To authorize certain maritime programs of the Department of Transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2011

Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize certain maritime programs of the Department of Transportation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 46, UNITED STATES CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2012”.

(b) Amendment of Title 46, United States Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms...
of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 46, United States Code.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 46, United States Code; table of contents.
Sec. 2. Marine transportation system.
Sec. 3. Short sea transportation program amendments.
Sec. 4. Use of National Defense Reserve Fleet and Ready Reserve Force Vessels.
Sec. 5. Green ships program.
Sec. 7. Ship scrapping reporting requirement.
Sec. 8. Extension of Maritime Security Fleet Program.
Sec. 9. Maritime Workforce Study.
Sec. 10. Authorization of appropriations for fiscal year 2012.

SEC. 2. MARINE TRANSPORTATION SYSTEM.

(a) Report on Status of System.—Section 50109(d) is amended to read as follows:

“(d) Marine Transportation System.—

“(1) Report on waterways.—Not later than July 31, 2012, the Secretary, in consultation with the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the concurrence of the Secretary of the department in which the Coast Guard is operating, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Represent-
ative on the status of the Nation’s coastal and inland waterways that—

“(A) describes the state of the United States marine transportation infrastructure, including intercoastal infrastructure, intracoastal infrastructure, inland waterway infrastructure, ports, and marine facilities;

“(B) provides estimates of the investment levels required—

“(i) to maintain the infrastructure;

and

“(ii) to improve the infrastructure;

and

“(C) describes the overall environmental management of the maritime transportation system and the integration of environmental stewardship into the overall system.

“(2) MARINE TRANSPORTATION.—The Secretary may investigate, make determinations concerning, and develop a repository of statistical information relating to marine transportation, including its relationship to transportation by land and air, to facilitate research, assessment, and maintenance of the maritime transportation system. As used in this paragraph, the term “marine transportation” in-
includes intercoastal transportation, intracoastal transportation, inland waterway transportation, ports, and marine facilities.

“(3) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.”.

(b) Container-on-Barge Transportation.—

(1) Assessment and Report.—Not later than 6 months after the date of enactment of this Act, the Maritime Administration shall assess the potential for using container-on-barge transportation on the inland waterways system and submit a report, together with the Administration’s findings, conclusions, and recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives. If the Administration determines that it would be in the public interest, the report may include recommendations for a plan to increase awareness of the potential for use of such container-on-barge transportation and recommendations for the development and implementation of such a plan.
(2) FACTORS.—In conducting the assessment, the Administration shall consider—

(A) the environmental benefits of increasing container-on-barge movements on our inland and intracoastal waterways system;

(B) regional differences in the inland waterways system;

(C) existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(D) mechanisms to ensure that implementation of the plan will not be inconsistent with antitrust laws; and

(E) potential frequency of service at inland river ports.

SEC. 3. SHORT SEA TRANSPORTATION PROGRAM AMENDMENTS.

(a) Program Purpose.—Section 55601(a) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “congestion”.

(b) Designation of Routes.—Section 55601(c) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “coastal corridors”.

S 1430 IS
(c) Project Designation.—Section 55601(d) is amended to read as follows:

“(d) Project Designation.—The Secretary may designate a project as a short sea transportation project if the Secretary determines that the project—

“(1) mitigates landside congestion; or

“(2) promotes more efficient use of the navigable waters of the United States.”.

(d) Documentation.—Section 55605 is amended by striking “by vessel” and inserting “by a documented vessel”.

SEC. 4. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), is amended—

(1) in subsection (b)—

(A) by striking “or” in paragraph (4) after the semicolon;

(B) by striking the period at the end of paragraph (5) and inserting “; or”; and

(C) by adding at the end the following:

“(6) for civil contingency operations and Maritime Administration promotional and media events under subsection (f).”;

(2) by adding at the end the following:
“(f) Civil Contingency Operations and Promotional and Media Events.—The Secretary of Transportation may allow, with the concurrence of the Secretary of Defense, the use of a vessel in the National Defense Reserve Fleet for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events that are related to demonstration projects and research and development supporting the Maritime Administration’s mission, if the Secretary of Transportation determines the use of the vessel is in the best interest of the United States Government after—

“(1) considering the availability of the National Defense Reserve Fleet and Ready Reserve Force resources;

“(2) considering the impact on National Defense Reserve Fleet and Ready Reserve Force mission support to the defense and homeland security requirements of the United States Government;

“(3) ensuring that the use of the vessel supports the mission of the Maritime Administration and does not significantly interfere with vessel maintenance, repair, safety, readiness, or resource availability;
“(4) ensuring that safety precautions are taken, including indemnification of liability, when applicable;

“(5) ensuring that any cost incurred by the use of the vessel is funded as a reimbursable transaction between Federal agencies, as applicable; and

“(6) considering any other factors the Secretary of Transportation determines are appropriate.”.

SEC. 5. GREEN SHIPS PROGRAM.

(a) IN GENERAL.—Chapter 503 is amended by adding at the end the following:

“§ 50307. Green ships program

“(a) IN GENERAL.—The Secretary of Transportation may establish a green ships program to engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities.

“(b) PROGRAM REQUIREMENTS.—The program—

“(1) shall identify, evaluate, test, demonstrate, or improve emerging marine technologies that are likely to achieve environmental improvements—
“(A) by reducing air emissions, water emissions, or other ship discharges;

“(B) by increasing fuel economy or the use of alternative fuels; or

“(C) by controlling aquatic invasive species; and

“(2) shall be coordinated with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) PROGRAM COORDINATION.—Program coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies that demonstrate significant environmental benefits.

“(d) FUNDING AND FEES.—

“(1) IN GENERAL.—In carrying out the green ships program, the Secretary of Transportation may apply such funds as may be appropriated and such funds or resources as may become available by gift, cooperative agreement, or otherwise, including the
collection of fees, for the purposes of the program and its administration.

“(2) Establishment of fees.—Pursuant to section 9701 of title 31, the Secretary of Transportation may promulgate regulations establishing fees to recover reasonable costs to the Secretary and to academic, public, and non-governmental entities associated with the program.

“(3) Fee deposit.—Any fees collected under this section shall be deposited in a special fund of the United States Treasury for services rendered under the program, which thereafter shall remain available until expended to carry out the Secretary of Transportation’s activities for which the fees were collected.

“(e) Report.—The Secretary of Transportation shall report on the activities, expenditures, and results of the green ships program during the preceding fiscal year in the annual budget submission to Congress.”.

(b) Conforming Amendment.—The table of contents for chapter 503 is amended by inserting after the item relating to section 50306 the following:

“50307. Green ships program.”.
SEC. 6. RECYCLING OF NATIONAL DEFENSE RESERVE

FLEET VESSELS.

Section 113(e)(15) of title 40, United States Code, is amended to read as follows:

“(15) the Maritime Administration with respect to the acquisition, procurement, operation, maintenance, preservation, sale, lease, charter, construction, reconstruction, reconditioning (including outfitting and equipping incidental to construction, reconstruction, or reconditioning), or disposal for recycling (including related contracts for towing, dry-docking, sale or purchase of services for recycling, and vessel management), of a merchant vessel or shipyard, ship site, terminal, pier, dock, warehouse, or other installation necessary or appropriate for carrying out a program of the Administration authorized by law or non-administrative activities incidental to a program of the Administration authorized by law, but the Administration shall, to the maximum extent it considers practicable, consistent with the purposes of its programs and the effective, efficient conduct of its activities, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;”.
SEC. 7. SHIP SCRAPPING REPORTING REQUIREMENT.

Section 3502 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (enacted into law by section 1 of Public Law 106–398; 16 U.S.C. 5405 note; 114 Stat. 1654A–490) is amended by amending subsection (f) to read as follows:

“(f) The Secretary of Transportation shall provide briefings, upon request, to the Committee on Commerce, Science, and Transportation and the Committee on Armed Forces of the Senate and the Committee on Transportation and Infrastructure, the Committee on Resources, and the Committee on Armed Forces of the House of Representitives on—

“(1) the progress made to recycle vessels;

“(2) any problems encountered in recycling vessels; and

“(3) any other issues relating to vessel recycling and disposal.”.

SEC. 8. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 is amended—

(1) by amending paragraph (4) to read as follows:

“(4) FOREIGN COMMERCE.—The term “foreign commerce” means—
“(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

“(B) commerce or trade between foreign countries.”;

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as (5) through (12), respectively; and

(4) by amending paragraph (5), as redesignated by section 8(a)(3) of this Act, to read as follows:

“(5) PARTICIPATING FLEET VESSEL.—The term “participating fleet vessel” means any vessel that—

“(A) On October 1, 2015—

“(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

“(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

“(B) On December 31, 2014, is covered by an operating agreement under this chapter.”.

(b) Section 53102(b) is amended to read as follows:

“(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—
“(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

“(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

“(3) the vessel is self-propelled and—

“(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

“(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

“(4) the vessel—

“(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

“(B) is commercially viable, as determined by the Secretary; and

“(5) the vessel—

“(A) is a United States-documented vessel;

or

“(B) is not a United States-documented vessel, but—
“(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

“(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.”.

(c) Section 53103 is amended—

(1) by amending subsection (b) to read as follows:

“(b) Extension of Existing Operating Agreements.—The Secretary is authorized to amend an operating agreement that is in existence on December 31, 2014, for a participating fleet vessel, or any subsequent replacement of the participating fleet vessel, to extend the operating agreement through September 30, 2025. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time. If a contractor does not agree to an extended operating agreement before February 28, 2015, the Secretary may award the operating agreement to another contractor. Beginning on February 28,
2015, operating agreements shall not be transferable by
the contractor.’’; and

(2) by amending subsection (c) to read as fol-
low:

“(c) Procedure for Awarding New Operating
Agreements.—The Secretary may enter into a new oper-
ating agreement with an applicant that meets the require-
ments of section 53102(c) (for vessels that meet the qual-
ifications of section 53102(b)) on the basis of priority for
vessel type established by military requirements of the
Secretary of Defense. The Secretary shall allow an appli-
cant at least 30 days to submit an application for a new
operating agreement. After consideration of military re-
quirements, priority shall be given to an applicant that
is a U.S. citizen under section 50501 of this title. The
Secretary may not approve an application without the con-
sent of the Secretary of Defense. The Secretary shall enter
into an operating agreement with the applicant or provide
a written reason for denying the application.’’.

(d) Section 53104 is amended—

(1) in subsection (c), by striking paragraph (3);

and

(2) in subsection (e), by striking “an operating
agreement under this chapter is terminated under
subsection (c)(3), or if”.

S 1430 IS
(e) Section 53105 is amended—

(1) by amending subsection (e) to read as follows:

“(e) REPLACEMENT VESSELS.—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.”; and

(2) by striking subsection (f).

(f) Section 53106 is amended—

(1) in subsection (a)(1), by striking “and (C) $3,100,000 for each of fiscal years 2012 through 2025.” and inserting the following:

“(C) $3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(D) $3,500,000 for each of fiscal years 2019, 2020, and 2021; and

“(E) $3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.”;

(2) in subsection (c)(3)(C), by striking “a LASH vessel.” and inserting “a lighter aboard ship vessel.”; and

(3) by striking subsection (f).
(g) Section 53107(b)(1) is amended to read as follows:

“(1) **IN GENERAL.—**An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).”.

(h) Section 53109 is repealed.

(i) The table of contents for chapter 531 is amended by striking the item relating to section 53109.

(j) Section 53111 is amended by striking “and (3) $186,000,000 for each fiscal year thereafter through fiscal year 2025.” and inserting the following:

“(3) $186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(4) $210,000,000 for each of fiscal years 2019, 2020, and 2021; and

“(5) $222,000,000 for each fiscal year thereafter through fiscal year 2025.”.
(k) Chapter 531 is amended by adding at the end the following:

§ 53112. Acquisition of fleet vessels

(a) IN GENERAL.—Notwithstanding section 2218(f) of title 10, United States Code, upon replacement of any vessel subject to an operating agreement under this chapter, and subject to agreement by the vessel owner, the Secretary is authorized, subject to concurrence with the Secretary of Defense, to acquire the vessel being replaced for inclusion in the National Defense Reserve Fleet.

(b) REQUIREMENTS.—In order to be eligible for acquisition by the Secretary under this section, a vessel shall—

(1) have been included in a Maritime Security Program Operating Agreement for not less than 3 years; and

(2) meet recapitalization requirements for the Ready Reserve Force.

(c) FAIR MARKET VALUE.—The Maritime Administration shall establish a fair market value for the acquisition of an eligible vessel under this section.

(d) APPROPRIATIONS.—A vessel acquisition under this section shall be subject to the availability of appropriations and the appropriations shall be part of the Na-
tional Defense Reserve Fleet appropriations and separate from Maritime Security Program appropriations.”.

(l) **Effective Date of Amendments.**—The amendments made by—

(1) paragraphs (2), (3), and (4) of section 8(a) of this Act take effect on December 31, 2014;

(2) section 8(e)(1) of this Act take effect on December 31, 2014; and

(3) section 8(f)(2) of this Act take effect on December 31, 2014.

**SEC. 9. MARITIME WORKFORCE STUDY.**

(a) **Training Study.**—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **Study Components.**—The study shall—

(1) analyze the impact of training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the Nation’s maritime training infrastructure to meet the current needs of the maritime industry;

(3) evaluate the ability of the Nation’s maritime training infrastructure to effectively meet the needs of the maritime industry in the future;
(4) identify trends in maritime training;

(5) compare the training needs of U.S. mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of U.S. mariners;

(6) include recommendations for future programs to enhance the capabilities of the Nation’s maritime training infrastructure; and

(7) include recommendations for future programs to assist U.S. mariners and those entering the maritime profession achieve the required training.

(e) Final Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2012.

There are authorized to be appropriated to the Secretary of Transportation for programs of the Maritime Administration the following amounts:
(1) OPERATIONS AND TRAINING.—For expenses necessary for operations and training activities, not to exceed $161,539,000 for the fiscal year ending September 30, 2012, of which—

(A) $28,885,000 is for capital improvements at the U.S. Merchant Marine Academy, to remain available until expended; and

(B) $11,100,000 is for maintenance and repair for training ships at State Maritime Schools, to remain available until expended.

(2) MARITIME GUARANTEED LOANS.—For administrative expenses related to loan guarantee commitments under chapter 537 of title 46, United States Code, not to exceed $3,750,000, which shall be paid to the appropriation for “Operations and Training”, Maritime Administration.

(3) SHIP DISPOSAL.—For disposal of non-reten tion vessels in the National Defense Reserve Fleet, $18,500,000, to remain available until expended.