

Calendar No. 375

113TH CONGRESS }
2d Session }

SENATE

{ REPORT
113-158 }

U.S. MERCHANT MARINE ACADEMY BOARD
OF VISITORS ENHANCEMENT ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 2076



MAY 14, 2014.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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MAY 14, 2014.—Ordered to be printed

Mr. ROCKEFELLER, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 2076]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2076) 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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 2076 would make changes to the current United States Merchant Marine Academy Board of Visitors (the Board) to improve the Board's advisory role and better align it with the Boards of Visitors at other Federal military service academies.

BACKGROUND AND NEEDS

The United States Merchant Marine Academy (the Academy) is one of five Federal military service academies in the United States. The Academy, which is overseen by the Maritime Administration within the Department of Transportation, educates and graduates licensed Merchant Marine officers who serve America's marine transportation and defense needs in times of peace and war. Current law authorizes the Board, which is advisory and made up of members of the Senate and House of Representatives; however, improvements to the current law could enhance the scope, structure, and process for the Board and better align it with the Boards of Visitors of the other military service academies.

The other military service academy Boards of Visitors are composed of Congressional as well as non-Congressional members who are authorized to visit their respective academies each year, and provide independent advice to the school. In addition, other military service academy Boards of Visitors utilize a Federal point of contact to serve as a liaison between the military service academy, Congress, and the applicable Federal department or agency. This bill would provide a similar level of commitment to the Academy.

SUMMARY OF PROVISIONS

S. 2076 would expand the Academy's Board to include ex-officio members from the military and presidentially-appointed members from outside Congress. The legislation would ensure that two Academy alumni be on the Board and include as part of the Board critical Academy stakeholders that partner with the Maritime Administration through the Maritime Security Program. The legislation would prevent lengthy Board vacancies by allowing members to continue serving until reappointments or new appointments are made. Finally, the legislation would provide Department of Transportation support through the Maritime Administration.

LEGISLATIVE HISTORY

Senator Boozman, along with Senators Warner and Wicker, introduced S. 2076 on March 4, 2014. On April 9, 2014, the Committee met in Executive Session during which S. 2076 was considered. The bill was reported favorably by voice vote.

A companion bill, the U.S. Merchant Marine Academy Board of Visitors Enhancement Act, H.R. 4144, was introduced by Representative Michael Grimm and five cosponsors in the House of Representatives on March 4, 2014.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 2076—U.S. Merchant Marine Academy Board of Visitors Enhancement Act

S. 2076 would amend the law governing the Board of Visitors for the United States Merchant Marine Academy (USMMA), which is overseen by the Maritime Administration (MARAD) of the United States Department of Transportation. The bill would change the structure of the board to be similar to those at the other four service academies. CBO estimates that implementing the bill would have no significant effect on the federal budget. Enacting S. 2076 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 2076 would increase the number of people on the Board of Visitors for the USMMA by nine, reform the way that vacancies are filled, and outline the responsibilities of the board. Members of the Board receive reimbursement for their travel, meals and lodging expenses when serving away from their home or regular place of business. CBO estimates that the costs of those reimbursements

would be small. The bill also would direct MARAD to support the Board of Visitors including the assignment of a Designated Federal Officer. Based on information from the agency, CBO estimates that the costs of this provision also would be small.

S. 2076 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

The bill would expand the Academy's Board, allow members to continue serving until reappointments or new appointments are made, and provide support through the Maritime Administration. It does not authorize any new regulations and therefore will not subject any individuals or businesses to new regulations.

ECONOMIC IMPACT

S. 2076 is expected to have a positive impact on the U.S. economy. The maritime industry is a key component of the Nation's economy. Provisions in this legislation, although directed predominately at the Board, could improve the competitiveness of U.S. maritime interests given stakeholder involvement with the Board.

PRIVACY

The reported bill is not expected to have any impact on the privacy rights of individuals.

PAPERWORK

It is not anticipated that there would be a major increase in paperwork burdens resulting from the enactment of S. 2076.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section would provide that the Act be cited as the "U.S. Merchant Marine Academy Board of Visitors Enhancement Act".

Section 2. United States Merchant Marine Academy Board of Visitors

Section 51312 of title 46, United States Code, sets forth the provisions regulating the Board. Section 2 of the bill would amend those provisions. The Board would be composed of the following: two Senators appointed by the chairman of the Committee on Commerce, Science, and Transportation; three members of the House of Representatives appointed by the chairman of the Committee on Armed Services of the House of Representatives; one Senator from the Committee on Appropriations; two members of the House of Representatives, at least one of whom would be a member of the Committee on Appropriations of the House of Representatives; the Commander of the United States Transportation Command; the Commander of the Military Sealift Command; the Assistant Commandant for Prevention Policy of the United States Coast Guard; four qualified individuals appointed by the President; and four qualified ex-officio members. Each member would serve for a term of two years, except any member whose term has expired would continue to serve until a successor is designated. The Board would meet several times a year, including at least one meeting held at the Academy. Among other responsibilities, the Board would inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic matters, and other matters related to the Academy. The Board would also be required to submit an annual report of its actions, views, and recommendations for the Academy.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in *italic*, existing law in which no change is proposed is shown in roman):

TITLE 46. SHIPPING

SUBTITLE V. MERCHANT MARINE

PART B. MERCHANT MARINE SERVICE

CHAPTER 513. UNITED STATES MERCHANT MARINE ACADEMY

[§ 51312. Board of Visitors

[(a) IN GENERAL.]—A Board of Visitors to the United States Merchant Marine Academy shall be established, for a term of 2 years commencing at the beginning of each Congress, to visit the Academy annually on a date determined by the Secretary of Transportation and to make recommendations on the operation of the Academy.

[(b) APPOINTMENT.]—

[(1) IN GENERAL.]—The Board shall be composed of—

[(A)] 2 Senators appointed by the chairman of the Committee on Commerce, Science, and Transportation of the Senate;

[(B) 3 Members of the House of Representatives appointed by the chairman of the Committee on Armed Services of the House of Representatives;

[(C) 1 Senator appointed by the Vice President;

[(D) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

[(E) the chairmen of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services of the House of Representatives, as ex officio members.

[(2) SUBSTITUTE APPOINTMENT.—If an appointed member of the Board is unable to visit the Academy as provided in subsection (a), another individual may be appointed as a substitute in the manner provided in paragraph (1).

[(c) STAFF.—The chairmen of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services of the House of Representatives may designate staff members of their committees to serve without reimbursement as staff for the Board.

[(d) TRAVEL EXPENSES.—When serving away from home or regular place of business, a member of the Board or a staff member designated under subsection (c) shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.]

§51312. Board of Visitors

(a) *IN GENERAL.*—A Board of Visitors to the United States Merchant Marine Academy (referred to in this section as the “Board” and the “Academy”, respectively) shall be established to provide independent advice and recommendations on matters relating to the United States Merchant Marine Academy.

(b) *APPOINTMENT AND MEMBERSHIP.*—

(1) *IN GENERAL.*—Not later than 60 days after the date of the enactment of the U.S. Merchant Marine Academy Board of Visitors Enhancement Act, the Board shall be composed of—

(A) 2 Senators appointed by the chairman, in consultation with the ranking member, of the Committee on Commerce, Science, and Transportation of the Senate;

(B) 3 members of the House of Representatives appointed by the chairman, in consultation with the ranking member, of the Committee on Armed Services of the House of Representatives;

(C) 1 Senator appointed by the Vice President, who shall be a member of the Committee on Appropriations of the Senate;

(D) 2 members of the House of Representatives appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader, at least 1 of whom shall be a member of the Committee on Appropriations of the House of Representatives;

(E) the Commander of the United States Transportation Command;

(F) the Commander of the Military Sealift Command;

- (G) *the Assistant Commandant for Prevention Policy of the United States Coast Guard;*
 - (H) *4 individuals appointed by the President; and*
 - (I) *as ex officio members—*
 - (i) *the chairman of the Committee on Commerce, Science, and Transportation of the Senate;*
 - (ii) *the chairman of the Committee on Armed Services of the House of Representatives;*
 - (iii) *the chairman of the Advisory Board to the Academy established under section 51313; and*
 - (iv) *the member of the House of Representatives in whose congressional district the Academy is located, as a non-voting member, unless such member of the House of Representatives is appointed as a voting member of the Board under subparagraph (B) or (D).*
- (2) *PRESIDENTIAL APPOINTEES.—Of the individuals appointed by the President under paragraph (1)(H)—*
- (A) *at least 2 shall be graduates of the Academy;*
 - (B) *at least 1 shall be a senior corporate officer from a United States maritime shipping company that participates in the Maritime Security Program, or in any Maritime Administration program providing incentives for companies to register their vessels in the United States, and this appointment shall rotate biennially among such companies; and*
 - (C) *1 or more may be a Senate-confirmed Presidential appointee, a member of the Senior Executive Service, or an officer of flag-rank who from the United States Coast Guard, the National Oceanic and Atmospheric Administration, or any of the military services that commission graduates of the Academy, exclusive of the Board members described in subparagraph (E), (F), or (G) of paragraph (1).*
- (3) *TERM OF SERVICE.—Each member of the Board shall serve for a term of 2 years commencing at the beginning of each Congress, except that any member whose term on the Board has expired shall continue to serve until a successor is designated.*
- (4) *VACANCIES.—If a member of the Board is no longer able to serve on the Board or resigns, the Designated Federal Officer selected under subsection (g)(2) shall immediately notify the official who appointed such member. Not later than 60 days after that notification, such official shall designate a replacement to serve the remainder of such member's term.*
- (5) *CURRENT MEMBERS.—Each member of the Board serving as a member of the Board on the date of the enactment of the U.S. Merchant Marine Academy Board of Visitors Enhancement Act shall continue to serve on the Board for the remainder of such member's term.*
- (6) *DESIGNATION AND RESPONSIBILITY OF SUBSTITUTE BOARD MEMBERS.—*
- (A) *AUTHORITY TO DESIGNATE.—A member of the Board described in subparagraph (E), (F), or (G) of paragraph (1) or subparagraph (B) or (C) of paragraph (2) may, if unable to attend or participate in an activity described in subsection (d), (e), or (f), designate another individual to serve as a substitute member of the Board, on a temporary basis, to attend or participate in such activity.*

(B) *REQUIREMENTS.*—A substitute member of the Board designated under subparagraph (A) shall be—

(i) an individual who has been appointed by the President and confirmed by the Senate;

(ii) a member of the Senior Executive Service; or

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

(I) the United States Coast Guard;

(II) the United States Transportation Command;

or

(III) the Military Sealift Command.

(C) *PARTICIPATION.*—A substitute member of the Board designated under subparagraph (A)—

(i) shall be permitted to fully participate in the proceedings and activities of the Board;

(ii) shall report back to the member on the Board's activities not later than 15 days following the substitute member's participation in such activities; and

(iii) shall be permitted to participate in the preparation of reports described in paragraph (j) related to any proceedings or activities of the Board in which such substitute member participates.

(c) *CHAIRPERSON.*—

(1) *IN GENERAL.*—On a biennial basis, the Board shall select from among its members, a member of the House of Representatives or a Senator to serve as the Chairperson.

(2) *ROTATION.*—A member of the House of Representatives and a member of the Senate shall alternately serve as the Chair of the Board on a biennial basis.

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

(d) *MEETINGS.*—

(1) *IN GENERAL.*—The Board shall meet several times each year as provided for in the Charter described in paragraph (2)(B), including at least 1 meeting held at the Academy.

(2) *SELECTION AND CONSIDERATION.*—Not later than 60 days after the date of the enactment of the U.S. Merchant Marine Academy Board of Visitors Enhancement Act, the Designated Federal Officer selected under subsection (g)(2) shall organize a meeting of the Board for the purposes of—

(A) selecting a Chairperson; and

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

(e) *VISITING THE ACADEMY.*—

(1) *ANNUAL VISIT.*—The Board shall visit the Academy annually on a date selected by the Board, in consultation with the Secretary of Transportation and the Superintendent of the Academy.

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

(3) *ACCESS.*—While visiting the Academy under this subsection, members of the Board shall have reasonable access to the grounds, facilities, midshipmen, faculty, staff, and other

personnel of the Academy for the purpose of carrying out the duties of the Board.

(f) *RESPONSIBILITY.*—*The Board shall inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.*

(g) *DEPARTMENT OF TRANSPORTATION SUPPORT.*—*The Secretary of Transportation shall—*

(1) provide support as deemed necessary by the Board for the performance of the Board's functions;

(2) not later than 30 days after the date of the enactment of the U.S. Merchant Marine Academy Board of Visitors Enhancement Act, select a Designated Federal Officer to support the performance of the Board's functions; and

(3) in cooperation with the Maritime Administrator and the Superintendent of the Academy, advise the Board of any institutional issues, consistent with applicable laws concerning the disclosure of information.

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

(1) the Chairperson of the Board;

(2) the chairman of the Committee on Commerce, Science, and Transportation of the Senate; and

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

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

(j) *REPORTS.*—

(1) ANNUAL REPORT.—*Not later than 60 days after each annual visit required under subsection (e)(1), the Board shall submit to the President a written report of its actions, views, and recommendations pertaining to the Academy.*

(2) OTHER REPORTS.—*If the members of the Board visit the Academy under subsection (e)(2), the Board may—*

(A) prepare a report on such visit; and

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

(3) ADVISORS.—*The Board may call in advisers—*

(A) for consultation regarding the execution of the Board's responsibility under subsection (f); or

(B) to assist in the preparation of a report described in paragraph (1) or (2).

(4) SUBMISSION.—*A report submitted to the President under paragraph (1) or (2) shall be concurrently submitted to—*

(A) the Secretary of Transportation;

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

(C) the Committee on Armed Services of the House of Representatives.

