

117TH CONGRESS
1ST SESSION

S. 1441

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

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2021

Mr. WICKER (for himself, Mr. KAINE, Ms. COLLINS, Mr. KING, Mrs. SHAHEEN, Mr. COTTON, Mr. BLUMENTHAL, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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:

1 (1) Since the beginning of our Nation, the four
2 public shipyards that support the United States
3 Navy have continued to be foundational cornerstones
4 of the strategic infrastructure of the United States,
5 and those shipyards will continue to be so in the fu-
6 ture.

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11 the outdated facilities to ensure they can continue to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

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

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

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

1 the Nation's security and has been instrumental in
2 United States diplomacy, when, in 1905, President
3 Theodore Roosevelt selected the Portsmouth Naval
4 Shipyard as the location to host the Treaty of Ports-
5 mouth, which ended the Russo-Japanese War.
6 Today, the Portsmouth Naval Shipyard overhauls,
7 refuels, and modernizes the Nation's fast attack sub-
8 marine fleet.

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

1 craft carriers, surface ships, and submarines, uti-
2 lizing six drydocks and adjacent piers.

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

1 Navy's nuclear submarine fleet as well as surface
2 ships.

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

16 (A) performing critical dry dock repairs;

17 (B) restoring and optimally placing ship-
18 yard facilities; and

19 (C) replacing aging and deteriorating cap-
20 ital equipment.

21 (8) In addition to the Nation's public shipyards,
22 the United States continues to rely on the capacity
23 and capabilities of private new construction and re-
24 pair shipyards to meet the strategic maritime needs
25 of the United States Navy, the United States Coast

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

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

12 (a) APPROPRIATION.—

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

23 (2) SUPPLEMENT NOT SUPPLANT.—Amounts
24 appropriated under paragraph (1) shall supplement
25 and not supplant other amounts appropriated or

1 otherwise made available for the purpose described
2 in paragraph (1).

3 (3) WAIVER OF CERTAIN LIMITATIONS.—Dur-
4 ing the 20-year period beginning on the date of the
5 enactment of this Act, the following requirements of
6 the Defense Production Act of 1950 (50 U.S.C.
7 4501 et seq.) shall not apply to amounts appro-
8 priated under paragraph (1):

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

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

18 (4) EMERGENCY DESIGNATION.—The amount
19 appropriated under paragraph (1) is designated by
20 the Congress as being for an emergency requirement
21 pursuant to section 251(b)(2)(A)(i) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985
23 (2 U.S.C. 901(b)(2)(A)(i)).

24 (b) USE OF FUNDS.—

1 (1) IN GENERAL.—As soon as practicable after
2 the date of the enactment of this Act, the Secretary
3 of Defense shall make the amounts appropriated
4 under subsection (a) directly available to the Sec-
5 retary of the Navy for obligation and expenditure.

6 (2) ALLOCATION OF FUNDS.—The Secretary of
7 the Navy shall allocate the amounts appropriated
8 under subsection (a) as follows:

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

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

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

21 (3) USE OF FUNDS FOR PROCUREMENT OF
22 CERTAIN SERVICES.—Notwithstanding any provision
23 of the Defense Production Act of 1950 (50 U.S.C.
24 4501 et seq.), amounts appropriated under sub-
25 section (a) may be used for the procurement of ar-

1 architect-engineer and construction services at Navy
2 public shipyards.

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

11 (c) DEFINITIONS.—In this section:

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

14 (A) The Norfolk Naval Shipyard, Virginia.

15 (B) The Pearl Harbor Naval Shipyard,
16 Hawaii.

17 (C) The Portsmouth Naval Shipyard,
18 Maine.

19 (D) The Puget Sound Naval Shipyard,
20 Washington.

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

24 (A) means any shipyard in which one or
25 more combatant or support vessels included in

1 the most recent plan submitted under section
2 231 of title 10, United States Code, are being
3 built or are planned to be built; and

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

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

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

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

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