

116TH CONGRESS
2D SESSION

S. 3258

To foster the implementation of the policy of the United States to achieve
355 battle force ships as soon as practicable.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2020

Mr. WICKER introduced the following bill; which was read twice and referred
to the Committee on Armed Services

A BILL

To foster the implementation of the policy of the United
States to achieve 355 battle force ships as soon as prac-
ticable.

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 “Securing the Home-
5 land by Increasing our Power on the Seas Implementation
6 Act” or “SHIPS Implementation Act”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) The 2016 Navy Force Structure Assess-
10 ment (FSA) started with a request to the combatant

1 commanders to provide their unconstrained desire
2 for Navy forces in their respective theaters con-
3 sistent with meeting the demands of the Defense
4 Planning Scenarios. To fully resource these plat-
5 form-specific demands with very little risk in any
6 theater while supporting enduring missions, ongoing
7 two operations and setting the theater for prompt
8 warfighting response, the Navy would require a 653-
9 ship force.

10 (2) The 2016 Navy FSA further determined
11 that a 355-ship battle force is the level that balances
12 an acceptable level of warfighting risk to Navy
13 equipment and personnel against available resources
14 and achieves a force size that can reasonably achieve
15 success.

16 (3) On March 27, 2019, before the Committee
17 on Armed Services of the Senate, Vice Admiral Wil-
18 liam Merz testified, “I certainly do not expect the
19 [355-ship requirement] to go any lower. I would not
20 be surprised if it goes up in several categories.”.

21 (4) The Navy battle force currently consists of
22 293 ships.

23 (5) The Navy projects having 313 battle force
24 ships in 2025.

1 (6) The Navy assesses the size of the People's
2 Liberation Army Navy as having surpassed that of
3 the United States Navy and predicts that it will
4 reach 400 ships in 2025.

5 (7) Section 1025 of the National Defense Au-
6 thorization Act for Fiscal Year 2018 (Public Law
7 115–91; 10 U.S.C. 7921 note) established the policy
8 of the United States to have available, as soon as
9 practicable, not fewer than 355 battle force ships,
10 with funding subject to the availability of appropria-
11 tions or other funds.

12 (8) The Department of Defense has been able
13 to achieve program efficiencies and cost savings by
14 using multiyear and block buy contracting with
15 many weapons programs. These contracting strate-
16 gies are currently being utilized to procure Ford-
17 class aircraft carriers, Arleigh Burke-class destroy-
18 ers, Virginia-class submarines, and John Lewis-class
19 fleet oilers.

1 **SEC. 3. SENSE OF CONGRESS ON IMPLEMENTATION OF THE**
2 **SECURING THE HOMELAND BY INCREASING**
3 **OUR POWER ON THE SEAS IMPLEMENTATION**
4 **ACT.**

5 It is the sense of Congress that to achieve the na-
6 tional policy of the United States to have available, as soon
7 as practicable, not fewer than 355 battle force ships—

8 (1) the Navy must be adequately resourced to
9 increase the size of the Navy in accordance with the
10 national policy, which includes the associated ships,
11 aircraft, personnel, sustainment, and munitions;

12 (2) across fiscal years 2021 through 2025, the
13 Navy should start construction on not fewer than—

- 14 (A) 12 Arleigh Burke-class destroyers;
15 (B) 10 Virginia-class submarines;
16 (C) 2 Columbia-class submarines;
17 (D) 3 San Antonio-class amphibious ships;
18 (E) 1 LHA-class amphibious ship;
19 (F) 6 John Lewis-class fleet oilers; and
20 (G) 5 guided missile frigates;

21 (3) new guided missile frigate construction
22 should increase to a rate of between two and four
23 ships per year once design maturity and construction
24 readiness permit;

25 (4) the Columbia-class submarine program
26 should be funded using the National Sea Based De-

1 terrence Fund with funds that are in addition to the
 2 Navy budget in recognition of the critical single na-
 3 tional mission that these vessels will perform;

4 (5) stable shipbuilding rates of construction
 5 should be maintained for each vessel class, utilizing
 6 multi-year or block buy contract authorities when
 7 appropriate, until a deliberate transition plan is
 8 identified; and

9 (6) prototyping of potential new shipboard sub-
 10 systems should be accelerated to build knowledge
 11 systematically, and, to the maximum extent prac-
 12 ticable, shipbuilding prototyping should occur at the
 13 subsystem-level in advance of ship design.

14 **SEC. 4. PROCUREMENT AUTHORITIES FOR CERTAIN SHIP-**
 15 **BUILDING PROGRAMS.**

16 (a) CONTRACT AUTHORITY.—

17 (1) PROCUREMENT AUTHORIZED.—In fiscal
 18 year 2021, the Secretary of the Navy may enter into
 19 one or more contracts for the procurement of any or
 20 all of the following groups of vessels:

21 (A) Three San Antonio-class amphibious
 22 ships and one America-class amphibious ship.

23 (B) Two Columbia-class submarines.

24 (C) Six John Lewis-class fleet oilers.

1 (2) PROCUREMENT IN CONJUNCTION WITH EX-
2 ISTING CONTRACTS.—The ships authorized to be
3 procured under paragraph (1) may be procured as
4 additions to existing contracts covering such pro-
5 grams.

6 (b) CERTIFICATION REQUIRED.—A contract may not
7 be entered into under subsection (a) unless the Secretary
8 of the Navy certifies to the congressional defense commit-
9 tees, in writing, not later than 30 days before entry into
10 the contract, each of the following, which shall be prepared
11 by the milestone decision authority for such programs:

12 (1) The use of such a contract will result in sig-
13 nificant savings compared to the total anticipated
14 costs of carrying out the program through annual
15 contracts. In certifying cost savings under the pre-
16 ceding sentence, the Secretary shall include a writ-
17 ten explanation of—

18 (A) the estimated end cost and appro-
19 priated funds by fiscal year, by hull, without
20 the authority provided in subsection (a);

21 (B) the estimated end cost and appro-
22 priated funds by fiscal year, by hull, with the
23 authority provided in subsection (a);

1 (C) the estimated cost savings or increase
2 by fiscal year, by hull, with the authority pro-
3 vided in subsection (a);

4 (D) the discrete actions that will accom-
5 plish such cost savings or avoidance; and

6 (E) the contractual actions that will ensure
7 the estimated cost savings are realized.

8 (2) There is a reasonable expectation that
9 throughout the contemplated contract period the
10 Secretary of the Navy will request funding for the
11 contract at the level required to avoid contract can-
12 cellation.

13 (3) There is a stable design for the property to
14 be acquired and the technical risks associated with
15 such property are not excessive.

16 (4) The estimates of both the cost of the con-
17 tract and the anticipated cost avoidance through the
18 use of a contract authorized under subsection (a)
19 are realistic.

20 (5) The use of such a contract will promote the
21 national security of the United States.

22 (6) During the fiscal year in which such con-
23 tract is to be awarded, sufficient funds will be avail-
24 able to perform the contract in such fiscal year, and
25 the future-years defense program (as defined under

1 section 221 of title 10, United States Code) for such
2 fiscal year will include the funding required to exe-
3 cute the program without cancellation.

4 (c) USE OF INCREMENTAL FUNDING.—With respect
5 to a contract or contracts entered into pursuant to sub-
6 section (a)(1)(B), the Secretary of the Navy may use in-
7 cremental funding to make payments under the contract
8 with funds appropriated to the Shipbuilding and Conver-
9 sion, Navy or National Sea Based Deterrence Fund ac-
10 counts through fiscal year 2025.

11 (d) AUTHORITY FOR ADVANCE PROCUREMENT.—The
12 Secretary of the Navy may enter into one or more con-
13 tracts for advance procurement associated with a vessel
14 or vessels for which authorization to enter into a multiyear
15 procurement contract is provided under subsection (a),
16 and for systems and subsystems associated with such ves-
17 sels in economic order quantities when cost savings are
18 achievable.

19 (e) CONDITION FOR OUT-YEAR CONTRACT PAY-
20 MENTS.—A contract entered into under subsection (a)
21 shall provide that any obligation of the United States to
22 make a payment under the contract for a fiscal year is
23 subject to the availability of appropriations for that pur-
24 pose for such fiscal year.

25 (f) DEFINITIONS.—In this section:

1 (1) CONGRESSIONAL DEFENSE COMMITTEES.—

2 The term “congressional defense committees” has
3 the meaning given the term in section 101(a)(16) of
4 title 10, United States Code.

5 (2) MILESTONE DECISION AUTHORITY.—The

6 term “milestone decision authority” has the meaning
7 given the term in section 2366a(d) of title 10,
8 United States Code.

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