

Calendar No. 375

113TH CONGRESS
2D SESSION**S. 2076****[Report No. 113–158]**

To amend the provisions of title 46, United States Code, related to the Board of Visitors to the United States Merchant Marine Academy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2014

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

MAY 14, 2014

Reported by Mr. ROCKEFELLER, without amendment

A BILL

To amend the provisions of title 46, United States Code, related to the Board of Visitors to the United States Merchant Marine Academy, and for other purposes.

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 “U.S. Merchant Marine
5 Academy Board of Visitors Enhancement Act”.

1 **SEC. 2. UNITED STATES MERCHANT MARINE ACADEMY**
 2 **BOARD OF VISITORS.**

3 Section 51312 of title 46, United States Code, is
 4 amended to read as follows:

5 **“§ 51312. Board of Visitors**

6 “(a) IN GENERAL.—A Board of Visitors to the
 7 United States Merchant Marine Academy (referred to in
 8 this section as the ‘Board’ and the ‘Academy’, respec-
 9 tively) shall be established to provide independent advice
 10 and recommendations on matters relating to the United
 11 States Merchant Marine Academy.

12 “(b) APPOINTMENT AND MEMBERSHIP.—

13 “(1) IN GENERAL.—Not later than 60 days
 14 after the date of the enactment of the U.S. Mer-
 15 chant Marine Academy Board of Visitors Enhance-
 16 ment Act, the Board shall be composed of—

17 “(A) 2 Senators appointed by the chair-
 18 man, in consultation with the ranking member,
 19 of the Committee on Commerce, Science, and
 20 Transportation of the Senate;

21 “(B) 3 members of the House of Rep-
 22 resentatives appointed by the chairman, in con-
 23 sultation with the ranking member, of the Com-
 24 mittee on Armed Services of the House of Rep-
 25 resentatives;

1 “(C) 1 Senator appointed by the Vice
2 President, who shall be a member of the Com-
3 mittee on Appropriations of the Senate;

4 “(D) 2 members of the House of Rep-
5 resentatives appointed by the Speaker of the
6 House of Representatives, in consultation with
7 the Minority Leader, at least 1 of whom shall
8 be a member of the Committee on Appropria-
9 tions of the House of Representatives;

10 “(E) the Commander of the United States
11 Transportation Command;

12 “(F) the Commander of the Military Sea-
13 lift Command;

14 “(G) the Assistant Commandant for Pre-
15 vention Policy of the United States Coast
16 Guard;

17 “(H) 4 individuals appointed by the Presi-
18 dent; and

19 “(I) as ex officio members—

20 “(i) the chairman of the Committee
21 on Commerce, Science, and Transportation
22 of the Senate;

23 “(ii) the chairman of the Committee
24 on Armed Services of the House of Rep-
25 resentatives;

1 “(iii) the chairman of the Advisory
2 Board to the Academy established under
3 section 51313; and

4 “(iv) the member of the House of
5 Representatives in whose congressional dis-
6 trict the Academy is located, as a non-vot-
7 ing member, unless such member of the
8 House of Representatives is appointed as a
9 voting member of the Board under sub-
10 paragraph (B) or (D).

11 “(2) PRESIDENTIAL APPOINTEES.—Of the indi-
12 viduals appointed by the President under paragraph
13 (1)(H)—

14 “(A) at least 2 shall be graduates of the
15 Academy;

16 “(B) at least 1 shall be a senior corporate
17 officer from a United States maritime shipping
18 company that participates in the Maritime Se-
19 curity Program, or in any Maritime Adminis-
20 tration program providing incentives for compa-
21 nies to register their vessels in the United
22 States, and this appointment shall rotate bien-
23 nially among such companies; and

24 “(C) 1 or more may be a Senate-confirmed
25 Presidential appointee, a member of the Senior

1 Executive Service, or an officer of flag-rank
2 who from the United States Coast Guard, the
3 National Oceanic and Atmospheric Administra-
4 tion, or any of the military services that com-
5 mission graduates of the Academy, exclusive of
6 the Board members described in subparagraph
7 (E), (F), or (G) of paragraph (1).

8 “(3) TERM OF SERVICE.—Each member of the
9 Board shall serve for a term of 2 years commencing
10 at the beginning of each Congress, except that any
11 member whose term on the Board has expired shall
12 continue to serve until a successor is designated.

13 “(4) VACANCIES.—If a member of the Board is
14 no longer able to serve on the Board or resigns, the
15 Designated Federal Officer selected under subsection
16 (g)(2) shall immediately notify the official who ap-
17 pointed such member. Not later than 60 days after
18 that notification, such official shall designate a re-
19 placement to serve the remainder of such member’s
20 term.

21 “(5) CURRENT MEMBERS.—Each member of
22 the Board serving as a member of the Board on the
23 date of the enactment of the U.S. Merchant Marine
24 Academy Board of Visitors Enhancement Act shall

1 continue to serve on the Board for the remainder of
 2 such member's term.

3 “(6) DESIGNATION AND RESPONSIBILITY OF
 4 SUBSTITUTE BOARD MEMBERS.—

5 “(A) AUTHORITY TO DESIGNATE.—A
 6 member of the Board described in subpara-
 7 graph (E), (F), or (G) of paragraph (1) or sub-
 8 paragraph (B) or (C) of paragraph (2) may, if
 9 unable to attend or participate in an activity
 10 described in subsection (d), (e), or (f), des-
 11 ignate another individual to serve as a sub-
 12 stitute member of the Board, on a temporary
 13 basis, to attend or participate in such activity.

14 “(B) REQUIREMENTS.—A substitute mem-
 15 ber of the Board designated under subpara-
 16 graph (A) shall be—

17 “(i) an individual who has been ap-
 18 pointed by the President and confirmed by
 19 the Senate;

20 “(ii) a member of the Senior Execu-
 21 tive Service; or

22 “(iii) an officer of flag-rank who is
 23 employed by—

24 “(I) the United States Coast
 25 Guard;

1 “(II) the United States Trans-
2 portation Command; or

3 “(III) the Military Sealift Com-
4 mand.

5 “(C) PARTICIPATION.—A substitute mem-
6 ber of the Board designated under subpara-
7 graph (A)—

8 “(i) shall be permitted to fully partici-
9 pate in the proceedings and activities of
10 the Board;

11 “(ii) shall report back to the member
12 on the Board’s activities not later than 15
13 days following the substitute member’s
14 participation in such activities; and

15 “(iii) shall be permitted to participate
16 in the preparation of reports described in
17 paragraph (j) related to any proceedings or
18 activities of the Board in which such sub-
19 stitute member participates.

20 “(c) CHAIRPERSON.—

21 “(1) IN GENERAL.—On a biennial basis, the
22 Board shall select from among its members, a mem-
23 ber of the House of Representatives or a Senator to
24 serve as the Chairperson.

1 “(2) ROTATION.—A member of the House of
 2 Representatives and a member of the Senate shall
 3 alternately serve as the Chair of the Board on a bi-
 4 ennial basis.

5 “(3) TERM.—An individual may not serve as
 6 Chairperson for more than 1 consecutive term.

7 “(d) MEETINGS.—

8 “(1) IN GENERAL.—The Board shall meet sev-
 9 eral times each year as provided for in the Charter
 10 described in paragraph (2)(B), including at least 1
 11 meeting held at the Academy.

12 “(2) SELECTION AND CONSIDERATION.—Not
 13 later than 60 days after the date of the enactment
 14 of the U.S. Merchant Marine Academy Board of
 15 Visitors Enhancement Act, the Designated Federal
 16 Officer selected under subsection (g)(2) shall orga-
 17 nize a meeting of the Board for the purposes of—

18 “(A) selecting a Chairperson; and

19 “(B) considering an official Charter for the
 20 Board, which shall provide for the meeting of
 21 the Board several times each year.

22 “(e) VISITING THE ACADEMY.—

23 “(1) ANNUAL VISIT.—The Board shall visit the
 24 Academy annually on a date selected by the Board,

1 in consultation with the Secretary of Transportation
2 and the Superintendent of the Academy.

3 “(2) OTHER VISITS.—In cooperation with the
4 Superintendent, the Board or its members may
5 make other visits to the Academy in connection with
6 the duties of the Board.

7 “(3) ACCESS.—While visiting the Academy
8 under this subsection, members of the Board shall
9 have reasonable access to the grounds, facilities,
10 midshipmen, faculty, staff, and other personnel of
11 the Academy for the purpose of carrying out the du-
12 ties of the Board.

13 “(f) RESPONSIBILITY.—The Board shall inquire into
14 the state of morale and discipline, the curriculum, instruc-
15 tion, physical equipment, fiscal affairs, academic methods,
16 and other matters relating to the Academy that the Board
17 decides to consider.

18 “(g) DEPARTMENT OF TRANSPORTATION SUP-
19 PORT.—The Secretary of Transportation shall—

20 “(1) provide support as deemed necessary by
21 the Board for the performance of the Board’s func-
22 tions;

23 “(2) not later than 30 days after the date of
24 the enactment of the U.S. Merchant Marine Acad-
25 emy Board of Visitors Enhancement Act, select a

1 Designated Federal Officer to support the perform-
2 ance of the Board's functions; and

3 “(3) in cooperation with the Maritime Adminis-
4 trator and the Superintendent of the Academy, ad-
5 vise the Board of any institutional issues, consistent
6 with applicable laws concerning the disclosure of in-
7 formation.

8 “(h) STAFF.—Staff members may be designated to
9 serve without reimbursement as staff for the Board by—

10 “(1) the Chairperson of the Board;

11 “(2) the chairman of the Committee on Com-
12 merce, Science, and Transportation of the Senate;
13 and

14 “(3) the chairman of the Committee on Armed
15 Services of the House of Representatives.

16 “(i) TRAVEL EXPENSES.—While serving away from
17 home or regular place of business, a member of the Board
18 or a staff member designated under subsection (h) shall
19 be allowed travel expenses, including per diem in lieu of
20 subsistence, as authorized under section 5703 of title 5,
21 United States Code.

22 “(j) REPORTS.—

23 “(1) ANNUAL REPORT.—Not later than 60 days
24 after each annual visit required under subsection
25 (e)(1), the Board shall submit to the President a

1 written report of its actions, views, and rec-
2 ommendations pertaining to the Academy.

3 “(2) OTHER REPORTS.—If the members of the
4 Board visit the Academy under subsection (e)(2),
5 the Board may—

6 “(A) prepare a report on such visit; and

7 “(B) if approved by a majority of the
8 members of the Board, submit such report to
9 the President not later than 60 days after the
10 date of the approval.

11 “(3) ADVISORS.—The Board may call in advis-
12 ers—

13 “(A) for consultation regarding the execu-
14 tion of the Board’s responsibility under sub-
15 section (f); or

16 “(B) to assist in the preparation of a re-
17 port described in paragraph (1) or (2).

18 “(4) SUBMISSION.—A report submitted to the
19 President under paragraph (1) or (2) shall be con-
20 currently submitted to—

21 “(A) the Secretary of Transportation;

22 “(B) the Committee on Commerce,
23 Science, and Transportation of the Senate; and

24 “(C) the Committee on Armed Services of
25 the House of Representatives.”.

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