

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide for the improvement of the capacity of the Navy to conduct surface warfare operations and activities, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. WICKER (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on

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## A BILL

To provide for the improvement of the capacity of the Navy to conduct surface warfare operations and activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Surface Warfare En-  
5 hancement Act of 2018”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional defense committees defined.

## 2

## TITLE I—DEPARTMENT OF NAVY ADMINISTRATION

## Subtitle A—General Administration Matters

- Sec. 101. Comprehensive review of operational and administrative chains-of-command and functions of the Department of the Navy.
- Sec. 102. Expansion of principal duties of Assistant Secretary of the Navy for Research, Development, and Acquisition.
- Sec. 103. Availability of certain operation and maintenance funds for the Navy.
- Sec. 104. Training and readiness matrix for Navy surface ships.
- Sec. 105. Annual reports on examination of Navy vessels.
- Sec. 106. Limitation on duration of homeporting of certain vessels in foreign locations.

## Subtitle B—Personnel Matters

- Sec. 111. Assessment of Navy standard workweek and related adjustments.
- Sec. 112. Watchstander records.
- Sec. 113. Qualification experience requirements for certain Navy officer positions.
- Sec. 114. Use of Navy Yard Patrol craft in Surface Warfare Officer School Basic Division Officer Courses.
- Sec. 115. Manning of Forward Deployed Naval Forces.
- Sec. 116. Limitation on transition to Ready Relevant Learning training approaches.

## TITLE II—DEPARTMENT OF DEFENSE ADMINISTRATION

## Subtitle A—General Administration Matters

- Sec. 201. Authority to treat military units as unavailable for deployment due to a significant readiness deficiency.
- Sec. 202. Annual report on Requests For Forces.

## Subtitle B—Personnel Matters

- Sec. 211. Annual defense manpower requirements report matters.
- Sec. 212. Repeal of statutory specification of authorized strengths of certain commissioned officers on active duty.
- Sec. 213. Reports on joint qualification requirements for senior officers.

**1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

2       In this Act, the term “congressional defense commit-

3 tees” has the meaning given that term in section

4 101(a)(16) of title 10, United States Code.

1 **TITLE I—DEPARTMENT OF NAVY**  
2 **ADMINISTRATION**  
3 **Subtitle A—General**  
4 **Administration Matters**

5 **SEC. 101. COMPREHENSIVE REVIEW OF OPERATIONAL AND**  
6 **ADMINISTRATIVE CHAINS-OF-COMMAND AND**  
7 **FUNCTIONS OF THE DEPARTMENT OF THE**  
8 **NAVY.**

9 (a) IN GENERAL.—The Secretary of the Navy shall  
10 conduct a comprehensive review of the operational and ad-  
11 ministrative chains-of-command and functions of the De-  
12 partment of the Navy.

13 (b) ELEMENTS.—In conducting the review required  
14 by subsection (a), the Secretary shall consider options to  
15 do each of the following:

16 (1) Increase visibility of unit-level readiness at  
17 senior levels.

18 (2) Reduce so-called “double-hatting” and “tri-  
19 ple-hatting” commanders.

20 (3) Rationalize organizations responsible for  
21 training and certification.

22 (4) Simplify reporting requirements applicable  
23 to commanding officers.

24 (5) Modify or eliminate unnecessary relation-  
25 ships or requirements.

1 (c) REPORT.—

2 (1) IN GENERAL.—Not later than September  
3 30, 2018, the Secretary shall submit to the congress-  
4 sional defense committees a report on the results of  
5 the review required by subsection (a). The report  
6 shall include the following:

7 (A) The results of the review, including  
8 any findings of the Secretary as a result of the  
9 review.

10 (B) Any organizational changes in oper-  
11 ational or administrative chains-of-command or  
12 functions of the Department undertaken or to  
13 be undertaken by the Secretary in light of the  
14 review.

15 (C) Any recommendations for legislative or  
16 administration action with respect to the oper-  
17 ational or administrative chains-of-command or  
18 functions of the Department as the Secretary  
19 considers appropriate in light of the review.

20 (2) FORM.—The report under this subsection  
21 shall be submitted in unclassified form, but may in-  
22 clude a classified annex.

1 **SEC. 102. EXPANSION OF PRINCIPAL DUTIES OF ASSISTANT**  
2 **SECRETARY OF THE NAVY FOR RESEARCH,**  
3 **DEVELOPMENT, AND ACQUISITION.**

4 Section 5016(b)(4)(A) of title 10, United States  
5 Code, is amended by striking “and acquisition matters”  
6 and inserting “acquisition, and sustainment (including  
7 maintenance) matters”.

8 **SEC. 103. AVAILABILITY OF CERTAIN OPERATION AND**  
9 **MAINTENANCE FUNDS FOR THE NAVY.**

10 Notwithstanding any other provision of law, amounts  
11 authorized to be appropriated for any fiscal year after fis-  
12 cal year 2017 for Operation and Maintenance, Navy, and  
13 available for Operating Forces shall be available through  
14 September 30 of the fiscal year after the fiscal year in  
15 which authorized.

16 **SEC. 104. TRAINING AND READINESS MATRIX FOR NAVY**  
17 **SURFACE SHIPS.**

18 (a) IN GENERAL.—Not later than September 30,  
19 2018, the Secretary for the Navy shall implement a train-  
20 ing and readiness matrix for Navy surface ships.

21 (b) ELEMENTS.—The matrix required by subsection  
22 (a) shall identify each of the following:

23 (1) The tasks each Navy surface ship shall ac-  
24 complish in each phase of training.

25 (2) The number of times each such task shall  
26 be demonstrated by each such ship.

1           (3) The number of times each such task may be  
2 simulated by each such ship.

3           (4) The external grading criteria to be used for  
4 each such ship in meeting the requirements for each  
5 level of certification in connection with training.

6           (5) Metrics of overall ship readiness to accu-  
7 rately describe what each ship shall achieve and  
8 maintain for certification in each warfare area.

9 **SEC. 105. ANNUAL REPORTS ON EXAMINATION OF NAVY**  
10 **VESSELS.**

11       Section 7304 of title 10, United States Code, is  
12 amended by adding at the end the following new sub-  
13 section:

14       “(d) ANNUAL REPORT.—

15           “(1) IN GENERAL.—Not later than January 1  
16 each year, the board designated under subsection (a)  
17 shall submit to the congressional defense committees  
18 a report setting forth, for each of the six most re-  
19 cently completed fiscal years, the following:

20           “(A) Overall aggregate material inspection  
21 score.

22           “(B) Overall number and types of vessels  
23 inspected.

24           “(C) Surface ship aggregate material in-  
25 spection score.

1                   “(D) Number of surface ships inspected.

2                   “(E) Submarine aggregate material inspec-  
3                   tion score.

4                   “(F) Number of submarines inspected.

5                   “(G) Aircraft carrier aggregate material  
6                   inspection score.

7                   “(H) Number of aircraft carriers in-  
8                   spected.

9                   “(I) Number and types of vessels which re-  
10                  ceiving a failing material inspection score.

11                  “(J) Class Maintenance Plan compliance,  
12                  by ship class.

13                  “(K) Number of starred deficiencies, by  
14                  ship class, resulting from acceptance trial, inte-  
15                  grated trail, contract trial, or similar sea trial.

16                  “(L) Number of vessels inspected, by ship  
17                  class, at an acceptance trial, integrated trail,  
18                  contract trial, or similar sea trial.

19                  “(2) FORM.—Each report under this subsection  
20                  shall be submitted in unclassified form and in a for-  
21                  mat which permits its ready release to the public.

22                  “(3) STARRED DEFICIENCIES DEFINED.—In  
23                  this subsection, the term ‘starred deficiencies’ means  
24                  the following, as identified by the board:

1           “(A) Deficiencies (commonly referred to as  
2           ‘single starred deficiencies’) for which the Navy  
3           has assumed responsibility that—

4                   “(i) significantly degrade a ship’s abil-  
5                   ity to perform an assigned primary or sec-  
6                   ondary required operational capability; or

7                   “(ii) represent general safety, naviga-  
8                   tional safety, security, firefighting, habit-  
9                   ability, or maintainability deficiencies that  
10                  would prevent the crew of a ship from liv-  
11                  ing on board safely or operating and main-  
12                  taining ship systems.

13                  “(B) Similar deficiencies (commonly re-  
14                  ferred to as ‘double-starred deficiencies’) in  
15                  ships constructed, converted, or modernized  
16                  with a separate fitting-out period assigned away  
17                  from the building site.”.

18 **SEC. 106. LIMITATION ON DURATION OF HOMEPORTING OF**

19 **CERTAIN VESSELS IN FOREIGN LOCATIONS.**

20 (a) LIMITATION.—

21 (1) IN GENERAL.—Chapter 633 of title 10,  
22 United States Code, is amended by inserting after  
23 section 7310 the following new section:



1 **“§ 7310a. Homeporting of certain vessels in overseas**  
2 **locations: limitation on duration**

3 “(a) IN GENERAL.—A vessel specified in subsection  
4 (b) that is listed in the Naval Vessel Register may not  
5 be homeported in a location other than in the United  
6 States or Guam for a period of more than 10 consecutive  
7 years.

8 “(b) SPECIFIED VESSELS.—The vessels specified in  
9 this subsection are the following:

10 “(1) Aircraft carrier.

11 “(2) Amphibious ship.

12 “(3) Cruiser.

13 “(4) Destroyer.

14 “(5) Frigate.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-  
16 tions at the beginning of chapter 633 of such title  
17 is amended by inserting after the item relating to  
18 section 7310 the following new item:

“7310a. Homeporting of certain vessels in overseas locations: limitation on dura-  
tion.”.

19 (b) EFFECTIVE DATE.—The amendments made by  
20 this section shall take effect on October 1, 2020, and shall  
21 apply with respect to the homeporting of vessels after that  
22 date, regardless of whether the continuous period of home-  
23 porting concerned commenced before that date.

1           **Subtitle B—Personnel Matters**

2   **SEC. 111. ASSESSMENT OF NAVY STANDARD WORKWEEK**  
3                           **AND RELATED ADJUSTMENTS.**

4           (a) **ASSESSMENT.**—The Secretary of the Navy shall  
5 conduct a comprehensive assessment of the Navy standard  
6 workweek.

7           (b) **OTHER REQUIREMENTS.**—The Secretary shall—

8                   (1) update Office of the Chief of Naval Oper-  
9 ations Instruction 1000.16L in order to—

10                           (A) obtain an examination of current in-  
11 port workloads; and

12                           (B) identify the manpower necessary to  
13 execute in-port workload for all surface ship  
14 classes;

15                   (2) update the criteria used in the Instruction  
16 referred to in paragraph (1) that are used to reas-  
17 sess the factors used to calculate manpower require-  
18 ments periodically or when conditions change; and

19                   (3) using the updates required by paragraphs  
20 (1) and (2), identify personnel needs and costs asso-  
21 ciated with the planned larger size of the Navy fleet.

22           (c) **ADDED DEMANDS.**—The Secretary shall identify  
23 and quantify added demands on Navy ship crews, includ-  
24 ing Ready Relevant Learning training periods and addi-

1 tional work that affects readiness and technical qualifica-  
2 tions for Navy ship crews.

3 (d) DEADLINE.—The Secretary shall complete car-  
4 rying out the requirements in this section by not later than  
5 September 30, 2018.

6 **SEC. 112. WATCHSTANDER RECORDS.**

7 The Secretary of the Navy shall require that, com-  
8 mencing not later than September 30, 2018,  
9 watchstanders on Navy surface ships shall maintain a ca-  
10 reer record of watchstanding hours and specific oper-  
11 ational evolutions.

12 **SEC. 113. QUALIFICATION EXPERIENCE REQUIREMENTS**  
13 **FOR CERTAIN NAVY OFFICER POSITIONS.**

14 Not later than September 30, 2018, the Secretary of  
15 the Navy shall establish minimum at-sea and simulator  
16 time and evolution requirements to be satisfied to become  
17 and remain a qualified Navy officer in each position as  
18 follows:

- 19 (1) Officer of the Deck.  
20 (2) Combat Information Center Watch Officer.  
21 (3) Tactical Action Officer.

1 **SEC. 114. USE OF NAVY YARD PATROL CRAFT IN SURFACE**  
2 **WARFARE OFFICER SCHOOL BASIC DIVISION**  
3 **OFFICER COURSES.**

4 (a) IN GENERAL.—Commencing not later than  
5 March 1, 2020, the Secretary of the Navy shall provide  
6 for the use of not fewer than six Navy Yard Patrol craft  
7 in total at the Surface Warfare Officer School Basic Divi-  
8 sion Officer Course in San Diego, California, and Norfolk,  
9 Virginia.

10 (b) PRIMARY MISSION OF CRAFT.—The Navy Yard  
11 Patrol craft provided for as described in subsection (a)  
12 shall have the primary mission of providing Surface War-  
13 fare Officer candidates in the Course referred to in that  
14 subsection with foundational skills in an at-sea training  
15 environment. Such skills shall include skills that satisfy  
16 Navy personnel qualification standards associated with  
17 each of the following:

- 18 (1) Shiphandling.
- 19 (2) Navigation.
- 20 (3) Radar operation.
- 21 (4) Bridge resource management.
- 22 (5) Seamanship.
- 23 (6) Maintenance.

24 (c) QUALIFICATION REQUIREMENT FOR SURFACE  
25 WARFARE OFFICERS CANDIDATES.—Commencing not  
26 later than September 30, 2020, each Surface Warfare Of-

1 fier candidate shall qualify as an Underway Officer of  
2 the Deck on a Navy Yard Patrol craft before completion  
3 of the Surface Warfare Officer School Basic Division Offi-  
4 cer Course.

5 **SEC. 115. MANNING OF FORWARD DEPLOYED NAVAL**  
6 **FORCES.**

7 (a) IN GENERAL.—Commencing not later than Octo-  
8 ber 1, 2019, the Secretary of the Navy shall maintain  
9 manning fit and manning fill for ships assigned to the  
10 Forward Deployed Naval Forces at levels not less than  
11 the levels established for each ship class or type of unit  
12 deploying from the United States.

13 (b) DEFINITIONS.—In this section:

14 (1) MANNING FIT.—The term “manning fit”, in  
15 the case of a ship, means the skills (rating), spe-  
16 cialty skills (Navy Enlisted Classifications), and ex-  
17 perience (paygrade) for the ship when compared  
18 with the billets authorized for such skills and experi-  
19 ence. For purposes of the term, a sailor in a more  
20 senior paygrade may fill the billet of a more junior  
21 paygrade, but a sailor in a more junior paygrade  
22 may not fill the billet of a more senior paygrade.

23 (2) MANNING FILL.—The term “manning fill”,  
24 in the case of a ship, means the total number of  
25 military personnel assigned to the ship by rating

1 when compared with the billets authorized for the  
2 ship by rating.

3 **SEC. 116. LIMITATION ON TRANSITION TO READY REL-**  
4 **EVANT LEARNING TRAINING APPROACHES.**

5 The Secretary of the Navy may not transition any  
6 enlisted training to Ready Relevant Learning block learn-  
7 ing, modernized delivery, or other similar approaches un-  
8 less the first certification submitted to Congress pursuant  
9 to section 545 of the National Defense Authorization Act  
10 for Fiscal Year 2018 (Public Law 115–91) after the date  
11 of the enactment of this Act specifies, as required by such  
12 section, each of the following:

13 (1) That the transition will meet or exceed the  
14 existing training delivery approach for all associated  
15 training requirements.

16 (2) That the content re-engineering necessary  
17 to meet all training objectives will be complete before  
18 the transition, including full functionality of all re-  
19 quired course software and hardware.

20 (3) That the contracting actions agreed upon to  
21 carry out the transition contain sufficient specifica-  
22 tion detail to enable a low-risk approach to receiving  
23 the deliverable end item or items on-budget, on-  
24 schedule, and with satisfactory performance.

1       **TITLE II—DEPARTMENT OF**  
2       **DEFENSE ADMINISTRATION**  
3               **Subtitle A—General**  
4               **Administration Matters**

5       **SEC. 201. AUTHORITY TO TREAT MILITARY UNITS AS UN-**  
6               **AVAILABLE FOR DEPLOYMENT DUE TO A SIG-**  
7               **NIFICANT READINESS DEFICIENCY.**

8       (a) REQUEST TO TREAT.—

9               (1) IN GENERAL.—A member of the Joint  
10       Chiefs of Staff, other than the Chairman or Vice  
11       Chairman of the Joint Chiefs of Staff, may request  
12       the Secretary of Defense to treat a military unit of  
13       an Armed Force or Armed Forces of which such  
14       member is a chief of staff as unavailable for a sched-  
15       uled deployment due to a significant readiness defi-  
16       ciency or deficiencies.

17              (2) UNITS OF THE NATIONAL GUARD.—For  
18       purposes of this section, a unit of the National  
19       Guard has the following as a chief of staff:

20              (A) The Chief of Staff of the Army and  
21       the Chief of the National Guard Bureau, in the  
22       case of the Army National Guard of the United  
23       States.

24              (B) The Chief of Staff of the Air Force  
25       and the Chief of the National Guard Bureau, in

1           the case of the Air National Guard of the  
2           United States.

3           (b) FINAL DECISION ON REQUEST NONDELE-  
4 GABLE.—The Secretary of Defense may not delegate the  
5 final decision on any request under subsection (a).

6           (c) NOTICE TO CONGRESS ON ACTION UPON RE-  
7 QUEST.—

8           (1) NOTICE REQUIRED.—Not later than 30  
9 days after the Secretary of Defense acts on a re-  
10 quest under subsection (a), the Secretary shall sub-  
11 mit to the congressional defense committees a writ-  
12 ten notice on such action.

13           (2) ELEMENTS.—The notice on any requested  
14 action under subsection (a) shall include the fol-  
15 lowing:

16           (A) The military unit covered by the re-  
17 quested action.

18           (B) A description of the significant readi-  
19 ness deficiency or deficiencies providing the  
20 basis for the requested action.

21           (C) The action of the Secretary.

22           (D) If the military unit is treated by the  
23 Secretary as unavailable for a scheduled deploy-  
24 ment—



1 (i) a description of the scheduled de-  
2 ployment dates, missions, and locations for  
3 which the unit is unavailable;

4 (ii) a description of the actions, if  
5 any, taken to mitigate the unavailability of  
6 the unit; and

7 (iii) a description of the risks, if any,  
8 resulting from treating the unit as unavail-  
9 able.

10 **SEC. 202. ANNUAL REPORT ON REQUESTS FOR FORCES.**

11 (a) ANNUAL REPORT REQUIRED.—Not later than  
12 January 1, 2019, and each year thereafter, the Secretary  
13 of Defense shall submit to the congressional defense com-  
14 mittees a report on all Requests For Forces (RFFs) in-  
15 volving military units (other than military units of the  
16 Coast Guard when it is not operating as a service in the  
17 Navy) during the preceding fiscal year.

18 (b) ELEMENTS.—Each report under subsection (a)  
19 shall set forth, for the fiscal year covered by such report,  
20 the following:

21 (1) A description of each Request for Forces  
22 described by that subsection, including the force  
23 package sought and associated dates and locations.

24 (2) The extent to which each such Request for  
25 Forces was sourced by the Department of Defense,

1 including the force package provided and associated  
2 dates and locations.

3 (3) If any such Request For Forces was par-  
4 tially sourced or not sourced—

5 (A) the rationale for such partial sourcing  
6 or non-sourcing; and

7 (B) a description of any mitigation meas-  
8 ures taken in response to such partial sourcing  
9 or non-sourcing.

## 10 **Subtitle B—Personnel Matters**

### 11 **SEC. 211. ANNUAL DEFENSE MANPOWER REQUIREMENTS**

#### 12 **REPORT MATTERS.**

13 (a) DATE OF SUBMITTAL.—Subsection (a) of section  
14 115a of title 10, United States Code, is amended in the  
15 matter preceding paragraph (1) by striking “not later  
16 than 45 days after the date on which” and inserting “on  
17 the date on which”.

18 (b) ENUMERATION OF REQUIRED NUMBERS OF CER-  
19 TAIN COMMISSIONS OFFICERS.—Such section is further  
20 amended by adding at the end the following new sub-  
21 section:

22 “(i) In each such report, the Secretary shall also in-  
23 clude a separate statement of the number of officers re-  
24 quired for the next fiscal year in each grade as follows:

1           “(1) Major, lieutenant colonel, and colonel of  
2           each of the Army, the Air Force, and the Marine  
3           Corps.

4           “(2) Lieutenant commander, commander, and  
5           captain of the Navy.”.

6   **SEC. 212. REPEAL OF STATUTORY SPECIFICATION OF AU-**  
7                           **THORIZED STRENGTHS OF CERTAIN COMMIS-**  
8                           **SIONED OFFICERS ON ACTIVE DUTY.**

9           Effective as of October 1, 2018, the text of section  
10 523 of title 10, United States Code, is amended to read  
11 as follows:

12           “The total number of commissioned officers serving  
13 on active duty in the Army, Air Force, or Marine Corps  
14 in each of the grades of major, lieutenant colonel, or colo-  
15 nel, or in the Navy in each of the grades of lieutenant  
16 commander, commander, or captain, at the end of any fis-  
17 cal year shall be as specifically authorized by statute for  
18 such fiscal year.”.

19   **SEC. 213. REPORTS ON JOINT QUALIFICATION REQUIRE-**  
20                           **MENTS FOR SENIOR OFFICERS.**

21           (a) **REPORTS REQUIRED.**—Not later than six months  
22 after the date of the enactment of this Act, each Secretary  
23 of a military department shall submit to the Committees  
24 on Armed Services of the Senate and the House of Rep-  
25 resentatives a report setting forth the results of a review,

1 undertaken by the Secretary of the military department  
2 concerned for purposes of such report, of the requirements  
3 and policies of the Department of Defense related to the  
4 management of joint qualifications for officers before pro-  
5 motion to general or flag officer grade.

6 (b) ELEMENTS.—Each report required by subsection  
7 (a) shall include an analysis of the following:

8 (1) The effect of joint qualification require-  
9 ments on the ability of the military department con-  
10 cerned to train and develop critical military depart-  
11 ment-specific operational skills.

12 (2) The effect of joint qualification require-  
13 ments on the growth of joint headquarters organiza-  
14 tions within the military department concerned.

15 (3) The number of waivers granted by the Sec-  
16 retary of Defense under section 619a(b) of title 10,  
17 United States Code, during the period beginning on  
18 October 1, 2001, and ending on the date of such re-  
19 port, for the Armed Force or Armed Forces under  
20 the jurisdiction of the Secretary of the military de-  
21 partment concerned.

22 (4) The effect of joint qualification require-  
23 ments on the average length of assignments pre-  
24 dating promotions to general or flag officer grade  
25 within the military department concerned during the

1        period beginning on January 1, 1987, and ending on  
2        the date of such report.

3            (5) Any other matters the Secretary of the mili-  
4        tary department concerned considers appropriate to  
5        facilitate an understanding of the effects of joint  
6        qualification requirements on the training and man-  
7        agement of officers within such military department.