

Window on Washington: A Look at the 2020 Defense Act: Fish Pirates, Cable Ships, Windmills, and More

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Heading into the new decade, the U.S. Congress is occupied with the impeachment inquiry, 2020 elections, and the blistering twitterstorm along Pennsylvania Avenue. However, for the 59th consecutive year, Congress came together and passed a compromise National Defense Authorization Act for fiscal year 2020 (NDAA), probably the single-most consistent legislative vehicle in the Congress. The NDAA includes a smattering of important maritime-related provisions on sealift, illegal fishing, coastwise-qualified offshore wind vessels, ports, and other matters.

Sealift Programs

The NDAA reauthorizes the popular Maritime Security Program (MSP) through 2035, which provides a stipend to 60 militarily useful US-flag vessels in exchange for their participation in an Emergency Preparedness Agreement with the Department of Defense (DOD) ensuring availability to the Government for sealift purposes in times of war and national emergency. Eligible vessels must be commercially viable, operated in the U.S. international trade, and no older than 15 years.

The reauthorization provides an annual stipend of \$5.3 million for FY 2022-2025, \$5.8 million for FY 2026- 2028, \$6.3 million for FY 2032-2035, and \$6.8 million for FY 2032-2035 for each enrolled vessel. Under existing provisions of law, the Navy has a limited exception to buy-American rules to procure up to two foreign-built vessels for sealift purposes if such vessels previously participated in the MSP. A new provision in the NDAA directs that the Navy "shall" enter into a contract for the procurement of two used vessels under that authority using amounts authorized for Operation and Maintenance, Navy, for fiscal year 2020.

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