

## Calendar No. 83

112TH CONGRESS  
1ST SESSION**S. 1256**

To authorize appropriations for fiscal year 2012 for defense activities of the Department of Energy, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 2011

Mr. LEVIN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To authorize appropriations for fiscal year 2012 for defense activities of the Department of Energy, 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 “Department of Energy  
5 National Security Act of 2012”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Congressional defense committees.

Sec. 4. Scoring of budgetary effects.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY  
AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY  
PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Review of security vulnerabilities of national laboratory computers.

Sec. 3112. Review by Secretary of Energy and Secretary of Defense of Comptroller General assessment of budget requests with respect to the modernization and refurbishment of the nuclear security complex.

Sec. 3113. Aircraft procurement.

Sec. 3114. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.

Sec. 3115. Recognition and status of National Atomic Testing Museum.

Subtitle C—Reports

Sec. 3121. Report on feasibility of federalizing the security protective forces contract guard workforce at certain Department of Energy facilities.

Sec. 3122. Comptroller General study on oversight of Department of Energy defense nuclear facilities.

Sec. 3123. Plan to complete the Global Initiatives for Proliferation Prevention program in the Russian Federation.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Sec. 3202. Authority of the Defense Nuclear Facilities Safety Board to review the facility design and construction of Construction Project 10–D–904 of the National Nuclear Security Administration.

TITLE XXXIII—MARITIME ADMINISTRATION

Sec. 3301. Maritime Administration.

**1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 For purposes of this Act, the term “congressional de-  
3 fense committees” has the meaning given that term in sec-  
4 tion 101(a)(16) of title 10, United States Code.

1 **SEC. 4. SCORING OF BUDGETARY EFFECTS.**

2       The budgetary effects of this Act, for the purpose of  
3 complying with the Statutory Pay-As-You-Go-Act of 2010,  
4 shall be determined by reference to the latest statement  
5 titled “Budgetary Effects of PAYGO Legislation” for this  
6 Act, submitted for printing in the Congressional Record  
7 by the Chairman of the Senate Budget Committee, pro-  
8 vided that such statement has been submitted prior to the  
9 vote on passage.

10 **DIVISION C—DEPARTMENT OF**  
11 **ENERGY NATIONAL SECURITY**  
12 **AUTHORIZATIONS AND**  
13 **OTHER AUTHORIZATIONS**  
14 **TITLE XXXI—DEPARTMENT OF**  
15 **ENERGY NATIONAL SECURITY**  
16 **PROGRAMS**  
17 **Subtitle A—National Security**  
18 **Programs Authorizations**

19 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
20 **TION.**

21       (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
22 are hereby authorized to be appropriated to the Depart-  
23 ment of Energy for fiscal year 2012 for the activities of  
24 the National Nuclear Security Administration in carrying  
25 out programs as specified in the funding table in section  
26 4601.

1 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—  
2 From funds referred to in subsection (a) that are available  
3 for carrying out plant projects, the Secretary of Energy  
4 may carry out the following new plant project for the Na-  
5 tional Nuclear Security Administration:

6 Project 12–D–301, Transuranic (TRU) Waste  
7 Facility, Los Alamos National Laboratory, Los Ala-  
8 mos, New Mexico, \$13,481,000.

9 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

10 Funds are hereby authorized to be appropriated to  
11 the Department of Energy for fiscal year 2012 for defense  
12 environmental cleanup activities in carrying out programs  
13 as specified in the funding table in section 4601.

14 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

15 Funds are hereby authorized to be appropriated to  
16 the Department of Energy for fiscal year 2012 for other  
17 defense activities in carrying out programs as specified in  
18 the funding table in section 4601.

1 **Subtitle B—Program Authoriza-**  
2 **tions, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 3111. REVIEW OF SECURITY VULNERABILITIES OF NA-**  
5 **TIONAL LABORATORY COMPUTERS.**

6 (a) IN GENERAL.—Section 4508 of the Atomic En-  
7 ergy Defense Act (50 U.S.C. 2659) is amended to read  
8 as follows:

9 **“SEC. 4508. REVIEW OF SECURITY VULNERABILITIES OF NA-**  
10 **TIONAL LABORATORY COMPUTERS.**

11 “(a) IN GENERAL.—The Secretary of Energy shall—

12 “(1) not later than one year after the date of  
13 the enactment of the National Defense Authoriza-  
14 tion Act for Fiscal Year 2012, and annually there-  
15 after, review the security vulnerabilities of the com-  
16 puters of each national laboratory; and

17 “(2) if, in conducting a review under paragraph  
18 (1), the Secretary discovers a significant vulner-  
19 ability in a national laboratory computer, promptly  
20 notify the congressional defense committees of the  
21 vulnerability.

22 “(b) ELEMENTS.—A notification submitted under  
23 subsection (a) with respect to a significant vulnerability  
24 of a national laboratory computer shall include the fol-  
25 lowing:

1           “(1) A description of the vulnerability.

2           “(2) An assessment of the loss, if any, of classi-  
3       fied or unclassified data as a result of the vulner-  
4       ability.

5           “(3) An assessment of the harm to national se-  
6       curity or individual privacy resulting from the loss,  
7       if any, of such data.

8           “(4) A description of the actions taken to ad-  
9       dress the vulnerability.

10       “(c) NATIONAL LABORATORY DEFINED.—In this  
11       section, the term ‘national laboratory’ has the meaning  
12       given that term in section 4502(g)(3).”.

13       (b) CLERICAL AMENDMENT.—The table of contents  
14       for the Atomic Energy Defense Act is amended by striking  
15       the item relating to section 4508 and inserting the fol-  
16       lowing new item:

      “Sec. 4508. Review of security vulnerabilities of national laboratory com-  
          puters.”.

1 **SEC. 3112. REVIEW BY SECRETARY OF ENERGY AND SEC-**  
2 **RETARY OF DEFENSE OF COMPTROLLER**  
3 **GENERAL ASSESSMENT OF BUDGET RE-**  
4 **QUESTS WITH RESPECT TO THE MODERNIZA-**  
5 **TION AND REFURBISHMENT OF THE NU-**  
6 **CLEAR SECURITY COMPLEX.**

7 Section 3255(a) of the National Nuclear Security Ad-  
8 ministration Act (50 U.S.C. 2455(a)) is amended by add-  
9 ing at the end the following new paragraph:

10 “(3) The Secretary of Energy shall, in consultation  
11 with the Secretary of Defense—

12 “(A) review the report submitted by the Comp-  
13 troller General under paragraph (2); and

14 “(B) not later than 30 days after receiving that  
15 report, submit to the congressional defense commit-  
16 tees a report that includes—

17 “(i) the results of the review conducted  
18 under subparagraph (A);

19 “(ii) the views of the Secretary of Energy  
20 and the Secretary of Defense with respect to—

21 “(I) the findings of the Comptroller  
22 General in the report submitted under  
23 paragraph (2); and

24 “(II) whether the actual funding level  
25 for the fiscal year in which the report is  
26 submitted under this subparagraph is suf-

1           ficient for the modernization of the nuclear  
2           security complex and the refurbishment of  
3           the nuclear weapons stockpile; and

4           “(iii) a description of any measures the  
5           Administration plans to take in response to the  
6           findings of the Comptroller General.”.

7 **SEC. 3113. AIRCRAFT PROCUREMENT.**

8           Of the amounts authorized to be appropriated and  
9           made available for obligation under section 3101 for weap-  
10          ons activities for any fiscal year before fiscal year 2013,  
11          the Secretary of Energy may procure not more than one  
12          aircraft.

13 **SEC. 3114. LIMITATION ON USE OF FUNDS FOR ESTABLISH-**  
14                   **MENT OF CENTERS OF EXCELLENCE IN**  
15                   **COUNTRIES OUTSIDE OF THE FORMER SO-**  
16                   **VIET UNION.**

17          Not more than \$500,000 of the funds authorized to  
18          be appropriated by section 3101 and made available by  
19          the funding table in section 4601 for defense nuclear non-  
20          proliferation activities may be obligated or expended to es-  
21          tablish a center of excellence in a country that is not a  
22          state of the former Soviet Union until the date that is  
23          15 days after the date on which the Administrator for Nu-  
24          clear Security submits to the congressional defense com-  
25          mittees a report that includes the following:



1           (1) An identification of the country in which  
2 the center will be located.

3           (2) A description of the purpose for which the  
4 center will be established.

5           (3) The agreement under which the center will  
6 operate.

7           (4) A funding plan for the center, including—

8               (A) the amount of funds to be provided by  
9 the government of the country in which the cen-  
10 ter will be located; and

11               (B) the percentage of the total cost of es-  
12 tablishing and operating the center the funds  
13 described in subparagraph (A) will cover.

14 **SEC. 3115. RECOGNITION AND STATUS OF NATIONAL ATOM-**  
15 **IC TESTING MUSEUM.**

16           Section 3137 of the National Defense Authorization  
17 Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7142)  
18 is amended—

19           (1) in the section heading, by inserting “**AND**  
20 **NATIONAL ATOMIC TESTING MUSEUM**” after  
21 “**ATOMIC MUSEUM**”; and

22           (2) by adding at the end the following new sub-  
23 section:

24           “(d) **RECOGNITION AND STATUS OF NATIONAL**  
25 **ATOMIC TESTING MUSEUM.**—The museum operated by

1 the Nevada Test Site Historical Foundation and located  
 2 in Las Vegas, Nevada—

3 “(1) is recognized as the official atomic testing  
 4 museum of the United States;

5 “(2) shall be known as the ‘National Atomic  
 6 Testing Museum’; and

7 “(3) shall have the sole right throughout the  
 8 United States and its possessions to have and use  
 9 the name ‘National Atomic Testing Museum’.”.

## 10 **Subtitle C—Reports**

### 11 **SEC. 3121. REPORT ON FEASIBILITY OF FEDERALIZING THE** 12 **SECURITY PROTECTIVE FORCES CONTRACT** 13 **GUARD WORKFORCE AT CERTAIN DEPART-** 14 **MENT OF ENERGY FACILITIES.**

15 (a) IN GENERAL.—Not later than one year after the  
 16 date of the enactment of this Act, the Secretary of Energy  
 17 and the Administrator for Nuclear Security shall jointly  
 18 submit to the congressional defense committees—

19 (1) a report on the feasibility of federalizing  
 20 some or all of the security protective forces contract  
 21 guard workforce at the facilities specified in sub-  
 22 section (d); and

23 (2) the comments of the Comptroller General of  
 24 the United States on that report required under sub-  
 25 section (b).

1 (b) COMMENTS BY COMPTROLLER GENERAL.—The  
2 Secretary and the Administrator shall provide the draft  
3 text of the report required by subsection (a)(1) to the  
4 Comptroller General of the United States for review and  
5 comment before submitting the report to the congressional  
6 defense committees.

7 (c) ELEMENTS.—The report required by subsection  
8 (a)(1) shall include the following:

9 (1) An evaluation of the feasibility of converting  
10 the security protective forces contract workforce at  
11 the facilities specified in subsection (d) into a force  
12 made up, in whole or in part, of full-time Federal  
13 employees.

14 (2) An estimate of the immediate and projected  
15 costs of any such conversion.

16 (3) An estimate of the immediate and projected  
17 costs of maintaining guards under contract status  
18 and of maintaining guards as full-time Federal em-  
19 ployee.

20 (4) An assessment of the effects of any such  
21 conversion on security, including an analysis of the  
22 effects of using a Federal security guard, a Federal  
23 police officer, or a Federal protective service officer  
24 instead of a contract guard.

1           (5) An estimate of the hourly and annual costs  
2 of—

3                   (A) contract guards, including benefits and  
4 overtime; and

5                   (B) any comparably trained and equipped  
6 Federal force with comparable physical and  
7 other requirements.

8           (6) A comparison of similar conversions of large  
9 groups of contract workers to full-time Federal em-  
10 ployees and an assessment of the potential benefits  
11 and challenges of such conversions.

12           (7) The views of the Secretary and the Admin-  
13 istrator on the feasibility of—

14                   (A) converting the security protective  
15 forces contract workforce at the facilities speci-  
16 fied in subsection (d) into a force made up, in  
17 whole or in part, of full-time Federal employees;

18                   (B) maintaining the security protective  
19 forces contract workforce in its current form;  
20 and

21                   (C) instituting some or all of the changes  
22 recommended in the Implementation Plan for  
23 the 29 Recommendations of the Protective  
24 Force Career Options Study Group prepared  
25 pursuant to the Report of the Committee on

1 Appropriations of the House of Representatives  
2 (House Report No. 111–230) accompanying the  
3 Department of Defense Appropriations Act,  
4 2010 (Public Law 111–118; 123 Stat. 3409).

5 (d) FACILITIES SPECIFIED.—The facilities specified  
6 in this subsection are the following:

7 (1) The Albuquerque National Nuclear Security  
8 Administration Service Center, Albuquerque, New  
9 Mexico.

10 (2) The Argonne National Laboratory and the  
11 Argonne Site Office, Argonne, Illinois, and the Chi-  
12 cago Service Center, Chicago, Illinois.

13 (3) The Brookhaven National Laboratory and  
14 Brookhaven Site Office, Upton, New York.

15 (4) The Idaho National Laboratory and the  
16 Idaho Site Office, Idaho Falls, Idaho.

17 (5) The Kansas City Plant and the Kansas City  
18 Site Office, Kansas City, Missouri.

19 (6) The Lawrence Livermore National Labora-  
20 tory and the Livermore Site Office, Livermore, Cali-  
21 fornia.

22 (7) The Los Alamos National Laboratory and  
23 the Los Alamos Site Office, Los Alamos, New Mex-  
24 ico.

1           (8) The National Energy Technology Labora-  
2           tory.

3           (9) The Nevada Site Office and the Nevada Na-  
4           tional Security Site, Nevada.

5           (10) The Oak Ridge National Laboratory, the  
6           Oak Ridge Office of the Department of Energy, and  
7           the East Tennessee Technology Park of the Depart-  
8           ment of Energy, Oak Ridge, Tennessee.

9           (11) The Office of Secure Transportation of the  
10          Department of Energy and associated field locations.

11          (12) The Pantex Plant and Pantex Site Office,  
12          Amarillo, Texas.

13          (13) The Pittsburgh Naval Reactors Office, the  
14          Bettis Atomic Power Laboratory, the Idaho Naval  
15          Reactors Facility, and the Knolls Atomic Power  
16          Laboratory.

17          (14) The Portsmouth Gaseous Diffusion Plant,  
18          Piketon, Ohio, and the Paducah Gaseous Diffusion  
19          Plant, Paducah, Kentucky.

20          (15) The Richland Operations Office and the  
21          Hanford Site, Richland, Washington.

22          (16) The Sandia National Laboratories and the  
23          Sandia Site Office, Albuquerque, New Mexico.

24          (17) The Savannah River Plant and the Savan-  
25          nah River Site Office of the Office of Environmental

1 Management of the Department of Energy, Aiken,  
2 South Carolina.

3 (18) The Savannah River National Laboratory,  
4 Aiken, South Carolina.

5 (19) The National Savannah River Site Office  
6 and the Tritium Extraction Facility and Mixed  
7 Oxide Fuel Fabrication Facility of the National Nu-  
8 clear Security Administration, Aiken, South Caro-  
9 lina.

10 (20) The Strategic Petroleum Reserve Project  
11 Office and the Strategic Petroleum Reserve Sites.

12 (21) The Waste Isolation Pilot Plant, Carlsbad,  
13 New Mexico.

14 (22) The Y-12 Site Office and the Y-12 Na-  
15 tional Security Complex of the National Nuclear Se-  
16 curity Administration, Oak Ridge, Tennessee.

17 **SEC. 3122. COMPTROLLER GENERAL STUDY ON OVERSIGHT**  
18 **OF DEPARTMENT OF ENERGY DEFENSE NU-**  
19 **CLEAR FACILITIES.**

20 (a) IN GENERAL.—The Comptroller General of the  
21 United States shall conduct a study of the value of and  
22 the need for external regulation or external oversight of  
23 the safety of nuclear operations and the design and con-  
24 struction of nuclear facilities at the Department of Energy

1 defense nuclear facilities to protect the public health and  
2 safety.

3 (b) ELEMENTS.—The study required by subsection  
4 (a) shall include the following:

5 (1) An assessment of the value of and the need  
6 for external regulation or external oversight, or a  
7 combination of both, of the safety of nuclear oper-  
8 ations and the design and construction of nuclear fa-  
9 cilities at the Department of Energy defense nuclear  
10 facilities.

11 (2) An assessment of the ability of existing reg-  
12 ulatory authorities to regulate safety at the Depart-  
13 ment of Energy defense nuclear facilities.

14 (3) An assessment of the ability of the Defense  
15 Nuclear Facilities Safety Board to regulate safety at  
16 the Department of Energy defense nuclear facilities.

17 (4) An assessment of the current functions of  
18 the Board and whether those functions should be  
19 modified or amended, including whether the Depart-  
20 ment of Energy should pay an oversight fee to the  
21 Board.

22 (5) An assessment of the relative advantages  
23 and disadvantages to the Department of Energy and  
24 the public of—



1 (A) continuing the oversight functions of  
2 the Board; or

3 (B) replacing the oversight functions of the  
4 Board with external regulation of some or all of  
5 the Department of Energy defense nuclear fa-  
6 cilities.

7 (6) A list of all existing or planned Department  
8 of Energy defense nuclear facilities that are similar  
9 to facilities under the regulatory jurisdiction of the  
10 Nuclear Regulatory Commission.

11 (7)(A) A list of each existing Department of  
12 Energy defense nuclear facility or activity relating to  
13 such a facility that the Comptroller General rec-  
14 ommends should—

15 (i) remain within the oversight jurisdiction  
16 of the Board for a period of time or indefi-  
17 nitely; or

18 (ii) be transferred to the jurisdiction of an  
19 outside regulatory authority; and

20 (B) the basis for the recommendations of the  
21 Comptroller General.

22 (8) For any existing Department of Energy de-  
23 fense nuclear facilities that the Comptroller General  
24 recommends should be transferred to the jurisdiction  
25 of an outside regulatory authority—

1 (A) the date by which that transfer should  
2 occur and the period of time necessary for the  
3 transfer; and

4 (B) whether the regulatory authority  
5 should be an existing or new regulatory author-  
6 ity.

7 (9) A list of any proposed Department of En-  
8 ergy defense nuclear facilities and a recommendation  
9 of the Comptroller General with respect to whether  
10 each such facility—

11 (A) should come under the oversight juris-  
12 diction of the Board or be transferred to the ju-  
13 risdiction of an outside regulatory authority;  
14 and

15 (B) if the Comptroller General rec-  
16 ommends that the facility be transferred to the  
17 jurisdiction of any outside regulatory authority,  
18 whether the regulatory authority should be an  
19 existing or new regulatory authority.

20 (10) An assessment of the comparative advan-  
21 tages and disadvantages to the Department of En-  
22 ergy and to public health and safety of the transfer  
23 of some or all of the Department of Energy defense  
24 nuclear facilities from the oversight jurisdiction of

1 the Board to the jurisdiction of an outside regu-  
2 latory authority.

3 (11) An assessment of the comparative costs  
4 associated with external oversight or external regula-  
5 tion of safety at Department of Energy defense nu-  
6 clear facilities.

7 (12) Any other recommendations of the Comp-  
8 troller General with respect to external regulation or  
9 oversight of safety at the Department of Energy.

10 (c) INTERIM REPORT.—Not later than 180 days after  
11 the date of the enactment of this Act, the Comptroller  
12 General shall submit to the congressional defense commit-  
13 tees an interim report on the status of the study conducted  
14 under subsection (a).

15 (d) FINAL REPORT.—Not later than one year after  
16 the date of the enactment of this Act, the Comptroller  
17 General shall submit to the congressional defense commit-  
18 tees, the Secretary of Energy, the Defense Nuclear Facili-  
19 ties Safety Board, and the Nuclear Regulatory Commis-  
20 sion the final report of the Comptroller General that con-  
21 tains the findings and recommendations of the Comp-  
22 troller General resulting from the study conducted under  
23 subsection (a).

24 (e) COMMENTS ON REPORT.—Not later than 180  
25 days after receiving the final report from the Comptroller

1 General under subsection (d), the Secretary of Energy, the  
2 Defense Nuclear Facilities Safety Board, and the Nuclear  
3 Regulatory Commission shall submit to the congressional  
4 defense committees the comments of the Secretary, the  
5 Board, or the Commission (as the case may be) on the  
6 report.

7 (f) DEPARTMENT OF ENERGY DEFENSE NUCLEAR  
8 FACILITY DEFINED.—In this section, the term “Depart-  
9 ment of Energy defense nuclear facility” has the meaning  
10 given that term in section 318 of the Atomic Energy Act  
11 of 1954 (42 U.S.C. 2286g).

12 **SEC. 3123. PLAN TO COMPLETE THE GLOBAL INITIATIVES**  
13 **FOR PROLIFERATION PREVENTION PRO-**  
14 **GRAM IN THE RUSSIAN FEDERATION.**

15 At or about the same time that the budget of the  
16 President for fiscal year 2013 is submitted to Congress  
17 under section 1105(a) of title 31, United States Code, the  
18 Administrator for Nuclear Security shall submit to Con-  
19 gress a plan to complete the Global Initiatives for Pro-  
20 liferation Prevention program in the Russian Federation  
21 by the end of calendar year 2013.

1 **TITLE XXXII—DEFENSE NU-**  
2 **CLEAR FACILITIES SAFETY**  
3 **BOARD**

4 **SEC. 3201. AUTHORIZATION.**

5 There are authorized to be appropriated for fiscal  
6 year 2012, \$33,317,000 for the operation of the Defense  
7 Nuclear Facilities Safety Board under chapter 21 of the  
8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq).

9 **SEC. 3202. AUTHORITY OF THE DEFENSE NUCLEAR FACILI-**  
10 **TIES SAFETY BOARD TO REVIEW THE FACIL-**  
11 **ITY DESIGN AND CONSTRUCTION OF CON-**  
12 **STRUCTION PROJECT 10-D-904 OF THE NA-**  
13 **TIONAL NUCLEAR SECURITY ADMINISTRA-**  
14 **TION.**

15 Notwithstanding section 318(1)(A) of the Atomic En-  
16 ergy Act of 1954 (42 U.S.C. 2286g(1)(A)), the Defense  
17 Nuclear Facilities Safety Board shall exercise the author-  
18 ity of the Board under section 312(a)(4) of that Act (42  
19 U.S.C. 2286a(a)(4)) to review the design of, and review  
20 and monitor construction with respect to, Construction  
21 Project 10–D–904 of the National Nuclear Security Ad-  
22 ministration.

1           **TITLE XXXIII—MARITIME**  
2                           **ADMINISTRATION**

3   **SEC. 3301. MARITIME ADMINISTRATION.**

4           Section 109 of title 49, United States Code, is  
5 amended to read as follows:

6   **“§ 109. Maritime Administration**

7           “(a) ORGANIZATION.—The Maritime Administration  
8 is an administration in the Department of Transportation.

9           “(b) MARITIME ADMINISTRATOR.—The head of the  
10 Maritime Administration is the Maritime Administrator,  
11 who is appointed by the President by and with the advice  
12 and consent of the Senate. The Administrator shall report  
13 directly to the Secretary of Transportation and carry out  
14 the duties prescribed by the Secretary.

15           “(c) DEPUTY MARITIME ADMINISTRATOR.—The  
16 Maritime Administration shall have a Deputy Maritime  
17 Administrator, who is appointed in the competitive service  
18 by the Secretary, after consultation with the Adminis-  
19 trator. The Deputy Administrator shall carry out the du-  
20 ties prescribed by the Administrator. The Deputy Admin-  
21 istrator shall be Acting Administrator during the absence  
22 or disability of the Administrator and, unless the Sec-  
23 retary designates another individual, during a vacancy in  
24 the office of Administrator.

1       “(d) DUTIES AND POWERS VESTED IN SEC-  
2 RETARY.—All duties and powers of the Maritime Adminis-  
3 tration are vested in the Secretary.

4       “(e) REGIONAL OFFICES.—The Maritime Adminis-  
5 tration shall have regional offices for the Atlantic, Gulf,  
6 Great Lakes, and Pacific port ranges, and may have other  
7 regional offices as necessary. The Secretary shall appoint  
8 a qualified individual as Director of each regional office.  
9 The Secretary shall carry out appropriate activities and  
10 programs of the Maritime Administration through the re-  
11 gional offices.

12       “(f) INTERAGENCY AND INDUSTRY RELATIONS.—  
13 The Secretary shall establish and maintain liaison with  
14 other agencies, and with representative trade organiza-  
15 tions throughout the United States, concerned with the  
16 transportation of commodities by water in the export and  
17 import foreign commerce of the United States, for the pur-  
18 pose of securing preference to vessels of the United States  
19 for the transportation of those commodities.

20       “(g) DETAILING OFFICERS FROM ARMED FORCES.—  
21 To assist the Secretary in carrying out duties and powers  
22 relating to the Maritime Administration, not more than  
23 five officers of the armed forces may be detailed to the  
24 Secretary at any one time, in addition to details author-  
25 ized by any other law. During the period of a detail, the

1 Secretary shall pay the officer an amount that, when  
2 added to the officer's pay and allowances as an officer in  
3 the armed forces, makes the officer's total pay and allow-  
4 ances equal to the amount that would be paid to an indi-  
5 vidual performing work the Secretary considers to be of  
6 similar importance, difficulty, and responsibility as that  
7 performed by the officer during the detail.

8       “(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND  
9 AUDITS.—

10           “(1) CONTRACTS AND COOPERATIVE AGREE-  
11 MENTS.—In the same manner that a private cor-  
12 poration may make a contract within the scope of its  
13 authority under its charter, the Secretary may make  
14 contracts and cooperative agreements for the United  
15 States Government and disburse amounts to—

16           “(A) carry out the Secretary's duties and  
17 powers under this section, subtitle V of title 46,  
18 and all other Maritime Administration pro-  
19 grams; and

20           “(B) protect, preserve, and improve collat-  
21 eral held by the Secretary to secure indebted-  
22 ness.

23           “(2) AUDITS.—The financial transactions of  
24 the Secretary under paragraph (1) shall be audited  
25 by the Comptroller General. The Comptroller Gen-



1       eral shall allow credit for an expenditure shown to  
2       be necessary because of the nature of the business  
3       activities authorized by this section or subtitle V of  
4       title 46. At least once a year, the Comptroller Gen-  
5       eral shall report to Congress any departure by the  
6       Secretary from this section or subtitle V of title 46.

7       “(i) GRANT ADMINISTRATIVE EXPENSES.—Except as  
8       otherwise provided by law, the administrative and related  
9       expenses for the administration of any grant programs by  
10      the Maritime Administrator may not exceed 3 percent.

11      “(j) AUTHORIZATION OF APPROPRIATIONS.—

12           “(1) IN GENERAL.—Except as otherwise pro-  
13          vided in this subsection, there are authorized to be  
14          appropriated such amounts as may be necessary to  
15          carry out the duties and powers of the Secretary re-  
16          lating to the Maritime Administration.

17           “(2) LIMITATIONS.—Only those amounts spe-  
18          cifically authorized by law may be appropriated for  
19          the use of the Maritime Administration for—

20                   “(A) acquisition, construction, or recon-  
21                   struction of vessels;

22                   “(B) construction-differential subsidies in-  
23                   cident to the construction, reconstruction, or re-  
24                   conditioning of vessels;

25                   “(C) costs of national defense features;

1           “(D) payments of obligations incurred for  
2 operating-differential subsidies;

3           “(E) expenses necessary for research and  
4 development activities, including reimbursement  
5 of the Vessel Operations Revolving Fund for  
6 losses resulting from expenses of experimental  
7 vessel operations;

8           “(F) the Vessel Operations Revolving  
9 Fund;

10          “(G) National Defense Reserve Fleet ex-  
11 penses;

12          “(H) expenses necessary to carry out part  
13 B of subtitle V of title 46; and

14          “(I) other operations and training expenses  
15 related to the development of waterborne trans-  
16 portation systems, the use of waterborne trans-  
17 portation systems, and general administration.

18          “(3) TRAINING VESSELS.—Amounts may not be  
19 appropriated for the purchase or construction of  
20 training vessels for State maritime academies unless  
21 the Secretary has approved a plan for sharing train-  
22 ing vessels between State maritime academies.”.



Calendar No. 83

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 1256**

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**A BILL**

To authorize appropriations for fiscal year 2012 for defense activities of the Department of Energy, and for other purposes.

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JUNE 22, 2011

Read twice and placed on the calendar