each category-one deficiency described, a plan to engage an independent test organization to verify the effectiveness of any proposed solutions to such category-one deficiencies; and an acquisition strategy for the aircraft that identifies principal acquisition milestones; and will ensure that there is sufficient competition for the procurement of a nondevelopmental tanker aircraft at the conclusion of the KC–46A production contract.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

LEGISLATIVE PROVISIONS
SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Section 220—Program Executive Officer for Autonomy

This section would create a Program Executive Officer for autonomy within the Navy.

Section 222—Limitations Relating to Large Unmanned Surface Vessels and Associated Offensive Weapon Systems

This section would prohibit the procurement of any large unmanned surface vessels in fiscal year 2021 until a certification regarding technology maturity has been submitted to Congress. This section also includes a prohibition on the inclusion of offensive weapons systems until the Secretary of Defense certifies how these systems will comply with the Law of Armed Conflict.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE C—NAVAL VESSELS

Section 1021—Limitation on Availability of Certain Funds without Naval Vessels Plan and Certification

This section would amend section 231(e) of title 10, United States Code, by restricting 75 percent of the operation and maintenance funds for the Secretary of Defense until the 30-year shipbuilding plan of the Navy has been delivered to Congress.

Section 1022—Limitations on Use of Funds in the National Defense Sealift Fund for Purchase of Foreign Constructed Vessels

This section would amend section 2218 of title 10, United States Code, by authorizing the purchase of a total of nine used foreign-built ships and four used foreign-built ships prior to the Navy initiating an acquisition strategy for a sealift recapitalization plan.

Section 1023—Use of National Sea-Based Deterrence Fund for Incrementally Funded Contracts to Provide Full Funding for Columbia Class Submarines

This section would amend section 2218a(h)(1) of title 10, United States Code, by authorizing the use of incremental funding for the full funding of the first two Columbia class submarines.
Section 1025—Biannual Report on Shipbuilder Training and the Defense Industrial Base

This section would amend chapter 863 of title 10, United States Code, to require the Secretary of Defense, in coordination with the Secretary of Labor, to submit a report to Congress on the state of defense industrial base training, hiring, and the ability to meet the requirements of the 30-year shipbuilding plan.

Section 1026—Prohibition on Use of Funds for Retirement of Certain Littoral Combat Ships

This section would prohibit the Secretary of the Navy from retiring LCS-3 and LCS-4 until the Secretary has submitted a certification that all operational tests have been completed on all mission modules.

Section 1027—Report on Implementation of Commandant's Planning Guidance

This section would require the Secretary of Defense to submit a report regarding the implementation of the Commandant of the Marine Corps's planning guidance.

Section 1028—Limitation on Naval Force Structure Changes

This section would prohibit the retirement of any Navy ship in fiscal year 2021 until 30 days after the Secretary of Defense has delivered the Integrated Navy Force Structure Assessment to the congressional defense committees.

SUBTITLE E—MISCELLANEOUS AUTHORITIES AND LIMITATIONS

Section 1041—Prohibition on Retirement of Nuclear Powered Aircraft Carriers before First Refueling

This section would amend section 8062 of title 10, United States Code, by prohibiting the retirement of any aircraft carrier prior to its first reactor refueling.

Section 1042—Required Minimum Inventory of Tactical Airlift Aircraft

This section would amend section 9062 of title 10, United States Code, by setting a minimum number of tactical airlift in the tactical airlift inventory.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS
TITLE XXXV—MARITIME ADMINISTRATION

LEGISLATIVE PROVISIONS

SUBTITLE A—MARITIME ADMINISTRATION

Section 3502—Sense of Congress regarding Role of Domestic Maritime Industry in National Security

This section would express the sense of the Congress regarding the role of the domestic maritime industry in national security.

Section 3504—Improvements to Process for Waiving Navigation and Vessel-Inspection Laws

This section would improve and tighten both the waiver and vessel inspection process currently in place under the Merchant Marine Act of 1920.

SUBTITLE B—TANKER SECURITY FLEET

Section 3511—Tanker Security Fleet

This section would amend part C of subtitle V of title 46, United States Code, to authorize the establishment of a Tanker Security Program in order to provide a fleet of 10 United States flagged tanker vessels.
BILL LANGUAGE
Subtitle B—Navy Programs

SEC. 111 [Log 71198]. INDEPENDENT COST ESTIMATE OF FFG(X) FRIGATE PROGRAM.

In accordance with section 2334(b) of title 10, United States Code, the Secretary of Defense shall ensure that an independent cost estimate of the full life-cycle cost of the FFG(X) frigate program of the Navy has been completed before the conclusion of milestone B of such program.
Subtitle C—Air Force Programs

SEC. 121 [Log 71003]. MODIFICATION OF MINIMUM INVENTORY REQUIREMENT FOR B–1 BOMBER AIRCRAFT.

(a) Modification of Minimum Inventory Requirement.—Section 9062(h)(2) of title 10, United States Code, is amended by striking “36” and inserting “24”.

(b) Temporary Authority to Retire Aircraft.—

(1) In General.—Notwithstanding section 9062(h)(1) of title 10, United States Code, the Secretary of the Air Force may retire up to seventeen B–1 aircraft.

(2) Termination of Authority.—The authority of the Secretary of the Air Force to retire aircraft under paragraph (1) shall terminate on January 1, 2023.
SEC. 125 [Log 70968]. INVENTORY REQUIREMENTS FOR
CERTAIN AIR REFUELING TANKER AIRCRAFT.

(a) Minimum Inventory Requirements for KC–10A Aircraft.—

(1) Fiscal Year 2021.—During the period beginning on the date of the enactment of this Act and ending on October 1, 2021, the Secretary of the Air Force shall maintain a minimum of 50 KC–10A aircraft designated as primary mission aircraft inventory.

(2) Fiscal Year 2022.—During the period beginning on October 1, 2021, and ending on October 1, 2022, the Secretary of the Air Force shall maintain a minimum of 38 KC–10A aircraft designated as primary mission aircraft inventory.

(3) Fiscal Year 2023.—During the period beginning on October 1, 2022, and ending on October 1, 2023, the Secretary of the Air Force shall maintain a minimum of 26 KC–10A aircraft designated as primary mission aircraft inventory.

(b) Prohibition on Retirement of KC–135 Aircraft.—

(1) Prohibition.—Except as provided in paragraph (2), during the period beginning on the date of the enactment of this Act and ending on October
1, 2023, the Secretary of the Air Force may not re-
tire, or prepare to retire, any KC–135 aircraft.

(2) EXCEPTION.—The prohibition in paragraph
(1) shall not apply to individual KC–135 aircraft
that the Secretary of the Air Force determines, on
a case-by-case basis, to be no longer mission capable
because of mishaps, other damage, or being unecono-

(e) PRIMARY MISSION AIRCRAFT INVENTORY DE-
FINED.—In this section, the term “primary mission air-
craft inventory” has the meaning given that term in sec-
tion 9062(i)(2)(B) of title 10, United States Code.
SEC. 127 [Log 71590]. LIMITATION ON PRODUCTION OF KC–46A AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not approve the full-rate production of KC–46A aircraft or enter into a contract for the production of more than twelve KC–46A aircraft until the date on which the Secretary certifies to the congressional defense committees that all category-one deficiencies in the systems of the aircraft have been corrected, including the deficiencies affecting the aircraft’s remote visioning system, telescoping actuator in the boom system, and primary fuel containment system.

(b) REPORT.—Not later than February 1, 2021, the Secretary of the Air Force shall submit to the congressional defense committees a report on the KC–46A aircraft. The report shall include—

(1) a schedule for the correction of each category-one deficiency described in subsection (a);

(2) a plan to engage an independent test organization to verify the effectiveness of any proposed solutions to such category-one deficiencies; and

(3) an acquisition strategy for the aircraft that—

(A) identifies principal acquisition milestones; and
(B) will ensure that there is sufficient com-
petition for the procurement of a nondevelop-
mental tanker aircraft at the conclusion of the
KC–46A production contract in effect as of the
date of the enactment of this Act.

c) CATEGORY-ONE DEFICIENCY DEFINED.—The
term “category-one deficiency” means a deficiency that
may cause—

(1) death or severe injury to personnel; or

(2) major loss or damage to critical aircraft ca-
pabilities.
SEC. 220 [Log 71464]. PROGRAM EXECUTIVE OFFICER FOR AUTONOMY.

(a) IN GENERAL.—Not later than February 1, 2022, the Secretary of the Navy shall designate a program executive officer for autonomy who shall be the official within the Department of the Navy with primary responsibility for the development and integration of autonomous technology into weapon systems.

(b) PROGRAM EXECUTIVE OFFICER DEFINED.—In this section, the term “program executive officer” has the meaning given that term in section 1737(a)(4) of title 10, United States Code.
SEC. 222 [Log 71000]. LIMITATIONS RELATING TO LARGE UNMANNED SURFACE VESSELS AND ASSOCIATED OFFENSIVE WEAPON SYSTEMS.

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR LUSV.—

(1) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Department of the Navy for the procurement of a large unmanned surface vessel may be obligated or expended until a period of 60 days has elapsed following the date on which the Secretary of the Navy submits to the congressional defense committees the certification described in paragraph (2).

(2) CERTIFICATION DESCRIBED.—The certification described in this paragraph is a written statement of the Secretary of the Navy certifying, with respect to any large unmanned surface vessel to be procured by the Secretary, the following:

(A) A hull system, a mechanical system, and an electrical system have been developed for the vessel and each system—

(i) has attained a technology readiness level of seven or greater; and

(ii) can be operated autonomously for a minimum of 30 days.
(B) A command control system has been developed for the vessel and the system—

(i) can be operated autonomously;

(ii) includes autonomous detection;

and

(iii) has attained a technology readiness level of seven or greater.

(C) A detailed plan has been developed for measuring and demonstrating the reliability of the vessel.

(D) All payloads expected to be carried on the vessel have attained a technology readiness level of seven or greater.

(b) LIMITATION ON LUSV WEAPON INTEGRATION.—

The Secretary of the Navy may not integrate any offensive weapon system into a large unmanned surface vessel until the date on which the Secretary of the Defense certifies to the congressional defense committees that any large unmanned surface vessel that employs offensive weapons will comply with the law of armed conflict. Such certification shall include a detailed explanation of how such compliance will be achieved.
Subtitle C—Naval Vessels

SEC. 1021 [Log 70997]. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS WITHOUT NAVAL VESSELS PLAN AND CERTIFICATION.

Section 231(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “Secretary of the Navy” and inserting “Secretary of Defense”; and

(B) by striking “50 percent” and inserting “25 percent”; and

(2) in paragraph (2)—

(A) by striking “Secretary of the Navy” and inserting “Secretary of Defense”; and

(B) by striking “operation and maintenance, Navy” and inserting “operation and maintenance, Defense-wide”.

...
SEC. 1022 [Log 70998]. LIMITATIONS ON USE OF FUNDS IN
THE NATIONAL DEFENSE SEALIFT FUND FOR
PURCHASE OF FOREIGN CONSTRUCTED VESSELS.

Section 2218(f)(3) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking “seven” and inserting “nine”; and

(2) in subparagraph (E), by striking “two” and inserting “four”.
SEC. 1023 [Log 70999]. USE OF NATIONAL SEA-BASED DETERRENCE FUND FOR INCREMENTALLY FUNDED CONTRACTS TO PROVIDE FULL FUNDING FOR COLUMBIA CLASS SUBMARINES.

Section 2218a(h)(1) of title 10, United States Code, is amended by striking “and properly phased installment payments” and inserting “, properly phased installment payments, and full funding for the first two Columbia class submarines”.
SEC. 1025 [Log 71460]. BIANNUAL REPORT ON SHIPBUILDER TRAINING AND THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by adding at the end the following new section:

§ 8692. Biannual report on shipbuilder training and the defense industrial base

"Not later than February 1 of each even-numbered year until 2026, the Secretary of Defense, in coordination with the Secretary of Labor, shall submit to the Committee on Armed Services and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Armed Services and the Committee on Education and Labor of the House of Representatives a report on shipbuilder training and hiring requirements necessary to achieve the Navy’s 30-year shipbuilding plan and to maintain the shipbuilding readiness of the defense industrial base. Each such report shall include each of the following:

“(1) An analysis and estimate of the time and investment required for new shipbuilders to gain proficiency in particular shipbuilding occupational specialties, including detailed information about the occupational specialty requirements necessary for construction of naval surface ship and submarine
classes to be included in the Navy’s 30-year ship-
building plan.

“(2) An analysis of the age demographics and
occupational experience level (measured in years of
experience) of the shipbuilding defense industrial
workforce.

“(3) An analysis of the potential time and in-
vestment challenges associated with developing and
retaining shipbuilding skills in organizations that
lack intermediate levels of shipbuilding experience.

“(4) Recommendations concerning how to ad-
dress shipbuilder training during periods of demo-
graphic transition and evolving naval fleet architec-
ture consistent with the Navy’s 2020 Integrated
Force Structure Assessment.

“(5) An analysis of whether emerging tech-
nologies, such as augmented reality, may aid in new
shipbuilder training

“(6) Recommendations concerning how to en-
courage young adults to enter the defense ship-
building industry and to develop the skills necessary
to support the shipbuilding defense industrial base.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by adding
at the end the following new item:
“8692. Biannual report on shipbuilder training and the defense industrial base.”.

1 SEC. 1026 [Log 70995]. PROHIBITION ON USE OF FUNDS FOR
2 RETIREMENT OF CERTAIN LITTORAL COMBAT SHIPS.
3 (a) PROHIBITION.—None of the funds authorized to
4 be appropriated by this Act or otherwise made available
5 for fiscal year 2021 for the Navy may be obligated or ex-
6 pended to retire or prepare for the retirement, transfer,
7 or placement in storage any ships designated as LCS-3
8 or LCS-4 until the date on which the Secretary of the
9 Navy submits the certification required under subsection
10 (b).
11 (b) CERTIFICATION.—Upon the completion of all
12 operational tests on each of the mission modules designed
13 for the Littoral Combat Ship, the Secretary of the Navy
14 shall submit to the congressional defense committees cer-
15 tification of such completion.
SEC. 1027 [Log 71199]. REPORT ON IMPLEMENTATION OF
COMMANDANT’S PLANNING GUIDANCE.

(a) IN GENERAL.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of Defense
shall submit to the congressional defense committees a re-
port on the implementation of the Commandant’s Plan-
ing Guidance. Such report shall include a detailed de-
scription of each of the following:

(1) The specific number and type of manned
littoral ships required to execute such Guidance.

(2) The role of long-range unmanned surface
vessels in the execution of such Guidance.

(3) How platforms referred to in paragraphs
(1) and (2) account for and interact with ground-
based missiles fielded by teams of Marines deployed
throughout the Indo-Pacific region.

(4) The integrated naval command and control
architecture required to support the platforms re-
ferred to in paragraphs (1) and (2);

(5) The projected cost and any additional re-
resources required to deliver the platforms referred to
in paragraph (1) and (2) by not later than five years
after the date of the enactment of this Act.

(b) FORM OF REPORT.—The report required under
this section shall be submitted in unclassified form, but
may contain a classified annex. The unclassified report shall be made publicly available.
SEC. 1028 [Log 70996]. LIMITATION ON NAVAL FORCE

STRUCTURE CHANGES.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Navy may be obligated or expended to retire, or to prepare for the retirement, transfer, or placement in storage of, any Department of the Navy ship until the date that is 30 days after the date on which Secretary of Defense submits to the congressional defense committees the 2020 Naval Integrated Force Structure Assessment.
Subtitle E—Miscellaneous

Authorities and Limitations

SEC. 1041 [Log 71005]. PROHIBITION ON RETIREMENT OF NUCLEAR POWERED AIRCRAFT CARRIERS BEFORE FIRST REFUELING.

Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) A nuclear powered aircraft carrier may not be retired before its first refueling.”
SEC. 1042 [Log 71006]. REQUIRED MINIMUM INVENTORY OF TACTICAL AIRLIFT AIRCRAFT.

Section 9062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) The Secretary of the Air Force shall maintain a total inventory of tactical airlift aircraft of not less than 292 aircraft.”.
SEC. 3502 [Log 71157]. SENSE OF CONGRESS REGARDING
ROLE OF DOMESTIC MARITIME INDUSTRY IN
NATIONAL SECURITY.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) The United States domestic maritime indus-
try, with a fleet of nearly 40,000 vessels, supports
nearly 650,000 American jobs and provides more
than $150,000,000 in annual economic output.

(2) The vessel innovations of the domestic
trades that transformed worldwide maritime com-
icere include the development of container ships,
self-unloading vessels, articulated tug-barges, trailer
barges, chemical parcel tankers, railroad-on-barge
carfloats, and river flotilla towing systems.

(3) The domestic fleet is essential to national
security is needed to crew United States Govern-
ment-owned and other sealift vessels to protect the
Nation.

(4) The Department of Defense and the entire
national security infrastructure of the United States
benefits from a robust commercial shipyard and ship
repair industry, which helps provide both economic
and military sealift support.

(5) The Department of Defense depends on the
United States domestic trades’ fleet of container
ships, roll-on/roll-off ships, product tankers, and other vessels to assist with the flow of military cargoes during both peace time and war time.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States coastwise trade laws promote a strong domestic trade maritime industry, which supports the national security and economic vitality of the United States and the efficient operation of the United States transportation system; and

(2) a strong commercial maritime industry makes the United States more secure.
SEC. 3504 [Log 001r1 - SPF]. IMPROVEMENTS TO PROCESS FOR WAIVING NAVIGATION AND VESSEL-IN-INSPECTION LAWS.

(a) IMPROVEMENTS TO WAIVER PROCESS.—Section 501 of title 46, United States Code, is amended—

(1) in subsection (a), by adding “to address an immediate adverse effect on military operations” after “national defense”;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following new paragraph:

“(2) DURATION OF WAIVER.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a waiver issued under this subsection shall be for a period of not more than 10 days.

“(B) WAIVER EXTENSION.—Upon the termination of the period of a waiver issued under this subsection, the head of an agency may extend the waiver for an additional period of not more than 10 days, if the Maritime Administrator makes the determinations referred to in paragraph (1).
“(C) AGGREGATE DURATION.—The aggregate duration of the period of all waivers and extensions of waivers under this subsection with respect to any one set of events shall not exceed 45 days.”; and

(C) in paragraph (4), as so redesignated—

(i) in subparagraph (B)(ii), by striking “paragraph (2)(A)” and inserting “paragraph (3)(A)”; and

(ii) by adding at the end the following new subparagraph:

“(C) NOTIFICATION REQUIRED FOR EXTENSIONS.—For purposes of this paragraph, an extension requested or issued under paragraph (2)(B) shall be treated in the same manner as a waiver requested or issued under this section.”;

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection:

“(c) REPORT.—

“(1) IN GENERAL.—Not later than 10 days after the date of the conclusion of the voyage of a vessel that, during such voyage, operated under a
waiver issued under this section, the owner or operator of the vessel shall submit to the Maritime Administrator a report that includes—

“(A) the name and flag of the vessel;
“(B) the dates of the voyage;
“(C) any relevant ports of call; and
“(D) any other information the Maritime Administrator determines necessary.

“(2) Publication.—Not later than 48 hours after receiving a report under paragraph (1), the Maritime Administrator shall publish such report on an appropriate website of the Department of Transportation.”.

(b) Applicability.—The amendments made by this section shall apply with respect to waivers issued after the date of the enactment of this Act.
Subtitle B—Tanker Security Fleet

SEC. 3511 [Log 71002]. TANKER SECURITY FLEET.

(a) In General.—Part C of subtitle V of title 46, United States Code, is amended by inserting after chapter 531 the following new chapter:

“CHAPTER 532—TANKER SECURITY FLEET

§ 53201. Definitions

“In this chapter:

“(1) FOREIGN COMMERCE.—The term ‘foreign commerce’ means—

“(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

“(B) commerce or trade between foreign countries including trade between foreign ports in accordance with normal commercial bulk shipping practices in such a manner as will permit vessels of the United States freely to com-
pete with foreign-flag liquid bulk carrying vessels in their operation or in competing charters, subject to rules and regulations promulgated by the Secretary of Transportation pursuant to this chapter or subtitle.

“(2) PARTICIPATING FLEET VESSEL.—The term ‘participating Fleet vessel’ means any tank vessel covered by an operating agreement under this chapter on or after January 1, 2021.

“(3) PERSON.—The term ‘person’ includes corporations, partnerships, and associations existing under, or authorized by, laws of the United States, or any State, territory, district, or possession thereof, or any foreign country.

“(4) TANK VESSEL.—The term ‘tank vessel’ has the meaning that term has under section 2101.

“(5) UNITED STATES CITIZEN TRUST.—The term ‘United States citizen trust’—

“(A) means a trust for which—

“(i) each of the trustees is a citizen of the United States; and

“(ii) the application for documentation of the vessel under chapter 121 includes an affidavit of each trustee stating that the trustee is not aware of any reason
involving a beneficiary of the trust that is not a citizen of the United States, or involving any other person who is not a citizen of the United States, as a result of which the beneficiary or other person would hold more than 25 percent of the aggregate power to influence or limit the exercise of the authority of the trustee with respect to matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States;

“(B) does not include a trust for which any person that is not a citizen of the United States has authority to direct, or participate in directing, a trustee for a trust in matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States or in removing a trustee without cause, either directly or indirectly through the control of another person, unless the trust instrument provides that persons who are not citizens of the United States may not hold more than 25 percent of the aggregate authority to so direct or remove a trustee; and
“(C) may include a trust for which a person who is not a citizen of the United States holds more than 25 percent of the beneficial interest in the trust.

§ 53202. Establishment of the Tanker Security Fleet

“(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Defense, shall establish a fleet of active, commercially viable, militarily useful, privately owned product tankers to meet national defense and other security requirements and maintain a United States presence in international commercial shipping. The fleet shall consist of privately owned vessels of the United States for which there are in effect operating agreements under this chapter, and shall be known as the ‘Tanker Security Fleet’ (hereinafter in this chapter referred to as the ‘Fleet’).

“(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if the vessel—

“(1) meets the requirements under paragraph (1), (2), (3), or (4) of subsection (c);

“(2) is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in United States foreign commerce;

“(3) is self-propelled;
“(4) is not more than ten years of age on the date the vessel is first included in the Fleet and not more than 25 years of age at any time during which the vessel is included in the Fleet;

“(5) is determined by the Secretary of Defense to be suitable for use by the United States for national defense or military purposes in time of war or national emergency; and

“(6) is commercially viable, as determined by the Secretary of Transportation; and

“(7) is—

“(A) a vessel of the United States; or

“(B) not a vessel of the United States, but—

“(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 if it is included in the Fleet; and

“(ii) at the time an operating agreement is entered into under this chapter, the vessel is eligible for documentation under chapter 121.

“(c) REQUIREMENTS REGARDING CITIZENSHIP OF OWNERS, CHARTERERS, AND OPERATORS.—
“(1) Vessels owned and operated by section 50501 citizens.—A vessel meets the requirements of this paragraph if, during the period of an operating agreement under this chapter that applies to the vessel, the vessel will be owned and operated by one or more persons that are citizens of the United States under section 50501.

“(2) Vessels owned by a section 50501 citizen, or United States citizen trust, and chartered to a documentation citizen.—A vessel meets the requirements of this paragraph if—

“(A) during the period of an operating agreement under this chapter that applies to the vessel, the vessel will be—

“(i) owned by a person that is a citizen of the United States under section 50501 or that is a United States citizen trust; and

“(ii) demise chartered to a person—

“(I) that is eligible to document the vessel under chapter 121;

“(II) the chairman of the board of directors, chief executive officer, and a majority of the members of the board of directors of which are citi-
zens of the United States under section 50501, and are appointed and subjected to removal only upon approval by the Secretary; and

“(III) that certifies to the Secretary that there are no treaties, statutes, regulations, or other laws that would prohibit the owner or operator for the vessel from performing its obligations under an operating agreement under this chapter;

“(B) in the case of a vessel that will be demise chartered to a person that is owned or controlled by another person that is not a citizen of the United States under section 50501, the other person enters into an agreement with the Secretary not to influence the operation of the vessel in a manner that will adversely affect the interests of the United States; and

“(C) the Secretary of Transportation and the Secretary of Defense notify the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infra-
structure of the House of Representatives that
the Secretaries concur with the certification re-
quired under subparagraph (A)(ii)(III), and
have reviewed and agree that there are no legal,
operational, or other impediments that would
prohibit the owner or operator for the vessel
from performing its obligations under an oper-
ating agreement under this chapter.

“(3) Vessels owned and operated by a de-

fense owner or operator.—A vessel meets the
requirements of this paragraph if—

“(A) during the period of an operating

agreement under this chapter that applies to
the vessel, the vessel will be owned and oper-
ated by a person that—

“(i) is eligible to document a vessel

under chapter 121;

“(ii) operates or manages other ves-

sels of the United States for the Secretary
of Defense, or charters other vessels to the
Secretary of Defense;

“(iii) has entered into a special secu-

rity agreement for the purpose of this
paragraph with the Secretary of Defense;
“(iv) makes the certification described in paragraph (2)(A)(ii)(III); and
“(v) in the case of a vessel described in paragraph (2)(B), enters into an agree-
ment referred to in that subparagraph; and
“(B) the Secretary of Transportation and the Secretary of Defense notify the Committee on Armed Services and the Committee on Com-
merce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infra-
structure of the House of Representatives that they concur with the certification required under subparagraph (A)(iv), and have reviewed and agree that there are no legal, operational, or other impediments that would prohibit the owner or operator for the vessel from per-
forming its obligations under an operating agreement under this chapter.
“(4) VESSELS OWNED BY DOCUMENTATION CITIZENS AND CHARTERED TO SECTION 50501 CITI-
ZENS.—A vessel meets the requirements of this paragraph if, during the period of an operating agreement under this chapter, the vessel will be—
“(A) owned by a person who is eligible to
document a vessel under chapter 121; and
“(B) demise chartered to a person that is
a citizen of the United States under section
50501.
“(d) REQUEST BY SECRETARY OF DEFENSE.—The
Secretary of Defense shall request that the Commandant
of the Coast Guard issue any waiver under section 501
that the Secretary of Defense determines is necessary for
purposes of this chapter.
“(e) VESSEL STANDARDS.—
“(1) CERTIFICATE OF INSPECTION.—A vessel
used to provide oceangoing transportation that the
Commandant of the Coast Guard determines meets
the criteria of subsection (b) but which, on the date
of enactment of this section, is not documented
under chapter 121, shall be eligible for a certificate
of inspection if the Commandant of the Coast Guard
determines that—
“(A) the vessel is classed by and designed
in accordance with the rules of the American
Bureau of Shipping, or another classification
society accepted by the Commandant of the
Coast Guard;
“(B) the vessel complies with applicable international agreements and associated guidelines, as determined by the country in which the vessel was documented immediately before becoming documented under chapter 121; and

“(C) the country has not been identified by the Commandant of the Coast Guard as inadequately enforcing international vessel regulations as to that vessel.

“(2) RELIANCE ON CLASSIFICATION SOCIETY.—

“(A) IN GENERAL.—The Commandant of the Coast Guard may rely on a certification from the American Bureau of Shipping or, subject to subparagraph (B), another classification society accepted by the Commandant of the Coast Guard, to establish that a vessel is in compliance with the requirements of paragraph (1).

“(B) FOREIGN CLASSIFICATION SOCIETY.—The Secretary may accept certification from a foreign classification society under subparagraph (A) only—

“(i) to the extent that the government of the foreign country in which the society is headquartered provides access on a re-
 reciprocal basis to the American Bureau of Shipping; and

“(ii) if the foreign classification society has offices and maintains records in the United States.

§ 53203. Vessel standards

“(a) Certificate of Inspection.—A vessel used to provide transportation service as a common carrier that the Secretary of Transportation determines meets the criteria of section 53102(b), which on the date of enactment of this section is not a documented vessel, shall be eligible for a certificate of inspection if the Secretary determines that—

“(1) the vessel is classed by and designed in accordance with the rules of the American Bureau of Shipping or another classification society accepted by the Secretary;

“(2) the vessel complies with applicable international agreements and associated guidelines, as determined by the country in which the vessel was documented immediately before becoming a documented vessel (as defined in that section); and

“(3) that country has not been identified by the Secretary as inadequately enforcing international vessel regulations as to that vessel.
“(b) CONTINUED ELIGIBILITY FOR CERTIFICATE.— Subsection (a) does not apply to any vessel that has failed to comply with the applicable international agreements and association guidelines referred to in subsection (a)(2).

“(c) RELIANCE ON CLASSIFICATION SOCIETY.—

“(1) IN GENERAL.—The Secretary may rely on a certification from the American Bureau of Shipping or, subject to paragraph (2), another classification society accepted by the Secretary, to establish that a vessel is in compliance with the requirements of subsections (a) and (b).

“(2) FOREIGN CLASSIFICATION SOCIETY. — The Secretary may accept certification from a foreign classification society under paragraph (1) only—

“(A) to the extent that the government of the foreign country in which the society is headquartered provides access on a reciprocal basis to the American Bureau of Shipping; and

“(B) if the foreign classification society has offices and maintains records in the United States.

§53204. Award of operating agreements

“(a) IN GENERAL.—The Secretary of Transportation shall require, as a condition of including any vessel in the Fleet, that the owner or operator of the vessel enter into...
an operating agreement with the Secretary under this section.

“(b) Procedure for Applications.—

“(1) Participating Fleet Vessels.—

“(A) In general.—The Secretary of Transportation shall accept an application for an operating agreement for a participating Fleet vessel under the priority under paragraph (2) only from a person that has authority to enter into an operating agreement under this chapter.

“(B) Vessel under Demise Charter.—

For purposes of subparagraph (A), in the case of a vessel that is subject to a demise charter that terminates by its own terms on September 30, 2035 (without giving effect to any extension provided therein for completion of a voyage or to effect the actual redelivery of the vessel), or that is terminable at the will of the owner of the vessel after such date, only the owner of the vessel shall be treated as having the authority referred to in subparagraph (A).

“(C) Vessel owned by a United States citizen trust.—For purposes of subparagraph (B), in the case of a vessel owned by a
United States citizen trust, the term ‘owner of the vessel’ includes the beneficial owner of the vessel with respect to such trust.

“(2) DISCRETION WITHIN PRIORITY.—The Secretary of Transportation—

“(A) may award operating agreements under paragraph (1) according to such priorities as the Secretary considers appropriate; and

“(B) shall award operating agreements within any such priority—

“(i) in accordance with operational requirements specified by the Secretary of Defense;

“(ii) in the case of operating agreements awarded under subparagraph (B) of paragraph (1), according to applicants’ records of owning and operating vessels; and

“(iii) subject to approval of the Secretary of Defense.

“(c) LIMITATION.—For any fiscal year, the Secretary may not award operating agreements under this chapter that require payments under section 53207 for more than 10 vessels.
§ 53205. Effectiveness of operating agreements

“(a) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Transportation may enter into an operating agreement under this chapter for fiscal year 2021 and any subsequent fiscal year. Each such agreement may be renewed annually for up to seven years.

“(b) VESSELS UNDER CHARTER TO THE UNITED STATES.—The owner or operator of a vessel under charter to the United States is eligible to receive payments pursuant to any operating agreement that covers such vessel.

“(c) TERMINATION.—

“(1) TERMINATION BY SECRETARY FOR LACK OF OWNER OR OPERATOR COMPLIANCE.—If the owner or operator with respect to an operating agreement materially fails to comply with the terms of the agreement—

“(A) the Secretary shall notify the owner or operator and provide a reasonable opportunity to comply with the operating agreement; and

“(B) the Secretary shall terminate the operating agreement if the owner or operator fails to achieve such compliance.

“(2) TERMINATION BY OWNER OR OPERATOR.—
“(A) IN GENERAL.—If an owner or operator provides notice of the intent to terminate an operating agreement under this chapter by not later than 60 days prior to the date specified by the owner or operator for such termination, such agreement shall terminate on the date specified by the owner or operator.

“(B) REPLACEMENT.—An operating agreement with respect to a vessel shall terminate on the date that is three years after the date on which the vessel begins operating under the agreement, if—

“(i) the owner or operator notifies the Secretary, by not later than two years after the date the vessel begins operating under the agreement, that the owner or operator intends to terminate the agreement under this subparagraph; and

“(ii) the Secretary of Transportation, in coordination with the Secretary of Defense, determines that—

“(I) an application for an operating agreement under this chapter has been received for a replacement
vessel that is acceptable to the Secretaries; and

“(II) during the period of an operating agreement under this chapter that applies to the replacement vessel, the replacement vessel will be—

“(aa) owned and operated by one or more persons that are citizens of the United States under section 50501; or

“(bb) owned by a person who is eligible to document the vessel under chapter 121, and operated by a person that is a citizen of the United States under section 50501.

“(d) NONRENEWAL FOR LACK OF FUNDS.—

“(1) IN GENERAL.—If sufficient funds are not made available to carry out an operating agreement under this chapter—

“(A) the Secretary of Transportation shall submit to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee
on Transportation and Infrastructure of the House of Representatives notice that such agreement shall be not renewed effective on the 60th day of the fiscal year, unless such funds are made available before such day; and

“(B) effective on the 60th day of such fiscal year, terminate such agreement and provide notice of such termination to the owner or operator of the vessel covered by the agreement.

“(2) Release of vessels from obligations.—If an operating agreement for a vessel under this chapter is not renewed pursuant to paragraph (1), then the owner or operator of the vessel is released from any further obligation under the operating agreement as of the date of such termination or nonrenewal.

“(3) Foreign transfer and registration.—The owner or operator of a vessel covered by an operating agreement under this chapter may transfer and register such vessel under a foreign registry that is acceptable to the Secretary and the Secretary of Defense, notwithstanding section 53201.

“(4) Requisition.—If chapter 563 is applicable to a vessel after registration, then the vessel is
available to be requisitioned by the Secretary pursuant to chapter 563.

§ 53206. Obligations and rights under operating agreements

(a) Operation of vessel.—An operating agreement under this chapter shall require that, during the period the vessel covered by the agreement is operating under the agreement the vessel shall—

(1) be operated in the United States foreign commerce, mixed United States foreign commerce and domestic trade allowed under a registry endorsement issued under section 12111, in foreign-to-foreign commerce, or under a charter to the United States;

(2) not be operated in the coastwise trade except as described in paragraph (1); and

(3) be documented under chapter 121.

(b) Operating agreement is an obligation of the United States Government.—An operating agreement under this chapter constitutes a contractual obligation of the United States Government to pay the amounts provided for in the agreement to the extent of actual appropriations.

(c) Obligations of owner or operator.—
“(1) IN GENERAL.—The owner or operator of a vessel covered by an operating agreement under this chapter shall agree, as a condition of such agreement, to remain obligated to carry out the requirements described in paragraph (2) until the termination date specified in the agreement, even in the case of early termination of the agreement under section 53205(c). This subsection shall not apply in the case of an operating agreement terminated for lack of funds under section 53205(d).

“(2) REQUIREMENTS.—The requirements described in this paragraph are the following:

“(A) To continue the documentation of the vessel under chapter 121.

“(B) To be bound by the requirements of section 53208.

“(C) That all terms and conditions of an emergency preparedness agreement entered into under section 53208 shall remain in effect, except that the terms of such emergency preparedness agreement may be modified by the mutual consent of the owner or operator, the Secretary and the Secretary of Defense as provided in such section.
“(d) Transfer of Operating Agreements.—The owner or operator of a vessel covered by an operating agreement under this chapter may transfer that agreement (including all rights and obligations under the agreement) to any person that is eligible to enter into that operating agreement under this chapter, if the transfer is approved by the Secretary of Transportation and the Secretary of Defense.

“(e) Replacement of Vessels Covered by Agreements.—An owner or operator of a vessel covered by an operating agreement under this chapter may replace the vessel with another vessel that is eligible to be included in the Fleet under section 53202(b), if the Secretary of Transportation, in coordination with the Secretary of Defense, approves the replacement of the vessel. In selecting a replacement vessel, the owner or operator shall give primary consideration to—

“(1) the commercial viability of the vessel;

“(2) the utility of the vessel with respect to the operating requirements of the owner or operator; and

“(3) ensuring that the commercial and military utility of any replacement vessel is not less than that of the initial vessel.
§ 53207. Payments

(a) ANNUAL PAYMENT.—Subject to the availability of appropriations for such purpose and the other provisions of this chapter, the Secretary shall pay to the owner or operator of a vessel covered by an operating agreement under this chapter an amount equal to $6,000,000 for each vessel covered by the agreement for each fiscal year that the vessel is covered by the agreement. Such amount shall be paid in equal monthly installments on the last day of each month. The amount payable under this subsection may not be reduced except as provided by this section.

(b) CERTIFICATION REQUIRED FOR PAYMENT.—As a condition of receiving payment under this section for a fiscal year for a vessel, the owner or operator of the vessel shall certify, in accordance with regulations issued by the Secretary, that the vessel has been and will be operated in accordance with section 53206 for at least 320 days during the fiscal year. Days during which the vessel is drydocked, surveyed, inspected, or repaired shall be considered days of operation for purposes of this subsection.

(c) GENERAL LIMITATIONS.—The Secretary may not make any payment under this chapter for a vessel with respect to any days for which the vessel is—

(1) not operated or maintained in accordance with an operating agreement under this chapter; or

(2) more than 25 years of age.
“(d) REDUCTIONS IN PAYMENTS.—With respect to payments under this chapter for a vessel covered by an operating agreement, the Secretary—

“(1) except as provided in paragraph (2), may not reduce such a payment for the operation of the vessel to carry military or other preference cargoes under section 55302(a), 55304, 55305, or 55314, section 2631 of title 10, or any other cargo preference law of the United States;

“(2) may not make such a payment for any day that the vessel is engaged in transporting more than 7,500 tons of civilian bulk preference cargoes pursuant to section 55302(a), 55305, or 55314, that is bulk cargo; and

“(3) shall make a pro rata reduction for each day less than 320 in a fiscal year that the vessel is not operated in accordance with section 53206.

“(e) LIMITATIONS REGARDING NONCONTIGUOUS DOMESTIC TRADE.—

“(1) IN GENERAL.—No owner or operator shall receive payments pursuant to this chapter during a period in which it participates in noncontiguous domestic trade.

“(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a owner or operator that is a
citizen of the United States within the meaning of
section 50501, applying the 75 percent ownership
requirement of that section.

“(3) PARTICIPATES IN A NONCONTIGUOUS
TRADE DEFINED.—In this subsection the term ‘par-
ticipates in a noncontiguous domestic trade’ means
directly or indirectly owns, charters, or operates a
vessel engaged in transportation of cargo between a
point in the contiguous 48 States and a point in
Alaska, Hawaii, or Puerto Rico, other than a point
in Alaska north of the Arctic Circle.

§ 53208. National security requirements

“(a) EMERGENCY PREPAREDNESS AGREEMENT RE-
QUIRED.—The Secretary of Transportation, in coordina-
tion with the Secretary of Defense, shall establish an
emergency preparedness program under this section under
which the owner or operator of a vessel covered by an op-
erating agreement under this chapter shall agree, as a
condition of the operating agreement, to enter into an
emergency preparedness agreement with the Secretaries.
Each such emergency preparedness agreement shall be en-
tered into as promptly as practicable after the owner or
operator has entered into the operating agreement.

“(b) TERMS OF AGREEMENT.—The terms of an
agreement under this section—
“(1) shall provide that upon request by the Secretary of Defense during time of war or national emergency, or whenever determined by the Secretary of Defense to be necessary for national security or contingency operation (as that term is defined in section 101 of title 10), the owner or operator shall make available commercial transportation resources (including services) described in subsection (d) to the Secretary of Defense;

“(2) shall include such additional terms as may be established by the Secretary of Transportation and the Secretary of Defense; and

“(3) shall allow for the modification or addition of terms upon agreement by the Secretary of Transportation and the owner or operator and the approval by the Secretary of Defense.

“(c) Participation After Expiration of Operating Agreement.—Except as provided by section 53206, the Secretary may not require, through an emergency preparedness agreement or an operating agreement, that an owner or operator of a vessel covered by an operating agreement continue to participate in an emergency preparedness agreement after the operating agreement has expired according to its terms or is otherwise no longer in effect. After the expiration of an emergency pre-
paredness agreement, a owner or operator may voluntarily continue to participate in the agreement.

“(d) Resources Made Available.—The commercial transportation resources to be made available under an emergency preparedness agreement shall include vessels or capacity in vessels, terminal facilities, management services, and other related services, or any agreed portion of such nonvessel resources for activation as the Secretary of Defense may determine to be necessary, seeking to minimize disruption of the owner or operator’s service to commercial customers.

“(e) Compensation.—

“(1) In General.—Each emergency preparedness agreement under this section shall provide that the Secretary of Defense shall pay fair and reasonable compensation for all commercial transportation resources provided pursuant to this section.

“(2) Specific Requirements.—Compensation under this subsection—

“(A) shall not be less than the owner or operator’s commercial market charges for like transportation resources;

“(B) shall be fair and reasonable considering all circumstances;
“(C) shall be provided from the time that a vessel or resource is required by the Secretary of Defense until the time it is redelivered to the owner or operator and is available to reenter commercial service; and

“(D) shall be in addition to and shall not in any way reflect amounts payable under section 53207.

“(f) Temporary Replacement Vessels.—Notwithstanding section 55302(a), 55304, 55305, or 55314, section 2631 of title 10, or any other cargo preference law of the United States—

“(1) an owner or operator may operate or employ in foreign commerce a foreign-flag vessel or foreign-flag vessel capacity as a temporary replacement for a vessel of the United States or vessel of the United States capacity that is activated by the Secretary of Defense under an emergency preparedness agreement or a primary Department of Defense sealift readiness program; and

“(2) such replacement vessel or vessel capacity shall be eligible during the replacement period to transport preference cargoes subject to sections 55302(a), 55304, 55305, and 55314 and section...
of title 10 to the same extent as the eligibility of the vessel or vessel capacity replaced.

“(g) **Redelivery and Liability of the United States for Damages.**—

“(1) **In General.**—All commercial transportation resources activated under an emergency preparedness agreement shall, upon termination of the period of activation, be redelivered to the owner or operator in the same good order and condition as when received, less ordinary wear and tear, or the Secretary of Defense shall fully compensate the owner or operator for any necessary repair or replacement.

“(2) **Limitation on United States Liability.**—Except as may be expressly agreed in an emergency preparedness agreement, or as otherwise provided by law, the Government shall not be liable for disruption of an owner or operator’s commercial business or other consequential damages to an owner or operator arising from the activation of commercial transportation resources under an emergency preparedness agreement.

“§ 53209. **Regulatory relief**

“(a) **Operation in Foreign Commerce.**—An owner or operator for a vessel included in an operating
agreement under this chapter may operate the vessel in the foreign commerce of the United States without restriction.

“(b) Other Restrictions.—The restrictions of section 55305(a) concerning the building, rebuilding, or documentation of a vessel in a foreign country shall not apply to a vessel for any day the operator of the vessel is receiving payments for the operation of that vessel under an operating agreement under this chapter.

“(c) Telecommunications Equipment.—The telecommunications and other electronic equipment on an existing vessel that is redocumented under the laws of the United States for operation under an operating agreement under this chapter shall be deemed to satisfy all Federal Communications Commission equipment certification requirements, if—

“(1) such equipment complies with all applicable international agreements and associated guidelines as determined by the country in which the vessel was documented immediately before becoming documented under the laws of the United States;

“(2) that country has not been identified by the Secretary as inadequately enforcing international regulations as to that vessel; and
“(3) at the end of its useful life, such equipment shall be replaced with equipment that meets Federal Communications Commission equipment certification standards.

“§ 53210. Special rule regarding age of participating Fleet vessels

“Any age restriction under section 53202(b)(4) shall not apply to a participating Fleet vessel during the 30-month period beginning on the date the vessel begins operating under an operating agreement under this chapter, if the Secretary of Transportation determines that the owner or operator of the vessel has entered into an arrangement to obtain and operate under the operating agreement for the participating Fleet vessel a replacement vessel that, upon commencement of such operation, will be eligible to be included in the Fleet under section 53202(b).

“§ 53211. Regulations

“The Secretary of Transportation and the Secretary of Defense may each prescribe rules as necessary to carry out their respective responsibilities under this chapter.

“§ 53212. Authorization of appropriations

“There is authorized to be appropriated for payments under section 53207, $60,000,000 for each of fiscal years 2021 through 2035, to remain available until expended.
§ 53213. Acquisition of Fleet vessels

(a) IN GENERAL.—Upon replacement of a Fleet vessel under an operating agreement under this chapter, and subject to agreement by the owner or operator of the vessel, the Secretary of Transportation may, subject to the concurrence of the Secretary of Defense, acquire the vessel being replaced for inclusion in the National Defense Reserve Fleet.

(b) REQUIREMENTS.—To be eligible for acquisition by the Secretary of Transportation under this section a vessel shall—

(1) have been covered by an operating agreement under this chapter for not less than three years; and

(2) meet recapitalization requirements for the Ready Reserve Force.

(c) FAIR MARKET VALUE.—A fair market value shall be established by the Maritime Administration for acquisition of an eligible vessel under this section.

(d) APPROPRIATIONS.—Vessel acquisitions under this section shall be subject to the availability of appropriations. Amounts made available to carry out this section shall be derived from amounts authorized to be appropriated for the National Defense Reserve Fleet. Amounts authorized to be appropriated to carry out the Maritime
Security Program may not be used to carry out this section.”.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle VII of title 46, United States Code, is amended by adding at the end the following:

“532. Tanker Security Fleet ...................................................... 53201”.

(c) DEADLINE FOR ACCEPTING APPLICATIONS.—

(1) IN GENERAL.—The Secretary of Transportation shall begin accepting applications for enrollment of vessels in the Tanker Security Fleet established under chapter 532 of title 46, United States Code, as added by subsection (a), by not later than 30 days after the date of the enactment of this Act.

(2) APPROVAL.—Not later than 90 days after receipt of an application for the enrollment of a vessel in the Tanker Security Fleet, the Secretary, in coordination with the Secretary of Defense, shall—

(A) approve the application and enter into an operating agreement with the applicant; or

(B) provide to the applicant a written explanation for the denial of the application.
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Advanced degaussing for DDG-51 destroyers

The committee understands that the DDG-51 destroyers, including the latest Flight III version, incorporate a mine protection degaussing system dating back to the lead ship, DDG-51, commissioned on July 4, 1991. This more than 28-year-old degaussing mine protection system is seriously out of date, significantly outside of the Navy’s own magnetic signature specifications, and leaves the Navy’s primary large surface combatant, with a crew of 329, vulnerable to the most basic mines available today. The Navy has invested considerable research and development funding to develop advanced degaussing systems, the latest of which will be incorporated into LPD 28/29/30, that will provide greater than five times more effective mine protection than the current system aboard all the DDG-51 destroyers. The newest advanced degaussing systems are a third of the weight, requiring a third of the cable and cable length and typically require less electrical power. The committee believes the Navy should consider a backfit plan for in-service destroyers as well as a plan to incorporate an advanced degaussing system on new-construction destroyers. Therefore, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services by February 1, 2021, on the potential to backfit in-service destroyers with advanced degaussing as well as the potential for incorporating it on new-construction destroyers.

Variable Depth Sonar for DDG-51 destroyers

The committee recognizes and supports the Navy’s efforts to leverage mature technologies and systems for the DDG-51 and small surface combatant programs. The committee continues to encourage the Secretary of the Navy to emphasize commonality across Navy platforms, commonality with existing platform equipment, and reduced acquisition and lifecycle and sustainment costs in developing a best value solution for the platform. However, the committee also believes it is critical that the Navy increase technical capabilities, particularly in the area of anti-submarine warfare (ASW). Given ongoing efforts by adversarial nations to increase the capability, lethality, and size of their respective submarine fleets, the committee recognizes the critical role the DDG-51 and small surface combatants will play in performing ASW missions around the globe. As such, it is
imperative that the platform be deployed with the most capable ASW technology available.

Therefore, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services not later than February 1, 2021, on the feasibility of backfitting the AN/SQS-62 Variable Depth Sonar system on surface combatants. The briefing shall include:

(a) an explanation of the current DDG-51 ASW performance capabilities, including any plans for ensuring the DDG-51s are part of a broader implementation of low-frequency active capabilities aboard tactical surface ships;

(b) an analysis of commonality with program of record ASW systems, particularly those recently developed as part of the littoral combat ship ASW Mission Package, to include common hardware, spares, training, and logistics;

(c) an acquisition plan, including schedule, for AN/SQS-62 backfit into DDG-51s;

(d) the program schedule to fully incorporate AN/SQS-62 into the ASW mission packages associated with the littoral combat ship; and

(e) an assessment of options to forward fit AN/SQS-62 into frigate.

**Other Procurement, Navy**

**Items of Special Interest**

*Laser shock peening (LSP) technology*

There are 22 in-service Cruisers (CG) constructed between 1980–1994 with aluminum superstructures. Additionally, the Department of the Navy has commissioned ten Littoral Combat Ships (LCS) and an additional 10 Expeditionary Fast Transport (EPF) that use aluminum hull designs. These 42 in-service ships are experiencing unique aluminum fatigue. The committee notes that there are unique issues associated with aluminum ship construction practices that impact lifecycle maintenance costs.

The committee supports the use of innovative aluminum fatigue interventions to extend the service life of these ships. The committee notes the use of laser shock peening (LSP) technology to mitigate these challenges with aluminum and understands that LSP has been used in various high-risk, high-quality industries to include the nuclear industry and aviation sectors. The committee supports the use of innovative maintenance options that provide increased aluminum survivability, resiliency, and battlefield longevity for current and future classes of warships constructed with aluminum. Therefore, the committee directs the Secretary of the Navy to provide a brief to the House Committee on Armed Services by February 1, 2021 that assesses specific applications and tooling that could be used to extend the service life of aluminum superstructure such as LSP technologies.

*Long-term charter requirements*
The committee notes that the Secretary of the Navy has entered long-term charter agreements for nine transoceanic vessels for the Departments of the Navy and Army. The committee believes that organic transoceanic vessels may be more cost effective than the long-term charter strategy currently employed by the Secretary of the Navy. Therefore, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services by February 1, 2021, on alternative force structure options to support these long-term charter requirements. The briefing shall include an assessment of the current long-term charter requirements and a cost comparison of an organic fleet capability compared with the long-term charters.

Unmanned maritime systems

The Navy is refocusing its maritime strategy to counter an increasing competition among nations in the maritime environment, coupled with a rapid rise in technological creation and adoption of new weapons. To expedite technology development and accelerate fielding initial capabilities, the Navy is using a range of new acquisition authorities that allow the department to bypass traditional lines of program oversight. In particular, the Navy has added significant resources to its budget to rapidly and aggressively acquire a family of over 200 new unmanned and optionally manned surface and undersea vehicles. While unmanned maritime systems offer promise, past efforts, such as the Remote Minehunting Vehicle, have proven costly and unsuccessful.

Therefore, the committee directs the Comptroller General of the United States to provide a report to the congressional defense committees by March 1, 2021, on a review of the Navy’s unmanned surface and undersea vehicles. As part of this review, the Comptroller General shall assess:

1. the current status of the Navy’s efforts to develop and produce unmanned and optionally manned surface and undersea vehicles, including cost and schedule;
2. the successes and challenges the Navy is experiencing in executing and planning its unmanned surface and undersea vehicles;
3. the extent to which the Navy is managing requirements to best ensure that the planned capabilities will meet mission needs;
4. the Navy’s plans for replacing manned ships with unmanned ships and also including unmanned systems in its ship counts; and
5. any other areas that the Comptroller General deems appropriate.

AIRCRAFT PROCUREMENT, AIR FORCE

Items of Special Interest

C-130H propeller/engine upgrades
The committee notes again that the C-130H aircraft that are flown primarily by the Air National Guard and Air Force Reserve continue to provide critical tactical airlift capabilities and will continue to support this mission for years to come. The committee is again disappointed with the amount of time it has taken for the Air Force to address a safety of flight issue with the legacy propeller system of the C-130H.

Procurement of new composite propeller blades is the obvious solution to this serious safety of flight and readiness issue. The Air Force has moved slowly in addressing the issue and still refers to the propeller upgrade as a capability improvement and not a safety requirement. A new composite blade would also decrease maintenance time and improve logistics support, which will result in increased readiness. Delays are unacceptable considering the inherent safety of flight and readiness risks surrounding this issue.

Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by January 31, 2021, updating the acquisition strategy for procuring new blades. This plan should include updated estimated costs, timelines, and a unit upgrade schedule. The briefing should also include the Air Force plan to incorporate C-130H T-56 Series 3.5 Engine Enhancement Packages. Congress has repeatedly added additional funds for these upgrades and the Air Force has yet to budget for them despite the demonstrated performance benefits and fuel efficiencies.

KC-46A full rate production

The committee notes that Boeing Defense has not yet delivered 6 of 7 Lot 1 and 6 of 12 Lot 2 KC-46A aircraft. These Lot 1 and 2 aircraft were authorized in fiscal year 2015 and 2016 respectively. Considering the budget request for fiscal year 2021 supported a Lot 7 order of 15 aircraft, the delays associated with Lots 1 and 2 could impact deliveries of Lot 7.

Additionally, the committee notes that the KC-46A has three category one deficiencies: the remote vision system, the boom telescope actuator, and a new excessive fuel system leak. The category one deficiency in the remote vision system has resulted in the Air Force determination that the KC-46A is not capable of being operationally employed. The Air Force has assessed the remote vision system category one deficiency will take approximately 3 to 4 years to correct. If Boeing can maintain schedule they will have delivered the first 6 lots representing a total of 79 aircraft that are not capable of being operationally employed.

The Air Force has indicated their intent in fiscal year 2021 to conclude the initial operational test and evaluation and proceed to full rate production of an aircraft that is not operationally capable. The committee believes that a decision to enter full rate production before these category one deficiencies are corrected and production challenges are alleviated should be carefully considered by the milestone decision authority. Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by September 1,
2020, before the KC-46A program goes into full rate production, as to how the Secretary intends to mitigate the concurrency of development associated with these category one deficiencies with a full rate production decision.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**Research, Development, Test, and Evaluation, Navy**

**Items of Special Interest**

*Advanced Submarine Countermeasures*

The committee notes that Navy is proposing a new advanced submarine countermeasures that incorporates sophisticated acoustic decoy capabilities to counter the growing threats of modern acoustic homing torpedoes. These new countermeasures must also incorporate advanced mobility functionality to enhance tactics in littoral waters. The ADC MK 5 incorporates these new acoustic and mobility capabilities at the same physical size as the current ADC MK 2 devices to maintain compatibility with existing submarine launch devices and support systems. The integration of the new ADC MK 5 acoustic and mobility capabilities into the existing device form factor represents a significant technological advancement of the Navy’s submarine countermeasures, and this technology can be applied to other countermeasure needs across the fleet. The committee supports the continued development of this advanced submarine countermeasure system and the eventual award of a production MK5 variant. Therefore, the committee directs the Secretary of the Navy to brief the House Committee on Armed Services by February 1, 2021 as to advanced submarine kinetic and non-kinetic countermeasures and the associated acquisition timelines to deploy these capabilities.

*Conformal Acoustic Velocity Sonar*

The committee notes that the Conformal Acoustic Velocity Sonar project was developed to provide an affordable "smart-skin" acoustic sonar receive array to the Virginia-class submarine. Replacing traditional spherical sonar arrays with a conformal bow array would significantly improve submarine structural design and improve the submarine’s stealth characteristics. The committee is also aware of the improved sonar performance observed in large vertical arrays which have been tested on various submarines during at-sea operations.

Considering the many benefits of this new technology used in large vertical arrays, the committee remains supportive of an acoustic sonar in a bow conformal array configuration. The committee urges continued Navy’s effort to develop this technology in a bow configuration, continued test to prove out this technology and the insertion of the Large Vertical Array and conformal bow array into the submarine fleet. Finally, the committee directs the Secretary of the Navy to prepare
a brief to the House Committee on Armed Services by February 15, 2021 as to current programming associated with the continued introduction of the large vertical arrays and conformal bow arrays; operational tests associated with these capabilities; and, industrial base implications associated with continued production.

Shipboard Information Warfare Exploit

The committee notes that the Spectral program is an incremental acquisition, Government Off-The-Shelf/Commercial Off-The-Shelf program that provides cryptologic signals exploitation capabilities designed to meet the requirements for shipboard cryptologic operations within the Ship's Signal Exploitation Space (SSES) aboard a variety of ship classes and shore facilities. The Spectral system is programmed to provide a mobile, passive capability to detect, classify, track, and determine the intent of enemy units through exploitation of their command and control emissions. The system will be scalable, reconfigurable to mission, modular, remotable and dynamically reprogrammable in response to new threats and capabilities. The committee believes that the Secretary of the Navy should expedite the development of this critical capability and supports decoupling the hardware from the software so that capability enhancements are delivered by software as soon as they are developed. To achieve maximum competition and to solicit the most current technologies, the committee further believes that the Secretary should continue to prioritize an open architecture approach so that the new system can readily integrate emerging third-party capabilities. Therefore, the committee directs the Secretary of the Navy to prepare a brief to the House Committee on Armed Services by January 30, 2021 as to implementation of the Spectral Program to include both program capabilities and timelines.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Items of Special Interest

Flight test air refueling support

The committee recognizes the importance of air refueling to flight test aircraft and the many requirements for tanker aircraft. The committee is concerned with the impact of the Air Force’s tanker reductions and with unintended consequences of insufficient tanker support for test programs, such as program delays and increased costs. The committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services by February 1, 2021, that explains the plan to support flight test requirements with air refueling. The brief should determine the overall test requirements and consider the effectiveness and efficiency of tanker aircraft assigned to the test community versus augmenting tanker support with aircraft from other bases.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE
GPS-based precision approach and landing system

The committee is encouraged by the Navy’s success in procuring a global positioning system (GPS)-based, all-weather, precision approach and landing system for eventual deployment on all Navy aircraft carriers and amphibious assault ships for its F-35-B, F-35C, and MQ-25 aircraft. The committee understands that the Navy and Marine Corps are currently conducting feasibility studies to determine whether the F/A-18E, F/A-18F, EA-18G, and all variants of the V-22 can also be integrated into its precision approach and landing system.

The committee believes that expanding the sea-based joint precision approach and landing system capability to other U.S. military aircraft that operate in expeditionary environments would permit such aircraft to safely land at remote, forward-deployed airbases, even in situations involving difficult terrain or extremely low visibility. The committee directs the Secretary of Defense to provide a report to the House Committee on Armed Services by February 1, 2021, on the feasibility and advisability of integrating a common expeditionary GPS-based, all-weather, precision approach and landing system capability into its aircraft that are most likely to serve in forward-deployed environments, the C-130, F-16 and H-60.

TITLE III—OPERATION AND MAINTENANCE

ITEMS OF SPECIAL INTEREST

LOGISTICS AND SUSTAINMENT ISSUES

Pilot Program for Enhancing Ship Readiness through Digital Techniques

The committee supports the ongoing pilot program that the American Bureau of Shipping and the Military Sealift Command (MSC) have developed to enhance the readiness of MSC vessels through a condition-based approach. This pilot program has already shown positive results in improving the availability and readiness of MSC vessels, with potential long-term cost avoidance in maintenance and repair of such vessels. The committee encourages MSC to further expand the program to other vessels under its control.

The committee also believes that the readiness of our nation’s surface naval and auxiliary fleet is a critical issue that deserves enhanced attention. The committee directs the Secretary of the Navy to evaluate the use of a similar condition-based approach to cover the surface vessel fleet through a partnership with an organization that has experience classing Navy vessels. The committee further directs the Secretary of the Navy to provide a report to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 1, 2021, on the steps being taken to improve the availability and
readiness of surface naval and auxiliary vessels using a condition-based approach
and commercial best practices for digital methods for ship condition monitoring,
vessel readiness, and maintenance planning.

READINESS ISSUES

Surface Navy Seamanship and Skills Assessment

The committee recognizes that the Navy has made some significant
improvements to the training curriculum for surface warfare officers. However, the
committee continues to have concerns that enlisted training has not seen the same
emphasis. In an effort to fully understand the impact of recent changes to officer
surface warfare training and the current state of enlisted training, the committee
believes a holistic assessment should be conducted. The goal of the assessment
would be to conduct a top-to-bottom review of how the surface Navy qualifies its
topside watchstanders involved in seamanship and navigation. The assessment
should include Personal Qualification Standards, Watch Team Replacement Plans
methods of simulator training at various officer and enlisted milestones, as well as
at-sea assessments evaluating all Mobility Navigation/Seamanship evolutions as
outlined in the current surface force training and readiness manual with attention
to special evolutions while restricted maneuvering doctrine is in effect. Of particular
interest is an objective assessment of how we qualify/requalify officers of the deck
underway, as well as the master shiphandling skills expected of commanding
officers and executive officers at sea. The goal of this study is to obtain an accurate,
objective outside assessment of the status of seamanship skills in the surface Navy.

Therefore, the committee directs the Secretary of the Navy to contract with
a federally funded research and development center to provide a report to the
congressional defense committees not later than February 1, 2022, on a top-down
assessment of Navy surface warfare training. The assessment should review both
officer and enlisted training.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

ITEMS OF SPECIAL INTEREST

Utilization of Smaller Vessels in Indo-Pacific Area of Operations

The committee remains concerned that the Navy has yet to provide an
updated shipbuilding plan as required by section 231 of title 10, United States
Code, or a briefing on the updated Integrated Force Structure Assessment. Without
the requisite information, the committee is unable to properly assess whether
vessels smaller than 200 meters in length may have a forward deployed mission set,
such as supporting Expeditionary Advanced Base Operations. Therefore, the
committee directs the Chief of Naval Operations to provide a briefing to the House
Committee on Armed Services not later than February 1, 2021, on the feasibility of utilizing smaller vessels in the Indo-Pacific to patrol coastal areas and enhance presence in a contested environment.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXV—MARITIME ADMINISTRATION

ITEMS OF SPECIAL INTEREST

Commercial Design Options for Sealift Recapitalization

The committee notes that the strategic sealift force can only generate 65 percent of the Department of Defense’s required capacity and faces an imminent decline in capacity as obsolete ships are retired. The committee continues to believe that the most cost-effective and time-sensitive strategy for acquiring a new domestically built sealift ship is through a commercial model that focuses on mature designs. The committee believes the Navy should focus on maximizing commercial design criteria where possible and limit the amount of military specifications. The Maritime Administration has been utilizing a commercial-style contracting process for the acquisition of the National Security Multi-Mission Vessel (NSMV). The committee strongly encourages the Secretary of the Navy to coordinate closely with the Maritime Administrator in order to leverage lessons learned from the NSMV process and ultimately develop a similar acquisition strategy for sealift recapitalization. Based on the authorities granted by Congress such as incremental funding, the committee believes that the Navy could acquire a new-construction ship without overly disrupting the Navy shipbuilding account and still meet the 2026 delivery mandate.

Therefore, the committee directs the Secretary of the Navy, in coordination with the Maritime Administrator, to provide a briefing to the Committee on Armed Services of the House of Representatives not later than September 1, 2020, on what progress the Navy has made in developing an acquisition strategy for sealift recapitalization that maximizes commercial designs and contracting best practices.