

115TH CONGRESS  
1ST SESSION

S. \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mrs. FISCHER (for herself and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

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

1       *Be it enacted by the Senate and House of Representatives 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 Administration Authorization and Enhancement  
6   Act for Fiscal Year 2018”.

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. Removal adjunct professor limit at United States Merchant Marine Academy.

Sec. 4. Acceptance of guarantees in conjunction with partial donations for major projects of the United States Merchant Marine Academy.

Sec. 5. Authority to pay conveyance or transfer expenses in connection with acceptance of a gift to the United States Merchant Marine Academy.

Sec. 6. Authority to participate in Federal, State or other research grants.

Sec. 7. Continuing funding for the United States Merchant Marine Academy.

Sec. 8. Access to satellite phone during Sea Year program.

Sec. 9. Assistance for small shipyards and maritime communities.

## 1 SEC. 2. AUTHORIZATION OF THE MARITIME ADMINIS- 2 TRATION.

3 (a) IN GENERAL.—There are authorized to be appro-  
4 priated to the Department of Transportation for fiscal  
5 year 2018, to be available without fiscal year limitation  
6 if so provided in appropriations Acts, for programs associ-  
7 ated with maintaining the United States merchant marine,  
8 the following amounts:

9 (1) For expenses necessary for operations of the  
10 United States Merchant Marine Academy,

11 \$99,902,000, of which—

12 (A) \$74,851,000 shall be for Academy op-  
13 erations, including—

14 (i) the implementation of section  
15 3514(b) of the National Defense Author-  
16 ization Act for Fiscal Year 2017, as added  
17 by section 8; and

18 (ii) staffing, training, and other ac-  
19 tions necessary to prevent and respond to  
20 sexual harassment and sexual assault; and

15 (D) \$1,800,000 shall remain available until  
16 expended for training ship fuel assistance; and

1                             (4) For expenses necessary to support Maritime  
2                             Administration operations and programs,  
3                             \$58,694,000.

4                             (5) For expenses necessary to dispose of vessels  
5                             in the National Defense Reserve Fleet, \$20,000,000,  
6                             which shall remain available until expended.

7                             (6) For administrative expenses associated with  
8                             the program authorized under chapter 537 of title  
9                             46, United States Code, \$3,000,000, which shall re-  
10                            main available until expended.

11                            (b) ASSISTANCE FOR SMALL SHIPYARDS AND MARI-  
12                            TIME COMMUNITIES.—Section 54101(i) of title 46, United  
13                            States Code, is amended—

14                            (1) in the matter preceding paragraph (1), by  
15                            striking “2015 through 2017” and inserting “2018  
16                            through 2020”;

17                            (2) in paragraph (1), by striking “\$5,000,000”  
18                            and inserting “\$7,500,00”; and

19                            (3) in paragraph (2), by striking  
20                            “\$25,000,000” and inserting “\$27,500,000”.

21                            **SEC. 3. REMOVAL ADJUNCT PROFESSOR LIMIT AT UNITED  
22                            STATES MERCHANT MARINE ACADEMY.**

23                            Section 51317 of title 46, United States Code, is  
24                            amended—

25                            (1) in subsection (b)—

- 1                             (A) in paragraph (1), by striking “and” at  
2                             the end; and  
3                             (B) in paragraph (2), by striking the pe-  
4                             riod at the end and inserting “; and”; and  
5                             (2) by striking subsections (c) and (d).

6     **SEC. 4. ACCEPTANCE OF GUARANTEES IN CONJUNCTION**  
7                             **WITH PARTIAL DONATIONS FOR MAJOR**  
8                             **PROJECTS OF THE UNITED STATES MER-**  
9                             **CHANT MARINE ACADEMY.**

10                         (a) GUARANTEES.—Chapter 513 of title 46, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing:

13     **“§ 51320. Acceptance of guarantees with gifts for**  
14                         **major projects**

15                         “(a) DEFINITIONS.—In this section:

16                         “(1) MAJOR PROJECT.—The term ‘major  
17 project’ means a project estimated to cost at least  
18 \$1,000,000 for—

19                         “(A) the purchase or other procurement of  
20 real or personal property; or

21                         “(B) the construction, renovation, or re-  
22 pair of real or personal property.

23                         “(2) MAJOR UNITED STATES COMMERCIAL  
24 BANK.—The term ‘major United States commercial  
25 bank’ means a commercial bank that—

1                 “(A) is an insured bank (as defined in sec-  
2                 tion 3(h) of the Federal Deposit Insurance Act  
3                 (12 U.S.C. 1813(h)));

4                 “(B) is headquartered in the United  
5                 States; and

6                 “(C) has total net assets of an amount  
7                 considered by the Maritime Administrator to  
8                 qualify the bank as a major bank.

9                 “(3) MAJOR UNITED STATES INVESTMENT MAN-  
10                 AGEMENT FIRM.—The term ‘major United States in-  
11                 vestment management firm’ means—

12                 “(A) any broker or dealer (as such terms  
13                 are defined in section 3 of the Securities Ex-  
14                 change Act of 1934 (15 U.S.C. 78c));

15                 “(B) any investment adviser or provider of  
16                 investment supervisory services (as such terms  
17                 are defined in section 202 of the Investment  
18                 Advisers Act of 1940 (15 U.S.C. 80b-2)); or

19                 “(C) a major United States commercial  
20                 bank that—

21                 “(i) is headquartered in the United  
22                 States; and

23                 “(ii) holds for the account of others  
24                 investment assets in a total amount consid-  
25                 ered by the Maritime Administrator to

1                   qualify the bank as a major investment  
2                   management firm.

3                 “(4) QUALIFIED GUARANTEE.—The term  
4                 ‘qualified guarantee’, with respect to a major  
5                 project, means a guarantee that—

6                 “(A) is made by 1 or more persons in con-  
7                 nection with a donation for the project of a  
8                 total amount in cash or securities that the Mar-  
9                 itime Administrator determines is sufficient to  
10                defray a substantial portion of the total cost of  
11                the project;

12                “(B) is made to facilitate or expedite the  
13                completion of the project in reasonable anticipa-  
14                tion that other donors will contribute sufficient  
15                funds or other resources in amounts sufficient  
16                to pay for completion of the project;

17                “(C) is set forth as a written agreement  
18                providing that the donor will furnish in cash or  
19                securities, in addition to the donor’s other gift  
20                or gifts for the project, any additional amount  
21                that may become necessary for paying the cost  
22                of completing the project by reason of a failure  
23                to obtain from other donors or sources funds or  
24                other resources in amounts sufficient to pay the  
25                cost of completing the project; and

1                 “(D) is accompanied by—

2                         “(i) an irrevocable and unconditional  
3                         standby letter of credit for the benefit of  
4                         the United States Merchant Marine Acad-  
5                         emy that is in the amount of the guarantee  
6                         and is issued by a major United States  
7                         commercial bank; or

8                         “(ii) a qualified account control agree-  
9                         ment.

10                 “(5) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term ‘qualified account control agreement’, with respect to a guarantee of a donor, means an agreement among the donor, the Maritime Administrator, and a major United States investment management firm that—

16                 “(A) ensures the availability of sufficient  
17                         funds or other financial resources to pay the  
18                         amount guaranteed during the period of the  
19                         guarantee;

20                 “(B) provides for the perfection of a secu-  
21                         rity interest in the assets of the account for the  
22                         United States for the benefit of the United  
23                         States Merchant Marine Academy with the  
24                         highest priority available for liens and security  
25                         interests under applicable law;

1               “(C) requires the donor to maintain in an  
2               account with the investment management firm  
3               assets having a total value that is not less than  
4               130 percent of the amount guaranteed; and

5               “(D) requires the investment management  
6               firm, whenever the value of the account is less  
7               than the value required to be maintained under  
8               subparagraph (C), to liquidate any noncash as-  
9               sets in the account and reinvest the proceeds in  
10              Treasury bills issued under section 3104 of title  
11              31.

12              “(b) ACCEPTANCE AUTHORITY.—Subject to sub-  
13              section (d), the Maritime Administrator may accept a  
14              qualified guarantee from a donor or donors for the comple-  
15              tion of a major project for the benefit of the United States  
16              Merchant Marine Academy.

17              “(c) OBLIGATION AUTHORITY.—The amount of a  
18              qualified guarantee accepted under this section shall be  
19              considered as contract authority to provide obligation au-  
20              thority for purposes of Federal fiscal and contractual re-  
21              quirements. Funds available for a project for which such  
22              a guarantee has been accepted may be obligated and ex-  
23              pended for the project without regard to whether the total  
24              amount of funds and other resources available for the

1 project (not taking into account the amount of the guar-  
2 antee) is sufficient to pay for completion of the project.

3       “(d) NOTICE.—The Maritime Administrator may not  
4 accept a qualified guarantee under this section for the  
5 completion of a major project until 30 days after the date  
6 on which a report of the facts concerning the proposed  
7 guarantee is submitted to Congress.

8       “(e) PROHIBITION ON COMMINGLING FUNDS.—The  
9 Maritime Administrator may not enter into any contract  
10 or other transaction involving the use of a qualified guar-  
11 antee and appropriated funds in the same contract or  
12 transaction.”.

13       (b) CLERICAL AMENDMENT.—The table of sections  
14 for chapter 513 of title 46, United States Code, is amend-  
15 ed by adding at the end the following:

“51320. Acceptance of guarantees with gifts for major projects.”.

**16 SEC. 5. AUTHORITY TO PAY CONVEYANCE OR TRANSFER  
17 EXPENSES IN CONNECTION WITH ACCEPT-  
18 ANCE OF A GIFT TO THE UNITED STATES  
19 MERCHANT MARINE ACADEMY.**

20       Section 51315 of title 46, United States Code, is  
21 amended by inserting at the end the following:

22       “(f) PAYMENT OF EXPENSES.—The Maritime Ad-  
23 ministrator may pay all necessary expenses in connection  
24 with the conveyance or transfer of a gift, devise, or be-  
25 quest accepted under this section.”.

1 SEC. 6. AUTHORITY TO PARTICIPATE IN FEDERAL, STATE  
2 OR OTHER RESEARCH GRANTS.

3       (a) RESEARCH GRANTS.—Chapter 513 of title 46,  
4 United States Code, as amended by section 3 through 5,  
5 is further amended by adding at the end the following:

## 6 “§ 51321. Grants for scientific and educational re-

7                   **search**

8         “(a) DEFINED TERM.—In this section, the term

9 ‘qualifying research grant’ is a grant that—

“(1) is awarded on a competitive basis by the Federal Government (except for the Department of Transportation), a State, a corporation, a fund, a foundation, an educational institution, or a similar entity that is organized and operated primarily for scientific or educational purposes; and

16 “(2) is to be used to carry out a research  
17 project with a scientific or educational purpose.

18        "(b) ACCEPTANCE OF QUALIFYING RESEARCH  
19 GRANTS.—Notwithstanding any other provision of law,  
20 the United States Merchant Marine Academy may com-  
21 pete for and accept qualifying research grants if the work  
22 under the grant is to be carried out by a professor or in-  
23 structor of the United States Merchant Marine Academy.

**24      "(c) ADMINISTRATION OF GRANT FUNDS.—**

“(1) ESTABLISHMENT OF ACCOUNT.—The Maritime Administrator shall establish a separate account

1 count for administering funds received from research  
2 grants under this section.

3               “(2) USE OF GRANT FUNDS.—The Super-  
4    intendent shall use grant funds deposited into the  
5    account established pursuant to paragraph (1) in ac-  
6    cordance with applicable regulations and the terms  
7    and conditions of the respective grants.

8        "(d) RELATED EXPENSES.—Subject to such limita-  
9 tions as may be provided in appropriations Acts, appro-  
10 priations available for the United States Merchant Marine  
11 Academy may be used to pay expenses incurred by the  
12 Academy in applying for, and otherwise pursuing, a quali-  
13 fying research grant.".

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 for chapter 513 of title 46, United States Code, as amend-  
16 ed by section 4(b), is further amended by adding at the  
17 end the following:

"51321. Grants for scientific and educational research.".

18 SEC. 7. CONTINUING FUNDING FOR THE UNITED STATES  
19 MERCHANT MARINE ACADEMY.

20 Section 51301 of title 46, United States Code, is  
21 amended by adding at the end the following:

**22           (d) CONTINUING FUNDING —**

23               “(1) IN GENERAL.—Out of any funds in the  
24 general fund of the Treasury not otherwise appro-  
25 priated, there are hereby appropriated such sums as

1       may be necessary for operations of the United States  
2       Merchant Marine Academy for any period during  
3       which interim or full-year appropriations are not in  
4       effect for the United States Merchant Marine Acad-  
5       emy, for fiscal year 2018, and for each fiscal year  
6       thereafter.

7           “(2) TERMINATION.—Amounts made available  
8       for a fiscal year under this subsection shall remain  
9       available until the earlier of—

10           “(A) the enactment into law of an appro-  
11       priation for such fiscal year (including a con-  
12       tinuing appropriation) for such operations); or

13           “(B) the enactment into law for the Mari-  
14       time Administration of the applicable regular  
15       appropriation for such fiscal year, or continuing  
16       appropriations resolution for such fiscal year,  
17       without any appropriation for such oper-  
18       ations.”.

19 **SEC. 8. ACCESS TO SATELLITE PHONE DURING SEA YEAR**

20           **PROGRAM.**

21       Section 3514 of the National Defense Authorization  
22       Act for Fiscal Year 2017 (Public Law 114–328) is amend-  
23       ed—

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

1       “(a) VESSEL OPERATOR REQUIREMENTS.—Not later  
2 than”; and

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

4       “(b) SATELLITE PHONE ACCESS.—The Maritime Ad-  
5 ministrator shall ensure that each student participating  
6 in the Sea Year program is provided or has access to a  
7 functional satellite communication device. A student may  
8 not be denied from using such device whenever the student  
9 determines that such use is necessary to prevent or report  
10 sexual harassment or assault.”.

11 **SEC. 9. ASSISTANCE FOR SMALL SHIPYARDS AND MARI-  
12 TIME COMMUNITIES.**

13       Section 54101 of title 46, United States Code, is  
14 amended—

15                     (1) by striking subsection (b) and inserting the  
16 following:

17       “(b) AWARDS.—

18                     “(1) IN GENERAL.—In providing assistance  
19 under the program, the Administrator shall take into  
20 account—

21                     “(A) the economic circumstances and con-  
22 ditions of maritime communities;

23                     “(B) projects that would be effective in  
24 fostering efficiency, competitive operations, and

1           quality ship construction, repair, and reconfig-  
2           uration; and

3           “(C) projects that would be effective in  
4           fostering employee skills and enhancing produc-  
5           tivity.

6           “(2) TIMING OF AWARD.—

7           “(A) IN GENERAL.—Except as provided in  
8           subparagraph (B), the Administrator shall  
9           award grants under this section not later than  
10          120 days after the date of the enactment of the  
11          appropriations Act for the fiscal year con-  
12          cerned.

13           “(B) REALLOCATION OF UNUSED  
14          FUND.—If a grant is awarded under this sec-  
15          tion and, for any reason, the grant funds are  
16          not used by the grantee, the Administrator may  
17          reallocate such unused funds to award another  
18          grant under this section.”; and

19           (2) in subsection (c), by adding at the end the  
20          following:

21           “(3) BUY AMERICAN.—

22           “(A) REQUIREMENT.—A grant provided  
23          under this section may be used for a project  
24          only if the steel, iron, and manufactured goods

1           used in the project are produced in the United  
2           States.

3           “(B) WAIVER.—The Administrator may  
4           waive subparagraph (A) if the Administrator  
5           determines that the waiver would be permitted  
6           under section 5323(j)(2) of title 49.”.