

111TH CONGRESS  
1ST SESSION

# S. 1308

To reauthorize the Maritime Administration, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 19, 2009

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

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## A BILL

To reauthorize the Maritime Administration, 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 “Maritime Administra-  
5 tion Authorization Act of 2010”.

6 **SEC. 2. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EX-**  
7 **PENSES, AND CONTRACTING AUTHORITY.**

8 Section 109 of title 49, United States Code, is  
9 amended—

10 (1) by striking the heading for subsection (h)  
11 and inserting the following:

1 “(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND  
2 AUDITS.—”;

3 (2) by striking the heading for paragraph (1) of  
4 subsection (h) and inserting the following:

5 “(1) CONTRACTS AND COOPERATIVE AGREE-  
6 MENTS.—”;

7 (3) by striking “make contracts” in subsection  
8 (h)(1) and inserting “make contracts and coopera-  
9 tive agreements”;

10 (4) by striking “section and” in subsection  
11 (h)(1)(A) and inserting “section,”;

12 (5) by striking “title 46;” in subsection  
13 (h)(1)(A) and insert “title 46, and all other Mari-  
14 time Administration programs;”; and

15 (6) by redesignating subsection (i) as subsection  
16 (j) and inserting after subsection (h) the following:

17 “(i) GRANT ADMINISTRATIVE EXPENSES.—Except as  
18 otherwise provided by law, the administrative and related  
19 expenses for the administration of any grant programs by  
20 the Maritime Administrator may not exceed 3 percent.”.

21 **SEC. 3. USE OF FUNDING FOR DOT MARITIME HERITAGE**  
22 **PROPERTY.**

23 Section 6(a)(1) of the National Maritime Heritage  
24 Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by strik-  
25 ing subparagraph (C) and inserting the following:

1           “(C) The remainder, whether collected be-  
2           fore or after the date of enactment of the Mari-  
3           time Administration Authorization Act of 2010,  
4           shall be available to the Secretary to carry out  
5           the Program, as provided in subsection (b) of  
6           this section or, if otherwise determined by the  
7           Maritime Administrator, for use in the preser-  
8           vation and presentation to the public of mari-  
9           time heritage property of the Maritime Admin-  
10          istration.”.

11 **SEC. 4. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE**  
12 **MERCHANT MARINE ACADEMY.**

13           The Maritime Administration may use appropriated  
14 funds to make a lump-sum payment at a rate of pay that  
15 existed on the date of termination or day before conversion  
16 to the Civil Service for any unused annual leave accrued  
17 by a non-appropriated fund instrumentality employee who  
18 was terminated if determined ineligible for conversion, or  
19 converted to the Civil Service as a United States Merchant  
20 Marine Academy employee during fiscal year 2009.

1 **SEC. 5. PERMANENT AUTHORITY TO HIRE ADJUNCT PRO-**  
2 **FESSORS AT THE MERCHANT MARINE ACAD-**  
3 **EMY.**

4 (a) IN GENERAL.—Chapter 513 of title 46, United  
5 States Code, is amended by adding at the end thereof the  
6 following:

7 **“§ 51317. Adjunct professors**

8 “(a) IN GENERAL.—The Maritime Administrator  
9 may, subject to the availability of appropriations, contract  
10 with individuals as personal services contractors to provide  
11 services as adjunct professors at the United States Mer-  
12 chant Marine Academy, if the Maritime Administrator de-  
13 termines that there is a need for adjunct professors and  
14 the need is not of permanent duration.

15 “(b) CONTRACT REQUIREMENTS.—Each contract  
16 under this section—

17 “(1) shall be approved by the Maritime Admin-  
18 istrator; and

19 “(2) shall be for a duration, including options,  
20 of not to exceed one year unless the Maritime Ad-  
21 ministration finds that exceptional circumstances  
22 justify an extension, which may not exceed one addi-  
23 tional year.

24 “(c) LIMITATION ON NUMBER OF CONTRACTORS.—  
25 In awarding contracts under this section, the Maritime  
26 Administrator shall ensure that not more than 25 individ-

1 uals actively provide services in any one academic tri-  
 2 mester, or equivalent, as contractors under subsection (a).

3 “(d) **EXISTING CONTRACTS.**—Any contract entered  
 4 into before the date of enactment of the Maritime Admin-  
 5 istration Authorization Act of 2010 for the services of an  
 6 adjunct professor at the Academy shall remain in effect  
 7 for the trimester (or trimesters) for which the services  
 8 were contracted.”.

9 (b) **CONFORMING AMENDMENTS.**—

10 (1) The table of contents for chapter 513 of  
 11 title 46, United States Code, is amended by adding  
 12 at the end thereof the following:

“51317. Adjunct professors.”.

13 (2) Section 3506 of the Duncan Hunter Na-  
 14 tional Defense Authorization Act for Fiscal Year  
 15 2009 (46 U.S.C. 53101 note) is repealed.

16 **SEC. 6. USE OF MIDSHIPMAN FEES.**

17 Section 51314 of title 46, United States Code, is  
 18 amended—

19 (1) by striking “1994.” in subsection (b) and  
 20 inserting “1994, or for calculators, computers, per-  
 21 sonal and academic supplies, midshipman services  
 22 such as barber, tailor, or laundry services, and U.S.  
 23 Coast Guard license fees.”; and

24 (2) by adding at the end thereof the following:

25 “(c) **USE AND ACCOUNTING.**—

1           “(1) USE.—Midshipman fees collected by the  
2 Academy shall be credited to the Maritime Adminis-  
3 tration’s Operations and Training appropriations, to  
4 remain available until expended, for those expenses  
5 directly related to the purposes of the fees. Fees col-  
6 lected in excess of actual expenses may be returned  
7 to the midshipmen through a mechanism approved  
8 by the Maritime Administrator.

9           “(2) ACCOUNTING.—The Maritime Administra-  
10 tion shall maintain a separate and detailed account-  
11 ing of fee revenue and all associated expenses.”.

12 **SEC. 7. CONSTRUCTION OF VESSELS IN THE UNITED**  
13 **STATES POLICY.**

14           Section 50101(a)(4) of title 46, United States Code,  
15 is amended by inserting “constructed in the United  
16 States” after “vessels”.

17 **SEC. 8. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.**

18           Section 50302 of title 46, United States Code, is  
19 amended by adding at the end thereof the following:

20           “(c) PORT INFRASTRUCTURE DEVELOPMENT PRO-  
21 GRAM.—

22           “(1) ESTABLISHMENT OF PROGRAM.—The Sec-  
23 retary of Transportation, through the Maritime Ad-  
24 ministration, shall establish a port infrastructure de-

1        velopment program for the improvement of port fa-  
2        cilities.

3            “(2) AUTHORITY OF THE ADMINISTRATOR.—In  
4        order to carry out any program established under  
5        paragraph (1), the Maritime Administrator may—

6            “(A) receive funds provided for the pro-  
7        gram from non-Federal and private entities  
8        that have a specific agreement or contract with  
9        the Maritime Administration to further the pur-  
10       poses of this subsection;

11           “(B) coordinate with other Federal agen-  
12       cies to expedite the process established under  
13       the National Environmental Policy Act of 1969  
14       (42 U.S.C. 4321 et seq.) for the improvement  
15       of port facilities to relieve port congestion, to  
16       increase port security, or to provide greater ac-  
17       cess to port facilities;

18           “(C) seek to coordinate all reviews or re-  
19       quirements with appropriate local, State, and  
20       Federal agencies;

21           “(D) provide such technical assistance to  
22       port authorities or commissions or their subdivi-  
23       sions and agents as needed for project plan-  
24       ning, design, and construction; and

1           “(E) encourage such public-private part-  
 2           nerships as may be necessary for the develop-  
 3           ment of financial support of the project as the  
 4           Administrator deems necessary.

5           “(3) PORT INFRASTRUCTURE DEVELOPMENT  
 6           FUND.—

7           “(A) ESTABLISHMENT.—There is a Port  
 8           Infrastructure Development Fund for use by  
 9           the Administrator in carrying out the port in-  
 10          frastructure development program. The Fund  
 11          shall be available to the Administrator—

12                   “(i) to administer and carry out the  
 13                   program;

14                   “(ii) to receive non-Federal and pri-  
 15                   vate funds from entities which have spe-  
 16                   cific agreements or contracts with the Ad-  
 17                   ministrator; and

18                   “(iii) to make refunds for projects  
 19                   that will not be completed.

20           “(B) CREDITS.—There shall be deposited  
 21           into the Fund—

22                   “(i) funds from non-Federal and pri-  
 23                   vate entities which have agreements or  
 24                   contracts with the Administrator and



1           which shall remain in the Fund until ex-  
2           pended;

3           “(ii) income from investments made  
4           pursuant to subparagraph (D); and

5           “(iii) such amounts as may be appro-  
6           priated or transferred to the Fund under  
7           this subsection.

8           “(C) TRANSFERS.—Amounts appropriated  
9           or otherwise made available for any fiscal year  
10          for an intermodal or marine facility comprising  
11          a component of the program shall be trans-  
12          ferred to the Fund and administered by the Ad-  
13          ministrator.

14          “(D) INVESTMENTS.—Amounts in the  
15          Fund which are not currently needed for the  
16          program shall be kept on deposit or invested in  
17          obligations of, or guaranteed by, the United  
18          States.

19          “(E) ADMINISTRATIVE EXPENSES.—Ad-  
20          ministrative and related expenses for the pro-  
21          gram for any fiscal year may not exceed 3 per-  
22          cent of the amount available to the program for  
23          that fiscal year.

24          “(F) AUTHORIZATION OF APPROPRIA-  
25          TIONS.—There are authorized to be appro-

1           pripriated to the Fund such sums as may be nec-  
 2           essary to carry out the program, taking into ac-  
 3           count amounts received under subparagraph  
 4           (A)(ii).”.

5 **SEC. 9. REEFS FOR MARINE LIFE CONSERVATION PRO-**  
 6   **GRAM.**

7           (a) IN GENERAL.—Section 3 of Public Law 92–402  
 8           (16 U.S.C. 1220) is amended by adding at the end thereof  
 9           the following:

10           “(d) Any territory, possession, or Commonwealth of  
 11           the United States, and any foreign country, may apply to  
 12           the Secretary for an obsolete vessel to be used for an arti-  
 13           ficial reef under this section. The application process and  
 14           reefing of any such obsolete vessel shall be performed in  
 15           a manner consistent with the process jointly developed by  
 16           the Secretary of Transportation and the Administrator of  
 17           the Environmental Protection Agency under section  
 18           3504(b) of Public Law 107–314 (16 U.S.C. 1220 note).”.

19           (b) LIMITATION.—Section 7 of Public Law 92–402  
 20           (16 U.S.C. 1220c–1) is amended by adding at the end  
 21           thereof the following:

22           “(d) LIMITATION.—The Secretary may not provide  
 23           assistance under this section to a foreign country to which  
 24           an obsolete ship is transferred under this Act.”.

1 **SEC. 10. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

2 Section 51509(b) of title 46, United States Code, is  
3 amended by striking “paid before the start of each aca-  
4 demic year,” and inserting “paid,”.

5 **SEC. 11. UNITED STATES MERCHANT MARINE ACADEMY**  
6 **GRADUATE PROGRAM RECEIPT, DISBURSE-**  
7 **MENT, AND ACCOUNTING FOR NON-APPRO-**  
8 **PRIATED FUNDS.**

9 Section 51309(b) of title 46, United States Code, is  
10 amended by inserting after “body.” the following: “Non-  
11 appropriated funds received for this purpose shall be cred-  
12 ited to the Maritime Administration’s Operations and  
13 Training appropriation, to remain available until ex-  
14 pended, for those expenses directly related to the purpose  
15 of such receipts. The Superintendent shall maintain a sep-  
16 arate and detailed accounting of non-appropriated fund  
17 receipts and all associated expenses.”.

18 **SEC. 12. AMERICA’S SHORT SEA TRANSPORTATION GRANTS**  
19 **FOR THE DEVELOPMENT OF MARINE HIGH-**  
20 **WAYS.**

21 (a) IN GENERAL.—Chapter 556 of title 46, United  
22 States Code, is amended by redesignating sections 55602  
23 through 55605 as sections 55603 through 55606 and by  
24 inserting after section 55601 the following:

1 **“§ 55602. Short sea transportation grant program**

2 “(a) IN GENERAL.—The Secretary of Transportation  
3 shall establish and implement a short sea transportation  
4 grant program.

5 “(b) PURPOSE.—The purposes of the program are to  
6 make grants to States and other public entities and spon-  
7 sors of short sea transportation projects designated by the  
8 Secretary—

9 “(1) to facilitate and support marine transpor-  
10 tation initiatives at the State and local levels to fa-  
11 cilitate commerce, mitigate landside congestion, re-  
12 duce the transportation energy consumption, reduce  
13 harmful emissions, improve safety, assist in environ-  
14 mental mitigation efforts, and improve transpor-  
15 tation system resiliency; and

16 “(2) to provide capital funding to address short  
17 sea transportation infrastructure and freight trans-  
18 portation needs for ports, vessels, and intermodal  
19 cargo facilities.

20 “(c) ELIGIBLE PROJECTS.—To be eligible for a grant  
21 under the program, a project—

22 “(1) shall be designed to help relieve conges-  
23 tion, improve transportation safety, facilitate domes-  
24 tic and international trade, or encourage public-pri-  
25 vate partnerships; and

1           “(2) may include development, modification,  
2 and construction of marine and intermodal cargo fa-  
3 cilities, vessels, port infrastructure and cargo han-  
4 dling equipment, and transfer facilities at ports.

5           “(d) SELECTION PROCESS.—

6           “(1) APPLICATIONS.—A State or other public  
7 entity, or the sponsor of any short sea transpor-  
8 tation project designated by the Secretary under the  
9 America’s Marine Highway Program (MARAD  
10 Docket No. 2008–0096; 73 FR 59530), may submit  
11 an application to Secretary for a grant under the  
12 short sea transportation grant program. The appli-  
13 cation shall contain such information and assurances  
14 as the Secretary may require.

15           “(2) PRIORITY.—In selecting projects for  
16 grants, the Secretary shall give priority to projects  
17 that are consistent with the objectives of the short  
18 sea transportation initiative and America’s Marine  
19 Highway Program that will—

20                   “(A) mitigate landside congestion;

21                   “(B) provide the greatest public benefit in  
22 energy savings, reduced emissions, improved  
23 system resiliency, and improved safety;

24                   “(C) include and demonstrate the greatest  
25 environmental responsibility; and

1           “(D) provide savings as an alternative to  
2           or means to avoid highway or rail transpor-  
3           tation infrastructure construction and mainte-  
4           nance.

5           “(e) USE OF GRANT FUNDS.—Funds made available  
6 to a recipient of a grant under this section shall be used  
7 by the recipient for the project described in the application  
8 of the recipient approved by the Secretary.”.

9           (b) CLERICAL AMENDMENT.—The table of contents  
10 for chapter 556 of title 46, United States Code, is amend-  
11 ed—

12           (1) by redesignating the items relating to sec-  
13 tions 55602 through 55605 as relating to section  
14 55603 through 55606; and

15           (2) by inserting after the item relating to sec-  
16 tion 55601 the following:

“55602. Short sea transportation grant program.”.

17 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**  
18 **CAL YEAR 2010.**

19           (a) IN GENERAL.—There are authorized to be appro-  
20 priated to the Secretary of Transportation, for the use of  
21 the Maritime Administration, for fiscal year 2010 the fol-  
22 lowing amounts:

23           (1) For expenses necessary for operations and  
24 training activities, \$152,900,000, of which—

1 (A) \$74,448,000 shall remain available  
2 until expended for expenses at the United  
3 States Merchant Marine Academy, of which  
4 \$15,391,000 shall be available for the capital  
5 improvement program; and

6 (B) \$11,240,000 which shall remain avail-  
7 able until expended for maintenance and repair  
8 of school ships at the State Maritime Acad-  
9 emies.

10 (2) For expenses to maintain and preserve a  
11 United States-flag merchant fleet to serve the na-  
12 tional security needs of the United States under  
13 chapter 531 of title 46, United States Code,  
14 \$174,000,000.

15 (3) For paying reimbursement under section  
16 3517 of the Maritime Security Act of 2003 (46  
17 U.S.C. 53101 note), \$19,500,000.

18 (4) For expenses to dispose of obsolete vessels  
19 in the National Defense Reserve Fleet, including  
20 provision of assistance under section 7 of Public  
21 Law 92-402, \$15,000,000.

22 (5) For the cost (as defined in section 502(5)  
23 of the Federal Credit Reform Act of 1990 (2 U.S.C.  
24 661a(5))) of loan guarantees under the program au-

1       thorized by chapter 537 of title 46, United States  
2       Code, \$30,000,000.

3           (6) For administrative expenses related to the  
4       implementation of the loan guarantee program  
5       under chapter 537 of title 46, United States Code,  
6       administrative expenses related to implementation of  
7       the reimbursement program under section 3517 of  
8       the Maritime Security Act of 2003 (46 U.S.C.  
9       53101 note), and administrative expenses related to  
10      the implementation of the small shipyards and mari-  
11      time communities assistance program under section  
12      54101 of title 46, United States Code, \$6,000,000.

13      (b) AVAILABILITY.—Amounts appropriated pursuant  
14      to subsection (a) shall remain available, as provided in ap-  
15      propriations Acts, until expended.

○