

117TH CONGRESS
1ST SESSION

S. _____

To appropriate an additional amount to improve the Navy shipyard infrastructure of the United States.

IN THE SENATE OF THE UNITED STATES

Mr. WICKER (for himself, Mr. KAINE, Ms. COLLINS, Mr. KING, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To appropriate an additional amount to improve the Navy shipyard infrastructure of the United States.

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 “Supplying Help to In-
5 frastructure in Ports, Yards, and America’s Repair Docks
6 Act of 2021” or the “SHIPYARD Act”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) Since the beginning of our Nation, the four
10 public shipyards that support the United States

1 Navy have continued to be foundational cornerstones
2 of the strategic infrastructure of the United States,
3 and those shipyards will continue to be so in the fu-
4 ture.

5 (2) Although originally built in the age of sail-
6 ing ships, the shipyards have been incrementally up-
7 dated overtime, but in 2021, are in need of a
8 generational investment to modernize and upgrade
9 the outdated facilities to ensure they can continue to
10 repair the United States Navy for another 200
11 years. This Act would provide the necessary authori-
12 ties and appropriations to make those strategic as-
13 sets ready to meet the future demands of the United
14 States, while securing and expanding domestic capa-
15 bilities across many sectors of the economy critical
16 to ensuring the independence of the United States
17 from, and preventing over-reliance, on foreign com-
18 merce.

19 (3) On November 1, 1767, Andrew Sprowle, a
20 merchant and ship owner, established Gosport Ship-
21 yard on the western shore of the Elizabeth River, in
22 the Colony of Virginia, under the British flag. The
23 shipyard developed and prospered as both a naval
24 and merchant shipyard, supporting the maritime in-
25 dustry that was critical to the survival of the early

1 colonies and then to the fledgling United States.
2 When the American Revolution began, the infra-
3 structure resident at this former colonial shipyard
4 became a nucleus in the Hampton Roads, Virginia,
5 area for the United States Navy. For more than 230
6 years, the Norfolk Naval Shipyard has assisted the
7 United States in winning nine major wars, putting
8 an end to piracy, sending the Great White Fleet
9 around the world, supporting scientific exploration of
10 the Pacific, and opening Asia to United States
11 trade. Today, the Norfolk Naval Shipyard conducts
12 critical maintenance to the Nation's Nuclear Navy to
13 include aircraft carriers, ballistic missile submarines,
14 and fast attack submarines.

15 (4) On June 12, 1800, under the administra-
16 tion of President John Adams, the Portsmouth
17 Naval Shipyard was established. The Portsmouth
18 Naval Shipyard is the United States Navy's oldest
19 continuously operating shipyard. In 1776, during the
20 Revolutionary War, the USS *Raleigh* was built in
21 Kittery, Maine, and became the first vessel to fly an
22 American flag into battle. For more than 221 years,
23 the Portsmouth Naval Shipyard has contributed to
24 the Nation's security and has been instrumental in
25 United States diplomacy, when, in 1905, President

1 Theodore Roosevelt selected the Portsmouth Naval
2 Shipyard as the location to host the Treaty of Ports-
3 mouth, which ended the Russo-Japanese War.
4 Today, the Portsmouth Naval Shipyard overhauls,
5 refuels, and modernizes the Nation's fast attack sub-
6 marine fleet.

7 (5) In 1889, Congress approved a budget to
8 purchase land around Sinclair Inlet in Kitsap Coun-
9 ty, Washington. In 1892, additional land was added
10 and the United States Navy broke ground for the
11 construction of the first of six dry-docks that would
12 form what is now the Puget Sound Naval Shipyard.
13 Since that time, the shipyard was front and center
14 in supporting the Nation's efforts in World War I,
15 World War II, and the Korean War by constructing
16 submarines, surface ships, and support vessels re-
17 quired to win those wars. In late 1965, the USS
18 *Sculpin* (SSN 590) became the first nuclear-powered
19 submarine worked on at the Puget Sound Naval
20 Shipyard. The Shipyard site at Naval Base Kitsap-
21 Bremerton provides longer-term, full-service mainte-
22 nance and inactivation and recycling work on air-
23 craft carriers, surface ships, and submarines, uti-
24 lizing six drydocks and adjacent piers.

1 (6) On May 13, 1908, Navy Yard Pearl Harbor
2 was officially established on the Hawaiian Island of
3 Oahu, and the Navy Yard has proven to be vital to
4 the defense of the United States and its interests in
5 the Asia-Pacific region. The shipyard has been in-
6 strumental in enabling the United States to secure
7 sea-lanes of communication and commerce that has
8 strengthened the Nation's ability to project power
9 across the expansive Pacific and Indian Oceans. For
10 generations, the shipyard has supported the global
11 interests of the United States in a critical geo-
12 graphic region. On December 7, 1941, Pearl Harbor
13 and the Navy Yard at Pearl Harbor were the scene
14 of a devastating attack on the United States by the
15 Imperial Japanese Navy. Despite the devastating at-
16 tack, the shipyard and its workers were able to re-
17 turn ships damaged in the attack back into service
18 and enabled the United States to win the Pacific
19 War. For more than 113 years, the Pearl Harbor
20 Naval Shipyard's strategic location in the Pacific
21 has assured the safety and prosperity of the United
22 States through the maintenance of Navy ships.
23 Today the shipyard supports the maintenance of the
24 Navy's nuclear submarine fleet as well as surface
25 ships.

1 (7) In April 2013, the Navy provided Congress
2 a public shipyard investment plan, which identified
3 investments needed to optimize, improve, and rebuild
4 shipyard facilities, electrical infrastructure, environ-
5 mental systems, and equipment, and needed to im-
6 prove the timely return of ships and submarines
7 back to the fleet following maintenance and mod-
8 ernization, to support the combat readiness of the
9 United States. To this end, the Navy developed the
10 Shipyard Infrastructure Optimization Program,
11 which is a comprehensive, 20-year, \$21,000,000,000
12 effort to modernize infrastructure at the four naval
13 shipyards through—

14 (A) performing critical dry dock repairs;

15 (B) restoring and optimally placing ship-
16 yard facilities; and

17 (C) replacing aging and deteriorating cap-
18 ital equipment.

19 (8) In addition to the Nation’s public shipyards,
20 the United States continues to rely on the capacity
21 and capabilities of private new construction and re-
22 pair shipyards to meet the strategic maritime needs
23 of the United States Navy, the United States Coast
24 Guard, and the Nation’s maritime industry. Such
25 shipyards, located on every coast of the United

1 States, also require substantial recapitalization and
2 reconfiguration in order to meet the construction
3 and sustainment requirements of our maritime Na-
4 tion. This Act recognizes the vital role such private
5 shipyards play in the United States and accordingly
6 authorizes and appropriates funds to ensure they are
7 able to continue to provide those strategic capabili-
8 ties in the future.

9 **SEC. 3. NAVY SHIPYARD INFRASTRUCTURE IMPROVEMENT.**

10 (a) APPROPRIATION.—

11 (1) IN GENERAL.—Out of any money in the
12 Treasury of the United States not otherwise appro-
13 priated, there is appropriated, as an additional
14 amount for “Defense Production Act Purchases”,
15 \$25,000,000,000, to remain available until ex-
16 pended, to improve, in accordance with subsection
17 (b) and using the authority provided by section
18 303(e) of the Defense Production Act of 1950 (50
19 U.S.C. 4533(e)), the Navy shipyard infrastructure of
20 the United States.

21 (2) SUPPLEMENT NOT SUPPLANT.—Amounts
22 appropriated under paragraph (1) shall supplement
23 and not supplant other amounts appropriated or
24 otherwise made available for the purpose described
25 in paragraph (1).

1 (3) WAIVER OF CERTAIN LIMITATIONS.—Dur-
2 ing the 20-year period beginning on the date of the
3 enactment of this Act, the following requirements of
4 the Defense Production Act of 1950 (50 U.S.C.
5 4501 et seq.) shall not apply to amounts appro-
6 priated under paragraph (1):

7 (A) The requirement for a determination
8 of the President under section 303(e)(1) of that
9 Act (50 U.S.C. 4533(e)(1)).

10 (B) The requirement under section 304(e)
11 of that Act (50 U.S.C. 4534(e)) that amounts
12 in the Defense Production Act Fund in excess
13 of the amount specified in that subsection be
14 paid into the general fund of the Treasury at
15 the end of a fiscal year.

16 (4) EMERGENCY DESIGNATION.—The amount
17 appropriated under paragraph (1) is designated by
18 the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced
20 Budget and Emergency Deficit Control Act of 1985
21 (2 U.S.C. 901(b)(2)(A)(i)).

22 (b) USE OF FUNDS.—

23 (1) IN GENERAL.—As soon as practicable after
24 the date of the enactment of this Act, the Secretary
25 of Defense shall make the amounts appropriated

1 under subsection (a) directly available to the Sec-
2 retary of the Navy for obligation and expenditure.

3 (2) ALLOCATION OF FUNDS.—The Secretary of
4 the Navy shall allocate the amounts appropriated
5 under subsection (a) as follows:

6 (A) \$21,000,000,000 for Navy public ship-
7 yard facilities, dock, dry dock, capital equip-
8 ment improvements, and dredging efforts need-
9 ed by such shipyards.

10 (B) \$2,000,000,000 for Navy private new
11 construction shipyard facilities, dock, dry dock,
12 capital equipment improvements, and dredging
13 efforts needed by such shipyards.

14 (C) \$2,000,000,000 for Navy private re-
15 pair shipyard facilities, dock, dry dock, capital
16 equipment improvements, and dredging efforts
17 needed by such shipyards.

18 (3) USE OF FUNDS FOR PROCUREMENT OF
19 CERTAIN SERVICES.—Notwithstanding any provision
20 of the Defense Production Act of 1950 (50 U.S.C.
21 4501 et seq.), amounts appropriated under sub-
22 section (a) may be used for the procurement of ar-
23 chitect-engineer and construction services at Navy
24 public shipyards.

1 (4) PROJECTS IN ADDITION TO OTHER CON-
2 STRUCTION PROJECTS.—Construction projects un-
3 dertaken using amounts appropriated under sub-
4 section (a) shall be in addition to and separate from
5 any military construction program authorized by any
6 Act to authorize appropriations for a fiscal year for
7 military activities of the Department of Defense and
8 for military construction.

9 (c) DEFINITIONS.—In this section:

10 (1) NAVY PUBLIC SHIPYARD.—The term “Navy
11 public shipyard” means the following:

12 (A) The Norfolk Naval Shipyard, Virginia.

13 (B) The Pearl Harbor Naval Shipyard,
14 Hawaii.

15 (C) The Portsmouth Naval Shipyard,
16 Maine.

17 (D) The Puget Sound Naval Shipyard,
18 Washington.

19 (2) NAVY PRIVATE NEW CONSTRUCTION SHIP-
20 YARD.—The term “Navy private new construction
21 shipyard”—

22 (A) means any shipyard in which one or
23 more combatant or support vessels included in
24 the most recent plan submitted under section

1 231 of title 10, United States Code, are being
2 built or are planned to be built; and

3 (B) includes vendors and suppliers of the
4 shipyard building or planning to build a com-
5 batant or support vessel.

6 (3) NAVY PRIVATE REPAIR SHIPYARD.—The
7 term “Navy private repair shipyard”—

8 (A) means any shipyard that performs or
9 is planned to perform maintenance or mod-
10 ernization work on a combatant or support ves-
11 sel included in the most recent plan submitted
12 under section 231 of title 10, United States
13 Code; and

14 (B) includes vendors and suppliers of the
15 shipyard performing or planning to perform
16 maintenance or modernization work on a com-
17 batant or support vessel.