

Calendar No. 252112TH CONGRESS
1ST SESSION**S. 1430****[Report No. 112-99]**

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

IN THE SENATE OF THE UNITED STATES

JULY 27, 2011

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

DECEMBER 7, 2011

Reported by Mr. ROCKEFELLER, with an amendment

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

To authorize 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,*

1 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 46,**
 2 **UNITED STATES CODE; TABLE OF CONTENTS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Maritime Administration Authorization Act for Fiscal
 5 Year 2012”.

6 (b) **AMENDMENT OF TITLE 46, UNITED STATES**
 7 **CODE.**—Except as otherwise expressly provided, whenever
 8 in this Act an amendment or repeal is expressed in terms
 9 of an amendment to, or a repeal of, a section or other
 10 provision, the reference shall be considered to be made to
 11 a section or other provision of title 46, United States
 12 Code.

13 (c) **TABLE OF CONTENTS.**—The table of contents for
 14 this Act is as follows:

- Sec. 1. Short title; amendment of title 46, United States Code; table of contents.
- Sec. 2. Marine transportation system.
- Sec. 3. Short sea transportation program amendments.
- Sec. 4. Use of National Defense Reserve Fleet and Ready Reserve Force Vessels.
- Sec. 5. Green ships program.
- Sec. 6. Recycling of National Defense Reserve Fleet Vessels.
- Sec. 7. Ship scrapping reporting requirement.
- Sec. 8. Extension of Maritime Security Fleet Program.
- Sec. 9. Maritime Workforce Study.
- Sec. 10. Authorization of appropriations for fiscal year 2012.

15 **SEC. 2. MARINE TRANSPORTATION SYSTEM.**

16 (a) **REPORT ON STATUS OF SYSTEM.**—Section
 17 50109(d) is amended to read as follows:

18 “(d) **MARINE TRANSPORTATION SYSTEM.**—

19 “(1) **REPORT ON WATERWAYS.**—Not later than
 20 July 31, 2012, the Secretary, in consultation with

1 the Secretary of Defense and the commanding offi-
2 cer of the Army Corps of Engineers, and with the
3 concurrence of the Secretary of the department in
4 which the Coast Guard is operating, shall submit a
5 report to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Armed Services and the Committee on Transpor-
8 tation and Infrastructure of the House of Represent-
9 atives on the status of the Nation's coastal and in-
10 land waterways that—

11 “(A) describes the state of the United
12 States marine transportation infrastructure, in-
13 cluding intercoastal infrastructure, intracoastal
14 infrastructure, inland waterway infrastructure,
15 ports, and marine facilities;

16 “(B) provides estimates of the investment
17 levels required—

18 “(i) to maintain the infrastructure;

19 and

20 “(ii) to improve the infrastructure;

21 and

22 “(C) describes the overall environmental
23 management of the maritime transportation
24 system and the integration of environmental
25 stewardship into the overall system.

1 “(2) MARINE TRANSPORTATION.—The Sec-
2 retary may investigate, make determinations con-
3 cerning, and develop a repository of statistical infor-
4 mation relating to marine transportation, including
5 its relationship to transportation by land and air, to
6 facilitate research, assessment, and maintenance of
7 the maritime transportation system. As used in this
8 paragraph, the term ‘marine transportation’ includes
9 intercoastal transportation, intracoastal transpor-
10 tation, inland waterway transportation, ports, and
11 marine facilities.

12 “(3) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to the Sec-
14 retary such sums as may be necessary to carry out
15 this subsection.”

16 (b) CONTAINER-ON-BARGE TRANSPORTATION.—

17 (1) ASSESSMENT AND REPORT.—Not later than
18 6 months after the date of enactment of this Act,
19 the Maritime Administration shall assess the poten-
20 tial for using container-on-barge transportation on
21 the inland waterways system and submit a report,
22 together with the Administration’s findings, conclu-
23 sions, and recommendations, to the Committee on
24 Commerce, Science, and Transportation of the Sen-
25 ate and the Committee on Armed Services and the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives. If the Administration
3 determines that it would be in the public interest,
4 the report may include recommendations for a plan
5 to increase awareness of the potential for use of
6 such container-on-barge transportation and rec-
7 ommendations for the development and implementa-
8 tion of such a plan.

9 (2) FACTORS.—In conducting the assessment,
10 the Administration shall consider—

11 (A) the environmental benefits of increas-
12 ing container-on-barge movements on our in-
13 land and intracoastal waterways system;

14 (B) regional differences in the inland wa-
15 terways system;

16 (C) existing programs established at coast-
17 al and Great Lakes ports for establishing
18 awareness of deep sea shipping operations;

19 (D) mechanisms to ensure that implemen-
20 tation of the plan will not be inconsistent with
21 antitrust laws; and

22 (E) potential frequency of service at inland
23 river ports.

1 **SEC. 3. SHORT SEA TRANSPORTATION PROGRAM AMEND-**
 2 **MENTS.**

3 (a) PROGRAM PURPOSE.—Section 55601(a) is
 4 amended by inserting “and to promote more efficient use
 5 of the navigable waters of the United States” after “con-
 6 gestion”.

7 (b) DESIGNATION OF ROUTES.—Section 55601(e) is
 8 amended by inserting “and to promote more efficient use
 9 of the navigable waters of the United States” after “coast-
 10 al corridors”.

11 (c) PROJECT DESIGNATION.—Section 55601(d) is
 12 amended to read as follows:

13 “(d) PROJECT DESIGNATION.—The Secretary may
 14 designate a project as a short sea transportation project
 15 if the Secretary determines that the project—

16 “(1) mitigates landside congestion; or

17 “(2) promotes more efficient use of the navi-
 18 gable waters of the United States.”

19 (d) DOCUMENTATION.—Section 55605 is amended by
 20 striking “by vessel” and inserting “by a documented ves-
 21 sel”.

22 **SEC. 4. USE OF NATIONAL DEFENSE RESERVE FLEET AND**
 23 **READY RESERVE FORCE VESSELS.**

24 Section 11 of the Merchant Ship Sales Act of 1946
 25 (50 U.S.C. App. 1744), is amended—

26 (1) in subsection (b)—

1 (A) by striking “or” in paragraph (4) after
2 the semicolon;

3 (B) by striking the period at the end of
4 paragraph (5) and inserting “; or”; and

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

6 “~~(6)~~ for civil contingency operations and Mari-
7 time Administration promotional and media events
8 under subsection (f).”;

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

10 “~~(f)~~ CIVIL CONTINGENCY OPERATIONS AND PRO-
11 MOTIONAL AND MEDIA EVENTS.—The Secretary of
12 Transportation may allow, with the concurrence of the
13 Secretary of Defense, the use of a vessel in the National
14 Defense Reserve Fleet for civil contingency operations re-
15 quested by another Federal agency, and for Maritime Ad-
16 ministration promotional and media events that are re-
17 lated to demonstration projects and research and develop-
18 ment supporting the Maritime Administration’s mission,
19 if the Secretary of Transportation determines the use of
20 the vessel is in the best interest of the United States Gov-
21 ernment after—

22 “~~(1)~~ considering the availability of the National
23 Defense Reserve Fleet and Ready Reserve Force re-
24 sources;

1 “(2) considering the impact on National De-
2 fense Reserve Fleet and Ready Reserve Force mis-
3 sion support to the defense and homeland security
4 requirements of the United States Government;

5 “(3) ensuring that the use of the vessel sup-
6 ports the mission of the Maritime Administration
7 and does not significantly interfere with vessel main-
8 tenance, repair, safety, readiness, or resource avail-
9 ability;

10 “(4) ensuring that safety precautions are taken,
11 including indemnification of liability, when applica-
12 ble;

13 “(5) ensuring that any cost incurred by the use
14 of the vessel is funded as a reimbursable transaction
15 between Federal agencies, as applicable; and

16 “(6) considering any other factors the Secretary
17 of Transportation determines are appropriate.”.

18 **SEC. 5. GREEN SHIPS PROGRAM.**

19 (a) **IN GENERAL.**—Chapter 503 is amended by add-
20 ing at the end the following:

21 **“SEC. § 50307. GREEN SHIPS PROGRAM**

22 “(a) **IN GENERAL.**—The Secretary of Transportation
23 may establish a green ships program to engage in the envi-
24 ronmental study, research, development, assessment, and
25 deployment of emerging marine technologies through the

1 use of public vessels under the control of the Maritime
2 Administration or private vessels under United States reg-
3 istry; and through partnerships and cooperative efforts
4 with academic, public, private, and non-governmental enti-
5 ties.

6 “(b) PROGRAM REQUIREMENTS.—The program—

7 “(1) shall identify, evaluate, test, demonstrate,
8 or improve emerging marine technologies that are
9 likely to achieve environmental improvements—

10 “(A) by reducing air emissions, water
11 emissions, or other ship discharges;

12 “(B) by increasing fuel economy or the use
13 of alternative fuels; or

14 “(C) by controlling aquatic invasive spe-
15 cies; and

16 “(2) shall be coordinated with the Environ-
17 mental Protection Agency, the United States Coast
18 Guard, and other Federal, State, local, or tribal
19 agencies, as appropriate.

20 “(c) PROGRAM COORDINATION.—Program coordina-
21 tion under subsection (b)(2) may include—

22 “(1) activities that are associated with the de-
23 velopment or approval of validation and testing re-
24 gimes; and

1 “(2) certification or validation of emerging
2 technologies that demonstrate significant environ-
3 mental benefits.

4 “(d) FUNDING AND FEES.—

5 “(1) IN GENERAL.—In carrying out the green
6 ships program, the Secretary of Transportation may
7 apply such funds as may be appropriated and such
8 funds or resources as may become available by gift,
9 cooperative agreement, or otherwise, including the
10 collection of fees, for the purposes of the program
11 and its administration.

12 “(2) ESTABLISHMENT OF FEES.—Pursuant to
13 section 9701 of title 31, the Secretary of Transpor-
14 tation may promulgate regulations establishing fees
15 to recover reasonable costs to the Secretary and to
16 academic, public, and non-governmental entities as-
17 sociated with the program.

18 “(3) FEE DEPOSIT.—Any fees collected under
19 this section shall be deposited in a special fund of
20 the United States Treasury for services rendered
21 under the program, which thereafter shall remain
22 available until expended to carry out the Secretary
23 of Transportation’s activities for which the fees were
24 collected.

1 ized by law, but the Administration shall, to the
 2 maximum extent it considers practicable, consistent
 3 with the purposes of its programs and the effective,
 4 efficient conduct of its activities, coordinate its oper-
 5 ations with the requirements of this subtitle and
 6 with policies and regulations prescribed under this
 7 subtitle.”.

8 **SEC. 7. SHIP SCRAPPING REPORTING REQUIREMENT.**

9 Section 3502 of the Floyd D. Spence National De-
 10 fense Authorization Act for Fiscal Year 2001 (enacted
 11 into law by section 1 of Public Law 106–398, 16 U.S.C.
 12 5405 note; 114 Stat. 1654A–490) is amended by amend-
 13 ing subsection (f) to read as follows:

14 “(f) The Secretary of Transportation shall provide
 15 briefings, upon request, to the Committee on Commerce,
 16 Science, and Transportation and the Committee on Armed
 17 Forces of the Senate and the Committee on Transpor-
 18 tation and Infrastructure, the Committee on Resources,
 19 and the Committee on Armed Forces of the House of Rep-
 20 resentatives on—

21 “(1) the progress made to recycle vessels;

22 “(2) any problems encountered in recycling ves-
 23 sels; and

24 “(3) any other issues relating to vessel recycling
 25 and disposal.”.

1 **SEC. 8. EXTENSION OF MARITIME SECURITY FLEET PRO-**
 2 **GRAM.**

3 (a) Section 53101 is amended—

4 (1) by amending paragraph (4) to read as fol-
 5 lows:

6 “(4) FOREIGN COMMERCE.—The term ‘foreign
 7 commerce’ means—

8 “(A) commerce or trade between the
 9 United States, its territories or possessions, or
 10 the District of Columbia, and a foreign country;
 11 and

12 “(B) commerce or trade between foreign
 13 countries.”;

14 (2) by striking paragraph (5);

15 (3) by redesignating paragraphs (6) through
 16 (13) as (5) through (12), respectively; and

17 (4) by amending paragraph (5), as redesignated
 18 by section 8(a)(3) of this Act, to read as follows:

19 “(5) PARTICIPATING FLEET VESSEL.—The
 20 term ‘participating fleet vessel’ means any vessel
 21 that—

22 “(A) On October 1, 2015—

23 “(i) meets the requirements of paragraph
 24 (1), (2), (3), or (4) of section 53102(c); and

1 “(ii) is less than 20 years of age if the ves-
2 sel is a tank vessel, or is less than 25 years of
3 age for all other vessel types; and

4 “(B) On December 31, 2014, is covered by an
5 operating agreement under this chapter.”.

6 (b) Section 53102(b) is amended to read as follows:

7 “(b) VESSEL ELIGIBILITY.—A vessel is eligible to be
8 included in the Fleet if—

9 “(1) the vessel meets the requirements of para-
10 graph (1), (2), (3), or (4) of subsection (c);

11 “(2) the vessel is operated (or in the case of a
12 vessel to be constructed, will be operated) in pro-
13 viding transportation in foreign commerce;

14 “(3) the vessel is self-propelled and—

15 “(A) is a tank vessel that is 10 years of
16 age or less on the date the vessel is included in
17 the Fleet; or

18 “(B) is any other type of vessel that is 15
19 years of age or less on the date the vessel is in-
20 cluded in the Fleet;

21 “(4) the vessel—

22 “(A) is suitable for use by the United
23 States for national defense or military purposes
24 in time of war or national emergency, as deter-
25 mined by the Secretary of Defense; and

1 “(B) is commercially viable, as determined
2 by the Secretary; and

3 ~~“(5) the vessel—~~

4 ~~“(A) is a United States-documented vessel;~~

5 ~~or~~

6 ~~“(B) is not a United States-documented
7 vessel, but—~~

8 ~~“(i) the owner of the vessel has dem-
9 onstrated an intent to have the vessel docu-
10 mented under chapter 121 of this title if
11 it is included in the Fleet; and~~

12 ~~“(ii) at the time an operating agree-
13 ment for the vessel is entered into under
14 this chapter, the vessel is eligible for docu-
15 mentation under chapter 121 of this
16 title.”.~~

17 ~~(e) Section 53103 is amended—~~

18 ~~(1) by amending subsection (b) to read as fol-
19 lows:~~

20 ~~“(b) Extension of Existing Operating Agreements.—~~

21 ~~The Secretary is authorized to amend an operating agree-
22 ment that is in existence on December 31, 2014, for a
23 participating fleet vessel, or any subsequent replacement
24 of the participating fleet vessel, to extend the operating
25 agreement through September 30, 2025. The terms and~~

1 conditions of the extended operating agreement shall in-
2 clude terms and conditions authorized under this chapter,
3 as amended from time to time. If a contractor does not
4 agree to an extended operating agreement before February
5 28, 2015, the Secretary may award the operating agree-
6 ment to another contractor. Beginning on February 28,
7 2015, operating agreements shall not be transferable by
8 the contractor.”; and

9 (2) by amending subsection (e) to read as fol-
10 lows:

11 “(e) PROCEDURE FOR AWARDING NEW OPERATING
12 AGREEMENTS.—The Secretary may enter into a new oper-
13 ating agreement with an applicant that meets the require-
14 ments of section 53102(e) (for vessels that meet the quali-
15 fications of section 53102(b)) on the basis of priority for
16 vessel type established by military requirements of the
17 Secretary of Defense. The Secretary shall allow an appli-
18 cant at least 30 days to submit an application for a new
19 operating agreement. After consideration of military re-
20 quirements, priority shall be given to an applicant that
21 is a U.S. citizen under section 50501 of this title. The
22 Secretary may not approve an application without the con-
23 sent of the Secretary of Defense. The Secretary shall enter
24 into an operating agreement with the applicant or provide
25 a written reason for denying the application.”.

1 (d) Section 53104 is amended—

2 (1) in subsection (e), by striking paragraph (3);

3 and

4 (2) in subsection (e), by striking “an operating
5 agreement under this chapter is terminated under
6 subsection (e)(3), or if”.

7 (e) Section 53105 is amended—

8 (1) by amending subsection (e) to read as fol-
9 lows:

10 “(e) REPLACEMENT VESSELS.—A contractor may re-
11 place a vessel under an operating agreement with another
12 vessel that is eligible to be included in the Fleet under
13 section 53102(b), if the Secretary, in conjunction with the
14 Secretary of Defense, approves the replacement of the ves-
15 sel.”; and

16 (2) by striking subsection (f).

17 (f) Section 53106 is amended—

18 (1) in subsection (a)(1), by striking “and (C)
19 \$3,100,000 for each of fiscal years 2012 through
20 2025.” and inserting the following:

21 “(C) \$3,100,000 for each of fiscal years
22 2012, 2013, 2014, 2015, 2016, 2017, and
23 2018;

24 “(D) \$3,500,000 for each of fiscal years
25 2019, 2020, and 2021; and

1 “(E) \$3,700,000 for each of fiscal years
2 2022, 2023, 2024, and 2025.”;

3 (2) in subsection (e)(3)(C), by striking “a
4 LASH vessel.” and inserting “a lighter aboard ship
5 vessel.”; and

6 (3) by striking subsection (f).

7 (g) Section 53107(b)(1) is amended to read as fol-
8 lows:

9 “(1) IN GENERAL.—An Emergency Prepared-
10 ness Agreement under this section shall require that
11 a contractor for a vessel covered by an operating
12 agreement under this chapter shall make commercial
13 transportation resources (including services) avail-
14 able, upon request by the Secretary of Defense dur-
15 ing a time of war or national emergency, or when-
16 ever the Secretary of Defense determines that it is
17 necessary for national security or contingency oper-
18 ation (as that term is defined in section 101 of title
19 10, United States Code).”.

20 (h) Section 53109 is repealed.

21 (i) The table of contents for chapter 531 is amended
22 by striking the item relating to section 53109.

23 (j) Section 53111 is amended by striking “and (3)
24 \$186,000,000 for each fiscal year thereafter through fiscal
25 year 2025.” and inserting the following:

1 “(3) \$186,000,000 for each of fiscal years
2 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

3 “(4) \$210,000,000 for each of fiscal years
4 2019, 2020, and 2021; and

5 “(5) \$222,000,000 for each fiscal year there-
6 after through fiscal year 2025.”.

7 (k) Chapter 531 is amended by adding at the end
8 the following:

9 **“SEC. § 53112. ACQUISITION OF FLEET VESSELS**

10 “(a) IN GENERAL.—Notwithstanding section 2218(f)
11 of title 10, United States Code, upon replacement of any
12 vessel subject to an operating agreement under this chap-
13 ter, and subject to agreement by the vessel owner, the Sec-
14 retary is authorized, subject to concurrence with the Sec-
15 retary of Defense, to acquire the vessel being replaced for
16 inclusion in the National Defense Reserve Fleet.

17 “(b) REQUIREMENTS.—In order to be eligible for ac-
18 quisition by the Secretary under this section, a vessel
19 shall—

20 “(1) have been included in a Maritime Security
21 Program Operating Agreement for not less than 3
22 years; and

23 “(2) meet recapitalization requirements for the
24 Ready Reserve Force.

1 “(c) FAIR MARKET VALUE.—The Maritime Adminis-
 2 tration shall establish a fair market value for the acquisi-
 3 tion of an eligible vessel under this section.

4 “(d) APPROPRIATIONS.—A vessel acquisition under
 5 this section shall be subject to the availability of appro-
 6 priations and the appropriations shall be part of the Na-
 7 tional Defense Reserve Fleet appropriations and separate
 8 from Maritime Security Program appropriations.”.

9 (1) EFFECTIVE DATE OF AMENDMENTS.—The
 10 amendments made by—

11 (1) paragraphs (2), (3), and (4) of section 8(a)
 12 of this Act take effect on December 31, 2014;

13 (2) section 8(c)(1) of this Act take effect on
 14 December 31, 2014; and

15 (3) section 8(f)(2) of this Act take effect on De-
 16 cember 31, 2014.

17 **SEC. 9. MARITIME WORKFORCE STUDY.**

18 (a) TRAINING STUDY.—The Comptroller General of
 19 the United States shall conduct a study on the training
 20 needs of the maritime workforce.

21 (b) STUDY COMPONENTS.—The study shall—

22 (1) analyze the impact of training requirements
 23 imposed by domestic and international regulations
 24 and conventions; companies; and government agen-
 25 cies that charter or operate vessels;

1 (2) evaluate the ability of the Nation's maritime
2 training infrastructure to meet the current needs of
3 the maritime industry;

4 (3) evaluate the ability of the Nation's maritime
5 training infrastructure to effectively meet the needs
6 of the maritime industry in the future;

7 (4) identify trends in maritime training;

8 (5) compare the training needs of U.S. mari-
9 ners with the vocational training and educational as-
10 sistance programs available from Federal agencies to
11 evaluate the ability of Federal programs to meet the
12 training needs of U.S. mariners;

13 (6) include recommendations for future pro-
14 grams to enhance the capabilities of the Nation's
15 maritime training infrastructure; and

16 (7) include recommendations for future pro-
17 grams to assist U.S. mariners and those entering
18 the maritime profession achieve the required train-
19 ing.

20 (c) FINAL REPORT.—Not later than 1 year after the
21 date of enactment of this Act, the Comptroller General
22 shall submit a report on the results of the study to the
23 Committee on Commerce, Science, and Transportation of
24 the Senate and the Committee on Transportation and In-
25 frastructure of the House of Representatives.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
2 **CAL YEAR 2012.**

3 There are authorized to be appropriated to the Sec-
4 retary of Transportation for programs of the Maritime
5 Administration the following amounts:

6 (1) OPERATIONS AND TRAINING.—For expenses
7 necessary for operations and training activities, not
8 to exceed \$161,539,000 for the fiscal year ending
9 September 30, 2012, of which—

10 (A) \$28,885,000 is for capital improve-
11 ments at the U.S. Merchant Marine Academy,
12 to remain available until expended; and

13 (B) \$11,100,000 is for maintenance and
14 repair for training ships at State Maritime
15 Schools, to remain available until expended.

16 (2) MARITIME GUARANTEED LOANS.—For ad-
17 ministrative expenses related to loan guarantee com-
18 mitments under chapter 537 of title 46, United
19 States Code, not to exceed \$3,750,000, which shall
20 be paid to the appropriation for “Operations and
21 Training”, Maritime Administration.

22 (3) SHIP DISPOSAL.—For disposal of non-reten-
23 tion vessels in the National Defense Reserve Fleet,
24 \$18,500,000, to remain available until expended.

1 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 46,**
 2 **UNITED STATES CODE; TABLE OF CONTENTS.**

3 (a) *SHORT TITLE.*—*This Act may be cited as the*
 4 *“Maritime Administration Authorization Act for Fiscal*
 5 *Year 2012”.*

6 (b) *AMENDMENT OF TITLE 46, UNITED STATES*
 7 *CODE.*—*Except as otherwise expressly provided, whenever*
 8 *in this Act an amendment or repeal is expressed in terms*
 9 *of an amendment to, or a repeal of, a section or other provi-*
 10 *sion, the reference shall be considered to be made to a section*
 11 *or other provision of title 46, United States Code.*

12 (c) *TABLE OF CONTENTS.*—*The table of contents for*
 13 *this Act is as follows:*

- Sec. 1. Short title; amendment of title 46, United States Code; table of contents.*
- Sec. 2. Marine transportation system.*
- Sec. 3. Short sea transportation program amendments.*
- Sec. 4. Use of National Defense Reserve Fleet and Ready Reserve Force Vessels.*
- Sec. 5. Green ships program.*
- Sec. 6. Waiver of navigation and vessel-inspection laws.*
- Sec. 7. Ship scrapping reporting requirement.*
- Sec. 8. Extension of Maritime Security Fleet Program.*
- Sec. 9. Maritime Workforce Study.*
- Sec. 10. Maritime Administration vessel recycling contract award practices.*
- Sec. 11. Prohibition on Maritime Administration receipt of polar icebreakers.*
- Sec. 12. Authorization of appropriations for fiscal year 2012.*

14 **SEC. 2. MARINE TRANSPORTATION SYSTEM.**

15 (a) *REPORT ON STATUS OF SYSTEM.*—*Section*
 16 *50109(d) is amended to read as follows:*

17 *“(d) MARINE TRANSPORTATION SYSTEM.—*

18 *“(1) REPORT ON WATERWAYS.—Not later than*
 19 *October 1, 2012, the Secretary, in consultation with*
 20 *the Secretary of Defense and the commanding officer*

1 *of the Army Corps of Engineers, and with the concur-*
2 *rence of the Secretary of the department in which the*
3 *Coast Guard is operating, shall submit a report to the*
4 *Committee on Commerce, Science, and Transpor-*
5 *tation of the Senate and the Committee on Armed*
6 *Services and the Committee on Transportation and*
7 *Infrastructure of the House of Representatives on the*
8 *status of the Nation’s coastal and inland waterways*
9 *that—*

10 *“(A) describes the state of the United States’*
11 *marine transportation infrastructure, including*
12 *intercoastal infrastructure, intracoastal infra-*
13 *structure, inland waterway infrastructure, ports,*
14 *and marine facilities;*

15 *“(B) provides estimates of the investment*
16 *levels required—*

17 *“(i) to maintain the infrastructure;*

18 *and*

19 *“(ii) to improve the infrastructure;*

20 *and*

21 *“(C) describes the overall environmental*
22 *management of the maritime transportation sys-*
23 *tem and the integration of environmental stew-*
24 *ardship into the overall system.*

1 “(2) *MARINE TRANSPORTATION.*—*The Secretary*
2 *may investigate, make determinations concerning,*
3 *and develop a repository of statistical information re-*
4 *lating to marine transportation, including its rela-*
5 *tionship to transportation by land and air, to facili-*
6 *tate research, assessment, and maintenance of the*
7 *maritime transportation system. As used in this*
8 *paragraph, the term ‘marine transportation’ includes*
9 *intercoastal transportation, intracoastal transpor-*
10 *tation, inland waterway transportation, ports, and*
11 *marine facilities.*

12 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
13 *There are authorized to be appropriated to the Sec-*
14 *retary such sums as may be necessary to carry out*
15 *this subsection.”.*

16 **(b) *CONTAINER-ON-BARGE TRANSPORTATION.***—

17 **(1) *ASSESSMENT AND REPORT.***—*Not later than*
18 *6 months after the date of enactment of this Act, the*
19 *Maritime Administration shall assess the potential for*
20 *using container-on-barge transportation on the inland*
21 *waterways system and submit a report, together with*
22 *the Administration’s findings, conclusions, and rec-*
23 *ommendations, to the Committee on Commerce,*
24 *Science, and Transportation of the Senate and the*
25 *Committee on Armed Services and the Committee on*

1 *Transportation and Infrastructure of the House of*
2 *Representatives. If the Administration determines*
3 *that it would be in the public interest, the report may*
4 *include recommendations for a plan to increase*
5 *awareness of the potential for use of such container-*
6 *on-barge transportation and recommendations for the*
7 *development and implementation of such a plan.*

8 (2) *FACTORS.—In conducting the assessment, the*
9 *Administration shall consider—*

10 (A) *the environmental benefits of increasing*
11 *container-on-barge movements on our inland and*
12 *intracoastal waterways system;*

13 (B) *regional differences in the inland water-*
14 *ways system;*

15 (C) *existing programs established at coastal*
16 *and Great Lakes ports for establishing awareness*
17 *of deep sea shipping operations;*

18 (D) *mechanisms to ensure that implementa-*
19 *tion of the plan will not be inconsistent with*
20 *antitrust laws; and*

21 (E) *potential frequency of service at inland*
22 *river ports.*

1 **SEC. 3. SHORT SEA TRANSPORTATION PROGRAM AMEND-**
 2 **MENTS.**

3 (a) *PROGRAM PURPOSE.*—Section 55601(a) is amend-
 4 ed by inserting “and to promote more efficient use of the
 5 navigable waters of the United States” after “congestion”.

6 (b) *DESIGNATION OF ROUTES.*—Section 55601(c) is
 7 amended by inserting “and to promote more efficient use
 8 of the navigable waters of the United States” after “coastal
 9 corridors”.

10 (c) *PROJECT DESIGNATION.*—Section 55601(d) is
 11 amended to read as follows:

12 “(d) *PROJECT DESIGNATION.*—The Secretary may
 13 designate a project as a short sea transportation project if
 14 the Secretary determines that the project—

15 “(1) mitigates landside congestion; or

16 “(2) promotes more efficient use of the navigable
 17 waters of the United States.”.

18 (d) *DOCUMENTATION.*—Section 55605 is amended by
 19 striking “by vessel” and inserting “by a documented vessel”.

20 **SEC. 4. USE OF NATIONAL DEFENSE RESERVE FLEET AND**
 21 **READY RESERVE FORCE VESSELS.**

22 Section 11 of the Merchant Ship Sales Act of 1946 (50
 23 U.S.C. App. 1744), is amended—

24 (1) in subsection (b)—

25 (A) by striking “or” in paragraph (4) after
 26 the semicolon;

1 (B) by striking the period at the end of
2 paragraph (5) and inserting “; or”; and

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

4 “(6) for civil contingency operations and Mari-
5 time Administration promotional and media events
6 under subsection (f).”; and

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

8 “(f) CIVIL CONTINGENCY OPERATIONS AND PRO-
9 MOTIONAL AND MEDIA EVENTS.—The Secretary of Trans-
10 portation may allow, with the concurrence of the Secretary
11 of Defense, the use of a vessel in the National Defense Re-
12 serve Fleet for civil contingency operations requested by an-
13 other Federal agency, and for Maritime Administration
14 promotional and media events that are related to dem-
15 onstration projects and research and development sup-
16 porting the Maritime Administration’s mission, if the Sec-
17 retary of Transportation determines the use of the vessel
18 is in the best interest of the United States Government
19 after—

20 “(1) considering the availability of the National
21 Defense Reserve Fleet and Ready Reserve Force re-
22 sources;

23 “(2) considering the impact on National Defense
24 Reserve Fleet and Ready Reserve Force mission sup-

1 *port to the defense and homeland security require-*
2 *ments of the United States Government;*

3 *“(3) ensuring that the use of the vessel supports*
4 *the mission of the Maritime Administration and does*
5 *not significantly interfere with vessel maintenance,*
6 *repair, safety, readiness, or resource availability;*

7 *“(4) ensuring that safety precautions are taken,*
8 *including indemnification of liability, when applica-*
9 *ble;*

10 *“(5) ensuring that any cost incurred by the use*
11 *of the vessel is funded as a reimbursable transaction*
12 *between Federal agencies, as applicable; and*

13 *“(6) considering any other factors the Secretary*
14 *of Transportation determines are appropriate.”.*

15 **SEC. 5. GREEN SHIPS PROGRAM.**

16 *(a) IN GENERAL.—Chapter 503 is amended by adding*
17 *at the end the following:*

18 **“SEC. § 50307. Green ships program**

19 *“(a) IN GENERAL.—The Secretary of Transportation*
20 *may establish a green ships program to engage in the envi-*
21 *ronmental study, research, development, assessment, and de-*
22 *ployment of emerging marine technologies and practices re-*
23 *lated to the marine transportation system through the use*
24 *of public vessels under the control of the Maritime Adminis-*
25 *tration or private vessels under United States registry, and*

1 *through partnerships and cooperative efforts with academic,*
2 *public, private, and non-governmental entities and facili-*
3 *ties.*

4 “(b) *PROGRAM REQUIREMENTS.—The program*
5 *shall—*

6 “(1) *identify, study, evaluate, test, demonstrate,*
7 *or improve emerging marine technologies and prac-*
8 *tices that are likely to achieve environmental im-*
9 *provements by—*

10 “(A) *reducing air emissions, water emis-*
11 *sions, or other ship discharges;*

12 “(B) *increasing fuel economy or the use of*
13 *alternative fuels and alternative energy (includ-*
14 *ing the use of shore power); or*

15 “(C) *controlling aquatic invasive species;*
16 *and*

17 “(2) *be coordinated with the Environmental Pro-*
18 *tection Agency, the United States Coast Guard, and*
19 *other Federal, State, local, or tribal agencies, as ap-*
20 *propriate.*

21 “(c) *PROGRAM COORDINATION.—Program coordina-*
22 *tion under subsection (b)(2) may include—*

23 “(1) *activities that are associated with the devel-*
24 *opment or approval of validation and testing regimes;*
25 *and*

1 “(2) *certification or validation of emerging tech-*
2 *nologies or practices that demonstrate significant en-*
3 *vironmental benefits.*

4 “(d) *FUNDING AND FEES.—*

5 “(1) *IN GENERAL.—In carrying out the green*
6 *ships program, the Secretary of Transportation may*
7 *apply such funds as may be appropriated and such*
8 *funds or resources as may become available by gift,*
9 *cooperative agreement, or otherwise, including the col-*
10 *lection of fees, for the purposes of the program and its*
11 *administration.*

12 “(2) *ESTABLISHMENT OF FEES.—Pursuant to*
13 *section 9701 of title 31, the Secretary of Transpor-*
14 *tation may promulgate regulations establishing fees to*
15 *recover reasonable costs to the Secretary and to aca-*
16 *ademic, public, and non-governmental entities associ-*
17 *ated with the program.*

18 “(3) *FEE DEPOSIT.—Any fees collected under*
19 *this section shall be deposited in a special fund of the*
20 *United States Treasury for services rendered under*
21 *the program, which thereafter shall remain available*
22 *until expended to carry out the Secretary of Trans-*
23 *portation’s activities for which the fees were collected.*

24 “(e) *REPORT.—The Secretary of Transportation shall*
25 *report on the activities, expenditures, and results of the*

1 *green ships program during the preceding fiscal year in the*
 2 *annual budget submission to Congress.”.*

3 (b) *CONFORMING AMENDMENT.—The table of contents*
 4 *for chapter 503 is amended by inserting after the item relat-*
 5 *ing to section 50306 the following:*

“50307. Green ships program.”.

6 **SEC. 6. WAIVER OF NAVIGATION AND VESSEL-INSPECTION**
 7 **LAWS.**

8 *Section 501(b) is amended by adding “A waiver shall*
 9 *be accompanied by a certification by the individual and*
 10 *the Administrator to the Committee on Commerce, Science,*
 11 *and Transportation and the Committee on Armed Services*
 12 *of the Senate, and the Committee on Transportation and*
 13 *Infrastructure and the Committee on Armed Services of the*
 14 *House of Representatives that it is not possible to use a*
 15 *United States flag vessel or United States flag vessels collec-*
 16 *tively to meet the national defense requirements.” after*
 17 *“prescribes.”.*

18 **SEC. 7. SHIP SCRAPPING REPORTING REQUIREMENT.**

19 *Section 3502 of the Floyd D. Spence National Defense*
 20 *Authorization Act for Fiscal Year 2001 (enacted into law*
 21 *by section 1 of Public Law 106–398; 16 U.S.C. 5405 note;*
 22 *114 Stat. 1654A–490) is amended by amending subsection*
 23 *(f) to read as follows:*

24 *“(f) The Secretary of Transportation shall provide*
 25 *briefings, upon request, to the Committee on Commerce,*

1 *Science, and Transportation and the Committee on Armed*
 2 *Services of the Senate and the Committee on Transpor-*
 3 *tation and Infrastructure, the Committee on Resources, and*
 4 *the Committee on Armed Services of the House of Represent-*
 5 *atives on—*

6 “(1) *the progress made to recycle vessels;*

7 “(2) *any problems encountered in recycling ves-*
 8 *sels; and*

9 “(3) *any other issues relating to vessel recycling*
 10 *and disposal.”.*

11 **SEC. 8. EXTENSION OF MARITIME SECURITY FLEET PRO-**
 12 **GRAM.**

13 (a) *Section 53101 is amended—*

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

16 “(4) *FOREIGN COMMERCE.—The term ‘foreign*
 17 *commerce’ means—*

18 “(A) *commerce or trade between the United*
 19 *States, its territories or possessions, or the Dis-*
 20 *trict of Columbia, and a foreign country; and*

21 “(B) *commerce or trade between foreign*
 22 *countries.”;*

23 (2) *by striking paragraph (5);*

24 (3) *by redesignating paragraphs (6) through (13)*
 25 *as (5) through (12), respectively; and*

1 (4) by amending paragraph (5), as redesignated
2 by section 8(a)(3) of this Act, to read as follows:

3 “(5) *PARTICIPATING FLEET VESSEL*.—The term
4 ‘participating fleet vessel’ means any vessel that—

5 “(A) on October 1, 2015—

6 “(i) meets the requirements of para-
7 graph (1), (2), (3), or (4) of section
8 53102(c); and

9 “(ii) is less than 20 years of age if the
10 vessel is a tank vessel, or is less than 25
11 years of age for all other vessel types; and

12 “(B) on December 31, 2014, is covered by
13 an operating agreement under this chapter.”.

14 (b) Section 53102(b) is amended to read as follows:

15 “(b) *VESSEL ELIGIBILITY*.—A vessel is eligible to be
16 included in the Fleet if—

17 “(1) the vessel meets the requirements of para-
18 graph (1), (2), (3), or (4) of subsection (c);

19 “(2) the vessel is operated (or in the case of a
20 vessel to be constructed, will be operated) in providing
21 transportation in foreign commerce;

22 “(3) the vessel is self-propelled and—

23 “(A) is a tank vessel that is 10 years of age
24 or less on the date the vessel is included in the
25 Fleet; or

1 “(B) is any other type of vessel that is 15
2 years of age or less on the date the vessel is in-
3 cluded in the Fleet;

4 “(4) the vessel—

5 “(A) is suitable for use by the United States
6 for national defense or military purposes in time
7 of war or national emergency, as determined by
8 the Secretary of Defense; and

9 “(B) is commercially viable, as determined
10 by the Secretary; and

11 “(5) the vessel—

12 “(A) is a United States-documented vessel;
13 or

14 “(B) is not a United States-documented ves-
15 sel, but—

16 “(i) the owner of the vessel has dem-
17 onstrated an intent to have the vessel docu-
18 mented under chapter 121 of this title if it
19 is included in the Fleet; and

20 “(ii) at the time an operating agree-
21 ment for the vessel is entered into under this
22 chapter, the vessel is eligible for documenta-
23 tion under chapter 121 of this title.”.

24 (c) Section 53103 is amended—

1 (1) *by amending subsection (b) to read as fol-*
2 *lows:*

3 “(b) *EXTENSION OF EXISTING OPERATING AGREE-*
4 *MENTS.—*

5 “(1) *OFFER TO EXTEND.—Not later than 60*
6 *days after the date of enactment of the Maritime Ad-*
7 *ministration Authorization Act for Fiscal Year 2012,*
8 *the Secretary shall offer, to an existing contractor, to*
9 *extend, through September 30, 2025, an operating*
10 *agreement that is in existence on the date of enact-*
11 *ment of that Act. The terms and conditions of the ex-*
12 *tended operating agreement shall include terms and*
13 *conditions authorized under this chapter, as amended*
14 *from time to time.*

15 “(2) *TIME LIMIT.—An existing contractor shall*
16 *have not later than 120 days after the date the Sec-*
17 *retary offers to extend an operating agreement to*
18 *agree to the extended operating agreement.*

19 “(3) *SUBSEQUENT AWARD.—The Secretary may*
20 *award an operating agreement to an applicant that*
21 *is eligible to enter into an operating agreement for*
22 *fiscal years 2016 through 2025 if the existing con-*
23 *tractor does not agree to the extended operating agree-*
24 *ment under paragraph (2).”;* and

1 (2) by amending subsection (c) to read as fol-
2 lows:

3 “(c) *PROCEDURE FOR AWARDING NEW OPERATING*
4 *AGREEMENTS.—The Secretary may enter into a new oper-*
5 *ating agreement with an applicant that meets the require-*
6 *ments of section 53102(c) (for vessels that meet the quali-*
7 *fications of section 53102(b)) on the basis of priority for*
8 *vessel type established by military requirements of the Sec-*
9 *retary of Defense. The Secretary shall allow an applicant*
10 *at least 30 days to submit an application for a new oper-*
11 *ating agreement. After consideration of military require-*
12 *ments, priority shall be given to an applicant that is a U.S.*
13 *citizen under section 50501 of this title. The Secretary may*
14 *not approve an application without the consent of the Sec-*
15 *retary of Defense. The Secretary shall enter into an oper-*
16 *ating agreement with the applicant or provide a written*
17 *reason for denying the application.”.*

18 (d) *Section 53104 is amended—*

19 (1) *in subsection (c), by striking paragraph (3);*
20 *and*

21 (2) *in subsection (e), by striking “an operating*
22 *agreement under this chapter is terminated under*
23 *subsection (c)(3), or if”.*

24 (e) *Section 53105 is amended—*

1 (1) *by amending subsection (e) to read as fol-*
 2 *lows:*

3 “(e) *TRANSFER OF OPERATING AGREEMENTS.—A con-*
 4 *tractor under an operating agreement may transfer the*
 5 *agreement (including all rights and obligations under the*
 6 *operating agreement) to any person that is eligible to enter*
 7 *into the operating agreement under this chapter if the Sec-*
 8 *retary and the Secretary of Defense determine that the*
 9 *transfer is in the best interests of the United States. A*
 10 *transaction shall not be considered a transfer of an oper-*
 11 *ating agreement if the same legal entity with the same ves-*
 12 *sels remains the contracting party under the operating*
 13 *agreement.”; and*

14 (2) *by amending subsection (f) to read as follows:*

15 “(f) *REPLACEMENT VESSELS.—A contractor may re-*
 16 *place a vessel under an operating agreement with another*
 17 *vessel that is eligible to be included in the Fleet under sec-*
 18 *tion 53102(b), if the Secretary, in conjunction with the Sec-*
 19 *retary of Defense, approves the replacement of the vessel.”.*

20 (f) *Section 53106 is amended—*

21 (1) *in subsection (a)(1), by striking “and (C)*
 22 *\$3,100,000 for each of fiscal years 2012 through*
 23 *2025.” and inserting the following:*

24 “(C) *\$3,100,000 for each of fiscal years*
 25 *2012, 2013, 2014, 2015, 2016, 2017, and 2018;*

1 “(D) \$3,500,000 for each of fiscal years
2 2019, 2020, and 2021; and

3 “(E) \$3,700,000 for each of fiscal years
4 2022, 2023, 2024, and 2025.”;

5 (2) in subsection (c)(3)(C), by striking “a LASH
6 vessel.” and inserting “a lighter aboard ship vessel.”;
7 and

8 (3) by striking subsection (f).

9 (g) Section 53107(b)(1) is amended to read as follows:

10 “(1) *IN GENERAL.*—An Emergency Preparedness
11 Agreement under this section shall require that a con-
12 tractor for a vessel covered by an operating agreement
13 under this chapter shall make commercial transpor-
14 tation resources (including services) available, upon
15 request by the Secretary of Defense during a time of
16 war or national emergency, or whenever the Secretary
17 of Defense determines that it is necessary for national
18 security or contingency operation (as that term is de-
19 fined in section 101 of title 10, United States Code).”.

20 (h) Section 53109 is repealed.

21 (i) Section 53111 is amended—

22 (1) by striking “and” at the end of paragraph
23 (2); and

24 (2) by amending paragraph (3) to read as fol-
25 lows:

1 “(3) \$186,000,000 for each of fiscal years 2012,
2 2013, 2014, 2015, 2016, 2017, and 2018;

3 “(4) \$210,000,000 for each of fiscal years 2019,
4 2020, and 2021; and

5 “(5) \$222,000,000 for each fiscal year thereafter
6 through fiscal year 2025.”.

7 (j) Chapter 531 is amended by adding at the end the
8 following:

9 **“SEC. § 53112. Acquisition of fleet vessels**

10 “(a) *IN GENERAL.*—Notwithstanding section 2218(f)
11 of title 10, United States Code, upon replacement of any
12 vessel subject to an operating agreement under this chapter,
13 and subject to agreement by the vessel owner, the Secretary
14 is authorized, subject to concurrence with the Secretary of
15 Defense, to acquire the vessel being replaced for inclusion
16 in the National Defense Reserve Fleet.

17 “(b) *REQUIREMENTS.*—In order to be eligible for ac-
18 quisition by the Secretary under this section, a vessel
19 shall—

20 “(1) have been included in a Maritime Security
21 Program Operating Agreement for not less than 3
22 years; and

23 “(2) meet recapitalization requirements for the
24 Ready Reserve Force.

1 “(c) *FAIR MARKET VALUE.*—*The Maritime Adminis-*
 2 *tration shall establish a fair market value for the acquisi-*
 3 *tion of an eligible vessel under this section.*

4 “(d) *APPROPRIATIONS.*—*A vessel acquisition under*
 5 *this section shall be subject to the availability of appropria-*
 6 *tions and the appropriations shall be part of the National*
 7 *Defense Reserve Fleet appropriations and separate from*
 8 *Maritime Security Program appropriations.”.*

9 (k) *The table of contents for chapter 531 is amended—*
 10 (1) *by striking the item relating to section*
 11 *53109; and*
 12 (2) *by inserting at the end the following:*

“53112. *Acquisition of fleet vessels.*”.

13 (l) *EFFECTIVE DATE OF AMENDMENTS.*—*The amend-*
 14 *ments made by—*

15 (1) *paragraphs (2), (3), and (4) of section 8(a)*
 16 *of this Act take effect on December 31, 2014; and*

17 (2) *section 8(f)(2) of this Act take effect on De-*
 18 *cember 31, 2014.*

19 **SEC. 9. MARITIME WORKFORCE STUDY.**

20 (a) *TRAINING STUDY.*—*The Comptroller General of the*
 21 *United States shall conduct a study on the training needs*
 22 *of the maritime workforce.*

23 (b) *STUDY COMPONENTS.*—*The study shall—*

24 (1) *analyze the impact of training requirements*
 25 *imposed by domestic and international regulations*

1 *and conventions, companies, and government agencies*
2 *that charter or operate vessels;*

3 *(2) evaluate the ability of the Nation's maritime*
4 *training infrastructure to meet the current needs of*
5 *the maritime industry;*

6 *(3) evaluate the ability of the Nation's maritime*
7 *training infrastructure to effectively meet the needs of*
8 *the maritime industry in the future;*

9 *(4) identify trends in maritime training;*

10 *(5) compare the training needs of U.S. mariners*
11 *with the vocational training and educational assist-*
12 *ance programs available from Federal agencies to*
13 *evaluate the ability of Federal programs to meet the*
14 *training needs of U.S. mariners;*

15 *(6) include recommendations for future programs*
16 *to enhance the capabilities of the Nation's maritime*
17 *training infrastructure; and*

18 *(7) include recommendations for future programs*
19 *to assist U.S. mariners and those entering the mari-*
20 *time profession achieve the required training.*

21 *(c) FINAL REPORT.—Not later than 1 year after the*
22 *date of enactment of this Act, the Comptroller General shall*
23 *submit a report on the results of the study to the Committee*
24 *on Commerce, Science, and Transportation of the Senate*

1 *and the Committee on Transportation and Infrastructure*
2 *of the House of Representatives.*

3 **SEC. 10. MARITIME ADMINISTRATION VESSEL RECYCLING**
4 **CONTRACT AWARD PRACTICES.**

5 (a) *IN GENERAL.*—*Not later than 12 months after the*
6 *date of enactment of this Act, the Inspector General of the*
7 *Department of Transportation shall conduct an assessment*
8 *of the source selection procedures and practices used to*
9 *award the Maritime Administration’s National Defense Re-*
10 *serve Fleet vessel recycling contracts. The Inspector General*
11 *shall assess the process, procedures, and practices used for*
12 *the Maritime Administration’s qualification of vessel recy-*
13 *cling facilities. The Inspector General shall report the find-*
14 *ings to the Committee on Commerce, Science, and Trans-*
15 *portation and the Committee on Armed Services of the Sen-*
16 *ate, and the Committee on Transportation and Infrastruc-*
17 *ture and the Committee on Armed Services of the House*
18 *of Representatives.*

19 (b) *ASSESSMENT.*—*The assessment under subsection*
20 *(a) shall include a review of whether the Maritime Adminis-*
21 *tration’s contract source selection procedures and practices*
22 *are consistent with law, the Federal Acquisition Regula-*
23 *tions (FAR), and Federal best practices associated with*
24 *making source selection decisions.*

1 (c) *CONSIDERATIONS.*—*In making the assessment*
 2 *under subsection (a), the Inspector General may consider*
 3 *any other aspect of the Maritime Administration’s vessel*
 4 *recycling process that the Inspector General deems appro-*
 5 *priate to review.*

6 **SEC. 11. PROHIBITION ON MARITIME ADMINISTRATION RE-**
 7 **CEIPT OF POLAR ICEBREAKERS.**

8 *Until the date that is 2 years after the date on which*
 9 *the Committee on Commerce, Science, and Transportation*
 10 *of the Senate and the Committee on Transportation and*
 11 *Infrastructure of the House of Representatives receive the*
 12 *polar icebreaker business case analysis under subsection*
 13 *307(f) of the Coast Guard Authorization Act of 2010 (14*
 14 *U.S.C. 92 note), or until the Coast Guard has replaced the*
 15 *Coast Guard Cutter POLAR SEA (WAGB 11) and the*
 16 *Coast Guard Cutter POLAR STAR (WAGB 10) with 2 “in*
 17 *commission, active” heavy polar icebreakers—*

18 (1) *the Administrator of the Maritime Adminis-*
 19 *tration may not receive, maintain, dismantle, or re-*
 20 *cycle either cutter; and*

21 (2) *the Commandant may not—*

22 (A) *transfer or relinquish ownership of ei-*
 23 *ther of the cutters;*

24 (B) *dismantle a major component of, or re-*
 25 *cycle parts from, the POLAR SEA, unless the*

1 *POLAR STAR cannot be made to function prop-*
2 *erly without doing so;*

3 (C) *change the homeport of either of the cut-*
4 *ters;*

5 (D) *expend any funds—*

6 (i) *for any expenses directly or indi-*
7 *rectly associated with the decommissioning*
8 *of either of the cutters, including expenses*
9 *for dock use or other goods and services;*

10 (ii) *for any personnel expenses directly*
11 *or indirectly associated with the decommis-*
12 *sioning of either of the cutters, including ex-*
13 *penditures for a decommissioning officer; or*

14 (iii) *for any expenses associated with a*
15 *decommissioning ceremony for either of the*
16 *cutters;*

17 (E) *appoint a decommissioning officer to be*
18 *affiliated with either of the cutters; or*

19 (F) *place either of the cutters in inactive*
20 *status, including a status of—*

21 (i) *out of commission, in reserve;*

22 (ii) *out of service, in reserve; or*

23 (iii) *pending placement out of commis-*
24 *sion.*

1 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL**
2 **YEAR 2012.**

3 *There are authorized to be appropriated to the Sec-*
4 *retary of Transportation for programs of the Maritime Ad-*
5 *ministration the following amounts:*

6 (1) *OPERATIONS AND TRAINING.—For expenses*
7 *necessary for operations and training activities, not*
8 *to exceed \$161,539,000 for the fiscal year ending Sep-*
9 *tember 30, 2012, of which—*

10 (A) *\$28,885,000 is for capital improvements*
11 *at the U.S. Merchant Marine Academy, to re-*
12 *main available until expended; and*

13 (B) *\$11,100,000 is for maintenance and re-*
14 *pair for training ships at State Maritime*
15 *Schools, to remain available until expended.*

16 (2) *MARITIME GUARANTEED LOANS.—For ad-*
17 *ministrative expenses related to loan guarantee com-*
18 *mitments under chapter 537 of title 46, United States*
19 *Code, not to exceed \$3,750,000, which shall be paid to*
20 *the appropriation for “Operations and Training”,*
21 *Maritime Administration.*

22 (3) *SHIP DISPOSAL.—For disposal of non-reten-*
23 *tion vessels in the National Defense Reserve Fleet,*
24 *\$18,500,000, to remain available until expended.*

Calendar No. 252

112TH CONGRESS
1ST Session

S. 1430

[Report No. 112-99]

A BILL

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

DECEMBER 7, 2011

Reported with an amendment