

SA 1797. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE --MARITIME ADMINISTRATION

SEC. --01. SHORT TITLE.

This title may be cited as the ``Maritime Administration Authorization Act of 2010''.

SEC. --02. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended--

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

``(h) **CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.--**'';

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

``(1) **CONTRACTS AND COOPERATIVE AGREEMENTS.--**'';

(3) by striking ``make contracts'' in subsection (h)(1) and inserting ``make contracts and cooperative agreements'';

(4) by striking ``section and'' in subsection (h)(1)(A) and inserting ``section,'';

(5) by striking ``title 46;'' in subsection (h)(1)(A) and insert ``title 46, and all other Maritime Administration programs;''; and

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

``(i) **GRANT ADMINISTRATIVE EXPENSES.--**Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.''

SEC. --03. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

“(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.”.

SEC. --04. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE MERCHANT MARINE ACADEMY.

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

SEC. --05. PERMANENT AUTHORITY TO HIRE ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) **IN GENERAL.**--Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:“

“(a) **IN GENERAL.**--The Maritime Administrator may, subject to the availability of appropriations, contract with individuals as personal services contractors to provide services as adjunct professors at the United States Merchant Marine Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

“(b) **CONTRACT REQUIREMENTS.**--Each contract under this section--

“(1) shall be approved by the Maritime Administrator; and

“(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administration finds that exceptional circumstances justify an extension, which may not exceed one additional year.

“(c) **LIMITATION ON NUMBER OF CONTRACTORS.**--In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

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

(b) **CONFORMING AMENDMENTS.**--

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

“51317. Adjunct professors.”.

(2) Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC. --06. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended--

(1) by striking “1994.” in subsection (b) and inserting “1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and U.S. Coast Guard license fees.”; and

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

“(c) **USE AND ACCOUNTING.**--

“(1) **USE.**--Midshipman fees collected by the Academy shall be credited to the Maritime Administration's Operations and Training appropriations, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be returned to the midshipmen through a mechanism approved by the Maritime Administrator.

“(2) **ACCOUNTING.**--The Maritime Administration shall maintain a separate and detailed accounting of fee revenue and all associated expenses.”.

SEC. --07. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

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

SEC. --08. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

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

“(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.--

“(1) ESTABLISHMENT OF PROGRAM.--The Secretary of Transportation, through the Maritime Administration, shall establish a port infrastructure development program for the improvement of port facilities.

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

“(A) receive funds provided for the program from non-Federal and private entities that have a specific agreement or contract with the Maritime Administration to further the purposes of this subsection;

“(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to relieve port congestion, to increase port security, or to provide greater access to port facilities;

“(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

“(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

“(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.--

“(A) ESTABLISHMENT.--There is a Port Infrastructure Development Fund for use by the Administrator in carrying out the port infrastructure development program. The Fund shall be available to the Administrator--

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

“(ii) to receive non-Federal and private funds from entities which have specific agreements or contracts with the Administrator; and

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

“(B) CREDITS.--There shall be deposited into the Fund--

“(i) funds from non-Federal and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended; and

“(ii) such amounts as may be appropriated or transferred to the Fund under this subsection.

“(C) **TRANSFERS.**--Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the program shall be transferred to the Fund and administered by the Administrator.

“(D) **ADMINISTRATIVE EXPENSES.**--Administrative and related expenses for the program for any fiscal year may not exceed 3 percent of the amount available to the program for that fiscal year.

“(E) **AUTHORIZATION OF APPROPRIATIONS.**--There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under subparagraph (A)(ii).”.

SEC. --09. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

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

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

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

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

SEC. --10. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended by striking “paid before the start of each academic year,” and inserting “paid,”.

SEC. --11. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NON-APPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after “body.” the following: “Non-appropriated funds received for this purpose shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of non-appropriated fund receipts and all associated expenses.”.

SEC. --12. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

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

``(a) **IN GENERAL.**--The Secretary of Transportation shall establish and implement a short sea transportation grant program.

``(b) **PURPOSE.**--The purposes of the program are to make grants to States and other public entities and sponsors of short sea transportation projects designated by the Secretary--

``(1) to facilitate and support marine transportation initiatives at the State and local levels to facilitate commerce, mitigate landside congestion, reduce the transportation energy consumption, reduce harmful emissions, improve safety, assist in environmental mitigation efforts, and improve transportation system resiliency; and

``(2) to provide capital funding to address short sea transportation infrastructure and freight transportation needs for ports, vessels, and intermodal cargo facilities.

``(c) **ELIGIBLE PROJECTS.**--To be eligible for a grant under the program, a project--

``(1) shall be designed to help relieve congestion, improve transportation safety, facilitate domestic and international trade, or encourage public-private partnerships; and

``(2) may include development, modification, and construction of marine and intermodal cargo facilities, vessels, port infrastructure and cargo handling equipment, and transfer facilities at ports.

``(d) **SELECTION PROCESS.**--

``(1) **APPLICATIONS.**--A State or other public entity, or the sponsor of any short sea transportation project designated by the Secretary under the America's Marine Highway Program (MARAD Docket No. 2008-0096; 73 FR 59530), may submit an application to Secretary for a grant under the short sea transportation grant program. The application shall contain such information and assurances as the Secretary may require.

``(2) **PRIORITY.**--In selecting projects for grants, the Secretary shall give priority to projects that are consistent with the objectives of the short sea transportation initiative and America's Marine Highway Program that will--

``(A) mitigate landside congestion;

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

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

“(D) provide savings as an alternative to or means to avoid highway or rail transportation infrastructure construction and maintenance.

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

(b) **CLERICAL AMENDMENT.**--The table of contents for chapter 556 of title 46, United States Code, is amended--

(1) by redesignating the items relating to sections 55602 through 55605 as relating to section 55603 through 55606; and

(2) by inserting after the item relating to section 55601 the following:

“55602. Short sea transportation grant program.”.

SEC. --13. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) *Definitions.*--In this section:

(1) **MARINE TRANSPORTATION SYSTEM.**--The term “marine transportation system” means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) **MARINE VIEW SYSTEM.**--The term “Marine View system” means the information system of the Maritime Administration known as Marine View.

(b) *Findings.*--Congress finds the following:

(1) Information regarding the marine transportation system is comprised of information from the Government of the United States and from commercial sources.

(2) Marine transportation system information includes information regarding waterways, bridges, locks, dams, and all intermodal components that are dependent on maritime transportation and accurate information regarding marine transportation is critical to the health of the United States economy.

(3) Numerous challenges face the marine transportation system, including projected growth in cargo volumes, international competition, complexity, cooperation, and the need for improved efficiency.

(4) There are deficiencies in the current information environment of the marine transportation system, including the inability to model the entire marine transportation system to address capacity planning, disaster planning, and disaster recovery.

(5) The current information environment of the marine transportation system contains multiple unique systems that are duplicative, not integrated, not able to be shared, not secure, or that have little structured privacy protections, not protected from loss or destruction, and will not be available when needed.

(6) There is a lack of system-wide information views in the marine transportation system.

(7) The Administrator of the Maritime Administration is uniquely positioned to develop and execute the role of marine transportation system information advocate, to serve as the focal point for marine transportation system information management, and to provide a robust information infrastructure to identify, collect, secure, protect, store, and deliver critical information regarding the marine transportation system.

(c) *Purposes.*--The purposes of this section are--

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(d) *Expansion of Marine View System.*--To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that--

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

(e) *Agreements and Contracts.*--The Administrator of the Maritime Administration may enter into cooperative agreements, partnerships, contracts, or other agreements with industry or other Federal agencies to carry out this section.

(f) *Authorization of Appropriations.*--There are authorized to be appropriated \$10,000,000 for each of fiscal years 2010 through 2013 to carry out this section.

SEC. --14. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

(a) **IN GENERAL.**--There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2010 the following amounts:

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

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

(B) \$11,240,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

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

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

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

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

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, \$6,000,000.

(b) **AVAILABILITY.**--Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.