

114TH CONGRESS
2D SESSION

H. R. 5417

To require full spending of the Harbor Maintenance Trust Fund, provide for expanded uses of the Fund, and prevent cargo diversion, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2016

Mr. REICHERT (for himself, Mr. McDERMOTT, Ms. DELBENE, Mr. LARSEN of Washington, Mr. KILMER, Mr. SMITH of Washington, and Mr. HECK of Washington) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require full spending of the Harbor Maintenance Trust Fund, provide for expanded uses of the Fund, and prevent cargo diversion, 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 “Harbor Maintenance
5 Trust Fund Reform Act of 2016”.

1 **SEC. 2. REFORM OF SPENDING FROM THE HARBOR MAIN-**
2 **TENANCE TRUST FUND.**

3 (a) IN GENERAL.—Section 9505(c) of the Internal
4 Revenue Code of 1986 is amended to read as follows:

5 “(c) EXPENDITURES FROM HARBOR MAINTENANCE
6 TRUST FUND.—

7 “(1) REQUIRED DISTRIBUTIONS.—

8 “(A) IN GENERAL.—In the case of any fis-
9 cal year beginning after September 30, 2016, so
10 much of the amounts in the Harbor Mainte-
11 nance Trust Fund as is equal to the applicable
12 amount shall be available, without appropria-
13 tion, for making expenditures—

14 “(i) to carry out section 210 of the
15 Water Resources Development Act of
16 1986,

17 “(ii) for payments of rebates of tolls
18 or charges pursuant to section 13(b) of the
19 Act of May 13, 1954 (as in effect on April
20 1, 1987), and

21 “(iii) for the payment of all expenses
22 of administration incurred by the Depart-
23 ment of the Treasury, the Army Corps of
24 Engineers, and the Department of Com-
25 merce related to the administration of sub-

1 chapter A of chapter 36 (relating to harbor
2 maintenance tax).

3 “(B) APPLICABLE AMOUNT.—For purposes
4 of subparagraph (A), the applicable amount for
5 any fiscal year is an amount equal to the sum
6 of—

7 “(i) the amount of taxes received in
8 the Treasury under section 4461 for the
9 immediately preceding fiscal year, plus

10 “(ii) any amounts credited to the
11 Harbor Maintenance Trust Fund under
12 section 9602(b) which is attributable to the
13 portion of the amounts described in clause
14 (i) that are deposited in such Trust Fund.

15 “(C) ALLOCATION OF AMOUNTS.—Of the
16 amounts available under this paragraph for any
17 fiscal year—

18 “(i) \$5,000,000 shall be available for
19 purposes described in subparagraph
20 (A)(iii),

21 “(ii) \$40,000,000 shall be available
22 for purposes described in subparagraph
23 (A)(ii), and

1 “(iii) the remainder shall be available
 2 for purposes described in subparagraph
 3 (A)(i).

4 “(2) OTHER AMOUNTS.—The amounts in the
 5 Harbor Maintenance Trust Fund after application of
 6 paragraph (1) shall be available, as provided in ap-
 7 propriations Acts, for making expenditures for pur-
 8 poses described in paragraph (1)(A).”.

9 (b) EFFECTIVE DATE.—The amendment made by
 10 this section shall apply to fiscal years beginning after the
 11 date of the enactment of this Act.

12 **SEC. 3. ADDITIONAL MEASURES AT DONOR PORTS AND EN-**
 13 **ERGY TRANSFER PORTS.**

14 Section 2106 of the Water Resources Reform and De-
 15 velopment Act of 2014 (33 U.S.C. 2238c) is amended—

16 (1) in subsection (a)(2)—

17 (A) by redesignating subparagraphs (A)
 18 through (D) as clauses (i) through (iv), respec-
 19 tively, and indenting appropriately;

20 (B) in the matter preceding clause (i) (as
 21 redesignated), by striking “The term” and in-
 22 serting the following:

23 “(A) IN GENERAL.—The term”; and

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

1 “(B) CALCULATION.—For the purpose of
2 calculating the percentage described in subpara-
3 graph (A)(iii), payments described under sub-
4 section (c)(1) shall not be included.”;

5 (2) by striking subsection (b) and inserting the
6 following:

7 “(b) AUTHORITY.—

8 “(1) IN GENERAL.—The Secretary may provide
9 to donor ports and energy transfer ports amounts in
10 accordance with this section.

11 “(2) LIMITATIONS.—Amounts provided under
12 this section for each fiscal year—

13 “(A) shall be provided in equal amounts to
14 donor ports and energy transfer ports;

15 “(B) for donor ports—

16 “(i) 50 percent of the funds shall be
17 equally divided between the eligible donor
18 ports; and

19 “(ii) 50 percent of the funds shall be
20 divided between the eligible donor ports
21 based on the percentage of the total Har-
22 bor Maintenance Tax revenues generated
23 at each eligible donor port;

1 “(C) for energy transfer ports, shall be di-
 2 vided equally among all States with an energy
 3 transfer port; and

4 “(D) shall be made available to a port as
 5 either a donor port or an energy transfer port
 6 and no port may receive amounts as both a
 7 donor port and an energy transfer port.”; and
 8 (3) by striking subsection (f).

9 **SEC. 4. EXPENDITURES FROM THE HARBOR MAINTENANCE**
 10 **TRUST FUND.**

11 (a) OPERATION AND MAINTENANCE OF HARBOR
 12 PROJECTS.—Section 210(c) of the Water Resources De-
 13 velopment Act of 1986 (33 U.S.C. 2238(c)) is amended—

14 (1) by striking paragraph (3);

15 (2) by redesignating paragraph (4) as para-
 16 graph (5); and

17 (3) by inserting after paragraph (2) the fol-
 18 lowing:

19 “(3) CERTAIN DONOR PORTS AND ENERGY
 20 TRANSFER PORTS.—The Secretary shall allocate to
 21 carry out activities under section 2106(c) of the
 22 Water Resources Reform and Development Act of
 23 2014 (33 U.S.C. 2238c(c)) an amount that is not
 24 less than 20 percent of the funds made available
 25 under this section for each fiscal year.

1 “(4) EMERGING HARBOR PROJECTS.—Notwith-
2 standing any other provision of this subsection, in
3 making expenditures under paragraph (1), the Sec-
4 retary shall allocate for operation and maintenance
5 costs of emerging harbor projects for each fiscal
6 year an amount that is not less than 10 percent of
7 the funds made available under this section for fiscal
8 year 2012 to pay the costs described in subsection
9 (a)(2).”.

10 (b) DEFINITION OF EXPANDED USES.—Section
11 210(f)(3) of the Water Resources Development Act of
12 1986 (33 U.S.C. 2238(f)(3)) is amended by adding at the
13 end the following:

14 “(C) An in-water improvement, if—

15 “(i) the improvement benefits com-
16 mercial navigation at the harbor; and

17 “(ii) the improvement is located in or
18 adjacent to a berth that is accessible to a
19 Federal navigation project.

20 “(D) An activity to maintain or improve
21 slope stability at a berth in a harbor that is ac-
22 cessible to a Federal navigation project, if the
23 activity benefits commercial navigation at the
24 harbor.”.

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