

Calendar No. 280

114TH CONGRESS
1ST SESSION**S. 1326****[Report No. 114–158]**

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

IN THE SENATE OF THE UNITED STATES

MAY 13, 2015

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

OCTOBER 27, 2015

Reported by Mr. THUNE, with an amendment

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

A BILL

To amend 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maritime Administra-
5 tion Enhancement Act of 2015”.

1 **SEC. 2. CADET COMMITMENT AGREEMENTS.**

2 Section 51306(a) of title 46, United States Code, is
3 amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “must” and inserting “shall”;

6 (2) by amending paragraph (2) to read as fol-
7 lows:

8 “(2) obtain a merchant mariner license, unlim-
9 ited as to horsepower or tonnage, issued by the
10 United States Coast Guard as an officer in the mer-
11 chant marine of the United States, accompanied by
12 the appropriate national and international endorse-
13 ments and certifications required by the Coast
14 Guard for service aboard vessels on domestic and
15 international voyages, without limitation, before
16 graduation from the Academy;”;

17 (3) by amending paragraph (3) to read as fol-
18 lows:

19 “(3) for at least 6 years after graduation from
20 the Academy, maintain—

21 “(A) a valid merchant mariner license, un-
22 limited as to horsepower or tonnage, issued by
23 the United States Coast Guard as an officer in
24 the merchant marine of the United States, ac-
25 companied by the appropriate national and
26 international endorsements and certifications

required by the Coast Guard for service aboard
vessels on domestic and international voyages,
without limitation;

“(B) a valid transportation worker identification credential; and

“(C) a United States Coast Guard medical certificate;” and

(4) by amending paragraph (4) to read as follows:

“(4) apply for, and accept if tendered, an appointment as a commissioned officer in the Navy Reserve (including the Strategic Sealift Officer Program, Navy Reserve), the Coast Guard Reserve, or any other reserve component of an armed force of the United States; and, if tendered the appointment, to serve, meet the participation requirements, and maintain active status in good standing, as determined by the program manager of the appropriate military service, for at least 8 years after the date of commissioning;”.

SEC. 3. STUDENT INCENTIVE PAYMENT AGREEMENTS.

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

(1) in subsection (b)—

1 (A) by inserting “(3) AUTHORIZED
2 USES.—” before the last sentence and indenting
3 accordingly;

4 (B) in the matter preceding paragraph (3),
5 by striking “Payments” and inserting “(1) IN
6 GENERAL.—Except as provided in paragraph
7 (2), payments” and indenting accordingly; and

8 (C) by inserting after paragraph (1), the
9 following:

10 “(2) EXCEPTION.—The Secretary may modify
11 the payments made to an individual under para-
12 graph (1), but the total amount of payments to that
13 individual may not exceed \$32,000.”;

14 (2) in subsection (c), by striking “Merchant
15 Marine Reserve” and inserting “Strategic Sealift Of-
16 ficer Program”;

17 (3) in subsection (d)—

18 (A) by amending paragraph (2) to read as
19 follows:

20 “(2) obtain a merchant mariner license, without
21 limitation as to tonnage or horsepower, from the
22 United States Coast Guard as an officer in the mer-
23 chant marine of the United States, accompanied by
24 the appropriate national and international endorse-
25 ments and certification required by the Coast Guard

1 for service aboard vessels on domestic and inter-
2 national voyages, without limitation, within three
3 months of completion of the course of instruction at
4 the academy the individual is attending;”

5 (B) by amending paragraph (3) to read as
6 follows:

7 “(3) for at least 6 years after graduation from
8 the academy, maintain—

9 “(A) a valid merchant mariner license, un-
10 limited as to horsepower or tonnage, issued by
11 the United States Coast Guard as an officer in
12 the merchant marine of the United States, ac-
13 companied by the appropriate national and
14 international endorsements and certifications
15 required by the Coast Guard for service aboard
16 vessels on domestic and international voyages,
17 without limitation;

18 “(B) a valid transportation worker identi-
19 fication credential; and

20 “(C) a United States Coast Guard medical
21 certificate;” and

22 (C) by amending paragraph (4) to read as
23 follows:

24 “(4) apply for, and accept, if tendered, an ap-
25 pointment as a commissioned officer in the Navy Re-

1 serve (including the Strategic Sealift Officer Pro-
 2 gram, Navy Reserve), the Coast Guard Reserve, or
 3 any other reserve component of an armed force of
 4 the United States; and, if tendered the appointment,
 5 to serve and meet the participation requirements
 6 and to maintain active status in good standing, as
 7 determined by the program manager of the appro-
 8 priate military service, for at least 8 years after the
 9 date of commissioning²²;

10 (4) by amending subsection (c)(1) to read as
 11 follows:

12 “(1) ACTIVE DUTY.—

13 “(A) IN GENERAL.—The Secretary of De-
 14 fense may order an individual to serve on active
 15 duty in the armed forces of the United States
 16 for a period of not more than 2 years if—

17 “(i) the individual has attended an
 18 academy under this section for more than
 19 2 academic years, but less than 3 academic
 20 years;

21 “(ii) the individual has accepted the
 22 payments described in subsection (b) in an
 23 amount totaling at least \$8,000; and

24 “(iii) the Secretary of Transportation
 25 has determined that the individual has

1 failed to fulfill the part of the agreement
2 described in subsection (d)(1).

3 ~~“(B) 3 OR MORE YEARS.—~~The Secretary
4 of Defense may order an individual to serve on
5 active duty in the armed forces of the United
6 States for a period of not more than 3 years
7 if—

8 “(i) the individual has attended an
9 academy under this section for 3 or more
10 academic years;

11 “(ii) the individual has accepted the
12 payments described in subsection (b) in an
13 amount totaling at least \$16,000; and

14 “(iii) the Secretary of Transportation
15 has determined that the individual has
16 failed to fulfill the part of the agreement
17 described in subsection (d)(1).

18 ~~“(C) HARDSHIP WAIVER.—~~In cases of
19 hardship as determined by the Secretary of
20 Transportation, the Secretary of Transportation
21 may waive this paragraph in whole or in part.”;
22 and

23 (5) by adding at the end the following:

24 ~~“(h) ALTERNATIVE SERVICE.—~~

1 “(1) SERVICE AS COMMISSIONED OFFICER.—An
 2 individual who, for the 5-year period following grad-
 3 uation from an academy, serves as a commissioned
 4 officer on active duty in an armed force of the
 5 United States or as a commissioned officer of the
 6 National Oceanic and Atmospheric Administration
 7 or the Public Health Service shall be excused from
 8 the requirements of paragraphs (3) through (5) of
 9 subsection (d).

10 “(2) MODIFICATION OR WAIVER.—The Sec-
 11 retary may modify or waive any of the terms and
 12 conditions set forth in subsection (d) through the
 13 imposition of alternative service requirements.”.

14 **SEC. 4. FEDERAL UNEMPLOYMENT TAX ACT.**

15 Section 3305 of the Internal Revenue Code of 1986
 16 (26 U.S.C. 3305) is amended by striking “Secretary of
 17 Commerce” each place it appears and inserting “Secretary
 18 of Transportation”.

19 **SEC. 5. SHORT SEA TRANSPORTATION DEFINED.**

20 Paragraph (1) of section 55605 of title 46, United
 21 States Code, is amended—

- 22 (1) in subparagraph (A), by striking “or”;
- 23 (2) in subparagraph (B), by striking “and”;
- 24 and
- 25 (3) by adding at the end the following:

1 “(C) shipped in discrete units or packages
2 that are handled individually, palletized, or
3 unitized for purposes of transportation; or

4 “(D) freight vehicles carried aboard com-
5 muter ferry boats; and”.

6 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
7 **TIONAL SECURITY ASPECTS OF THE MER-**
8 **CHANT MARINE FOR FISCAL YEARS 2016 AND**
9 **2017.**

10 (a) FISCAL YEAR 2016.—Funds are hereby author-
11 ized to be appropriated for fiscal year 2016, to be available
12 without fiscal year limitation if so provided in appropria-
13 tions Acts, for the use of the Department of Transpor-
14 tation for Maritime Administration programs associated
15 with maintaining national security aspects of the mer-
16 chant marine, as follows:

17 (1) For expenses necessary for operations of the
18 United States Merchant Marine Academy,
19 \$80,000,000, of which—

20 (A) \$65,000,000 shall remain available
21 until expended for Academy operations; and

22 (B) \$15,000,000 shall remain available
23 until expended for capital asset management at
24 the Academy.

1 (2) For expenses necessary to support the State
2 maritime academies, \$22,200,000, of which—

3 (A) \$2,300,000 shall remain available until
4 expended for student incentive payments;

5 (B) \$2,400,000 shall remain available until
6 expended for direct payments to such acad-
7 emies;

8 (C) \$15,000,000 shall remain available
9 until expended for maintenance and repair of
10 State maritime academy training vessels; and

11 (D) \$2,500,000 shall remain available until
12 expended for a National Security Multi-Mission
13 Vessel Design Program.

14 (3) For expenses necessary to support Maritime
15 Administration operations and programs,
16 \$50,400,000.

17 (4) For expenses necessary to dispose of vessels
18 in the National Defense Reserve Fleet, \$4,000,000
19 to remain available until expended.

20 (5) For expenses to maintain and preserve a
21 United States-flag merchant marine to serve the na-
22 tional security needs of the United States under
23 chapter 531 of title 46, United States Code,
24 \$186,000,000.

1 (6) For administrative expenses of the loan
 2 guarantees authorized by chapter 537 of title 46,
 3 United States Code, \$3,100,000 to remain available
 4 until expended.

5 (b) FISCAL YEAR 2017.—Funds are hereby author-
 6 ized to be appropriated for fiscal year 2017, to be available
 7 without fiscal year limitation if so provided in appropria-
 8 tions Acts, for the use of the Department of Transpor-
 9 tation for Maritime Administration programs associated
 10 with maintaining national security aspects of the mer-
 11 chant marine, as follows:

12 (1) For expenses necessary for operations of the
 13 United States Merchant Marine Academy,
 14 \$80,000,000, of which—

15 (A) \$65,000,000 shall remain available
 16 until expended for Academy operations; and

17 (B) \$15,000,000 shall remain available
 18 until expended for capital asset management at
 19 the Academy.

20 (2) For expenses necessary to support the State
 21 maritime academies, \$22,200,000, of which—

22 (A) \$2,300,000 shall remain available until
 23 expended for student incentive payments;

1 (B) \$2,400,000 shall remain available until
2 expended for direct payments to such acad-
3 emies;

4 (C) \$15,000,000 shall remain available
5 until expended for maintenance and repair of
6 State maritime academy training vessels; and

7 (D) \$2,500,000 shall remain available until
8 expended for a National Security Multi-Mission
9 Vessel Design Program.

10 (3) For expenses necessary to support Maritime
11 Administration operations and programs,
12 \$50,400,000.

13 (4) For expenses necessary to dispose of vessels
14 in the National Defense Reserve Fleet, \$4,000,000
15 to remain available until expended.

16 (5) For expenses to maintain and preserve a
17 United States-flag merchant marine to serve the na-
18 tional security needs of the United States under
19 chapter 531 of title 46, United States Code,
20 \$186,000,000.

21 (6) For administrative expenses of the loan
22 guarantees authorized by chapter 537 of title 46,
23 United States Code, \$3,100,000 to remain available
24 until expended.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Maritime Administra-*
 3 *tion Enhancement Act of 2015”.*

4 **SEC. 2. CADET COMMITMENT AGREEMENTS.**

5 *Section 51306(a) of title 46, United States Code, is*
 6 *amended—*

7 *(1) in the matter preceding paragraph (1), by*
 8 *striking “must” and inserting “shall”;*

9 *(2) by amending paragraph (2) to read as fol-*
 10 *lows:*

11 *“(2) obtain a merchant mariner license, unlim-*
 12 *ited as to horsepower or tonnage, issued by the United*
 13 *States Coast Guard as an officer in the merchant ma-*
 14 *rine of the United States, accompanied by the appro-*
 15 *priate national and international endorsements and*
 16 *certifications required by the Coast Guard for service*
 17 *aboard vessels on domestic and international voyages,*
 18 *without limitation, before graduation from the Acad-*
 19 *emy;”;*

20 *(3) by amending paragraph (3) to read as fol-*
 21 *lows:*

22 *“(3) for at least 6 years after graduation from*
 23 *the Academy, maintain—*

24 *“(A) a valid merchant mariner license, un-*
 25 *limited as to horsepower or tonnage, issued by*
 26 *the United States Coast Guard as an officer in*

1 *the merchant marine of the United States, ac-*
2 *companied by the appropriate national and*
3 *international endorsements and certifications re-*
4 *quired by the Coast Guard for service aboard*
5 *vessels on domestic and international voyages,*
6 *without limitation;*

7 *“(B) a valid transportation worker identi-*
8 *fication credential; and*

9 *“(C) a United States Coast Guard medical*
10 *certificate;”;* and

11 *(4) by amending paragraph (4) to read as fol-*
12 *lows:*

13 *“(4) apply for, and accept if tendered, an ap-*
14 *pointment as a commissioned officer in the Navy Re-*
15 *serve (including the Strategic Sealift Officer Pro-*
16 *gram, Navy Reserve), the Coast Guard Reserve, or*
17 *any other reserve component of an armed force of the*
18 *United States, and, if tendered the appointment, to*
19 *serve, meet the participation requirements, and main-*
20 *tain active status in good standing, as determined by*
21 *the program manager of the appropriate military*
22 *service, for at least 8 years after the date of commis-*
23 *sioning;”.*

1 **SEC. 3. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

2 *Section 51509 of title 46, United States Code, is*
 3 *amended—*

4 *(1) in subsection (b)—*

5 *(A) by inserting “(3) AUTHORIZED USES.—*
 6 *” before the last sentence and indenting accord-*
 7 *ingly;*

8 *(B) in the matter preceding paragraph (3),*
 9 *by striking “Payments” and inserting “(1) IN*
 10 *GENERAL.—Except as provided in paragraph*
 11 *(2), payments” and indenting accordingly; and*

12 *(C) by inserting after paragraph (1), the*
 13 *following:*

14 *“(2) EXCEPTION.—The Secretary may modify*
 15 *the payments made to an individual under para-*
 16 *graph (1), but the total amount of payments to that*
 17 *individual may not exceed \$32,000.”;*

18 *(2) in subsection (c), by striking “Merchant Ma-*
 19 *rine Reserve” and inserting “Strategic Sealift Officer*
 20 *Program”;*

21 *(3) in subsection (d)—*

22 *(A) by amending paragraph (2) to read as*
 23 *follows:*

24 *“(2) obtain a merchant mariner license, without*
 25 *limitation as to tonnage or horsepower, from the*
 26 *United States Coast Guard as an officer in the mer-*

1 *chant marine of the United States, accompanied by*
2 *the appropriate national and international endorse-*
3 *ments and certification required by the Coast Guard*
4 *for service aboard vessels on domestic and inter-*
5 *national voyages, without limitation, within three*
6 *months of completion of the course of instruction at*
7 *the academy the individual is attending;”;*

8 *(B) by amending paragraph (3) to read as*
9 *follows:*

10 *“(3) for at least 6 years after graduation from*
11 *the academy, maintain—*

12 *“(A) a valid merchant mariner license, un-*
13 *limited as to horsepower or tonnage, issued by*
14 *the United States Coast Guard as an officer in*
15 *the merchant marine of the United States, ac-*
16 *companied by the appropriate national and*
17 *international endorsements and certifications re-*
18 *quired by the Coast Guard for service aboard*
19 *vessels on domestic and international voyages,*
20 *without limitation;*

21 *“(B) a valid transportation worker identi-*
22 *fication credential; and*

23 *“(C) a United States Coast Guard medical*
24 *certificate;” and*

1 (C) by amending paragraph (4) to read as
2 *follows:*

3 “(4) *apply for, and accept, if tendered, an ap-*
4 *pointment as a commissioned officer in the Navy Re-*
5 *serve (including the Strategic Sealift Officer Pro-*
6 *gram, Navy Reserve), the Coast Guard Reserve, or*
7 *any other reserve component of an armed force of the*
8 *United States, and, if tendered the appointment, to*
9 *serve and meet the participation requirements and to*
10 *maintain active status in good standing, as deter-*
11 *mined by the program manager of the appropriate*
12 *military service, for at least 8 years after the date of*
13 *commissioning;”;*

14 (4) by amending subsection (e)(1) to read as fol-
15 *lows:*

16 “(1) *ACTIVE DUTY.—*

17 “(A) *IN GENERAL.—The Secretary of De-*
18 *fense may order an individual to serve on active*
19 *duty in the armed forces of the United States for*
20 *a period of not more than 2 years if—*

21 “(i) *the individual has attended an*
22 *academy under this section for more than 2*
23 *academic years, but less than 3 academic*
24 *years;*

1 “(ii) the individual has accepted the
2 payments described in subsection (b) in an
3 amount totaling at least \$8,000; and

4 “(iii) the Secretary of Transportation
5 has determined that the individual has
6 failed to fulfill the part of the agreement de-
7 scribed in subsection (d)(1).

8 “(B) 3 OR MORE YEARS.—The Secretary of
9 Defense may order an individual to serve on ac-
10 tive duty in the armed forces of the United
11 States for a period of not more than 3 years if—

12 “(i) the individual has attended an
13 academy under this section for 3 or more
14 academic years;

15 “(ii) the individual has accepted the
16 payments described in subsection (b) in an
17 amount totaling at least \$16,000; and

18 “(iii) the Secretary of Transportation
19 has determined that the individual has
20 failed to fulfill the part of the agreement de-
21 scribed in subsection (d)(1).

22 “(C) HARDSHIP WAIVER.—In cases of hard-
23 ship as determined by the Secretary of Transpor-
24 tation, the Secretary of Transportation may
25 waive this paragraph in whole or in part.”; and

1 (5) *by adding at the end the following:*

2 “(h) *ALTERNATIVE SERVICE.*—

3 “(1) *SERVICE AS COMMISSIONED OFFICER.*—An
4 individual who, for the 5-year period following grad-
5 uation from an academy, serves as a commissioned
6 officer on active duty in an armed force of the United
7 States or as a commissioned officer of the National
8 Oceanic and Atmospheric Administration or the Pub-
9 lic Health Service shall be excused from the require-
10 ments of paragraphs (3) through (5) of subsection (d).

11 “(2) *MODIFICATION OR WAIVER.*—The Secretary
12 may modify or waive any of the terms and conditions
13 set forth in subsection (d) through the imposition of
14 alternative service requirements.”.

15 **SEC. 4. FEDERAL UNEMPLOYMENT TAX ACT.**

16 Section 3305 of the Internal Revenue Code of 1986 (26
17 U.S.C. 3305) is amended by striking “Secretary of Com-
18 merce” each place it appears and inserting “Secretary of
19 Transportation”.

20 **SEC. 5. SHORT SEA TRANSPORTATION DEFINED.**

21 Paragraph (1) of section 55605 of title 46, United
22 States Code, is amended—

23 (1) *in subparagraph (A), by striking “or”;*

24 (2) *in subparagraph (B), by striking “and”; and*

25 (3) *by adding at the end the following:*

1 “(C) shipped in discrete units or packages
2 that are handled individually, palletized, or
3 unitized for purposes of transportation; or

4 “(D) freight vehicles carried aboard com-
5 muter ferry boats; and”.

6 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
7 **TIONAL SECURITY ASPECTS OF THE MER-**
8 **CHANT MARINE FOR FISCAL YEARS 2016 AND**
9 **2017.**

10 (a) *FISCAL YEAR 2016.*—Funds are hereby authorized
11 to be appropriated for fiscal year 2016, to be available with-
12 out fiscal year limitation if so provided in appropriations
13 Acts, for the use of the Department of Transportation for
14 Maritime Administration programs associated with main-
15 taining national security aspects of the merchant marine,
16 as follows:

17 (1) *For expenses necessary for operations of the*
18 *United States Merchant Marine Academy,*
19 *\$96,028,000, of which—*

20 (A) *\$71,306,000 shall remain available*
21 *until expended for Academy operations;*

22 (B) *\$24,722,000 shall remain available*
23 *until expended for capital asset management at*
24 *the Academy.*

1 (2) *For expenses necessary to support the State*
2 *maritime academies, \$32,050,000, of which—*

3 (A) *\$2,400,000 shall remain available until*
4 *expended for student incentive payments;*

5 (B) *\$3,000,000 shall remain available until*
6 *expended for direct payments to such academies;*

7 (C) *\$1,800,000 shall remain available until*
8 *expended for training ship fuel assistance pay-*
9 *ments;*

10 (D) *\$22,000,000 shall remain available*
11 *until expended for maintenance and repair of*
12 *State maritime academy training vessels;*

13 (E) *\$2,500,000 shall remain available until*
14 *expended for a National Security Multi-Mission*
15 *Vessel Design Program; and*

16 (F) *\$350,000 shall remain available until*
17 *expended for improving the monitoring of grad-*
18 *uates' service obligation.*

19 (3) *For expenses necessary to support Maritime*
20 *Administration operations and programs,*
21 *\$54,059,000.*

22 (4) *For expenses necessary to dispose of vessels in*
23 *the National Defense Reserve Fleet, \$8,000,000 to re-*
24 *main available until expended.*

1 (5) *For expenses to maintain and preserve a*
 2 *United States-flag merchant marine to serve the na-*
 3 *tional security needs of the United States under chap-*
 4 *ter 531 of title 46, United States Code, \$186,000,000.*

5 (6) *For the cost (as defined in section 502(5) of*
 6 *the Federal Credit Reform Act of 1990 (2 U.S.C.*
 7 *661a(5)) of loan guarantees under the program au-*
 8 *thorized by chapter 537 of title 46, United States*
 9 *Code, \$3,135,000, of which \$3,135,000 shall remain*
 10 *available until expended for administrative expenses*
 11 *of the program.*

12 (b) *FISCAL YEAR 2017.—Funds are hereby authorized*
 13 *to be appropriated for fiscal year 2017, to be available with-*
 14 *out fiscal year limitation if so provided in appropriations*
 15 *Acts, for the use of the Department of Transportation for*
 16 *Maritime Administration programs associated with main-*
 17 *taining national security aspects of the merchant marine,*
 18 *as follows:*

19 (1) *For expenses necessary for operations of the*
 20 *United States Merchant Marine Academy,*
 21 *\$96,028,000, of which—*

22 (A) *\$71,306,000 shall remain available*
 23 *until expended for Academy operations;*

1 (B) \$24,722,000 shall remain available
 2 until expended for capital asset management at
 3 the Academy.

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 5 maritime academies, \$32,050,000, of which—

6 (A) \$2,400,000 shall remain available until
 7 expended for student incentive payments;

8 (B) \$3,000,000 shall remain available until
 9 expended for direct payments to such academies;

10 (C) \$1,800,000 shall remain available until
 11 expended for training ship fuel assistance pay-
 12 ments;

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 14 until expended for maintenance and repair of
 15 State maritime academy training vessels;

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 17 expended for a National Security Multi-Mission
 18 Vessel Design Program; and

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 20 expended for improving the monitoring of grad-
 21 uates' service obligation.

22 (3) For expenses necessary to support Maritime
 23 Administration operations and programs,
 24 \$54,059,000.

1 (4) *For expenses necessary to dispose of vessels in*
2 *the National Defense Reserve Fleet, \$8,000,000 to re-*
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4 (5) *For expenses to maintain and preserve a*
5 *United States-flag merchant marine to serve the na-*
6 *tional security needs of the United States under chap-*
7 *ter 531 of title 46, United States Code, \$186,000,000.*

8 (6) *For the cost (as defined in section 502(5) of*
9 *the Federal Credit Reform Act of 1990 (2 U.S.C.*
10 *661a(5)) of loan guarantees under the program au-*
11 *thorized by chapter 537 of title 46, United States*
12 *Code, \$3,135,000, of which \$3,135,000 shall remain*
13 *available until expended for administrative expenses*
14 *of the program.*

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

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