

110TH CONGRESS
2D SESSION

S. 2997

To reauthorize the Maritime Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2008

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

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 Act for Fiscal Year 2009”.

6 **SEC. 2. ADJUNCT PROFESSORS AT THE MERCHANT MARINE**
7 **ACADEMY.**

8 (a) IN GENERAL.—If the Secretary of Transportation
9 determines that there is a temporary need for adjunct pro-
10 fessors at the United States Merchant Marine Academy,

1 the Secretary may execute personal service contracts with
 2 adjunct professors to meet that need.

3 (b) LIMITATIONS.—

4 (1) NUMBER.—The Secretary may not execute
 5 such contracts with more than 25 individuals under
 6 subsection (a) to provide service as adjunct profes-
 7 sors during any trimester.

8 (2) CONTRACT TERM.—

9 (A) IN GENERAL.—The Secretary may not
 10 execute a contract of employment under sub-
 11 section (a) for a term of more than 12 months.

12 (B) EXTENSION.—Notwithstanding sub-
 13 paragraph (A), the Secretary may extend the
 14 term of a contract under this section for a pe-
 15 riod not to exceed 12 months if the Secretary
 16 finds that circumstances justify such an exten-
 17 sion.

18 (c) SUNSET.—The authority of the Secretary to em-
 19 ploy adjunct professors at the Academy under this section
 20 shall terminate on December 31, 2009, except that an em-
 21 ployment contract executed under this section before Jan-
 22 uary 1, 2010, may remain in effect for not more than 6
 23 months after December 31, 2009.

24 (d) PRE-EXISTING CONTRACTS.—An employment
 25 contract executed by the Secretary before the date of en-

1 actment of this Act for service by an individual as an ad-
2 junct professor at the Academy shall remain in effect for
3 the period of time for which the services were contracted.

4 **SEC. 3. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND**
5 **VIOLENCE AT THE UNITED STATES MER-**
6 **CHANT MARINE ACADEMY.**

7 (a) REQUIRED POLICY.—The Secretary of Transpor-
8 tation shall direct the Superintendent of the United States
9 Merchant Marine Academy to prescribe a policy on sexual
10 harassment and sexual violence applicable to the cadets
11 and other personnel of the Academy.

12 (b) MATTERS TO BE SPECIFIED IN POLICY.—The
13 policy on sexual harassment and sexual violence prescribed
14 under this section shall include—

15 (1) a program to promote awareness of the inci-
16 dence of rape, acquaintance rape, and other sexual
17 offenses of a criminal nature that involve cadets or
18 other Academy personnel;

19 (2) procedures that a cadet should follow in the
20 case of an occurrence of sexual harassment or sexual
21 violence, including—

22 (A) a specification of the person or persons
23 to whom an alleged occurrence of sexual harass-
24 ment or sexual violence should be reported by

1 a cadet and the options for confidential report-
2 ing;

3 (B) a specification of any other person
4 whom the victim should contact; and

5 (C) procedures on the preservation of evi-
6 dence potentially necessary for proof of criminal
7 sexual assault;

8 (3) a procedure for disciplinary action in cases
9 of alleged criminal sexual assault involving a cadet
10 or other Academy personnel;

11 (4) any other sanction authorized to be imposed
12 in a substantiated case of sexual harassment or sex-
13 ual violence involving a cadet or other Academy per-
14 sonnel in rape, acquaintance rape, or any other
15 criminal sexual offense, whether forcible or nonforc-
16 ible; and

17 (5) required training on the policy for all cadets
18 and other Academy personnel, including the specific
19 training required for personnel who process allega-
20 tions of sexual harassment or sexual violence involv-
21 ing Academy personnel.

22 (c) ANNUAL ASSESSMENT.—

23 (1) The Secretary shall direct the Super-
24 intendent to conduct an assessment at the Academy
25 during each Academy program year, to be adminis-

1 tered by the Department of Transportation, to de-
2 termine the effectiveness of the policies, training,
3 and procedures of the Academy with respect to sex-
4 ual harassment and sexual violence involving Acad-
5 emy personnel.

6 (2) For the assessment at the Academy under
7 paragraph (1) with respect to an Academy program
8 year that begins in an odd-numbered calendar year,
9 the Superintendent shall conduct a survey, to be ad-
10 ministered by the Department, of Academy per-
11 sonnel—

12 (A) to measure—

13 (i) the incidence, during that program
14 year, of sexual harassment and sexual vio-
15 lence events, on or off the Academy res-
16 ervation, that have been reported to offi-
17 cials of the Academy; and

18 (ii) the incidence, during that pro-
19 gram year, of sexual harassment and sex-
20 ual violence events, on or off the Academy
21 reservation, that have not been reported to
22 officials of the Academy; and

23 (B) to assess the perceptions of Academy
24 personnel of—

1 (i) the policies, training, and proce-
2 dures on sexual harassment and sexual vio-
3 lence involving Academy personnel;

4 (ii) the enforcement of such policies;

5 (iii) the incidence of sexual harass-
6 ment and sexual violence involving Acad-
7 emy personnel; and

8 (iv) any other issues relating to sexual
9 harassment and sexual violence involving
10 Academy personnel.

11 (d) ANNUAL REPORT.—

12 (1) The Secretary shall direct the Super-
13 intendent of the Academy to submit to the Secretary
14 a report on sexual harassment and sexual violence
15 involving cadets or other personnel at the Academy
16 for each Academy program year.

17 (2) Each report under paragraph (1) shall in-
18 clude, for the Academy program year covered by the
19 report, the following:

20 (A) The number of sexual assaults, rapes,
21 and other sexual offenses involving cadets or
22 other Academy personnel that have been re-
23 ported to Academy officials during the program
24 year and, of those reported cases, the number
25 that have been substantiated.

1 (B) The policies, procedures, and processes
2 implemented by the Superintendent and the
3 leadership of the Academy in response to sexual
4 harassment and sexual violence involving cadets
5 or other Academy personnel during the pro-
6 gram year.

7 (C) A plan for the actions that are to be
8 taken in the following Academy program year
9 regarding prevention of and response to sexual
10 harassment and sexual violence involving cadets
11 or other Academy personnel.

12 (3) Each report under paragraph (1) for an
13 Academy program year that begins in an odd-num-
14 bered calendar year shall include the results of the
15 survey conducted in that program year under sub-
16 section (c)(2).

17 (4)(A) The Superintendent shall transmit to the
18 Secretary, and to the Board of Visitors of the Acad-
19 emy, each report received by the Superintendent
20 under this subsection, together with the Super-
21 intendent's comments on the report.

22 (B) The Secretary shall transmit each such re-
23 port, together with the Secretary's comments on the
24 report, to the Senate Committee on Commerce,
25 Science, and Transportation and the House of Rep-

1 representatives Committee on Transportation and In-
2 frastructure.

3 **SEC. 4. RIDING GANG MEMBER REQUIREMENTS.**

4 Section 1018 of the John Warner National Defense
5 Authorization Act for Fiscal Year 2007 (120 Stat. 2381)
6 is amended—

7 (1) by striking “requirements” and all that fol-
8 lows in subsection (a)(1) and inserting “require-
9 ments as provided in section 8106 of title 46, United
10 States Code.”;

11 (2) by striking paragraphs (2) and (3) of sub-
12 section (a) and redesignating paragraph (4) as para-
13 graph (2);

14 (3) by striking “8106” in paragraph (2), as re-
15 designated, of subsection (a) and inserting “2101”;
16 and

17 (4) by striking subsection (b)(1) and inserting
18 the following:

19 “(1) IN GENERAL.—Pursuant to regulations
20 issued by the Secretary of Defense, an individual—

21 “(A) who is aboard a vessel, which is
22 under charter or contract for the carriage of
23 cargo for the Department of Defense, for pur-
24 poses other than engaging in the operation or
25 maintenance of the vessel, and

1 “(B) who—

2 “(i) accompanies, supervises, guards,
3 or maintains unit equipment aboard a
4 ship, commonly referred to as supercargo
5 personnel,

6 “(ii) is one of the force protection per-
7 sonnel of the vessel,

8 “(iii) is a specialized repair techni-
9 cian, or

10 “(iv) is otherwise required by the Sec-
11 retary of Defense to be aboard the vessel,
12 shall not be deemed a riding gang member for pur-
13 poses of title 46, United States Code.”.

14 **SEC. 5. ASSISTANCE FOR SMALL SHIPYARDS AND MARI-**
15 **TIME COMMUNITIES.**

16 (a) IN GENERAL.—Title 46, United States Code, is
17 amended by inserting the following new chapter after
18 chapter 539:

19 “CHAPTER 541—MISCELLANEOUS

“Sec.

“54101. Assistance for small shipyards and maritime communities

20 **“§ 54101. Assistance for small shipyards and maritime**
21 **communities**

22 “(a) ESTABLISHMENT OF PROGRAM.—Subject to the
23 availability of appropriations, the Administrator of the

1 Maritime Administration shall execute agreements with
2 shipyards to provide assistance—

3 “(1) in the form of grants, loans, and loan
4 guarantees to small shipyards for capital improve-
5 ments; and

6 “(2) for maritime training programs to foster
7 technical skills and operational productivity in com-
8 munities whose economies are related to or depend-
9 ent upon the maritime industry.

10 “(b) AWARDS.—In providing assistance under the
11 program, the Administrator shall—

12 “(1) take into account—

13 “(A) the economic circumstances and con-
14 ditions of maritime communities;

15 “(B) projects that would be effective in
16 fostering efficiency, competitive operations, and
17 quality ship construction, repair, and reconfig-
18 uration; and

19 “(C) projects that would be effective in
20 fostering employee skills and enhancing produc-
21 tivity; and

22 “(2) make grants within 120 days after the
23 date of enactment of the appropriations Act for the
24 fiscal year concerned.

25 “(c) USE OF FUNDS.—

1 “(1) IN GENERAL.—Assistance provided under
2 this section may be used—

3 “(A) to make capital and related improve-
4 ments in small shipyards located in or near
5 maritime communities;

6 “(B) to provide training for workers in
7 communities whose economies are related to the
8 maritime industry; and

9 “(C) for such other purposes as the Ad-
10 ministrator determines to be consistent with
11 and supplemental to such activities.

12 “(2) ADMINISTRATIVE COSTS.—Not more than
13 2 percent of amounts made available to carry out
14 the program may be used for the necessary costs of
15 grant administration.

16 “(d) PROHIBITED USES.—Grants awarded under this
17 section may not be used to construct buildings or other
18 physical facilities or to acquire land unless such use is spe-
19 cifically approved by the Administrator in support of sub-
20 section (c)(1)(C).

21 “(e) MATCHING REQUIREMENTS; ALLOCATION.—

22 “(1) FEDERAL FUNDING.—Except as provided
23 in paragraph (2), Federal funds for any eligible
24 project under this section shall not exceed 75 per-
25 cent of the total cost of such project.

1 “(2) EXCEPTION.—If the Administrator deter-
 2 mines that a proposed project merits support and
 3 cannot be undertaken without a higher percentage of
 4 Federal financial assistance, the Administrator may
 5 award a grant for such project with a lesser match-
 6 ing requirement than is described in paragraph (1).

7 “(3) ALLOCATION OF FUNDS.—The Adminis-
 8 trator may not award more than 25 percent of the
 9 funds appropriated to carry out this section for any
 10 fiscal year to any small shipyard in one geographic
 11 location that has more than 600 employees.

12 “(f) APPLICATIONS.—

13 “(1) IN GENERAL.—To be eligible for assist-
 14 ance under this section, an applicant shall submit an
 15 application, in such form, and containing such infor-
 16 mation and assurances as the Administrator may re-
 17 quire, within 60 days after the date of enactment of
 18 the appropriations Act for the fiscal year concerned.

19 “(2) MINIMUM STANDARDS FOR PAYMENT OR
 20 REIMBURSEMENT.—Each application submitted
 21 under paragraph (1) shall include—

22 “(A) a comprehensive description of—

23 “(i) the need for the project;

24 “(ii) the methodology for imple-
 25 menting the project; and

1 “(iii) any existing programs or ar-
2 rangements that can be used to supple-
3 ment or leverage assistance under the pro-
4 gram.

5 “(3) PROCEDURAL SAFEGUARDS.—The Admin-
6 istrator, in consultation with the Office of the In-
7 specter General, shall issue guidelines to establish
8 appropriate accounting, reporting, and review proce-
9 dures to ensure that—

10 “(A) grant funds are used for the purposes
11 for which they were made available;

12 “(B) grantees have properly accounted for
13 all expenditures of grant funds; and

14 “(C) grant funds not used for such pur-
15 poses and amounts not obligated or expended
16 are returned.

17 “(4) PROJECT APPROVAL REQUIRED.—The Ad-
18 ministrator may not award a grant under this sec-
19 tion unless the Administrator determines that—

20 “(A) sufficient funding is available to meet
21 the matching requirements of subsection (e);

22 “(B) the project will be completed without
23 unreasonable delay; and

24 “(C) the recipient has authority to carry
25 out the proposed project.

1 “(g) AUDITS AND EXAMINATIONS.—All grantees
 2 under this section shall maintain such records as the Ad-
 3 ministrator may require and make such records available
 4 for review and audit by the Administrator.

5 “(h) SMALL SHIPYARD DEFINED.—In this section,
 6 the term ‘small shipyard’ means a shipyard facility in one
 7 geographic location that does not have more than 1,200
 8 employees.

9 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
 10 are authorized to be appropriated to the Administrator of
 11 the Maritime Administration for each of fiscal years 2006
 12 through 2010 to carry out this section—

13 “(1) \$5,000,000 for training grants; and

14 “(2) \$25,000,000 for capital and related im-
 15 provements.”.

16 (b) CONFORMING AMENDMENT.—Section 3506 of the
 17 National Defense Authorization Act for Fiscal Year 2006
 18 (46 U.S.C. 53101 note) is repealed.

19 **SEC. 6. STUDENT INCENTIVE PAYMENT PROGRAM.**

20 Section 51509 of title 46, United States Code, is
 21 amended—

22 (1) by striking “to the individual.” in sub-
 23 section (a) and inserting “to the individual or the
 24 academy, as determined by the Secretary.”;

1 (1) by striking “\$4,000” and inserting
2 “\$8,000”;

3 (2) by striking “as prescribed by the Secretary,
4 while the individual is attending the academy.” in
5 subsection (b) and inserting “subject to such condi-
6 tions as may be prescribed by the Secretary.”;

7 (3) by inserting “tuition,” in subsection (b)
8 after “uniforms,”; and

9 (4) by striking subsection (c) and inserting the
10 following:

11 “(c) MIDSHIPMAN AND ENLISTED RESERVE STA-
12 TUS.—Each agreement entered into under this section
13 shall require the individual to accept midshipman and en-
14 listed reserve status in the United States Navy Reserve
15 (including the Merchant Marine Reserve) or the United
16 States Coast Guard Reserve before any payments are
17 made under the agreement.”.

18 **SEC. 7. MARINE WAR RISK INSURANCE.**

19 Section 53912 of title 46, United States Code, is
20 amended by striking “December 31, 2010.” and inserting
21 “December 31, 2015.”.

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL**
23 **YEAR 2009.**

24 (a) IN GENERAL.—There are authorized to be appro-
25 priated to the Secretary of Transportation, for the use of

1 the Maritime Administration, for fiscal year 2009 the fol-
2 lowing amounts:

3 (1) For expenses necessary for operations and
4 training activities, \$142,803,000, of which—

5 (A) \$79,858,000 shall remain available
6 until expended for expenses at the United
7 States Merchant Marine Academy, of which
8 \$26,640,000 shall be available for the capital
9 improvement program; and

10 (B) \$10,987,000 which shall remain avail-
11 able until expended for maintenance and repair
12 of school ships at the State Maritime Acad-
13 emies.

14 (2) For expenses to maintain and preserve a
15 United States-flag merchant fleet to serve the na-
16 tional security needs of the United States under
17 chapter 531 of title 46, United States Code,
18 \$174,000,000.

19 (3) For paying reimbursement under section
20 3517 of the Maritime Security Act of 2003 (46
21 U.S.C. 53101 note), \$19,500,000.

22 (4) For expenses to dispose of obsolete vessels
23 in the National Defense Reserve Fleet, including
24 provision of assistance under section 7 of Public
25 Law 92–402, \$18,000,000.

1 (5) For the cost (as defined in section 502(5)
2 of the Federal Credit Reform Act of 1990 (2 U.S.C
3 661a(5))) of loan guarantees under the program au-
4 thorized by chapter 537 of title 46, United States
5 Code, \$30,000,000.

6 (6) For administrative expenses related to the
7 implementation of the loan guarantee program
8 under chapter 537 of title 46, United States Code,
9 administrative expenses related to implementation of
10 the reimbursement program under section 3517 of
11 the Maritime Security Act of 2003 (46 U.S.C.
12 53101 note), and administrative expenses related to
13 the implementation of the small shipyards and mari-
14 time communities assistance program under section
15 54101 of title 46, United States Code, \$6,000,000.

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

○