H.R. 2500—FY20 NATIONAL DEFENSE AUTHORIZATION BILL

SUBCOMMITTEE ON SEAPower AND PROJECTION FORCES

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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

LEGISLATIVE PROVISIONS

SUBTITLE C—NAVY PROGRAMS

Section 1XX—Repeal of Requirement to Adhere to Navy Cost Estimates for Certain Aircraft Carriers


Section 1XX—Ford Class Aircraft Carrier Support for F-35C Aircraft

This section would require the Secretary of the Navy to ensure that the aircraft carrier to be designated CVN-79 is capable of deploying with the F-35 prior to accepting delivery.

Section 1XX—Modification of Annual Report on Cost Targets for Certain Aircraft Carriers

This section would amend section 126(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), that requires an annual report on cost reduction efforts for CVN-79 and CVN-80. This section would amend Public Law 114-328 to include CVN-81, and reflect changes made to the cost cap language.

Section 1XX—Design and Construction of Amphibious Transport Dock Designated LPD-31

This section would authorize the Secretary of the Navy to enter into a contract for the amphibious transport dock ship designated LPD-31. Additionally, the Secretary would be authorized to use incremental funding authority to complete the construction.

Section 1xx—Prohibition on Use of Funds for Reduction of Aircraft Carrier Force Structure
This section would limit the Secretary of Defense from reducing the aircraft carrier force structure below the level required by section 5062 of title 10, United States Code.

The committee continues to believe that the nation's preeminent power projection capability is embodied with the aircraft carrier strike group. The ability to rapidly relocate a strategic asset and launch long-range, deep penetrating strike from a location that is not hampered by sovereign limitations represents the linchpin in our nation's national security. The committee concurs with the Navy's assessment that the aircraft carrier is more survivable today than at any point in the last 75 years.

The committee continues to support an expansion of the aircraft carrier force structure to obtain the Navy's requirement of 12 aircraft carriers. The committee is supportive of the two-carrier procurement authorized in section 121 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) and is supportive of further efforts to reduce the span between aircraft carrier construction.

Additionally, the budget request contained no funds for the Refueling and Complex Overhaul (RCOH) of the USS Harry S. Truman. The committee is encouraged that the administration reversed its recommendation to retire the USS Harry S. Truman before the planned RCOH and agrees with the overwhelming view within Congress that maintaining this strategic asset for another 25 years is crucial to national security. Therefore, the committee recommends $17.0 million to begin procurement of the long lead items associated with the USS Harry S. Truman RCOH.

**SUBTITLE D—AIR FORCE PROGRAMS**

**Section 1XX—Limitation on Availability of Funds for VC-25B Aircraft**

This section would prohibit the Secretary of the Air Force from obligating or expending any funds to exercise the over-and-above clause of the VC-25B contract until the Secretary submits a certification to the congressional defense committees.

**Section 1XX—Modification of Limitation on Use of Funds for KC-46A Aircraft**

This section would amend section 146 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), to limit the use of funds for KC-46A aircraft pending submittal of certification, to include a military flight release.

**Section 1XX—Prohibition on Availability of Funds for Reduction in KC-10 Primary Mission Aircraft Inventory**

This section would prohibit the retirement of any primary inventory KC-10 aircraft in fiscal year 2020.
Section 1xx—Modification of Requirement to Preserve Certain C-5 Aircraft

This section would amend section 141(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) to reinstate the requirement for the Secretary of the Air Force to continue to preserve certain C-5 aircraft in a storage condition that would allow a recall of retired aircraft to future service in the Air Force Reserve, Air National Guard, or Active Force structure.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

LEGISLATIVE PROVISIONS

SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Section 2xx—Documentation Relating to B-52 Commercial Engine Replacement Program

This section would limit funds for the B-52 commercial engine replacement program until the Secretary of the Air Force submits a capability development document and a signed test and evaluation master plan.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

LEGISLATIVE PROVISIONS

SUBTITLE D—INDUSTRIAL BASE MATTERS

Section 8xx—Requirement That Certain Ship Components Be Manufactured in the National Technology and Industrial Base

This section would amend section 2534 of title 10, United States Code, and would require certain auxiliary ship components to be procured from a manufacturer in the national technology and industrial base.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

SUBTITLE C—NAVAL VESSELS AND SHIPYARDS

Section 10XX—Formal Schoolhouse Training for Shipboard System Programs of Record
This section would require the Secretary of the Navy to ensure there is a formal schoolhouse for all shipboard systems that are current programs of record in the fleet.

Section 10XX—Report on Shipbuilder Training and the Defense Industrial Base

This section would require the Secretary of the Navy to submit a report on how the Navy plans to manage the need to grow the shipbuilding workforce as it builds to a 355-ship Navy.

SUBTITLE E—MISCELLANEOUS AUTHORITIES AND LIMITATIONS

Section 10XX—Independent Review of the Transportation Working-Capital Fund

This section would require the Secretary of Defense, in coordination with the Secretaries of the military departments, to contract with an independent federally funded research and development center to conduct a review of the Transportation Working Capital-Fund (TWCF) of the U.S. Transportation Command.

The committee is disappointed to learn that U.S. Transportation Command has delayed the implementation of the changes that were mandated by the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) as it pertains to the management of the channel system. The channel system was designed to be a revenue generator for the TWCF but has consistently failed to meet this objective. The U.S. Transportation Command has done a poor job of projecting overhead costs and cargo as it relates to the channel system which has resulted in the military services budgeting incorrectly for the costs associated with using the channel system. The committee believes that rather than having the military services budget for the cost of using the channel system which then flow to the TWCF, U.S. Transportation Command should improve their cost projections and budget directly for them. The committee is also concerned that there has not been adequate oversight of where excess TWCF funds have been allocated. The committee expects U.S. Transportation Command to better disclose where excess TWCF funds are being allocated in the future.

SUBTITLE G—OTHER MATTERS

Section 10XX—Transportation by Sea of Supplies for the Armed Forces and Defense Agencies

This section would modify section 2631 of title 10, United States Code, to expand application of cargo transported by the Department of Defense to include defense agencies. Additionally, this section would require additional latitude in the transportation of fuel products to better expand opportunities for U.S. flagged resources.
Section 10xx—Limitation on Use of Funds for the Inactivation of Army Watercraft Units

This section would prohibit the use of any funds for fiscal year 2020 for the inactivation of an Army watercraft unit until the Secretary of Defense has completed a review and the findings have been validated by a federally funded research and development corporation.

Section 10xx—Mobility Capabilities Requirement Study

This section would require the Commander, U.S. Transportation Command to submit a report and a briefing to the House Committee on Armed Services by January 1, 2021, with an interim update by June 1, 2020, assessing the operational risk for meeting the mobility requirements of the geographic combatant commanders.

Section 10xx—Scheduling of Department of Defense Executive Aircraft Controlled by Secretaries of Military Departments

This section would require the Secretary of Defense to ensure there is a common scheduler for the scheduling and prioritization of executive airlift across the entire Department of Defense.

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

TITLE XXXV—MARITIME ADMINISTRATION

LEGISLATIVE PROVISIONS

SUBTITLE A—MARITIME ADMINISTRATION

Section 3501—Authorization of the Maritime Administration

This section would authorize appropriations for the national security aspects of the Maritime Administration for fiscal year 2020.

Section 35XX—Reauthorization of Maritime Security Program

This section would reauthorize the Maritime Security Program and extend it to 2035.

Section 35XX—Maritime Occupational Safety and Health Advisory Committee
This provision would amend section 656 of title 29, United States Code, and establish the Maritime Occupational Safety and Health Advisory Committee as a continuing body that does not have to be reestablished every 2 years as previously structured.

**SUBTITLE B—TANKER SECURITY FLEET**

Section 35XX—Tanker Security Fleet

This section would authorize a tanker security fleet program.
BILL LANGUAGE
SEC. 1. [Log 69139]. REPEAL OF REQUIREMENT TO ADDHERE TO NAVY COST ESTIMATES FOR CERTAIN AIRCRAFT CARRIERS.

1 SEC. 1 [Log 69320]. FORD CLASS AIRCRAFT CARRIER
2
3 SUPPORT FOR F–35C AIRCRAFT.
4
5 Before accepting delivery of the Ford class aircraft
6 carrier designated CVN–79, the Secretary of the Navy
7 shall ensure that the aircraft carrier is capable of oper-
8 ating and deploying with the F–35C aircraft.
SEC. 1. [Log 69802]. MODIFICATION OF ANNUAL REPORT ON COST TARGETS FOR CERTAIN AIRCRAFT CARRIERS.

Section 126(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2035) is amended—

(1) in the subsection heading, by striking “AND CVN–80” and inserting “, CVN–80, AND CVN–81”; 

(2) in paragraph (1), by striking “costs described in subsection (b) for the CVN–79 and CVN–80” and inserting “cost targets for the CVN–79, the CVN–80, and the CVN–81”; and

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “and the CVN–80” and inserting “, the CVN–80, and the CVN–81”

(B) in subparagraph (A), by striking “costs described in subsection (b)” and inserting “cost targets”;

(C) in subparagraph (F), by striking “costs specified in subsection (b)” and inserting “cost targets”; and
(D) in subparagraph (G), by striking “costs specified in subsection (b)” and inserting “cost targets”.
SEC. 1. DESIGN AND CONSTRUCTION OF AMPHIBIOUS TRANSPORT DOCK DESIGNATED LPD–31.

(a) IN GENERAL.—Using funds authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, the Secretary of the Navy may enter into a contract, beginning with the fiscal year 2020 program year, for the design and construction of the amphibious transport dock designated LPD–31.

(b) USE OF INCREMENTAL FUNDING.—With respect to the contract entered into under subsection (a), the Secretary may use incremental funding to make payments under the contract.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2020 is subject to the availability of appropriations for that purpose for such later fiscal year.
SEC. 1. PROHIBITION ON USE OF FUNDS FOR REDUCTION OF AIRCRAFT CARRIER FORCE STRUCTURE.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense may be obligated or expended to reduce the number of operational aircraft carriers of the Navy below the number specified in section 8062(b) of title 10, United States Code.
SEC. 1. [Log 69244]. LIMITATION ON AVAILABILITY OF
FUNDS FOR VC–25B AIRCRAFT.

(a) LIMITATION.—None of the funds authorized to
be appropriated by this Act or otherwise made available
for fiscal year 2020 or any subsequent fiscal year for the
Air Force may be obligated or expended to carry out over-
and-above work on the VC–25B aircraft until the date on
which the Secretary of the Air Force certifies to the con-
gressional defense committees that—

(1) such work will not result in changes to the
VC–25B aircraft that cause the aircraft to exceed—

(A) the specification requirements applica-
ble to the VC–25A aircraft; or

(B) the quality or grade of the VC–25A
aircraft;

(2) the livery for the VC–25B aircraft will com-
ply with the criteria set forth in the report of the
Boeing Company titled “Phase II Aircraft Livery
and Paint Study Final Report” as submitted to the
Federal Government in April 2017;

(3) such work is not a result of late design
changes made by the Federal Government to the in-
terior design of the VC–25B aircraft;
(4) such work is not a result of rework that exceeds the criteria set forth in the report of the Boeing Company titled “Presidential Quality Interior Acceptance Standards Report” as submitted to the Federal Government in September 2018.

(b) OVER-AND-ABOVE WORK DEFINED.—In this section, the term “over-and-above work” means work discovered during the course of performing overhaul, maintenance, or repair efforts that—

(1) is within the general scope of the contract pursuant to which such efforts are carried out;

(2) is not covered by a line item for the basic work under the contract; and

(3) is necessary in order to satisfactorily complete the contract.
SEC. 1. MODIFICATION OF LIMITATION ON USE OF FUNDS FOR KC–46A AIRCRAFT.

Section 146(a)(1) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended by striking “the military type certification” and inserting “either the military type certification or a military flight release”.
SEC. 1. [Log 69786]. PROHIBITION ON AVAILABILITY OF FUNDS FOR REDUCTION IN KC–10 PRIMARY MISSION AIRCRAFT INVENTORY.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force may be obligated or expended to reduce the number of KC–10 aircraft in the primary mission aircraft inventory of the Air Force.
SEC. 1 [Log 70001]. MODIFICATION OF REQUIREMENT TO PRESERVE CERTAIN C–5 AIRCRAFT.

Section 141(d) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1661) is amended—

(1) in paragraph (1), by striking “until the date that is 30 days after the date on which the briefing under section 144(b) of the National Defense Authorization Act for Fiscal Year 2018 is provided to the congressional defense committees”; and

(2) in paragraph (2)(A), by striking “can be returned to service” and inserting “is inducted into or maintained in type 1000 recallable storage”.

SEC. 2. [Log 69608]. DOCUMENTATION RELATING TO B–52 COMMERCIAL ENGINE REPLACEMENT PROGRAM.

(a) DOCUMENTATION REQUIRED.—The Secretary of the Air Force shall submit to the congressional defense committees the following documentation relating to the B–52 commercial engine replacement program of the Air Force:

(1) A capability development document for the program, approved by the Secretary of the Air Force.

(2) A test and evaluation master plan for the program, approved by the Director of Operational Test and Evaluation.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force, not more than 75 percent may be obligated or expended until the date on which the Secretary of the Air Force submits to the congressional defense committees the documentation required under subsection (a).
SEC. __.[Log 69176] REQUIREMENT THAT CERTAIN SHIP COMPONENTS BE MANUFACTURED IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) ADDITIONAL PROCUREMENT LIMITATION.—Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) COMPONENTS FOR AUXILIARY SHIPS.—Subject to subsection (k), the following components:

“(A) Auxiliary equipment, including pumps, for all shipboard services.

“(B) Propulsion system components, including engines, reduction gears, and propellers.

“(C) Shipboard cranes.

“(D) Spreaders for shipboard cranes.”.

(b) IMPLEMENTATION.—Such section is further amended by adding at the end the following new subsection:

“(k) IMPLEMENTATION OF AUXILIARY SHIP COMPONENT LIMITATION.—Subsection (a)(6) applies only with respect to contracts awarded by the Secretary of a military department for new construction of an auxiliary ship after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 using funds available for
National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy. For purposes of this subsection, the term ‘auxiliary ship’ does not include an icebreaker.”.
SEC. 10. [Log 69140]. FORMAL SCHOOLHOUSE TRAINING FOR SHIPBOARD SYSTEM PROGRAMS OF RECORD.

(a) IN GENERAL.—The Secretary of the Navy shall ensure that there is a formal schoolhouse available at which training is provided in any shipboard system that is program of record on Navy surface vessels.

(b) TIMELINE FOR IMPLEMENTATION.—

(1) CURRENT PROGRAMS.—In the case of any shipboard system program of record that is in use as of the date of the enactment of this Act for which no formal schoolhouse is available, the Secretary shall ensure that such a schoolhouse is available for the provision of training in such program by not later than 12 months after the date of the enactment of this Act.

(2) FUTURE PROGRAMS.—In the case of any shipboard system program of record that is first used after the date of the enactment of this Act, the Secretary shall ensure that a formal schoolhouse is established for the provision of training in such program by not later than 12 months after the date on which the shipboard system program of record is first used.
SEC. 10. REPORT ON SHIPBUILDER TRAINING AND THE DEFENSE INDUSTRIAL BASE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and 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. 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 shipbuilding 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 investment challenges associated with developing and re-
taining shipbuilding skills in organizations that lack intermediate levels of shipbuilding experience.

(4) Recommendations concerning how to address shipbuilder training during periods of demographic transition, including whether emerging technologies, such as augmented reality, may aid in new shipbuilder training.

(5) Recommendations concerning how to encourage young adults to enter the defense shipbuilding industry and to develop the skills necessary to support the shipbuilding defense industrial base.
SEC. 10 [Log 70069]. INDEPENDENT REVIEW OF TRANSPORTATION WORKING-CAPITAL FUND.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of each of the military departments, shall enter into a contract with a federally funded research and development center for the conduct of an independent review of the transportation working-capital fund (hereinafter referred to as the “TWCF”) of the United States Transportation Command.

(b) MATTERS FOR INCLUSION.—The review conducted under (a) shall include each of the following:

(1) The viability of the TWCF as it is structured as of the date of the enactment of this Act.

(2) An assessment of any instances in which excess TWCF funds were used for procurement or modernization efforts that would not otherwise have been funded using amounts made available for operation and maintenance.

(3) Recommendations for how the TWCF could be restructured in order to make the fund more effective and efficient.
(4) Potential alternative funding mechanisms for certain components of the TWCF, including the channel system.

(5) Any other matters the Secretaries jointly determine appropriate.

(e) REPORT.—Not later than March 1, 2021, the Secretary of Defense and the Secretary of each of the military departments shall jointly submit to the congressional defense committees a copy of the review conducted under subsection (a).
SEC. 10. TRANSPORTATION BY SEA OF SUPPLIES FOR THE ARMED FORCES AND DEFENSE AGENCIES.

Section 2631 of title 10, United States Code, is amended—

(1) in the first sentence of subsection (a), by inserting “or for a Defense Agency” after “Marine Corps”;

(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):

“(2) Before entering into a contract for the transportation by sea of fuel products under this section, the Secretary shall provide a minimum variance of three days on the shipment date.”; and

(C) in paragraph (4), as redesignated by subparagraph (A), by striking “the requirement described in paragraph (1)” and insert “a requirement under paragraph (1) or (2)”.

SEC. 10. LIMITATION ON USE OF FUNDS FOR THE INACTIVATION OF ARMY WATERCRAFT UNITS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 may be obligated or expended for the inactivation of any Army watercraft unit until the Secretary of Defense submits to Congress certification that—

(1) the Secretary has completed the Army Watercraft Requirements Review;

(2) the Secretary has entered into a contract with a federally funded research and development corporation for the review of the ability of the Army to meet the watercraft requirements of the combat-ant commanders; and

(3) the federally funded research and development corporation has completed such review and validated the findings of such review.
SEC. 10. [Log 69132]. MOBILITY CAPABILITY REQUIREMENTS STUDY.

(a) IN GENERAL.—The Commander of the United States Transportation Command, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretaries of the military departments, shall conduct a study of the end-to-end, full-spectrum mobility requirements to fulfill the national defense strategy required by section 113(g) of title 10, United States Code, for 2018. Such study shall be completed not later than January 1, 2021.

(b) ELEMENTS OF STUDY.—The study required under subsection (a) shall include each of the following:

(1) An assessment of the ability of the programmed airlift aircraft, tanker aircraft, sealift ships, and key mobility enablers to meet the integrated mobility requirements in expected strategic environments, as defined by the guidance in such national defense strategy.

(2) An identification, quantification, and description of the associated risk-to-mission (as defined by Chairman of the Joint Chiefs of Staff Manual 3105.01, Joint Risk Analysis) required to fulfill such strategy, including—
(A) as assessment of risk-to-mission associated with achieving strategic and operational objectives using the programmed airlift aircraft, tanker aircraft, sealift ships, and key mobility enablers; and

(B) a description of the combinations of airlift aircraft, tanker aircraft, sealift ships, and key mobility enabler requirements and capabilities that provide low, moderate, significant, and high levels of risk-to-mission to fulfill such strategy.

(3) An identification of any mobility capability gaps, shortfalls, overlaps, or excesses, including—

(A) an assessment of associated risks with respect to the ability to conduct operations; and

(B) recommended mitigation strategies where possible.

(4) The articulation of all key assumptions and decisions made and excursions examined in conducting the study with respect to—

(A) risk;

(B) programmed forces and infrastructure;

(C) the availability of commercial airlift and sealift capabilities and resources, when applicable;
(D) aircraft usage rates, aircraft mission availability rates, aircraft mission capability rates, aircrew ratios, aircrew production, and aircrew readiness rates;

(E) readiness, crewing, and activation rates for sealift ships;

(F) prepositioning, forward stationing, seabasing, engineering, and infrastructure;

(G) demand signals used to represent missions described in the national defense strategy for 2018, in competition and wartime;

(H) concurrency and global integration of demand signals;

(I) integrated global presence and basing strategy;

(J) host nation or third-country support;

(K) adversary actions to degrade and disrupt United States mobility operations;

(L) aircraft being used for training or undergoing depot maintenance or modernization or ships undergoing depot maintenance;

(M) mobility enabling forces availability, readiness, and use;

(N) logistics concept of operations, including any support concepts, methods, combat sup-
port forces, and combat service support forces
that are required to enable the projection and
enduring support to forces both deployed and in
combat for each analytic scenario; and

(O) such other matters as the Commander
determines appropriate.

(5) Such other elements as the Commander de-
dtermines appropriate.

(c) REPORTS AND BRIEFINGS.—

(1) INTERIM REPORT AND BRIEFING.—Not
later than June 1, 2020, the Commander of the
United States Transportation Command, in coordi-
nation with the Chairman of the Joint Chiefs of
Staff and the Secretaries of the military depart-
ments, shall—

(A) submit to the Committee on Armed
Services of the House of Representatives an in-
terim report on the study; and

(B) provide to such Committee a briefing
on the report.

(2) FINAL REPORT AND BRIEFING.—Not later
than January 1, 2021, the Commander of the
United States Transportation Command, in coordi-
nation with the Chairman of the Joint Chiefs of
Staff and the Secretaries of the military departments, shall—

(A) submit to the Committee on Armed Services of the House of Representatives a final report on the study; and

(B) provide to such Committee a briefing on the report.

(3) FORM OF REPORTS.—The reports required by paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.
SEC. 10. SCHEDULING OF DEPARTMENT OF DEFENSE EXECUTIVE AIRCRAFT CONTROLLED BY SECRETARIES OF MILITARY DEPARTMENTS.

(a) In General.—Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 120. Department of Defense executive aircraft controlled by Secretaries of military departments

“(a) In General.—The Secretary of Defense shall ensure that the Chief of the Air Force Special Air Mission Office is given the responsibility for scheduling all Department of Defense executive aircraft controlled by the Secretaries of the military departments.

“(b) Responsibilities.—(1) The Secretary of each of the military departments shall ensure that there is representation from each of the armed forces within the Air Force Special Air Mission Office to provide for daily management and scheduling of the aircraft controlled by that military department.

“(2) The Secretary of Defense shall be responsible for resolving conflicts and arbitrating the allocation of aircraft based on demand and priority.
“(c) LIMITATIONS.—(1) The Secretary of Defense may not establish a new command and control organization to support aircraft controlled by the Secretary of a military department.

“(2) No aircraft controlled by the Secretary of a military department may be permanently stationed at any location without required users.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘required use traveler’ has the meaning given such term in Department of Defense directive 4500.56, as in effect on the date of the enactment of this section.

“(2) The term ‘executive aircraft’ the meaning given such term in Department of Defense directive 4500.43, as in effect on the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“120. Department of Defense executive aircraft controlled by Secretaries of military departments.”.
SEC. 3501 [Log 69974]. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Department of Transportation for fiscal year 2020, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $87,944,000, of which—

(A) $77,944,000 shall be for Academy operations;

(B) $4,000,000 shall remain available until expended for capital asset management at the Academy; and

(C) $6,000,000 shall remain available until expended for direct payments to such academies.

(2) For expenses necessary to support the State maritime academies, $32,480,000, of which—

(A) $2,400,000 shall remain available until September 30, 2020, for the Student Incentive Program; and
(B) $30,080,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $300,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $53,273,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $5,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $300,000,000.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and
(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide small shipyards and maritime communities grants under section 54101 of title 46, United States Code, $35,000,000.
SEC. 35. REAUTHORIZATION OF MARITIME SECURITY PROGRAM.

(a) Award of Operating Agreements.—Section 53103 of title 46, United States Code, is amended by striking “2025” each place it appears and inserting “2035”.

(b) Effectiveness of Operating Agreements.—Section 53104(a) of title 46, United States Code, is amended by striking “2025” and inserting “2035”.

(c) Payments.—Section 53106(a)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B), by striking “and”;

(2) in subparagraph (C), by striking “$3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.” and inserting “$5,300,000 for each of fiscal years 2022, 2023, 2024, and 2025; and”;

(3) by adding at the end the following new sub-

paragraphs:

“(D) $5,800,000 for each of fiscal years 2026, 2027, and 2028;

“(E) $6,300,000 for each of fiscal years 2029, 2030, and 2031; and
“(F) $6,800,000 for each of fiscal years 2032, 2033, 2034, and 2035.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 53111 of title 46, United States Code, is amended—

(1) in paragraph (2), by striking “and”;

(2) in paragraph (3), by striking “$222,000,000 for each fiscal year thereafter through fiscal year 2025.” and inserting “$318,000,000 for each of fiscal years 2022, 2023, 2024, and 2025;”; and

(3) by adding at the end the following new paragraphs:

“(4) $348,000,000 for each of fiscal years 2026, 2027, and 2028;

“(5) $378,000,000 for each of fiscal years 2029, 2030, and 2031; and

“(6) $408,000,000 for each of fiscal years 2032, 2033, 2034, and 2035.”.
SEC. 35. [Log 70148]. MARITIME OCCUPATIONAL SAFETY AND HEALTH ADVISORY COMMITTEE.

Section 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) is amended by adding at the end the following:

“(d) There is established a Maritime Occupational Safety and Health Advisory Committee, which shall be a continuing body and shall provide advice to the Secretary in formulating maritime industry standards, consistent with applicable international agreements and associated guidelines, and regarding matters pertaining to the administration of this Act related to the maritime industry. The composition of such advisory committee shall be consistent with the advisory committees established under subsection (b). A member of the advisory committee who is otherwise qualified may continue to serve until a successor is appointed. The Secretary may promulgate or amend regulations as necessary to implement this subsection.”.
SEC. 35. TANKER SECURITY FLEET.

(a) IN GENERAL.—Subtitle VII of title 46, United States Code, is amended by adding at the end the following:

“CHAPTER 707—TANKER SECURITY FLEET

"70701. Definitions.
"70702. Establishment of the Tanker Security Fleet.
"70703. Vessel standards.
"70704. Award of operating agreements.
"70705. Effectiveness of operating agreements.
"70706. Obligations and rights under operating agreements.
"70707. Payments.
"70708. National security requirements.
"70709. Regulatory relief.
"70710. Special rule regarding age of participating Fleet vessels.
"70711. Regulations.
"70712. Authorization of appropriations.
"70713. Acquisition of Fleet vessels.

§ 70701. 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 per-
mit vessels of the United States freely to com-
pete with foreign-flag liquid bulk carrying ves-
sels 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 ves-


sels covered by an operating agreement under this
chapter on or after January 1, 2021.

“(3) PERSON.—The term ‘person’ includes cor-


porations, partnerships, and associations existing
under, or authorized by, laws of the United States,
or any State, territory, district, or possession there-
of, or any foreign country.

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

“(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 documenta-
tion of the vessel under chapter 121 of this
title 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 per-
son who is not a citizen of the United States
holds more than 25 percent of the beneficial in-
terest in the trust.

“§ 70702. Establishment of the Tanker Security Fleet

“(a) IN GENERAL.—The Secretary of Transpor-
tation, 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 ship-
ning. 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 re-
ferred 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 trans-
portation 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 of this title 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 of this title.

“(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 of this title.

“(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 of this title 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 of this title;

“(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 citizens of the United States under section 50501 of this title, 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 of this title, 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 Sen-
ate 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 of this title;

“(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 security 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 agreement 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 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 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 performing its obligations under an operating agreement under this chapter.

“(4) VESSELS OWNED BY DOCUMENTATION CITIZENS AND CHARTERED TO SECTION 50501 CITIZENS.—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 of this title; and

“(B) demise chartered to a person that is a citizen of the United States under section 50501 of this title.

“(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 of this title 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 of this title, 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 of this title; 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 reciprocal basis to the American Bureau of Shipping; and

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

“§ 70703. 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) of this title, which on the date of enactment of this section is not a documented vessel (as that term is defined in section 106 of this title), 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 headquarteried 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.

§ 70704. 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 subpara-
graph (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 Sec-
retary of Transportation—

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

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

“(i) in accordance with operational re-
quirements specified by the Secretary of
Defense;

“(ii) in the case of operating agree-
ments 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 70707 of this title for more than 10 vessels.

“§ 70705. 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 oppor-
tunity to comply with the operating agreement;
and

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

“(2) TERMINATION BY OWNER OR OPER-
ATOR.—

“(A) IN GENERAL.—If an owner or oper-
ator provides notice of the intent to terminate
an operating agreement under this chapter on
a date specified by not later than 60 days prior
to such date, such agreement shall terminate on
the date specified by the owner or operator.

“(B) REPLACEMENT.—An operating agree-
ment 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 op-
erator 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 of this title; or

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

“(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 70701 of this title.

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

“§ 70706. 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 of this title, 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 of this title.

“(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 70705(c) of this title. This subsection shall not apply in the case of an operating agreement terminated for lack of funds under section 70705(d) of this title.

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

“(A) To continue the documentation of the vessel under chapter 121 of this title.
“(B) To be bound by the requirements of section 70708 of this title.

“(C) That all terms and conditions of an emergency preparedness agreement entered into under section 70708 of this title 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.—A owner or operator may replace a vessel covered by an operating agreement with another vessel that is eligible to be included in the Fleet under section 70702(b), if the Secretary of Transportation, in coordination with the Secretary of Defense, approves the replace-
ment 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.

“§ 70707. 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 for 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 70706 of this title 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 of this title, 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 of this title, section 901(a) or (b) of the Merchant Marine
Act, 1936 (46 App. U.S.C. 1241(a), 1241(b), or 1241(f)), 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 70706 of this title.

“(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 of this title, applying the 75 percent ownership requirement of that section.

“(3) PARTICIPATES IN A NONCONTIGUOUS TRADE DEFINED.—In this subsection the term ‘participates 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.
§ 70708. National security requirements

(a) Emergency Preparedness Agreement Required.—The Secretary of Transportation, in coordination 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 operating 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 entered 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 70706 of this title, 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 preparedness 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 70707 of this title.

“(f) TEMPORARY REPLACEMENT VESSELS.—Notwithstanding section 55302(a), 55304, 55305, or 55314 of this title, 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 of this title and section 2631 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.

“§ 70709. 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) of this title 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.

§ 70710. Special rule regarding age of participating Fleet vessels

“Any age restriction under section 70702(b)(4) of this title 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
70702(b) of this title.

“§ 70711. 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.

“§ 70712. Authorization of appropriations
“There is authorized to be appropriated for payments
under section 70707, $60,000,000 for each of fiscal years
2021 through 2035, to remain available until expended.

“§ 70713. 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 is authorized, sub-
ject to the concurrence of the Secretary of Defense, to ac-
quire the vessel being replaced for inclusion in the Na-
tional 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 agree-
ment 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 appro-
priations. Amounts made available to carry out this sec-
tion shall be derived from amounts authorized to be appro-
priated for the National Defense Reserve Fleet. Amounts
authorized to be appropriated to carry out the Maritime
Security Program may not be use to carry out this sec-
tion.”.

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

“707. Tanker Security Fleet .................................................. 70701”.

(c) DEADLINE FOR ACCEPTING APPLICATIONS.—

(1) IN GENERAL.—The Secretary of Transpor-
tation shall begin accepting applications for enroll-
ment of vessels in the Tanker Security Fleet estab-
lished under chapter 707 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 ves-
sel 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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DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

SHIPBUILDING AND CONVERSION, NAVY

Items of Special Interest

AN/SPY-6(V) on DDG-51 Flight IIA

The committee notes the President’s budget request for the Air and Missile Defense Radar (AMDR) stated that fiscal year 2020 funds “are required to scale AMDR to backfit Active Electronically-Steered Array and digital beamforming technology on a Flight IIA DDG and to complete development of Advanced Distributed Radar (ADR) capability for integration into AMDR.” The committee fully supports the funding of these efforts in fiscal year 2020 and encourages the Navy to accelerate the procurement of AN/SPY-6 radars for the modernization of DDG 51 Flight IIA ships into fiscal year 2021. As such, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services by March 1, 2020, on the cost and technical feasibility of an accelerated plan for modernizing DDG 51 Flight IIA ships with AN/SPY-6 radars.

DDG Aegis modernization

The committee recognizes the need and importance to deliver increased warfighting capability to the over seven dozen ships that comprise the existing fleet of Aegis destroyers via the ongoing destroyer modernization program as well as through new construction of the Flight III Arleigh Burke Aegis destroyers. Together, these efforts will provide our nation with the most powerful frontline warships, which will include robust integrated air and missile defense capabilities. However, the committee is concerned that there is an excessive amount of variance of Aegis baselines within the current fleet, and that the Navy should consider potential ways to accelerate modernization efforts that will reduce combat system variances. The committee also understands that there are new initiatives which leverage advances in digital technology, solid-state hardware, small and modular virtualization techniques, and other innovative hardware and software upgrades that can better sustain the in-service destroyers to the end of their extended service lives.

Therefore, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services not later than March 1, 2020, on initiatives that support a complementary approach to provide more rapid fielding of improvements for Aegis fleet readiness, lethality, and survivability.
Naval Oceanographic Office vessel requirements

The committee notes that the Naval Oceanographic Office (NAVOCEANO) operates seven oceanographic ships. These seven ships are designated the T-AGS 60 class and are designed to provide multipurpose oceanographic capabilities in coastal and deep-ocean areas for NAVOCEANO. The committee is aware of existing commercial advances in autonomous survey vessel technology and notes that there are unmanned vessels currently being used to support surveying and other important commercial hydrography and oceanography missions. The committee is concerned that the Navy is not taking advantage of commercially available autonomous vessel technologies to facilitate its charting and mapping missions. The committee believes employment of an autonomous survey ship by the Navy Oceanographic Office would result in dramatic savings in both procurement and operation and maintenance costs while increasing the rate at which uncharted portions of the ocean floor become accurately mapped. The use of existing unmanned surface vessel (USV) designs and technology for an autonomous survey vessel would also allow the Navy to rapidly gain valuable experience in the operational use of USVs in a low threat environment.

Therefore, the committee directs the Secretary of the Navy to provide a briefing to the House Committee on Armed Services by March 1, 2020, that includes NAVOCEANO’s ship requirements and an assessment of the opportunities to modernize this fleet to support autonomous operations.

Navy Cyclone-class patrol craft replacement

The committee notes that the legacy Cyclone-class patrol vessels located in Bahrain are being decommissioned and eventually replaced with the littoral combat ship. The committee is aware that the U.S. Coast Guard’s Sentinel-class fast response cutter is in serial production and that the U.S. Coast Guard is pursuing a 64-vessel program of record. The committee believes that there is merit in reviewing all available options to replace the Cyclone-class patrol vessels.

Therefore, the committee directs the Secretary of the Navy to submit a report to the congressional defense committees not later than February 1, 2020, that assesses options for the replacement of the Cyclone-class patrol vessels. Specifically, this report shall include a comparison of the Cyclone-class patrol vessels, Independence variant littoral combat ship, Freedom-class variant littoral combat ship, the Sentinel-class fast response cutter, and larger surface combatants in terms of one-time procurement costs, annual recurring personnel costs, and annual recurring maintenance costs. Additionally, this report shall assess the ability to meet the mission requirements of the current patrol craft. This report may include a classified annex.

Report on operational energy planning assumptions for the future surface combatant
The committee understands that hybrid electric drive (HED) propulsion systems provide both greater efficiency and extended range. Equally important, such drives provide the power needed for future weapons systems that will be used on U.S. Navy vessels, and often come with lower life-cycle costs than conventional propulsion systems. Given these benefits, the committee believes the Navy should be pursuing HED propulsion systems more aggressively, to include consideration on the future large surface combatant.

The committee directs the Secretary of the Navy to provide a report to the House Committee on Armed Services not later than February 1, 2020, on the propulsion systems being considered for the future surface combatant. In addition to describing the type of system, for example, integrated propulsion and hybrid electric drive, the report shall include initial cost, life-cycle cost, range, and the system’s ability to provide adequate power for future weapons systems including directed energy and rail gun. The report should also include potential opportunities to prototype new propulsion systems in order to accelerate the technology, and field a more mature system that can be integrated into a ship.

**AIRCRAFT PROCUREMENT, AIR FORCE**

**Items of Special Interest**

*B-1 readiness recovery plan*

The committee notes that the nation's ability to meet its long-range precision strike requirements may be placed at increased risk by aging structural problems with the B-1 bomber aircraft. The committee is concerned B-1 readiness does not have the priority and resources to improve B-1 mission capable rates. This is evidenced by fully mission capable aircraft currently in single digits and aircrew being rerouted from flying the B-1 to other aircraft due to lack of B-1 aircraft for training.

Therefore, the committee directs the Secretary of the Air Force to provide a briefing to the House Committee on Armed Services not later than March 1, 2020, on the Air Force's current plans to increase the readiness of the B-1 that shall include the following elements:

1. aircraft structural issues;
2. plan for continued structural deficiency data analysis and testing;
3. projected repair timelines; and
4. future mitigation strategies.

Additionally, this briefing shall include the following information during any B-1 degradation period:

1. pilot and maintainer training plan; and
2. recovery timeline to meet future deployment tasking.
C-130H aircraft propellers and engines

The committee notes 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 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. The inherent danger associated with legacy propellers came to light in the mishap report from the KC-130T Hercules aircraft of the United States Marine Corps Reserve that crashed in Leflore County, Mississippi, killing 17 service members. The Air Force convened an additional review board which identified a potential hazard with propellers that were produced before 1971. This review appears arbitrary considering that the failed blade on the Marine Corps mishap C-130T was manufactured in 1983.

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 performance enhancement 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 March 1, 2020, on the long-awaited acquisition strategy for procuring new blades. This plan should include 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.

Tanker force structure and modernization

The committee notes that the Department of Defense Mobility Capability Requirement Study identified a tanker force structure inventory requirement of 479 aircraft. Integral to this capability is the delivery of mission capable KC-46A aircraft and the continued development of additional tanker aircraft after the expiration of the current KC-46A contract with lot 13 in 2027. The committee notes that the Secretary of the Air Force has completed a capability-based assessment and signed out the initial capability document for the requirements associated with the next-generation tanker, but has not started an analysis of alternatives. The committee believes that the Secretary of the Air Force has several viable options to ensure future tanker capability, to include acquiring a non-developmental
commercial derivative tanker while "bridging" from the end of the KC-46A production to the new developmental tanker.

Therefore, the committee directs the Secretary of the Air Force to submit a report to the congressional defense committees by September 30, 2020, on a 30-year vision for the tanker force structure. The report shall include the following:

(1) the current KC-46A tanker acquisition timeline through lot 13;
(2) future tanker production options to include an acquisition timeline comparison of a “bridging” non-developmental commercial derivative tanker and new tanker development; and
(3) modernization options for the entire tanker force structure through the 30-year vision timeline.

Additionally, the committee continues to support the fixed-price development and production of the KC-46A contract. The committee believes that there have been several lessons learned with unique fixed-price type contracts that were employed in this contract. Therefore, in accordance with a recommendation included in the Government Accountability Office (GAO) report entitled "KC-46 Tanker Modernization: Aircraft Delivery Has Begun, but Deficiencies Could Affect Operations and Will Take Time to Correct" (GAO-19-480), the committee directs the Secretary of the Air Force to submit a report to the congressional defense committees by March 1, 2020, on the lessons learned regarding the utilization of a fixed-price contract for development.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

Items of Special Interest

Critical bandwidth gaps for Navy deployments

The committee recognizes that the Department of Defense requires the capability to utilize in real time the massive amount of data compiled from technically advanced weapons systems. Current limitations in bandwidth and geographically challenging environments hinder the Department’s ability to securely share in real time large volumes of data between warfighting units at the network’s edge and command-and-control facilities. Nowhere is this problem more acute than for naval ships operating at sea. To address one specific gap, the Navy has established the Maritime Dynamic Over the Horizon Targeting System (MDOTS). MDOTS will utilize advanced commercially integrated technologies to generate a secure high-bandwidth network for a new over-the-horizon weapons system. The Navy has plans to test this system in 2019 and the committee is aware that other programs in the Department could also benefit from this capability.

One other example of a critical gap is in operational support to the F-35 Joint Strike Fighter. The F-35 generates massive amounts of data that must be
shared in real-time with the pilot and command-and-control facilities to maximize effectiveness, intelligence, and readiness. The Navy’s communications infrastructure currently lacks the high-bandwidth capabilities to enable the sharing of this volume of data.

Therefore, the committee directs the Assistant Secretary of the Navy for Research, Development, and Acquisition to explore the potential for using the MDOTS for a pilot project to establish a high-bandwidth networking capability to support Dynamic Over the Horizon Targeting at sea and on land. In addition, the committee directs the Assistant Secretary to review the Navy’s existing networking capabilities, and identify critical gaps in support for deployments across the Navy and Marine Corps portfolio of programs. The committee further directs the Assistant Secretary to provide a briefing to the House Committee on Armed Services by March 1, 2020, that identifies priority gaps to be addressed.

*Navigation channel clearance for nuclear powered ballistic missile submarines*

The committee recognizes that 70 percent of the United States nuclear deterrent is committed to ballistic missile submarines (SSBNs) concentrated at just two Navy bases in Bangor, Washington, and Kings Bay, Georgia. Each time an SSBN departs or returns to its respective home port, it must travel through shallow, restricted waterways that are open to commercial and private traffic. The committee is aware that U.S. Strategic Command has a requirement to survey these waterways in order to monitor for threats and obstructions which could damage transiting submarines and is interested in steps being taken by the Navy to meet this requirement to protect critical strategic assets.

Therefore, the committee directs the Secretary of the Navy to submit a report to the congressional defense committees by October 1, 2019, on measures instituted to ensure the safety and security of ballistic missile nuclear submarines operating in the approaches to Navy bases in Bangor, Washington, and Kings Bay, Georgia. The report should include:

1. security measures mandated by the Department of Defense related to the operation of ballistic missile submarines entering and leaving the ports of Bangor, Washington, and Kings Bay, Georgia;
2. current operational posture and capabilities employed to meet the mandated security requirements and any requirements not currently met; and
3. specific measures to ensure the navigation channels for these ports are free of obstructions and other threats to transiting ballistic missile submarines.