

Calendar No. 712

111TH CONGRESS
2D SESSION**S. 3566**

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

IN THE SENATE OF THE UNITED STATES

JULY 12, 2010

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

DECEMBER 17, 2010

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the matter printed in italic]

A BILL

To authorize certain maritime programs of the Department
of Transportation, 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,*

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

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Maritime Administration Authorization Act for Fiscal
 5 Year 2011”.

6 (b) **AMENDMENT OF TITLE 46, UNITED STATES**
 7 **CODE.**—Except as otherwise expressly provided, whenever
 8 in this Act an amendment or repeal is expressed in terms
 9 of an amendment to, or a repeal of, a section or other
 10 provision, the reference shall be considered to be made to
 11 a section or other provision of title 46, United States
 12 Code.

13 (c) **TABLE OF CONTENTS.**—The table of contents for
 14 this Act is as follows:

Sec. 1: Short title; amendment of title 46, United States Code; table of con-
 tents.

Sec. 2: Authorization of appropriations for fiscal year 2011.

Sec. 3: Research authority.

Sec. 4: Marine transportation system.

Sec. 5: Amendments to the Short Sea transportation initiative.

Sec. 6: Recycling of National Defense Reserve Fleet Vessels.

Sec. 7: Green ships program.

Sec. 8: Technical correction.

15 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL**
 16 **YEAR 2011.**

17 There are authorized to be appropriated to the Sec-
 18 retary of Transportation for programs of the Maritime
 19 Administration the following amounts:

20 (1) **OPERATIONS AND TRAINING.**—For expenses
 21 necessary for operations and training activities, not

to exceed \$158,665,000 for the fiscal year ending
September 30, 2011, of which—

(A) \$30,900,000 is for capital improvements at the U.S. Merchant Marine Academy, to remain available until expended; and

(B) \$11,007,000 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 \$4,000,000, which shall be paid to the appropriation for “Operations and Training”, Maritime Administration.

(3) ~~SHIP DISPOSAL.~~—For disposal of non-retention vessels in the National Defense Reserve Fleet, \$10,000,000, to remain available until expended.

(4) ~~MARITIME SECURITY PROGRAM.~~—For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$174,000,000, to remain available until expended.

SEC. 3. RESEARCH AUTHORITY.

Section 51301 is amended—

(1) by inserting “as an institution of higher education” after “Academy”; and

(2) by striking “States.” and inserting “States, to conduct research with respect to maritime-related matters, and to provide such other appropriate academic support, assistance, training, and activities in accordance with the provisions of this chapter as the Secretary may authorize.”.

SEC. 4. 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 Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Armed Services and on Transportation and Infrastructure on the status of the Nation’s coastal and inland waterways that—

“(A) describes the state of the United States’ marine transportation infrastructure, in-

cluding intercoastal and inland waterway infrastructure;

“(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) INTERCOASTAL AND INLAND WATER TRANSPORTATION.—The Secretary may investigate, make determinations concerning, and develop a repository of statistical information relating to intercoastal water transportation, including its relationship to transportation by land and air to facilitate research, assessment, and maintenance of the maritime transportation system.

“(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 (1) ASSESSMENT AND REPORT.—Within 6
2 months after the date of enactment of this Act, the
3 Maritime Administration shall assess the potential
4 for using container-on-barge transportation on the
5 inland waterways system and submit a report, to-
6 gether with the Administration’s findings, conclu-
7 sions, and recommendations, to the Senate Com-
8 mittee on Commerce, Science, and Transportation
9 and the House of Representatives Committees on
10 Armed Services and on Transportation and Infra-
11 structure. If the Administration determines that it
12 would be in the public interest, the report may in-
13 clude recommendations for a plan to increase aware-
14 ness of the potential for use of such container-on-
15 barge transportation and recommendations for the
16 development and implementation of such a plan.

17 (2) FACTORS CONSIDERED.—In conducting the
18 assessment, the Administration shall consider—

19 (A) the environmental benefits of increas-
20 ing container-on-barge movements on our in-
21 land waterways system;

22 (B) regional differences in the inland wa-
23 terways system;

1 (C) existing programs established at coast-
 2 al and Great Lakes ports for establishing
 3 awareness of deep sea shipping operations;

4 (D) mechanisms to ensure that implemen-
 5 tation of the plan would not be inconsistent
 6 with the antitrust laws; and

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

9 **SEC. 5. AMENDMENTS TO THE SHORT SEA TRANSPOR-**
 10 **TATION INITIATIVE.**

11 (a) PROGRAM PURPOSE.—Section 55601(a) is
 12 amended by striking “program to mitigate landside con-
 13 gestion.” and inserting “program.”.

14 (b) DESIGNATION OF ROUTES.—Section 55601(e) is
 15 amended by striking “to use the waterways to relieve
 16 landside congestion along coastal corridors.” and inserting
 17 “to make more efficient use of the Nation’s waterways.”.

18 (c) PROJECT DESIGNATION.—Section 55601(d) is
 19 amended to read as follows:

20 “(d) PROJECT DESIGNATION.—The Secretary may
 21 designate a project as a short sea transportation project
 22 if the Secretary determines that the project will provide
 23 transportation services for passengers or freight (or both)
 24 that may reduce congestion on landside infrastructure or

1 lead to other public benefits, as determined by the Sec-
 2 retary, using documented vessels.”.

3 (d) DOCUMENTATION.—Section 55605 is amended—

4 (1) by striking “by vessel” and inserting “by
 5 documented vessel”; and

6 (2) by inserting “or its territories” after
 7 “United States” each place it appears.

8 **SEC. 6. RECYCLING OF NATIONAL DEFENSE RESERVE**
 9 **FLEET VESSELS.**

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

12 “(15) the Maritime Administration with respect
 13 to the acquisition, procurement, operation, mainte-
 14 nance, preservation, sale, lease, charter, construc-
 15 tion, reconstruction, reconditioning (including outfit-
 16 ting and equipping incidental to construction, recon-
 17 struction, or reconditioning) or disposal for recycling
 18 (including related contracts for towing, dry-docking,
 19 sale or purchase of services for recycling, and vessel
 20 management), of a merchant vessel or shipyard, ship
 21 site, terminal, pier, dock, warehouse, or other instal-
 22 lation necessary or appropriate for carrying out a
 23 program of the Administration authorized by law or
 24 non-administrative activities incidental to a program
 25 of the Administration authorized by law, but the Ad-

1 ministration shall, to the maximum extent it con-
 2 siders practicable, consistent with the purposes of its
 3 programs and the effective, efficient conduct of its
 4 activities, coordinate its operations with the require-
 5 ments of this subtitle and with policies and regula-
 6 tions prescribed under this subtitle;”.

7 **SEC. 7. GREEN SHIPS PROGRAM.**

8 (a) **IN GENERAL.**—The Maritime Administrator may
 9 establish a green ships program to engage in environ-
 10 mental study and assessment through the use of public
 11 vessels under the control of the Maritime Administration,
 12 private vessels under United States registry made avail-
 13 able by agreement, and through partnerships and coopera-
 14 tive efforts with academic, public, and non-governmental
 15 entities to identify, evaluate, demonstrate, or improve
 16 technologies likely to achieve environmental improvements
 17 through reduction of air or water emissions, improvement
 18 of fuel economy, or control of aquatic invasive species.

19 (b) **PUBLIC ACCESS; REPORTS.**—The Maritime Ad-
 20 ministrator shall—

21 (1) make available to the public the results of
 22 activities undertaken by the program as frequently
 23 and as widely disseminated as feasible, but in no
 24 case less than once each year; and

1 (2) with the concurrence of the Secretary of
 2 Transportation or his designee, submit an annual re-
 3 port to the Senate Committee on Commerce,
 4 Science, and Transportation and the House of Rep-
 5 resentatives Committee on Transportation and In-
 6 frastructure on the activities, expenditures, and re-
 7 sults of the program during the preceding year.

8 (c) FUNDING.—The Maritime Administrator may
 9 apply such funds as may be appropriated, and such funds
 10 or resources as become available by gift, cooperative agree-
 11 ment, or otherwise, to carry out the program.

12 **SEC. 8. TECHNICAL CORRECTION.**

13 Chapter 571 is amended—

14 (1) by striking the section heading of section
 15 57103 and inserting the following:

16 “§ 57103. **Donation of non-retention vessel in the Na-**
 17 **tional Defense Reserve Fleet**”;

18 and

19 (2) by striking the item relating to section
 20 57103 in the table of contents for chapter 571 and
 21 inserting the following:

“57103. Donation of non-retention vessel in the National Defense Reserve
 Fleet”.

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

3 (a) *SHORT TITLE.*—*This Act may be cited as the*
 4 *“Maritime Administration Authorization Act for Fiscal*
 5 *Year 2011”.*

6 (b) *AMENDMENT OF TITLE 46, UNITED STATES*
 7 *CODE.*—*Except as otherwise expressly provided, whenever*
 8 *in this Act an amendment or repeal is expressed in terms*
 9 *of an amendment to, or a repeal of, a section or other provi-*
 10 *sion, the reference shall be considered to be made to a section*
 11 *or other provision of title 46, United States Code.*

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 13 *this Act is as follows:*

Sec. 1. Short title; amendment of title 46, United States Code; table of contents.
Sec. 2. Authorization of appropriations for fiscal year 2011.
Sec. 3. Research authority.
Sec. 4. Marine transportation system.
Sec. 5. Amendments to the Short Sea transportation initiative.
Sec. 6. Recycling of National Defense Reserve Fleet Vessels.
Sec. 7. Green ships program.
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 20 *necessary for operations and training activities, not*
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 2 at the U.S. Merchant Marine Academy, to re-
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 6 Schools, to remain available until expended.

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 10 Code, not to exceed \$4,000,000, which shall be paid to
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 15 \$10,000,000, to remain available until expended.

16 (4) *MARITIME SECURITY PROGRAM.*—For nec-
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 18 merchant fleet to serve the national security needs of
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21 **SEC. 3. RESEARCH AUTHORITY.**

22 Section 51301 is amended—

23 (1) by inserting —“as an institution of higher
 24 education” after “Academy”; and

1 (2) *by striking “States.” and inserting “States,*
 2 *to conduct research with respect to maritime-related*
 3 *matters, and to provide such other appropriate aca-*
 4 *demie support, assistance, training, and activities in*
 5 *accordance with the provisions of this chapter as the*
 6 *Secretary may authorize.”.*

7 **SEC. 4. MARINE TRANSPORTATION SYSTEM.**

8 (a) *REPORT ON STATUS OF SYSTEM.*—Section
 9 50109(d) *is amended to read as follows:*

10 “(d) *MARINE TRANSPORTATION SYSTEM.*—

11 “(1) *REPORT ON WATERWAYS.*—*Not later than*
 12 *July 31, 2012, the Secretary, in consultation with the*
 13 *Secretary of Defense and the commanding officer of*
 14 *the Army Corps of Engineers, and with the concu-*
 15 *rence of the Secretary of the department in which the*
 16 *Coast Guard is operating, shall submit a report to the*
 17 *Senate Committee on Commerce, Science, and Trans-*
 18 *portation and the House of Representatives Commit-*
 19 *tees on Armed Services and on Transportation and*
 20 *Infrastructure on the status of the Nation’s coastal*
 21 *and inland waterways that—*

22 “(A) *describes the state of the United States’*
 23 *marine transportation infrastructure, including*
 24 *intercoastal and inland waterway infrastructure;*

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

3 “(i) to maintain the infrastructure;
4 and

5 “(ii) to improve the infrastructure;
6 and

7 “(C) describes the overall environmental
8 management of the maritime transportation sys-
9 tem and the integration of environmental stew-
10 ardship into the overall system.

11 “(2) INTERCOASTAL AND INLAND WATER TRANS-
12 PORTATION.—The Secretary may investigate, make
13 determinations concerning, and develop a repository
14 of statistical information relating to intercoastal
15 water transportation, including its relationship to
16 transportation by land and air to facilitate research,
17 assessment, and maintenance of the maritime trans-
18 portation system.

19 “(3) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to the Sec-
21 retary such sums as may be necessary to carry out
22 this subsection.”.

23 (b) CONTAINER-ON-BARGE TRANSPORTATION.—

24 (1) ASSESSMENT AND REPORT.—Within 6
25 months after the date of enactment of this Act, the

1 *Maritime Administration shall assess the potential for*
2 *using container-on-barge transportation on the inland*
3 *waterways system and submit a report, together with*
4 *the Administration's findings, conclusions, and rec-*
5 *ommendations, to the Senate Committee on Com-*
6 *merce, Science, and Transportation and the House of*
7 *Representatives Committees on Armed Services and*
8 *on Transportation and Infrastructure. If the Admin-*
9 *istration determines that it would be in the public in-*
10 *terest, the report may include recommendations for a*
11 *plan to increase awareness of the potential for use of*
12 *such container-on-barge transportation and rec-*
13 *ommendations for the development and implementa-*
14 *tion of such a plan.*

15 (2) *FACTORS CONSIDERED.—In conducting the*
16 *assessment, the Administration shall consider—*

17 (A) *the environmental benefits of increasing*
18 *container-on-barge movements on our inland wa-*
19 *terways system;*

20 (B) *regional differences in the inland water-*
21 *ways system;*

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

1 (D) mechanisms to ensure that implementa-
 2 tion of the plan would not be inconsistent with
 3 the antitrust laws; and

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

6 **SEC. 5. AMENDMENTS TO THE SHORT SEA TRANSPOR-**
 7 **TATION INITIATIVE.**

8 (a) *PROGRAM PURPOSE.*—Section 55601(a) is amend-
 9 ed by striking “program to mitigate landside congestion.”
 10 and inserting “program.”.

11 (b) *DESIGNATION OF ROUTES.*—Section 55601(c) is
 12 amended by striking “to use the waterways to relieve
 13 landside congestion along coastal corridors.” and inserting
 14 “to make more efficient use of the Nation’s waterways.”.

15 (c) *PROJECT DESIGNATION.*—Section 55601(d) is
 16 amended to read as follows:

17 “(d) *PROJECT DESIGNATION.*—The Secretary may
 18 designate a project as a short sea transportation project if
 19 the Secretary determines that the project will provide trans-
 20 portation services for passengers or freight (or both) that
 21 may reduce congestion on landside infrastructure or lead
 22 to other public benefits, as determined by the Secretary,
 23 using documented vessels.”.

24 (d) *DOCUMENTATION.*—Section 55605 is amended—

1 (1) *by striking “by vessel” and inserting “by*
 2 *documented vessel”; and*

3 (2) *by inserting “or its territories” after “United*
 4 *States” each place it appears.*

5 **SEC. 6. RECYCLING OF NATIONAL DEFENSE RESERVE**
 6 **FLEET VESSELS.**

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

9 “(15) *the Maritime Administration with respect*
 10 *to the acquisition, procurement, operation, mainte-*
 11 *nance, preservation, sale, lease, charter, construction,*
 12 *reconstruction, reconditioning (including outfitting*
 13 *and equipping incidental to construction, reconstruc-*
 14 *tion, or reconditioning) or disposal for recycling (in-*
 15 *cluding related contracts for towing, dry-docking, sale*
 16 *or purchase of services for recycling, and vessel man-*
 17 *agement), of a merchant vessel or shipyard, ship site,*
 18 *terminal, pier, dock, warehouse, or other installation*
 19 *necessary or appropriate for carrying out a program*
 20 *of the Administration authorized by law or non-ad-*
 21 *ministrative activities incidental to a program of the*
 22 *Administration authorized by law, but the Adminis-*
 23 *tration shall, to the maximum extent it considers*
 24 *practicable, consistent with the purposes of its pro-*
 25 *grams and the effective, efficient conduct of its activi-*

1 *ties, coordinate its operations with the requirements*
 2 *of this subtitle and with policies and regulations pre-*
 3 *scribed under this subtitle;”.*

4 **SEC. 7. GREEN SHIPS PROGRAM.**

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

7 **“§ 50307. Green ships program**

8 *“(a) IN GENERAL.—The Secretary may establish a*
 9 *green ships program to engage in the environmental study*
 10 *and assessment of emerging marine technologies through the*
 11 *use of public vessels under the control of the Maritime Ad-*
 12 *ministration or private vessels under United States reg-*
 13 *istry. The program shall—*

14 *“(1) identify, evaluate, demonstrate, or improve*
 15 *emerging marine technologies likely to achieve envi-*
 16 *ronmental improvements through reductions of air*
 17 *and water emissions, increased fuel economy, or con-*
 18 *trol of aquatic invasive species; and*

19 *“(2) be coordinated with the Environmental Pro-*
 20 *tection Agency, the United States Coast Guard, or*
 21 *State agencies as appropriate, to develop and approve*
 22 *a validation and testing regime to certify or validate*
 23 *emerging technologies that demonstrate significant en-*
 24 *vironmental benefits.*

1 “(b) *FUNDING.*—In carrying out the program the Sec-
 2 retary may apply such funds as may be appropriated or
 3 such funds or resources as may become available by gift,
 4 cooperative agreement, or otherwise for the purposes of the
 5 program and its administration.

6 “(c) *REPORTS.*—The Secretary shall submit an annual
 7 report to the Senate Committee on Commerce, Science, and
 8 Transportation and the House of Representatives Com-
 9 mittee on Transportation and Infrastructure on the activi-
 10 ties, expenditures, and results of the program during the
 11 preceding fiscal year.”.

12 (b) *CONFORMING AMENDMENT.*—The table of contents
 13 for chapter 503 is amended by adding at the end thereof
 14 the following:

“50307. *Green ships program*”.

15 **SEC. 8. TECHNICAL CORRECTION.**

16 Chapter 571 is amended—

17 (1) by striking the section heading of section
 18 57103 and inserting the following:

19 **“§ 57103. Donation of non-retention vessel in the Na-**
 20 **tional Defense Reserve Fleet”;**

21 and

22 (2) by striking the item relating to section 57103
 23 in the table of contents for chapter 571 and inserting
 24 the following:

“57103. *Donation of non-retention vessel in the National Defense Reserve Fleet*”.

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11TH CONGRESS
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A BILL

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

DECEMBER 17, 2010

Reported with an amendment