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114TH CONGRESS
1ST SESSION

S. 1298

To provide nationally consistent measures of performance of the Nation's ports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2015

Mr. THUNE (for himself, Mrs. FISCHER, Mr. GARDNER, and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

To provide nationally consistent measures of performance of the Nation's ports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PORT PERFORMANCE FREIGHT STATISTICS PROGRAM.

(a) IN GENERAL.—Chapter 63 of title 49, United States Code, is amended by adding at the end the following:

"§ 6314. Port performance freight statistics program

"(a) IN GENERAL.—The Director shall establish, on behalf of the Secretary, a port performance statistics pro-

gram to provide nationally consistent measures of performance of the Nation's top 25 ports by tonnage, top 25 ports by 20-foot equivalent unit, and top 25 ports by dry bulk.

"(b) ANNUAL REPORTS.—

"(1) PORT CAPACITY AND THROUGHPUT.—Not later than January 15 of each year, the Director shall submit an annual report to Congress that includes statistics on capacity and throughput at these ports.

"(2) PORT PERFORMANCE INDICATORS.—The Director shall require each United States port authority referred to in subsection (a) that receives Federal assistance or is subject to Federal regulation to submit an annual report to the Bureau of Transportation Statistics that includes statistics on capacity and throughput, including—

"(A) the volume of inbound and outbound cargo to include containers, break bulk, vehicles, and dry and liquid bulk;

"(B) the average number of lifts per hour of containers by crane;

"(C) the average vessel unload rate;

"(D) the average vessel load rate;

"(E) the average vessel turn time;

"(F) port transit time;

"(G) the average cargo dwell time;

"(H) the average container dwell time;

"(I) port storage capacity and utilization;

"(J) the average wait time for trucks inside a port complex;

"(K) the average truck time at ports; and

"(L) the average rail delay at ports.

"(c) RECOMMENDATIONS.—The Director shall obtain recommendations for specifications for port performance measures, to identify standard data elements for measuring port performance, from—

"(1) operating administrations of the Department of Transportation;

"(2) the Coast Guard;

"(3) the Maritime Administration;

"(4) the Marine Transportation System National Advisory Council;

"(5) the Army Corps of Engineers;

"(6) the Saint Lawrence Seaway Development Corporation; and

"(7) the Advisory Committee on Supply Chain Competitiveness.

"(d) ACCESS TO DATA.—The Director shall ensure that the statistics compiled under this section are readily

accessible to the public, consistent with applicable security constraints and confidentiality interests.''.

(b) PROHIBITION ON CERTAIN DISCLOSURES.—Section 6307(b)(1) of title 49, United States Code, is amended by inserting ''or section 6314(b)'' after ''section 6302(b)(3)(B)'' each place it appears.

(c) COPIES OF REPORTS.—Section 6307(b)(2)(A) of title 49, United States Code, is amended by inserting ''or section 6314(b)'' after ''section 6302(b)(3)(B)''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 49, United States Code, is amended by adding at the end the following:

''6314. Port performance freight statistics program.''.

SEC. 2. MONTHLY REPORTS ON PERFORMANCE AT UNITED STATES PORTS.

(a) IN GENERAL.—Not later than 1 year before the expiration date of a maritime labor agreement for a United States port, 3 months before the expiration date of the maritime labor agreement, and monthly thereafter, the Secretary of Transportation, in consultation with the Secretary of Commerce and the Secretary of Labor, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes port performance indicators at

the affected port. If multiple ports are affected by the expiration of the maritime labor agreement, the Secretary of Transportation shall submit a report for each affected port.

(b) CONTENTS.—Each report required under subsection (a) shall include, for the affected port during the previous month—

(1) the performance indicators listed under section 6314(b)(2) of title 49, United States Code;

(2) the number and type of vessels awaiting berthing, including average wait time;

(3) the number of cancelled vessel calls;

(4) an estimate of the economic impact associated with any delays both at the port and across the national economy; and

(5) an estimate of the amount of time required to clear any congestion.

(c) EFFECTIVE PERIOD.—The Secretary of Transportation, in consultation with the Secretary of Commerce and the Secretary of Labor, shall submit a report required under subsection (a) for an affected port until the date that a new maritime labor agreement for the port is agreed to by all of the parties to that maritime labor agreement.

(d) DEFINITION OF MARITIME LABOR AGREEMENT.—In this section, the term ''maritime labor agreement'' has the meaning given such term in section 40102 of title 46, United States Code.

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