

*Richard Shelby*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To appropriate amounts for activities of the Department of Defense and defense-related activities of the Department of Energy.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**AMENDMENT N<sup>o</sup> 2535**

To amend **By** Shelby safety  
proposed **To:** Amdt. No. 2137 uses.  
Reference \_\_\_\_\_ and

**Page(s)**

GPO: 2020 42-568 (mac)

AMENDMENT intended to be proposed by Mr. SHELBY (for himself, Mr. WICKER, and Mr. INHOFE) to the amendment (No. 2137) proposed by Ms. SINEMA (for herself and Mr. PORTMAN)

Viz:

1 At the end of division J, add the following:

2 TITLE X

3 DEPARTMENT OF DEFENSE

4 GENERAL PROVISIONS—INFRASTRUCTURE FUNDING

5 REDUCTION OF BACKLOG OF FACILITY INFRASTRUCTURE

6 PROJECTS

7 SEC. 1001. For an additional amount for “Defense  
8 Infrastructure Fund”, \$4,000,000,000, of which  
9 \$1,300,000,000 shall be for each of the Departments of  
10 the Army, the Navy, and the Air Force, and \$100,000,000

1 shall be for the Defense Health Agency, to remain avail-  
2 able until September 30, 2026, to reduce the backlog of  
3 facility infrastructure maintenance projects of the Depart-  
4 ment of Defense: *Provided*, That any project carried out  
5 with amounts provided in this section shall comply with  
6 the requirements under section 2811 of title 10, United  
7 States Code: *Provided further*, That such amount is des-  
8 ignated by Congress as being for an emergency require-  
9 ment pursuant to section 4112(a) of H. Con. Res. 71  
10 (115th Congress), the concurrent resolution on the budget  
11 for fiscal year 2018, and to section 251(b) of the Balanced  
12 Budget and Emergency Deficit Control Act of 1985 (2  
13 U.S.C. 901(b)).

14       MODERNIZATION OF TEST AND TRAINING RANGES OF  
15                               DEPARTMENT OF DEFENSE

16       SEC. 1002. For an additional amount for “Defense  
17 Infrastructure Fund”, \$4,000,000,000, to remain avail-  
18 able until September 30, 2032, to modernize the test and  
19 training ranges of the Department of Defense, including  
20 projects included in the report required under section  
21 2806 of the Military Construction Authorization Act for  
22 Fiscal Year 2018 (Division B of Public Law 115–91; 10  
23 U.S.C. 222a note) for test and evaluation activities: *Pro-*  
24 *vided*, That such amount is designated by Congress as  
25 being for an emergency requirement pursuant to section  
26 4112(a) of H. Con. Res. 71 (115th Congress), the concur-

1 rent resolution on the budget for fiscal year 2018, and  
2 to section 251(b) of the Balanced Budget and Emergency  
3 Deficit Control Act of 1985 (2 U.S.C. 901(b)).

4       REMEDICATION OF PERFLUORALKYL SUBSTANCES AND  
5                               POLYFLUOROALKYL SUBSTANCES

6       SEC. 1003. For an additional amount for “Defense  
7 Infrastructure Fund”, \$1,500,000,000, to remain avail-  
8 able until September 30, 2026, to remediate perfluoralkyl  
9 substances and polyfluoroalkyl substances at installations  
10 owned by the Department of Defense: *Provided*, That such  
11 amount is designated by Congress as being for an emer-  
12 gency requirement pursuant to section 4112(a) of H. Con.  
13 Res. 71 (115th Congress), the concurrent resolution on  
14 the budget for fiscal year 2018, and to section 251(b) of  
15 the Balanced Budget and Emergency Deficit Control Act  
16 of 1985 (2 U.S.C. 901(b)).

17                               HIGH-PRIORITY MILITARY CONSTRUCTION  
18                               REQUIREMENTS

19       SEC. 1004. For an additional amount for “Defense  
20 Infrastructure Fund”, \$2,000,000,000, to remain avail-  
21 able until September 30, 2026, to meet high-priority mili-  
22 tary construction requirements: *Provided*, That such  
23 amount is designated by Congress as being for an emer-  
24 gency requirement pursuant to section 4112(a) of H. Con.  
25 Res. 71 (115th Congress), the concurrent resolution on  
26 the budget for fiscal year 2018, and to section 251(b) of

1 the Balanced Budget and Emergency Deficit Control Act  
2 of 1985 (2 U.S.C. 901(b)).

3 DEPOT MODERNIZATION

4 SEC. 1005. For an additional amount for “Defense  
5 Infrastructure Fund”, \$4,500,000,000, to remain avail-  
6 able until September 30, 2032, for depot modernization:  
7 *Provided*, That such amount is designated by Congress as  
8 being for an emergency requirement pursuant to section  
9 4112(a) of H. Con. Res. 71 (115th Congress), the concur-  
10 rent resolution on the budget for fiscal year 2018, and  
11 to section 251(b) of the Balanced Budget and Emergency  
12 Deficit Control Act of 1985 (2 U.S.C. 901(b)).

13 AMMUNITION PLANT MODERNIZATION

14 SEC. 1006. For an additional amount for “Defense  
15 Infrastructure Fund”, \$2,500,000,000, to remain avail-  
16 able until September 30, 2026, to modernize ammunition  
17 plants: *Provided*, That such amount is designated by Con-  
18 gress as being for an emergency requirement pursuant to  
19 section 4112(a) of H. Con. Res. 71 (115th Congress), the  
20 concurrent resolution on the budget for fiscal year 2018,  
21 and to section 251(b) of the Balanced Budget and Emer-  
22 gency Deficit Control Act of 1985 (2 U.S.C. 901(b)).

23 FIFTH-GENERATION WIRELESS NETWORKING

24 TECHNOLOGIES

25 SEC. 1007. For an additional amount for “Defense  
26 Infrastructure Fund”, \$2,500,000,000, to remain avail-

1 able until September 30, 2026, to provide fifth-generation  
2 wireless networking technologies to installations owned by  
3 the Department of Defense: *Provided*, That such amount  
4 is designated by Congress as being for an emergency re-  
5 quirement pursuant to section 4112(a) of H. Con. Res.  
6 71 (115th Congress), the concurrent resolution on the  
7 budget for fiscal year 2018, and to section 251(b) of the  
8 Balanced Budget and Emergency Deficit Control Act of  
9 1985 (2 U.S.C. 901(b)).

10 NAVY AND COAST GUARD SHIPYARD INFRASTRUCTURE

11 IMPROVEMENT

12 SEC. 1008. (a) APPROPRIATION.—

13 (1) IN GENERAL.—For an additional amount  
14 for “Defense Infrastructure Fund”,  
15 \$25,350,000,000, to remain available until ex-  
16 pended, to improve, in accordance with subsection  
17 (b), the Navy and Coast Guard shipyard infrastruc-  
18 ture of the United States.

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

24 (3) EMERGENCY DESIGNATION.—The amount  
25 appropriated under paragraph (1) is designated by  
26 Congress as being for an emergency requirement

1       pursuant to section 4112(a) of H. Con. Res. 71  
2       (115th Congress), the concurrent resolution on the  
3       budget for fiscal year 2018, and to section 251(b) of  
4       the Balanced Budget and Emergency Deficit Control  
5       Act of 1985 (2 U.S.C. 901(b)).

6       (b) USE OF FUNDS.—

7           (1) IN GENERAL.—As soon as practicable after  
8       the date of the enactment of this Act, the Secretary  
9       of Defense shall make the amounts appropriated  
10      under subsection (a) directly available to the Sec-  
11      retary of the Navy and the Secretary of Homeland  
12      Security for obligation and expenditure in accord-  
13      ance with paragraph (2).

14          (2) ALLOCATION OF FUNDS.—The amounts ap-  
15      propriated under subsection (a) shall be allocated as  
16      follows:

17           (A) \$21,000,000,000 for Navy public ship-  
18      yard facilities, dock, dry dock, capital equip-  
19      ment improvements, and dredging efforts need-  
20      ed by such shipyards.

21           (B) \$2,000,000,000 for Navy private new  
22      construction shipyard facilities, dock, dry dock,  
23      capital equipment improvements, and dredging  
24      efforts needed by such shipyards.

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

5           (D) \$350,000,000, which shall be trans-  
6           ferred to the Department of Homeland Secu-  
7           rity, for Coast Guard Yard facilities, dock, dry  
8           dock, capital equipment improvements, and  
9           dredging efforts needed by the shipyard.

10          (3) PROJECTS IN ADDITION TO OTHER CON-  
11          STRUCTION PROJECTS.—Construction projects un-  
12          dertaken using amounts appropriated under sub-  
13          section (a) shall be in addition to and separate from  
14          any military construction program authorized by any  
15          Act to authorize appropriations for a fiscal year for  
16          military activities of the Department of Defense and  
17          for military construction.

18          (e) DEFINITIONS.—In this section:

19           (1) COAST GUARD YARD.—The term “Coast  
20           Guard Yard” means the Coast Guard Yard in Balti-  
21           more, Maryland.

22           (2) NAVY PUBLIC SHIPYARD.—The term “Navy  
23           public shipyard” means the following:

24           (A) The Norfolk Naval Shipyard, Virginia.

1 (B) The Pearl Harbor Naval Shipyard,  
2 Hawaii.

3 (C) The Portsmouth Naval Shipyard,  
4 Maine.

5 (D) The Puget Sound Naval Shipyard,  
6 Washington.

7 (3) NAVY PRIVATE NEW CONSTRUCTION SHIP-  
8 YARD.—The term “Navy private new construction  
9 shipyard”—

10 (A) means any shipyard in which one or  
11 more combatant or support vessels included in  
12 the most recent plan submitted under section  
13 231 of title 10, United States Code, are being  
14 built or are planned to be built; and

15 (B) includes vendors and suppliers of the  
16 shipyard building or planning to build a com-  
17 batant or support vessel.

18 (4) NAVY PRIVATE REPAIR SHIPYARD.—The  
19 term “Navy private repair shipyard”—

20 (A) means any shipyard that performs or  
21 is planned to perform maintenance or mod-  
22 ernization work on a combatant or support ves-  
23 sel included in the most recent plan submitted  
24 under section 231 of title 10, United States  
25 Code; and



1 (B) includes vendors and suppliers of the  
2 shipyard performing or planning to perform  
3 maintenance or modernization work on a com-  
4 batant or support vessel.

5 DEFENSE ACTIVITIES OF DEPARTMENT OF ENERGY

6 SEC. 1009. For an additional amount for “Defense  
7 Infrastructure Fund”, \$3,850,000,000, which shall be  
8 transferred to the Secretary of Energy, to remain available  
9 until September 30, 2026, for construction of enabling in-  
10 frastructure at Los Alamos National Laboratory, con-  
11 struction of training facilities at Los Alamos National  
12 Laboratory and the Savannah River Site, general enabling  
13 infrastructure at the National Nuclear Security Adminis-  
14 tration, decommissioning and decontamination of equip-  
15 ment contaminated by PF-4, demolition of equipment at  
16 the Mixed-Oxide Fuel Fabrication Facility, design work  
17 for lithium and tritium facilities, and deferred mainte-  
18 nance at the National Nuclear Security Administration:  
19 *Provided*, That such amount is designated by Congress as  
20 being for an emergency requirement pursuant to section  
21 4112(a) of H. Con. Res. 71 (115th Congress), the concur-  
22 rent resolution on the budget for fiscal year 2018, and  
23 to section 251(b) of the Balanced Budget and Emergency  
24 Deficit Control Act of 1985 (2 U.S.C. 901(b)).

## 10

## 1 TRANSFER OF FUNDS

2 SEC. 1010. Amounts provided in this title may be  
3 transferred by the Secretary of Defense from the Defense  
4 Infrastructure Fund to the appropriate service account for  
5 the same purpose as the funds were appropriated. Such  
6 transfers shall not be taken into account for purposes of  
7 the limitations on transfers included in a National Defense  
8 Authorization Act or a Defense Appropriations Act for a  
9 fiscal year.

## 10 SPENDING PLANS

11 SEC. 1011. (a) DEPARTMENT OF DEFENSE.—Not  
12 later than 30 days before the beginning of any fiscal year  
13 in which amounts appropriated under sections 1001  
14 through 1008 will be spent, the Secretary of Defense shall  
15 submit to the congressional defense committees a spending  
16 plan for such amounts, set forth by line number, sub-activ-  
17 ity group, and program element number.

18 (b) DEPARTMENT OF ENERGY.—Not later than 30  
19 days before the beginning of any fiscal year in which  
20 amounts appropriated under section 1009 will be spent,  
21 the Secretary of Energy shall submit to the congressional  
22 defense committees a spending plan for such amounts, set  
23 forth by congressional control.

24 (c) CONGRESSIONAL DEFENSE COMMITTEES DE-  
25 FINED.—In this section, the term “congressional defense

1 committees” has the meaning given that term in section  
2 101(a)(16) of title 10, United States Code.