

115TH CONGRESS
2D SESSION

S. 2717

To reauthorize provisions relating to the Maritime Administration.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2018

Mrs. FISCHER (for herself and Mr. PETERS) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To reauthorize provisions relating to the Maritime
Administration.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Maritime Authorization and Enhancement Act for Fiscal
6 Year 2019”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Authorization of the Maritime Administration.
- Sec. 3. Concurrent jurisdiction.
- Sec. 4. United States Merchant Marine Academy policy on sexual harassment,
 dating violence, domestic violence, sexual assault, and stalking.

- Sec. 5. Report on implementation of recommendations for the United States Merchant Marine Academy Sexual Assault Prevention and Response Program.
- Sec. 6. Electronic records on mariner availability to meet national security needs.
- Sec. 7. Small shipyard grants.
- Sec. 8. Domestic ship recycling facilities.
- Sec. 9. Sea year on contracted vessels.
- Sec. 10. GAO report on national maritime strategy.
- Sec. 11. Department of Transportation Inspector General report on title XI program.
- Sec. 12. Multi-year contracts.
- Sec. 13. Use of State academy training vessels.
- Sec. 14. Permanent authority of Secretary of Transportation to issue vessel war risk insurance.
- Sec. 15. Navigation system study and report.
- Sec. 16. Miscellaneous.

1 **SEC. 2. AUTHORIZATION OF THE MARITIME ADMINISTRATION.**
 2 **TION.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to the Department of
 5 Transportation for fiscal year 2019, to be available with-
 6 out fiscal year limitation if so provided in appropriations
 7 Acts, the following amounts for programs associated with
 8 maintaining the United States merchant marine:

9 (1) For expenses necessary for operations of the
 10 United States Merchant Marine Academy,
 11 \$69,000,000 for Academy operations.

12 (2) For expenses necessary to support the State
 13 maritime academies, \$32,200,000, of which—

14 (A) \$2,400,000 shall remain available until
 15 September 30, 2019, for the Student Incentive
 16 Program;

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

4 (C) \$22,000,000 shall remain available
5 until expended for maintenance and repair of
6 State maritime academy training vessels; and

7 (D) \$1,800,000 shall remain available until
8 expended for training ship fuel assistance.

9 (3) For expenses necessary to support the Na-
10 tional Security Multi-Mission Vessel Program,
11 \$300,000,000, which shall remain available until ex-
12 pended.

13 (4) For expenses necessary to support Maritime
14 Administration operations and programs,
15 \$60,442,000.

16 (5) For expenses necessary to dispose of vessels
17 in the National Defense Reserve Fleet, \$6,000,000,
18 which shall remain available until expended.

19 (6) For expenses necessary to maintain and
20 preserve a United States flag merchant marine to
21 serve the national security needs of the United
22 States under chapter 531 of title 46, United States
23 Code, \$300,000,000.

1 (7) For expenses necessary for the loan guar-
2 antee program authorized under chapter 537 of title
3 46, United States Code, \$33,000,000, of which—

4 (A) \$30,000,000 may be used for the cost
5 (as defined in section 502(5) of the Federal
6 Credit Reform Act of 1990 (2 U.S.C. 661a(5)))
7 of loan guarantees under the program; and

8 (B) \$3,000,000 may be used for adminis-
9 trative expenses relating to loan guarantee com-
10 mitments under the program.

11 (b) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Maritime Administrator
13 shall submit a report to the Committee on Commerce,
14 Science, and Transportation of the Senate and the Com-
15 mittee on Transportation and Infrastructure of the House
16 of Representatives on the status of unexpended appropria-
17 tions for capital asset management at the United States
18 Merchant Marine Academy, and the plan for expending
19 such appropriations.

20 **SEC. 3. CONCURRENT JURISDICTION.**

21 Notwithstanding any other law, the Secretary of
22 Transportation may relinquish, at the Secretary's discre-
23 tion, to the State of New York, such measure of legislative
24 jurisdiction over the lands constituting the United States
25 Merchant Marine Academy in King's Point, New York, as

1 is necessary to establish concurrent jurisdiction between
 2 the Federal Government and the State of New York. Such
 3 partial relinquishment of legislative jurisdiction shall be
 4 accomplished—

5 (1) by filing with the Governor of New York a
 6 notice of relinquishment to take effect upon accept-
 7 ance thereof; or

8 (2) as the laws of that State may provide.

9 **SEC. 4. UNITED STATES MERCHANT MARINE ACADEMY**
 10 **POLICY ON SEXUAL HARASSMENT, DATING**
 11 **VIOLENCE, DOMESTIC VIOLENCE, SEXUAL AS-**
 12 **SAULT, AND STALKING.**

13 (a) POLICY ON SEXUAL HARASSMENT, DATING VIO-
 14 LENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND
 15 STALKING.—Section 51318 of title 46, United States
 16 Code, is amended—

17 (1) in subsection (a)(2)—

18 (A) in subparagraph (A), by inserting
 19 “and prevention” after “awareness”;

20 (B) by redesignating subparagraph (B) as
 21 subparagraph (C), and subparagraphs (C)
 22 through (F) as subparagraphs (E) through (H),
 23 respectively;

24 (C) by inserting after subparagraph (A)
 25 the following:

1 “(B) procedures for documenting, track-
2 ing, and maintaining the data required to con-
3 duct the annual assessments to determine the
4 effectiveness of the policies, procedures, and
5 training program of the Academy with respect
6 to sexual harassment, dating violence, domestic
7 violence, sexual assault, and stalking involving
8 cadets or other Academy personnel, as required
9 by subsection (c);” and

10 (D) by inserting after subparagraph (C),
11 as redesignated by subparagraph (B), the fol-
12 lowing:

13 “(D) procedures for investigating sexual
14 harassment, dating violence, domestic violence,
15 sexual assault, or stalking involving a cadet or
16 other Academy personnel to determine whether
17 disciplinary action is necessary;”

18 (2) in subsection (b)(2)(A), by inserting “and
19 other Academy personnel” after “cadets at the
20 Academy”; and

21 (3) in subsection (d)—

22 (A) in paragraph (2)(A) by inserting “, in-
23 cluding sexual harassment,” after “sexual as-
24 saults, rapes, and other sexual offenses”; and

1 (B) in paragraph (4)(B), by striking “The
2 Secretary” and inserting “Not later than Janu-
3 ary 15 of each year, the Secretary”.

4 (b) IMPLEMENTATION.—The Superintendent of the
5 United States Merchant Marine Academy may implement
6 the amendment to subsection (b)(2)(A) of section 51318
7 of title 46, United States Code, made by subsection (a)(2),
8 by updating an existing plan issued pursuant to the Na-
9 tional Defense Authorization Act for Fiscal Year 2018
10 (Public Law 115–91).

11 **SEC. 5. REPORT ON IMPLEMENTATION OF RECOMMENDA-**
12 **TIONS FOR THE UNITED STATES MERCHANT**
13 **MARINE ACADEMY SEXUAL ASSAULT PRE-**
14 **VENTION AND RESPONSE PROGRAM.**

15 Not later than December 31, 2018, the Maritime Ad-
16 ministrator shall submit to the Committee on Commerce,
17 Science, and Transportation of the Senate and the Com-
18 mittee on Transportation and Infrastructure of the House
19 of Representatives a report describing the progress of the
20 Maritime Administration in implementing and closing
21 each of the recommendations made in the Office of Inspec-
22 tor General’s Report issued March 28, 2018 (ST–2018–
23 039) identifying gaps in the United States Merchant Ma-
24 rine Academy’s Sexual Assault Prevention and Response
25 Program.

1 **SEC. 6. ELECTRONIC RECORDS ON MARINER AVAILABILITY**
2 **TO MEET NATIONAL SECURITY NEEDS.**

3 Section 7502 of title 46, United States Code, is
4 amended—

5 (1) by redesignating subsection (c) as sub-
6 section (d); and

7 (2) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) The Secretary shall coordinate with the Sec-
10 retary of Transportation to ensure that, to the extent fea-
11 sible, electronic records provide information on mariner
12 availability to meet national security needs for mariner
13 credentialing and strategic sealift.”.

14 **SEC. 7. SMALL SHIPYARD GRANTS.**

15 Section 54101(b) of title 46, United States Code, is
16 amended—

17 (1) by redesignating paragraphs (2) and (3) as
18 paragraphs (3) and (4), respectively;

19 (2) by inserting after paragraph (1) the fol-
20 lowing:

21 “(2) TIMING OF GRANT NOTICE.—The Adminis-
22 trator shall post a Notice of Funding Opportunity
23 regarding grants awarded under this section not
24 more than 15 days after the date of enactment of
25 the appropriations Act for the fiscal year con-
26 cerned.”; and

1 (3) in paragraph (4), as redesignated by para-
2 graph (1), by striking “paragraph (2)” and inserting
3 “paragraph (3)”.

4 **SEC. 8. DOMESTIC SHIP RECYCLING FACILITIES.**

5 Section 3502 of the Floyd D. Spence National De-
6 fense Authorization Act for Fiscal Year 2001 (Public Law
7 106–398; 54 U.S.C. 308704 note) is amended—

8 (1) by redesignating subsections (e) through (f)
9 as subsections (d) through (g), respectively; and

10 (2) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) SCRAPPING OF IMPORTED VESSELS.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of law, domestic ship scrapping facilities
15 selected by the Secretary of Transportation in ac-
16 cordance with subsection (b) may import into the
17 United States, for the purpose of dismantling, ma-
18 rine vessels that contain regulated levels of poly-
19 chlorinated biphenyls that are integral to a vessel’s
20 structure, equipment, or systems necessary for its
21 operation.

22 “(2) NO TSCA PRIOR AUTHORIZATION RE-
23 QUIRED.—In lieu of the rulemaking by the Adminis-
24 trator of the Environmental Protection Agency
25 under section 6(e) of the Toxic Substances Control

1 Act (15 U.S.C. 2605(e)), imports of vessels con-
2 taining regulated levels of polychlorinated biphenyls
3 shall be subject to prior notification and consent in
4 accordance with this subsection.

5 “(3) NOTIFICATION.—

6 “(A) CONTENTS.—An importer of 1 or
7 more vessels containing regulated levels of poly-
8 chlorinated biphenyls shall submit a notification
9 to the Environmental Protection Agency not
10 less than 75 days before a vessel is imported
11 into the United States under this subsection.
12 The import notification may cover up to one
13 year of shipments of vessels containing regu-
14 lated levels of polychlorinated biphenyls being
15 sent to the same ship scrapping facility, and
16 shall contain, at a minimum, the following
17 items:

18 “(i) The name, contact name, address,
19 telephone number, email address, and EPA
20 Identification Number (if applicable) of the
21 ship scrapping facility and the recognized
22 trader, if the ship scrapping facility is not
23 the importer.

24 “(ii) The name, contact name, ad-
25 dress, telephone number, email address,

1 and EPA Identification Number (if appli-
2 cable) of each facility where poly-
3 chlorinated biphenyls or hazardous mate-
4 rials contained on a vessel will be stored
5 and disposed of, including any poly-
6 chlorinated biphenyls storage or disposal
7 facility approved under the Toxic Sub-
8 stances Control Act (15 U.S.C. 2601 et
9 seq.).

10 “(iii) The types of polychlorinated
11 biphenyls or polychlorinated biphenyls
12 items expected to be removed from the ves-
13 sels.

14 “(iv) The number of vessels proposed
15 for import and maximum tonnage.

16 “(v) The period of time covered by the
17 import notice (not to exceed one year) and
18 the start and end dates of shipment.

19 “(B) FORM.—Each notice under this para-
20 graph shall be clearly marked ‘PCB Waste Im-
21 port Notice’ and shall be submitted to the Envi-
22 ronmental Protection Agency in such form and
23 manner as the Environmental Protection Agen-
24 cy may require.

1 “(C) REVISED NOTIFICATION.—If an im-
2 porter wishes to change any of the information
3 specified on the original notification, the im-
4 porter must submit a revised notification, con-
5 taining notification of the changes, to the Envi-
6 ronmental Protection Agency.

7 “(4) CONSENT.—

8 “(A) IN GENERAL.—An importer shall not
9 import vessels containing regulated levels of
10 polychlorinated biphenyls until the importer has
11 received consent from the Administrator of the
12 Environmental Protection Agency.

13 “(B) TERMS.—Importers shall only import
14 vessels under the terms of the consent issued by
15 the Administrator of the Environmental Protec-
16 tion Agency under this paragraph and subject
17 to the condition that the facility shall establish
18 a valid written contract, chain of contracts, or
19 equivalent arrangements with other United
20 States facilities, where applicable, to manage
21 the polychlorinated biphenyls and hazardous
22 waste expected to be removed from the vessel or
23 vessels.

24 “(5) REPORT TO THE ENVIRONMENTAL PRO-
25 TECTION AGENCY.—Any ship scrapping facility au-

1 thorized by this subsection to import vessels con-
2 taining regulated levels of polychlorinated biphenyls
3 shall file with the Administrator of the Environ-
4 mental Protection Agency, not later than April 1 of
5 each year, a report providing, for each vessel im-
6 ported in accordance with this subsection, the fol-
7 lowing information:

8 “(A) The vessel name and approximated
9 tonnage.

10 “(B) Registration number and flag of the
11 vessel.

12 “(C) The date of import.

13 “(D) The types, quantities, and final des-
14 tination of all polychlorinated biphenyls and
15 hazardous waste removed.

16 “(E) The EPA-issued consent number
17 under which the vessel was imported.

18 “(6) APPLICABLE LAWS.—Once a vessel has
19 been imported pursuant to this subsection, the man-
20 ufacturing, processing, distribution in commerce,
21 use, and disposal of any polychlorinated biphenyls
22 and hazardous waste contained on the vessel shall be
23 carried out in accordance with applicable Federal,
24 State, and local laws and regulations.”.

1 **SEC. 9. SEA YEAR ON CONTRACTED VESSELS.**

2 Section 51307 of title 46, United States Code, is
3 amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “The Secretary” and inserting the fol-
6 lowing:

7 “(a) IN GENERAL.—The Secretary”;

8 (2) by redesignating paragraphs (2) through
9 (4) as paragraphs (3) through (5), respectively;

10 (3) by inserting after paragraph (1) the fol-
11 lowing:

12 “(2) on vessels contracted by the United States
13 Government, subject to subsection (b);”;

14 (4) by adding at the end the following:

15 “(b) Subsection (a)(2) shall only apply to vessels that
16 are contracted by the United States Government and that
17 carry more than 75,000 Metric tons of food aid per year
18 in accordance with section 55305 of title 46, United States
19 Code.”.

20 **SEC. 10. GAO REPORT ON NATIONAL MARITIME STRATEGY.**

21 The Comptroller General of the United States shall
22 complete a study and submit to the Committee on Com-
23 merce, Science, and Transportation of the Senate, the
24 Committee on Armed Services of the House of Represent-
25 atives, and the Committee on Transportation and Infra-
26 structure of the House of Representatives, a report on—

1 (1) the key challenges, if any, to ensuring that
2 the United States marine transportation system and
3 merchant marine are sufficient to support United
4 States economic and defense needs, as articulated by
5 the Maritime Administration, the Committee on the
6 Marine Transportation System, and other stake-
7 holders;

8 (2) the extent to which a national maritime
9 strategy incorporates desirable characteristics of suc-
10 cessful national strategies as identified by the Comp-
11 troller General, and any key obstacles (as identified
12 by stakeholders) to successfully implementing such
13 strategies; and

14 (3) the extent to which Federal efforts to estab-
15 lish national maritime strategy are duplicative or
16 fragmented, and if so, the impact on United States
17 maritime policy for the future.

18 **SEC. 11. DEPARTMENT OF TRANSPORTATION INSPECTOR**

19 **GENERAL REPORT ON TITLE XI PROGRAM.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Department of Transportation Office of
22 Inspector General shall—

23 (1) initiate an audit of the financial controls
24 and protections included in the policies and proce-
25 dures of the Department of Transportation for ap-

1 proving loan applications for the loan guarantee pro-
2 gram authorized under chapter 537 of title 46,
3 United States Code; and

4 (2) submit to the Committee on Transportation
5 and Infrastructure of the House of Representatives
6 and the Committee on Commerce, Science, and
7 Transportation of the Senate a report containing the
8 results of that audit once the audit is completed.

9 **SEC. 12. MULTI-YEAR CONTRACTS.**

10 Nothing in section 3505 of the National Defense Au-
11 thorization Act for Fiscal Year 2017 (Public Law 114–
12 328) may be construed to prohibit the Maritime Adminis-
13 tration from entering into a multi-year contract for the
14 procurement of up to 5 new vessels within the National
15 Security Multi-Mission Vessel Program and associated
16 government–furnished equipment, subject to the avail-
17 ability of appropriations.

18 **SEC. 13. USE OF STATE ACADEMY TRAINING VESSELS.**

19 Section 51504(g) of title 46, United States Code, is
20 amended to read as follows:

21 “(g) VESSEL SHARING.—

22 “(1) IN GENERAL.—Not later than 90 days
23 after the date of enactment of the Maritime Author-
24 ization and Enhancement Act for Fiscal Year 2019,
25 the Secretary, acting through the Maritime Adminis-

1 trator, shall upon consultation with the maritime
2 academies, and to the extent feasible with the con-
3 sent of the maritime academies, implement a pro-
4 gram of vessel sharing, requiring maritime acad-
5 emies to share training vessels provided by the Sec-
6 retary among maritime academies, as necessary to
7 ensure that training needs of each academy are met.

8 “(2) PROGRAM OF VESSEL SHARING.—For pur-
9 poses of this subsection, a program of vessel sharing
10 shall include—

11 “(A) ways to maximize the available under-
12 way training capacity available in the fleet of
13 training vessels;

14 “(B) coordinating the dates and duration
15 of training cruises with the academic calendars
16 of maritime academies;

17 “(C) coordinating academic programs de-
18 signed to be implemented aboard training ves-
19 sels among maritime academies; and

20 “(D) identifying ways to minimize costs.

21 “(3) EVALUATION.—Not later than 30 days
22 after the beginning of each fiscal year, the Sec-
23 retary, acting through the Maritime Administrator,
24 shall evaluate the vessel sharing program under this
25 subsection to determine the optimal utilization of

1 State maritime training vessels, and modify the pro-
2 gram as necessary to improve utilization.”.

3 **SEC. 14. PERMANENT AUTHORITY OF SECRETARY OF**
4 **TRANSPORTATION TO ISSUE VESSEL WAR**
5 **RISK INSURANCE.**

6 (a) IN GENERAL.—Section 53912 of title 46, United
7 States Code, is repealed.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 539 of title 46, United States
10 Code, is amended by striking the item relating to section
11 53912.

12 **SEC. 15. NAVIGATION SYSTEM STUDY AND REPORT.**

13 (a) STUDY OF THE GREAT LAKES SYSTEM.—

14 (1) IN GENERAL.—The Maritime Administrator
15 shall conduct a comprehensive study of the Great
16 Lakes—Saint Lawrence Seaway navigation system
17 (referred to in this section as the “Great Lakes Sys-
18 tem”) that examines the current state of the system
19 and makes recommendations for improvements.

20 (2) CONTENTS.—The study—

21 (A) shall examine, with respect to the
22 Great Lakes System—

23 (i) typical cargo routing options;

24 (ii) the cost profile of each route and
25 alternative routes;

- 1 (iii) port infrastructure quality;
- 2 (iv) intermodal connections;
- 3 (v) competing transportation options,
4 including air, rail, and ground transpor-
5 tation and their relative market position;
- 6 (vi) taxes and fees imposed on vessels;
- 7 (vii) marketing efforts to increase
8 shipments;
- 9 (viii) subsidies provided to the Great
10 Lakes System and to competing cargo
11 transportation systems;
- 12 (ix) the condition of the docks at each
13 port;
- 14 (x) United States and Canadian Gov-
15 ernment icebreaking capabilities to facili-
16 tate commercial shipping; and
- 17 (xi) the condition of vessel navigation
18 infrastructure (such as channels, locks,
19 letties, and breakwaters) and efforts to
20 maintain, upgrade, or replace that infra-
21 structure; and
- 22 (B) shall make recommendations on—
- 23 (i) the level of additional investment
24 needed to improve the Great Lakes Sys-
25 tem;

1 (ii) any benefits of increased Federal
2 or State investment in the Great Lakes
3 System; and

4 (iii) any regulatory or competitive
5 burdens impeding growth of the Great
6 Lakes System.

7 (b) REPORT.—Not later than 1 year after the date
8 of the enactment of this Act, the Maritime Administrator
9 shall submit a report to the Committee on Commerce,
10 Science, and Transportation of the Senate, the Committee
11 on Transportation and Infrastructure of the House of
12 Representatives, and the Co-Chairs of the Great Lakes
13 Task Force of the Senate and of the House of Representa-
14 tives containing the results of the study conducted under
15 this section.

16 (c) CONTRACT.—The Maritime Administrator may
17 enter into a contract with another entity to carry out the
18 study.

19 **SEC. 16. MISCELLANEOUS.**

20 (a) NONCOMMERCIAL VESSELS.—Section 3514(a) of
21 the National Defense Authorization Act for Fiscal Year
22 2017 (Public Law 114–328; 46 U.S.C. 51318 note) is
23 amended—

24 (1) by striking “Not later than” and inserting
25 the following:

1 “(1) Not later than”; and

2 (2) by redesignating paragraphs (1) and (2) as
3 subparagraphs (A) and (B), respectively, and adjust-
4 ing the margins accordingly; and

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

6 “(2) For the purposes of this section, vessels
7 operated by any of the following entities shall not be
8 considered commercial vessels:

9 “(A) Any entity or agency of the United
10 States.

11 “(B) The government of a State or terri-
12 tory.

13 “(C) Any political subdivision of a State or
14 territory.

15 “(D) Any other municipal organization.”.

16 (b) PASSENGER RECORDS.—Section 51322(c) of title
17 46, United States Code, is amended to read as follows:

18 “(c) MAINTENANCE OF SEXUAL ASSAULT TRAINING
19 RECORDS.—The Maritime Administrator shall require the
20 owner or operator of a commercial vessel, or the seafarer
21 union for a commercial vessel, to maintain records of sex-
22 ual assault training for any person required to have such
23 training.”.

1 (c) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
2 ISTRATION.—Section 3134 of title 40, United States Code,
3 is amended by adding at the end the following:

4 “(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
5 ISTRATION.—The Secretary of Commerce may waive this
6 subchapter with respect to contracts for the construction,
7 alteration, or repair of vessels, regardless of the terms of
8 the contracts as to payment or title, when the contract
9 is made under the Act entitled ‘An Act to define the func-
10 tions and duties of the Coast and Geodetic Survey, and
11 for other purposes’, approved August 6, 1947 (33 U.S.C.
12 883a et seq.)”.

13 (d) ANNUAL PAYMENTS FOR MAINTENANCE AND
14 SUPPORT.—Section 51505(b) of title 46 is amended to
15 read as follows:

16 “(2) MAXIMUM.—The amount under paragraph
17 (1) may not be more than \$25,000, unless the acad-
18 emy satisfies section 51506(b) of this title.”.

○