

# Calendar No. 955

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2997

[Report No. 110-457]

To reauthorize the Maritime Administration, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 8, 2008

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

SEPTEMBER 11, 2008

Reported by Mr. INOUE, with amendments

[Omit the part struck through and insert the part printed in italic]

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## A BILL

To reauthorize the Maritime Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Maritime Administra-  
5 tion Act for Fiscal Year 2009”.

1 **SEC. 2. ADJUNCT PROFESSORS AT THE MERCHANT MARINE**  
 2 **ACADEMY.**

3 (a) IN GENERAL.—If the Secretary of Transportation  
 4 determines that there is a temporary need for adjunct pro-  
 5 fessors at the United States Merchant Marine Academy,  
 6 the Secretary may execute personal service contracts with  
 7 adjunct professors to meet that need.

8 (b) LIMITATIONS.—

9 (1) NUMBER.—The Secretary may not execute  
 10 such contracts with more than 25 individuals under  
 11 subsection (a) to provide service as adjunct profes-  
 12 sors during any ~~trimester~~ *trimester of academic year*  
 13 *2008–2009*.

14 ~~(2) CONTRACT TERM.—~~

15 ~~(A) IN GENERAL.—The Secretary may not~~  
 16 ~~execute a contract of employment under sub-~~  
 17 ~~section (a) for a term of more than 12 months.~~

18 ~~(B) EXTENSION.—Notwithstanding sub-~~  
 19 ~~paragraph (A), the Secretary may extend the~~  
 20 ~~term of a contract under this section for a pe-~~  
 21 ~~riod not to exceed 12 months if the Secretary~~  
 22 ~~finds that circumstances justify such an exten-~~  
 23 ~~sion.~~

24 ~~(c) SUNSET.—The authority of the Secretary to em-~~  
 25 ~~ploy adjunct professors at the Academy under this section~~  
 26 ~~shall terminate on December 31, 2009, except that an em-~~

1 ployment contract executed under this section before Jan-  
 2 uary 1, 2010, may remain in effect for not more than 6  
 3 months after December 31, 2009.

4           (2) *CONTRACT TERM.*—*The Secretary may not*  
 5           *execute a personal service contract under subsection*  
 6           *(a) for a term that expires later than the end of aca-*  
 7           *demie year 2008–2009.*

8           (c) *SUNSET.*—*The authority of the Secretary to execute*  
 9           *a personal service contract under subsection (a) shall termi-*  
 10          *nate at the end of academic year 2008–2009.*

11          (d) *PRE-EXISTING CONTRACTS.*—An employment  
 12 contract executed by the Secretary before the date of en-  
 13 actment of this Act for service by an individual as an ad-  
 14 junct professor at the Academy shall remain in effect for  
 15 the period of time for which the services were contracted.  
 16 shall be taken into account for purposes of subsection (b)(1)  
 17 and shall remain in effect until the earlier of—

18           “(1) the end of the period of time for which the  
 19           services were contracted; or

20           “(2) the end of academic year 2008–2009.

21          (e) *REPORT.*—*If the Secretary executes one or more*  
 22          *personal service contracts under subsection (a), the Sec-*  
 23          *retary shall transmit a report to the Senate Committee on*  
 24          *Commerce, Science, and Transportation, the House of Rep-*  
 25          *resentatives Committee on Armed Services, and the Com-*

1 *mittees on Appropriations of both Houses specifying the*  
 2 *specific need for each such contract and the duties that will*  
 3 *be performed by each such adjunct professor brought under*  
 4 *contract. The report shall be submitted solely by the Sec-*  
 5 *retary and not by any designee on the Secretary's behalf.*

6 **SEC. 3. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND**  
 7 **VIOLENCE AT THE UNITED STATES MER-**  
 8 **CHANT MARINE ACADEMY.**

9 (a) **REQUIRED POLICY.**—The Secretary of Transpor-  
 10 tation shall direct the Superintendent of the United States  
 11 Merchant Marine Academy to prescribe a policy on sexual  
 12 harassment and sexual violence applicable to the cadets  
 13 and other personnel of the Academy.

14 (b) **MATTERS TO BE SPECIFIED IN POLICY.**—The  
 15 policy on sexual harassment and sexual violence prescribed  
 16 under this section shall include—

17 (1) a program to promote awareness of the inci-  
 18 dence of rape, acquaintance rape, and other sexual  
 19 offenses of a criminal nature that involve cadets or  
 20 other Academy personnel;

21 (2) procedures that a cadet should follow in the  
 22 case of an occurrence of sexual harassment or sexual  
 23 violence, including—

24 (A) a specification of the person or persons  
 25 to whom an alleged occurrence of sexual harass-

1           ment or sexual violence should be reported by  
2           a cadet and the options for confidential report-  
3           ing;

4           (B) a specification of any other person  
5           whom the victim should contact; and

6           (C) procedures on the preservation of evi-  
7           dence potentially necessary for proof of criminal  
8           sexual assault;

9           (3) a procedure for disciplinary action in cases  
10          of alleged criminal sexual assault involving a cadet  
11          or other Academy personnel;

12          (4) any other sanction authorized to be imposed  
13          in a substantiated case of sexual harassment or sex-  
14          ual violence involving a cadet or other Academy per-  
15          sonnel in rape, acquaintance rape, or any other  
16          criminal sexual offense, whether forcible or nonfore-  
17          ible; and

18          (5) required training on the policy for all cadets  
19          and other Academy personnel, including the specific  
20          training required for personnel who process allega-  
21          tions of sexual harassment or sexual violence involv-  
22          ing Academy personnel.

23          (c) ANNUAL ASSESSMENT.—

24                 (1) The Secretary shall direct the Super-  
25                 intendent to conduct an assessment at the Academy

1 during each Academy program year, to be adminis-  
2 tered by the Department of Transportation, to de-  
3 termine the effectiveness of the policies, training,  
4 and procedures of the Academy with respect to sex-  
5 ual harassment and sexual violence involving Acad-  
6 emy personnel.

7 (2) For the assessment at the Academy under  
8 paragraph (1) with respect to an Academy program  
9 year that begins in an odd-numbered calendar year,  
10 the Superintendent shall conduct a survey, to be ad-  
11 ministered by the Department, of Academy per-  
12 sonnel—

13 (A) to measure—

14 (i) the incidence, during that program  
15 year, of sexual harassment and sexual vio-  
16 lence events, on or off the Academy res-  
17 ervation, that have been reported to offi-  
18 cials of the Academy; and

19 (ii) the incidence, during that pro-  
20 gram year, of sexual harassment and sex-  
21 ual violence events, on or off the Academy  
22 reservation, that have not been reported to  
23 officials of the Academy; and

24 (B) to assess the perceptions of Academy  
25 personnel of—

- 1 (i) the policies, training, and proce-  
2 dures on sexual harassment and sexual vio-  
3 lence involving Academy personnel;
- 4 (ii) the enforcement of such policies;
- 5 (iii) the incidence of sexual harass-  
6 ment and sexual violence involving Acad-  
7 emy personnel; and
- 8 (iv) any other issues relating to sexual  
9 harassment and sexual violence involving  
10 Academy personnel.

11 (d) ANNUAL REPORT.—

12 (1) The Secretary shall direct the Super-  
13 intendent of the Academy to submit to the Secretary  
14 a report on sexual harassment and sexual violence  
15 involving cadets or other personnel at the Academy  
16 for each Academy program year.

17 (2) Each report under paragraph (1) shall in-  
18 clude, for the Academy program year covered by the  
19 report, the following:

20 (A) The number of sexual assaults, rapes,  
21 and other sexual offenses involving cadets or  
22 other Academy personnel that have been re-  
23 ported to Academy officials during the program  
24 year and, of those reported cases, the number  
25 that have been substantiated.

1           (B) The policies, procedures, and processes  
2           implemented by the Superintendent and the  
3           leadership of the Academy in response to sexual  
4           harassment and sexual violence involving cadets  
5           or other Academy personnel during the pro-  
6           gram year.

7           (C) A plan for the actions that are to be  
8           taken in the following Academy program year  
9           regarding prevention of and response to sexual  
10          harassment and sexual violence involving cadets  
11          or other Academy personnel.

12          (3) Each report under paragraph (1) for an  
13          Academy program year that begins in an odd-num-  
14          bered calendar year shall include the results of the  
15          survey conducted in that program year under sub-  
16          section (c)(2).

17          (4)(A) The Superintendent shall transmit to the  
18          Secretary, and to the Board of Visitors of the Acad-  
19          emy, each report received by the Superintendent  
20          under this subsection, together with the Super-  
21          intendent's comments on the report.

22          (B) The Secretary shall transmit each such re-  
23          port, together with the Secretary's comments on the  
24          report, to the Senate Committee on Commerce,  
25          Science, and Transportation and the House of Rep-

1        representatives Committee on Transportation and In-  
2        frastructure.

3        **SEC. 4. RIDING GANG MEMBER REQUIREMENTS.**

4        Section 1018 of the John Warner National Defense  
5        Authorization Act for Fiscal Year 2007 (120 Stat. 2381)  
6        is amended—

7                (1) by striking “requirements” and all that fol-  
8        lows in subsection (a)(1) and inserting “require-  
9        ments as provided in section 8106 of title 46, United  
10       States Code.”;

11                (2) by striking paragraphs (2) and (3) of sub-  
12       section (a) and redesignating paragraph (4) as para-  
13       graph (2);

14                (3) by striking “8106” in paragraph (2), as re-  
15       designated, of subsection (a) and inserting “2101”;  
16       and

17                (4) by striking subsection (b)(1) and inserting  
18       the following:

19                “(1) IN GENERAL.—Pursuant to regulations  
20       issued by the Secretary of Defense, an individual—

21                        “(A) who is aboard a vessel, which is  
22       under charter or contract for the carriage of  
23       cargo for the Department of Defense, for pur-  
24       poses other than engaging in the operation or  
25       maintenance of the vessel, and

1 “(B) who—

2 “(i) accompanies, supervises, guards,  
3 or maintains unit equipment aboard a  
4 ship, commonly referred to as supercargo  
5 personnel,

6 “(ii) is one of the force protection per-  
7 sonnel of the vessel,

8 “(iii) is a specialized repair techni-  
9 cian, or

10 “(iv) is otherwise required by the Sec-  
11 retary of Defense to be aboard the vessel,

12 shall not be deemed a riding gang member for pur-  
13 poses of title 46, United States Code.”.

14 **SEC. 5. ASSISTANCE FOR SMALL SHIPYARDS AND MARI-**  
15 **TIME COMMUNITIES.**

16 (a) IN GENERAL.—Title 46, United States Code, is  
17 amended by inserting the following new chapter after  
18 chapter 539:

19 “CHAPTER 541—MISCELLANEOUS

“Sec.

“54101. Assistance for small shipyards and maritime communities

20 **“§ 54101. Assistance for small shipyards and maritime**  
21 **communities**

22 “(a) ESTABLISHMENT OF PROGRAM.—Subject to the  
23 availability of appropriations, the Administrator of the

1 Maritime Administration shall execute agreements with  
2 shipyards to provide assistance—

3           “(1) in the form of grants, loans, and loan  
4           guarantees to small shipyards for capital improve-  
5           ments; and

6           “(2) for maritime training programs to foster  
7           technical skills and operational productivity in com-  
8           munities whose economies are related to or depend-  
9           ent upon the maritime industry.

10          “(b) AWARDS.—In providing assistance under the  
11 program, the Administrator shall—

12           “(1) take into account—

13                   “(A) the economic circumstances and con-  
14                   ditions of maritime communities;

15                   “(B) projects that would be effective in  
16                   fostering efficiency, competitive operations, and  
17                   quality ship construction, repair, and reconfig-  
18                   uration; and

19                   “(C) projects that would be effective in  
20                   fostering employee skills and enhancing produc-  
21                   tivity; and

22           “(2) make grants within 120 days after the  
23           date of enactment of the appropriations Act for the  
24           fiscal year concerned.

25          “(c) USE OF FUNDS.—

1           “(1) IN GENERAL.—Assistance provided under  
2 this section may be used—

3           “(A) to make capital and related improve-  
4 ments in small shipyards located in or near  
5 maritime communities;

6           “(B) to provide training for workers in  
7 communities whose economies are related to the  
8 maritime industry; and

9           “(C) for such other purposes as the Ad-  
10 ministrator determines to be consistent with  
11 and supplemental to such activities.

12           “(2) ADMINISTRATIVE COSTS.—Not more than  
13 2 percent of amounts made available to carry out  
14 the program may be used for the necessary costs of  
15 grant administration.

16           “(d) PROHIBITED USES.—Grants awarded under this  
17 section may not be used to construct buildings or other  
18 physical facilities or to acquire land unless such use is spe-  
19 cifically approved by the Administrator in support of sub-  
20 section (c)(1)(C).

21           “(e) MATCHING REQUIREMENTS; ALLOCATION.—

22           “(1) FEDERAL FUNDING.—Except as provided  
23 in paragraph (2), Federal funds for any eligible  
24 project under this section shall not exceed 75 per-  
25 cent of the total cost of such project.

1           “(2) EXCEPTION.—If the Administrator deter-  
2 mines that a proposed project merits support and  
3 cannot be undertaken without a higher percentage of  
4 Federal financial assistance, the Administrator may  
5 award a grant for such project with a lesser match-  
6 ing requirement than is described in paragraph (1).

7           “(3) ALLOCATION OF FUNDS.—The Adminis-  
8 trator may not award more than 25 percent of the  
9 funds appropriated to carry out this section for any  
10 fiscal year to any small shipyard in one geographic  
11 location that has more than 600 employees.

12           “(f) APPLICATIONS.—

13           “(1) IN GENERAL.—To be eligible for assist-  
14 ance under this section, an applicant shall submit an  
15 application, in such form, and containing such infor-  
16 mation and assurances as the Administrator may re-  
17 quire, within 60 days after the date of enactment of  
18 the appropriations Act for the fiscal year concerned.

19           “(2) MINIMUM STANDARDS FOR PAYMENT OR  
20 REIMBURSEMENT.—Each application submitted  
21 under paragraph (1) shall include—

22                   “(A) a comprehensive description of—

23                           “(i) the need for the project;

24                           “(ii) the methodology for imple-  
25 menting the project; and

1           “(iii) any existing programs or ar-  
2           rangements that can be used to supple-  
3           ment or leverage assistance under the pro-  
4           gram.

5           “(3) PROCEDURAL SAFEGUARDS.—The Admin-  
6           istrator, in consultation with the Office of the In-  
7           specter General, shall issue guidelines to establish  
8           appropriate accounting, reporting, and review proce-  
9           dures to ensure that—

10           “(A) grant funds are used for the purposes  
11           for which they were made available;

12           “(B) grantees have properly accounted for  
13           all expenditures of grant funds; and

14           “(C) grant funds not used for such pur-  
15           poses and amounts not obligated or expended  
16           are returned.

17           “(4) PROJECT APPROVAL REQUIRED.—The Ad-  
18           ministrator may not award a grant under this sec-  
19           tion unless the Administrator determines that—

20           “(A) sufficient funding is available to meet  
21           the matching requirements of subsection (e);

22           “(B) the project will be completed without  
23           unreasonable delay; and

24           “(C) the recipient has authority to carry  
25           out the proposed project.

1       “(g) AUDITS AND EXAMINATIONS.—All grantees  
2 under this section shall maintain such records as the Ad-  
3 ministrator may require and make such records available  
4 for review and audit by the Administrator.

5       “(h) SMALL SHIPYARD DEFINED.—In this section,  
6 the term ‘small shipyard’ means a shipyard facility in one  
7 geographic location that does not have more than 1,200  
8 employees.

9       “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Administrator of  
11 the Maritime Administration for each of fiscal years 2006  
12 through 2010 to carry out this section—

13               “(1) \$5,000,000 for training grants; and

14               “(2) \$25,000,000 for capital and related im-  
15               provements.”.

16       (b) CONFORMING AMENDMENT.—Section 3506 of the  
17 National Defense Authorization Act for Fiscal Year 2006  
18 (46 U.S.C. 53101 note) is repealed.

19 **SEC. 6. STUDENT INCENTIVE PAYMENT PROGRAM.**

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

22               (1) by striking “to the individual.” in sub-  
23               section (a) and inserting “to the individual or the  
24               academy, as determined by the Secretary.”;

1           (1) by striking “\$4,000” and inserting  
2           “\$8,000”;

3           (2) by striking “as prescribed by the Secretary,  
4           while the individual is attending the academy.” in  
5           subsection (b) and inserting “subject to such condi-  
6           tions as may be prescribed by the Secretary.”;

7           (3) by inserting “tuition,” in subsection (b)  
8           after “uniforms,”; and

9           (4) by striking subsection (c) and inserting the  
10          following:

11          “(c) MIDSHIPMAN AND ENLISTED RESERVE STA-  
12          TUS.—Each agreement entered into under this section  
13          shall require the individual to accept midshipman and en-  
14          listed reserve status in the United States Navy Reserve  
15          (including the Merchant Marine Reserve) or the United  
16          States Coast Guard Reserve before any payments are  
17          made under the agreement.”.

18          **SEC. 7. MARINE WAR RISK INSURANCE.**

19          Section 53912 of title 46, United States Code, is  
20          amended by striking “December 31, 2010.” and inserting  
21          “December 31, 2015.”.

22          **SEC. 8. MARAD CONSULTATION ON JONES ACT WAIVERS.**

23          *Section 501(b) of title 46, United States Code, is*  
24          *amended to read as follows:*

1       “(b) *BY HEAD OF AGENCY.*—When the head of an  
 2 agency responsible for the administration of the navigation  
 3 or vessel-inspection laws considers it necessary in the inter-  
 4 est of national defense, the individual, following a deter-  
 5 mination by the Maritime Administrator, acting in the Ad-  
 6 ministrator’s capacity as Director, National Shipping Au-  
 7 thority, of the non-availability of qualified United States  
 8 flag capacity to meet national defense requirements, may  
 9 waive compliance with those laws to the extent, in the man-  
 10 ner, and on the terms the individual, in consultation with  
 11 the Administrator, acting in that capacity, prescribes.”.

12 **SEC. 9. VESSEL TRAFFIC RISK ASSESSMENTS.**

13       (a) *REQUIREMENT.*—The Commandant of the Coast  
 14 guard, acting through the appropriate Area Committee es-  
 15 tablished under section 311(j)(4) of the Federal Water Pol-  
 16 lution Control Act, shall prepare a vessel traffic risk assess-  
 17 ment—

18               (1) for Cook Inlet, Alaska, within 1 year after  
 19 the date of enactment of this Act; and

20               (2) for the Aleutian Islands, Alaska, within 2  
 21 years after the date of enactment of this Act.

22       (b) *CONTENTS.*—Each of the assessments shall describe,  
 23 for the region covered by the assessment—

24               (1) the amount and character of present and es-  
 25 timated future shipping traffic in the region; and

1           (2) *the current and projected use and effective-*  
2 *ness in reducing risk, of—*

3           (A) *traffic separation schemes and routing*  
4 *measures;*

5           (B) *long-range vessel tracking systems devel-*  
6 *oped under section 70115 of title 46, United*  
7 *States Code;*

8           (C) *towing, response, or escort tugs;*

9           (D) *vessel traffic services;*

10          (E) *emergency towing packages on vessels;*

11          (F) *increased spill response equipment in-*  
12 *cluding equipment appropriate for severe weath-*  
13 *er and sea conditions;*

14          (G) *the Automatic Identification System de-*  
15 *veloped under section 70114 of title 46, United*  
16 *States Code;*

17          (H) *particularly sensitive sea areas, areas*  
18 *to be avoided, and other traffic exclusion zones;*

19          (i) *aids to navigation; and*

20          (J) *vessel response plans.*

21       (c) *RECOMMENDATIONS.—*

22           (1) *IN GENERAL.—Each of the assessments shall*  
23 *include any appropriate recommendations to enhance*  
24 *the safety and security, or lessen potential adverse en-*  
25 *vironmental impacts, of marine shipping.*

1           (2) *CONSULTATION.*—*Before making any rec-*  
 2           *ommendations under paragraph (1) for a region, the*  
 3           *Area Committee shall consult with affected local,*  
 4           *State, and Federal government agencies, representa-*  
 5           *tives of the fishing industry, Alaska Natives from the*  
 6           *region, the conservation community, and the mer-*  
 7           *chant shipping and oil transportation industries.*

8           (d) *PROVISION TO CONGRESS.*—*The Commandant*  
 9           *shall provide a copy of each assessment to the Senate Com-*  
 10           *mittee on Commerce, Science, and Transportation and the*  
 11           *House of Representatives Committee on Transportation and*  
 12           *Infrastructure.*

13           (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 14           *authorized to be appropriated to the Commandant*  
 15           *\$1,800,000 for each of fiscal years 2008 and 2009 to conduct*  
 16           *the assessments.*

17           **SEC. 10. SMALL VESSEL EXCEPTION FROM DEFINITION OF**  
 18           **FISH PROCESSING VESSEL.**

19           *Section 2101(11b) of title 46, United States Code, is*  
 20           *amended by striking “chilling.” and inserting “chilling, but*  
 21           *does not include a fishing vessel operating in Alaskan wa-*  
 22           *ters under a permit or license issued by Alaska that—*

23                    “(A) *fillets only salmon taken by that vessel;*

24                    “(B) *fillets less than 5 metric tons of such salm-*  
 25                    *on during any 7-day period.”.*

1 **SEC. 11. TRANSPORTATION IN AMERICAN VESSELS OF GOV-**  
2 **ERNMENT PERSONNEL AND CERTAIN CAR-**  
3 **GOES.**

4 (a) *IN GENERAL.*—Section 55305(b) of title 46, United  
5 States Code, is amended—

6 (1) by striking “country” and inserting “coun-  
7 try, organization, or persons”;

8 (2) by inserting “or obtaining” after “fur-  
9 nishing”; and

10 (3) by striking “commodities,” the first place it  
11 appears and inserting “commodities, or provides fi-  
12 nancing in any way with Federal funds for the ac-  
13 count of any persons unless otherwise exempted,”.

14 (b) *OTHER AGENCIES.*—Section 55305(d) of title 46,  
15 United States Code, is amended to read as follows:

16 “(d) *PROGRAMS OF OTHER AGENCIES.*—

17 “(1) Each department or agency that has respon-  
18 sibility for a program under this section shall admin-  
19 ister that program with respect to this section under  
20 regulations and guidance issued by the Secretary of  
21 Transportation. The Secretary, after consulting with  
22 the department or agency or organization or person  
23 involved, shall have the sole responsibility for deter-  
24 mining if a program is subject to the requirements of  
25 this section.

26 “(2) The Secretary—

1           “(A) shall conduct an annual review of the  
2           administration of programs determined pursu-  
3           ant to paragraph (1) as subject to the require-  
4           ments of this section;

5           “(B) may direct agencies to require the  
6           transportation on United States-flagged vessels of  
7           cargo shipments not otherwise subject to this sec-  
8           tion in equivalent amounts to cargo determined  
9           to have been shipped on foreign carriers in viola-  
10          tion of this section;

11          “(C) may impose on any person that vio-  
12          lates this section, or a regulation prescribed  
13          under this section, a civil penalty of not more  
14          than \$25,000 for each violation willfully and  
15          knowingly committed, with each day of a con-  
16          tinuing violation following the date of shipment  
17          to be a separate violation; and

18          “(D) may take other measures as appro-  
19          priate under the Federal Acquisition Regulations  
20          issued pursuant to section 25(c)(1) of the Office  
21          of Federal Procurement Policy Act (41 U.S.C.  
22          421(c)(1) or contract with respect to each viola-  
23          tion.”.

24          (c) REGULATIONS.—The Secretary of Transportation  
25          shall prescribe such rules as are necessary to carry out sec-

1 *tion 55305(d) of title 46, United States Code. The Secretary*  
 2 *may prescribe interim rules necessary to carry out section*  
 3 *55305(d) of such title. An interim rule prescribed under this*  
 4 *subsection shall remain in effect until superseded by a final*  
 5 *rule.*

6 *(d) CHANGE OF YEAR.—Section 55314(a) of title 46,*  
 7 *United States Code, is amended by striking “calendar” each*  
 8 *place it appears and inserting “fiscal”.*

9 **SEC. 12. EXCLUSION OF CERTAIN EMPLOYEE BENEFITS FOR**  
 10 **INDIVIDUALS IN THE RECREATIONAL MARINE**  
 11 **INDUSTRY.**

12 *Subparagraph (F) of section 2(3) of the Longshore and*  
 13 *Harbor Workers’ Compensation Act (33 U.S.C. 902(3)) is*  
 14 *amended to read as follows:*

15 *“(F) individuals who—*

16 *“(i) are employed to manufacture any*  
 17 *recreational vessel under 165 feet in length;*

18 *or*

19 *“(ii) are employed to repair any rec-*  
 20 *reational vessel or to dismantle any part of*  
 21 *any recreational vessel in connection with*  
 22 *repair of the vessel;”.*

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL**  
2 **YEAR 2009.**

3 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL**  
4 **YEAR 2009.**

5 (a) IN GENERAL.—There are authorized to be appro-  
6 priated to the Secretary of Transportation, for the use of  
7 the Maritime Administration, for fiscal year 2009 the fol-  
8 lowing amounts:

9 (1) For expenses necessary for operations and  
10 training activities, \$142,803,000, of which—

11 (A) \$79,858,000 shall remain available  
12 until expended for expenses at the United  
13 States Merchant Marine Academy, of which  
14 \$26,640,000 shall be available for the capital  
15 improvement program; and

16 (B) \$10,987,000 which shall remain avail-  
17 able until expended for maintenance and repair  
18 of school ships at the State Maritime Acad-  
19 emies.

20 (2) For expenses to maintain and preserve a  
21 United States-flag merchant fleet to serve the na-  
22 tional security needs of the United States under  
23 chapter 531 of title 46, United States Code,  
24 \$174,000,000.

1           (3) For paying reimbursement under section  
2           3517 of the Maritime Security Act of 2003 (46  
3           U.S.C. 53101 note), \$19,500,000.

4           (4) For expenses to dispose of obsolete vessels  
5           in the National Defense Reserve Fleet, including  
6           provision of assistance under section 7 of Public  
7           Law 92–402, \$18,000,000.

8           (5) For the cost (as defined in section 502(5)  
9           of the Federal Credit Reform Act of 1990 (2 U.S.C  
10          661a(5))) of loan guarantees under the program au-  
11          thorized by chapter 537 of title 46, United States  
12          Code, \$30,000,000.

13          (6) For administrative expenses related to the  
14          implementation of the loan guarantee program  
15          under chapter 537 of title 46, United States Code,  
16          administrative expenses related to implementation of  
17          the reimbursement program under section 3517 of  
18          the Maritime Security Act of 2003 (46 U.S.C.  
19          53101 note), and administrative expenses related to  
20          the implementation of the small shipyards and mari-  
21          time communities assistance program under section  
22          54101 of title 46, United States Code, \$6,000,000.

23          (b) AVAILABILITY.—Amounts appropriated pursuant  
24          to subsection (a) shall remain available, as provided in ap-  
25          propriations Acts, until expended.



Calendar No. 955

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2997**

[Report No. 110-457]

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**A BILL**

To reauthorize the Maritime Administration, and  
for other purposes.

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SEPTEMBER 11, 2008

Reported with amendments