

115TH CONGRESS
2D SESSION

S. 3273

To improve the safety, efficiency, and reliability of the movement of goods through ports and intermodal connections to ports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2018

Mr. WICKER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the safety, efficiency, and reliability of the movement of goods through ports and intermodal connections to ports, 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 Port Operations, Re-
5 search, and Technology Act.

6 **SEC. 2. PORT AND INTERMODAL IMPROVEMENT ROGRAM.**

7 (a) SHORT TITLE.—This section may be cited as the
8 “Ports Improvement Act”.

9 (b) PORT AND INTERMODAL IMPROVEMENT PRO-
10 GRAM.—Section 50302 of title 46, United States Code, is

1 amended by striking subsection (c) and inserting the fol-
 2 lowing:

3 “(c) PORT AND INTERMODAL IMPROVEMENT PRO-
 4 GRAM.—

5 “(1) GENERAL AUTHORITY.—Subject to the
 6 availability of appropriations, the Secretary of
 7 Transportation shall make grants, on a competitive
 8 basis, to eligible applicants to assist in funding eligi-
 9 ble projects for the purpose of improving the safety,
 10 efficiency, or reliability of the movement of goods
 11 through ports and intermodal connections to ports.

12 “(2) ELIGIBLE APPLICANT.—The Secretary
 13 may make a grant under this subsection to the fol-
 14 lowing:

15 “(A) A State.

16 “(B) A political subdivision of a State or
 17 local government.

18 “(C) A public agency or publicly chartered
 19 authority established by one or more States.

20 “(D) A special purpose district with a
 21 transportation function.

22 “(E) A multistate or multijurisdictional
 23 group of entities described in this subsection.

1 “(F) A lead entity described in subpara-
 2 graph (A), (B), (C), (D), or (E) jointly with a
 3 private entity or group of private entities.

4 “(3) ELIGIBLE PROJECTS.—The Secretary may
 5 make a grant under this subsection—

6 “(A) for a project that—

7 “(i) is either—

8 “(I) within the boundary of a
 9 port; or

10 “(II) outside the boundary of a
 11 port, but is directly related to port op-
 12 erations or to an intermodal connec-
 13 tion to a port; and

14 “(ii) will be used to improve the safe-
 15 ty, efficiency, or reliability of—

16 “(I) the loading and unloading of
 17 goods at the port, such as for marine
 18 terminal equipment;

19 “(II) the movement of goods
 20 into, out of, around, or within a port,
 21 such as for highway or rail infrastruc-
 22 ture, intermodal facilities, freight in-
 23 telligent transportation systems, and
 24 digital infrastructure systems; or

1 “(III) the movement of vessels in
2 and out of the port facility by dredg-
3 ing a vessel berthing area that is not
4 part of a Federal channel or an access
5 channel associated with a Federal
6 channel; or

7 “(B) notwithstanding paragraph (6)(A)(v),
8 to provide financial assistance to one or more
9 projects under subparagraph (A) for develop-
10 ment phase activities, including planning, feasi-
11 bility analysis, revenue forecasting, environ-
12 mental review, permitting, and preliminary en-
13 gineering and design work.

14 “(4) PROHIBITED USES.—A grant award under
15 this subsection may not be used—

16 “(A) to finance or refinance the construc-
17 tion, reconstruction, reconditioning, or purchase
18 of a vessel that is eligible for such assistance
19 under chapter 537, unless the Secretary deter-
20 mines such vessel—

21 “(i) is necessary for a project de-
22 scribed in paragraph (3)(A)(ii)(III) of this
23 subsection; and

24 “(ii) is not receiving assistance under
25 chapter 537; or

“(B) for any project within a small shipyard (as defined in section 54101).

“(5) APPLICATIONS AND PROCESS.—

“(A) APPLICATIONS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary considers appropriate.

“(B) SOLICITATION PROCESS.—Not later than 30 days after the date that amounts are made available for grants under this subsection for a fiscal year, the Secretary shall solicit grant applications for eligible projects in accordance with this subsection.

“(6) PROJECT SELECTION CRITERIA.—

“(A) IN GENERAL.—The Secretary may select a project described in paragraph (3) for funding under this subsection if the Secretary determines that—

“(i) the project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port;

“(ii) the project is cost-effective;

1 “(iii) the eligible applicant has author-
2 ity to carry out the project;

3 “(iv) the eligible applicant has suffi-
4 cient funding available to meet the match-
5 ing requirements under paragraph (8);

6 “(v) the project will be completed
7 without unreasonable delay; and

8 “(vi) the project cannot be easily and
9 efficiently completed without Federal fund-
10 ing or financial assistance available to the
11 project sponsor.

12 “(B) ADDITIONAL CONSIDERATIONS.—In
13 selecting projects described in paragraph (3) for
14 funding under this subsection, the Secretary
15 shall give substantial weight to—

16 “(i) the utilization of non-Federal
17 contributions; and

18 “(ii) the net benefits of the funds
19 awarded under this subsection, considering
20 the cost-benefit analysis of the project, as
21 applicable.

22 “(C) SMALL PROJECTS.—The Secretary
23 may waive the cost-benefit analysis under sub-
24 paragraph (A)(ii), and establish a simplified, al-
25 ternative basis for determining whether a

1 project is cost-effective, for a small project de-
2 scribed in paragraph (7)(B).

3 “(7) ALLOCATION OF FUNDS.—

4 “(A) GEOGRAPHIC DISTRIBUTION.—Not
5 more than 25 percent of the amounts made
6 available for grants under this subsection for a
7 fiscal year may be used to make grants for
8 projects in any 1 State.

9 “(B) SMALL PROJECTS.—The Secretary
10 shall reserve 25 percent of the amounts made
11 available for grants under this subsection each
12 fiscal year to make grants for eligible projects
13 described in paragraph (3)(A) that request the
14 lesser of—

15 “(i) 10 percent of the amounts made
16 available for grants under this subsection
17 for a fiscal year; or

18 “(ii) \$1,000,000.

19 “(C) DREDGING PROJECTS.—Not more
20 than 25 percent of the amounts made available
21 for grants under this subsection for a fiscal
22 year may be used to make grants for projects
23 described in paragraph (3)(A)(ii)(III).

24 “(D) DEVELOPMENT PHASE ACTIVITIES.—
25 Not more than 10 percent of the amounts made

available for grants under this subsection for a fiscal year may be used to make grants for development phase activities under paragraph (3)(B).

“(8) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

“(A) TOTAL PROJECT COSTS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an estimate of the total costs of a project under this subsection based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

“(B) FEDERAL SHARE.—

“(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the total costs of a project under this subsection shall not exceed 80 percent.

“(ii) DREDGING PROJECTS.—The Federal share of the total costs of a project described in paragraph (3)(A)(ii)(III) shall not exceed 50 percent.

1 “(iii) RURAL AREAS.—The Secretary
2 may increase the Federal share of costs
3 above 80 percent for a project located in a
4 rural area.

5 “(9) TIFIA PROGRAM.—At the request of an
6 eligible applicant under this subsection, the Sec-
7 retary may use amounts awarded to an eligible ap-
8 plicant under this subsection to pay the subsidy and
9 administrative costs of a project necessary to provide
10 the applicant with Federal credit assistance under
11 chapter 6 of title 23, with respect to the project for
12 which the grant was awarded, if such project is eligi-
13 ble for credit assistance under that chapter.

14 “(10) PROCEDURAL SAFEGUARDS.—The Sec-
15 retary shall issue guidelines to establish appropriate
16 accounting, reporting, and review procedures to en-
17 sure that—

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

20 “(B) each grantee properly accounts for all
21 expenditures of grant funds; and

22 “(C) grant funds not used for such pur-
23 poses and amounts not obligated or expended
24 are returned.

1 “(11) GRANT CONDITIONS.—The Secretary
2 shall require as a condition of making a grant under
3 this subsection that a grantee—

4 “(A) maintain such records as the Sec-
5 retary considers necessary;

6 “(B) make the records described in sub-
7 paragraph (A) available for review and audit by
8 the Secretary; and

9 “(C) periodically report to the Secretary
10 such information as the Secretary considers
11 necessary to assess progress.

12 “(12) CONGRESSIONAL NOTIFICATION.—

13 “(A) NOTIFICATION.—At least 60 days be-
14 fore making a grant for a project under this
15 section, the Secretary shall notify, in writing,
16 the Committee on Commerce, Science, and
17 Transportation of the Senate and the Com-
18 mittee on Transportation and Infrastructure of
19 the House of Representatives of the proposed
20 grant.

21 “(B) CONTENTS.—Each notification under
22 subparagraph (A) shall include—

23 “(i) an evaluation of and justification
24 for the project; and

1 “(ii) the amount of the proposed
2 grant award.

3 “(C) CONGRESSIONAL DISAPPROVAL.—The
4 Secretary may not make a grant or any other
5 obligation or commitment to fund a project
6 under this section if a joint resolution is en-
7 acted disapproving funding for the project be-
8 fore the last day of the 60-day period described
9 in subparagraph (A).

10 “(13) LIMITATION ON STATUTORY CONSTRUC-
11 TION.—Nothing in this subsection may be construed
12 to affect existing authorities to conduct port infra-
13 structure programs in—

14 “(A) Hawaii, as authorized by section
15 9008 of the SAFETEA-LU Act (Public Law
16 109–59; 119 Stat. 1926);

17 “(B) Alaska, as authorized by section
18 10205 of the SAFETEA-LU Act (Public Law
19 109–59; 119 Stat. 1934); or

20 “(C) Guam, as authorized by section 3512
21 of the Duncan Hunter National Defense Au-
22 thorization Act for Fiscal Year 2009 (48 U.S.C.
23 1421r).

24 “(14) REPORTS.—The Secretary shall make
25 available on the website of the Department of Trans-

1 portation at the end of each fiscal year an annual
 2 report that lists each project for which a grant has
 3 been provided under this subsection during that fis-
 4 cal year.

5 “(15) ADMINISTRATION.—

6 “(A) ADMINISTRATIVE AND OVERSIGHT
 7 COSTS.—The Secretary may retain not more
 8 than 1 percent of the amounts appropriated for
 9 each fiscal year under this subsection for the
 10 administrative and oversight costs incurred by
 11 the Secretary to carry out this subsection.

12 “(B) AVAILABILITY.—

13 “(i) IN GENERAL.—Amounts appro-
 14 priated for carrying out this subsection
 15 shall remain available until expended.

16 “(ii) UNEXPENDED FUNDS.—
 17 Amounts awarded as a grant under this
 18 subsection that are not expended by the
 19 grantee during the 4-year period following
 20 the date of the award shall remain avail-
 21 able to the Secretary for use for grants
 22 under this subsection in a subsequent fis-
 23 cal year.

24 “(16) DEFINITIONS.—In this subsection:

1 “(A) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term ‘appropriate committees of
3 Congress’ means—

4 “(i) the Committee on Commerce,
5 Science, and Transportation of the Senate;
6 and

7 “(ii) the Committee on Transportation
8 and Infrastructure of the House of Rep-
9 resentatives.

10 “(B) PORT.—The term ‘port’ includes—

11 “(i) a sea port; and

12 “(ii) an inland waterways port.

13 “(C) PROJECT.—The term ‘project’ in-
14 cludes construction, reconstruction, rehabilita-
15 tion, acquisition of property, including land re-
16 lated to the project and improvements to the
17 land, equipment acquisition, and operational
18 improvements.

19 “(D) RURAL AREA.—The term ‘rural area’
20 means an area that is outside an urbanized
21 area.

22 “(d) ADDITIONAL AUTHORITY OF THE SEC-
23 RETARY.—In carrying out this section, the Secretary
24 may—

1 “(1) receive funds from a Federal or non-Fed-
2 eral entity that has a specific agreement with the
3 Secretary to further the purposes of this section;

4 “(2) coordinate with other Federal agencies to
5 expedite the process established under the National
6 Environmental Policy Act of 1969 (42 U.S.C. 4321
7 et seq.) for the improvement of port facilities to im-
8 prove the efficiency of the transportation system, to
9 increase port security, or to provide greater access
10 to port facilities;

11 “(3) seek to coordinate all reviews or require-
12 ments with appropriate local, State, and Federal
13 agencies; and

14 “(4) in addition to any financial assistance pro-
15 vided under subsection (c), provide such technical
16 assistance to port authorities or commissions or
17 their subdivisions and agents as needed for project
18 planning, design, and construction.”.

19 (c) SAVINGS CLAUSE.—A repeal made by subsection
20 (b) of this section shall not affect amounts apportioned
21 or allocated before the effective date of the repeal. Such
22 apportioned or allocated funds shall continue to be subject
23 to the requirements to which the funds were subject under
24 section 50302(c) of title 46, United States Code, as in ef-
25 fect on the day before the date of enactment of this Act.

1 **SEC. 3. COAST GUARD BLUE TECHNOLOGY CENTER OF EX-**
2 **PERTISE.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Coast Guard Blue Technology Center of Expertise Act”.

5 (b) **ESTABLISHMENT.**—Not later than 1 year after
6 the date of enactment of this Act and subject to the avail-
7 ability of appropriations, the Commandant shall establish
8 under section 58 of title 14, United States Code, a Blue
9 Technology center of expertise.

10 (c) **MISSIONS.**—In addition to the missions listed in
11 section 58(b) of title 14, United States Code, the Center—

12 (1) shall—

13 (A) promote awareness within the Coast
14 Guard of the range and diversity of Blue Tech-
15 nologies and their potential to enhance Coast
16 Guard mission readiness, operational perform-
17 ance, and regulation of such technologies;

18 (B) function as an interactive conduit to
19 enable the sharing and dissemination of Blue
20 Technology information between the Coast
21 Guard and representatives from the private sec-
22 tor, academia, nonprofit organizations, and
23 other Federal agencies;

24 (C) increase awareness among Blue Tech-
25 nology manufacturers, entrepreneurs, and ven-

1 dors of Coast Guard acquisition policies, proce-
2 dures, and business practices; and

3 (D) provide technical support, coordina-
4 tion, and assistance to Coast Guard districts
5 and the Coast Guard Research and Develop-
6 ment Center, as appropriate; and

7 (2) subject to the requirements of the Coast
8 Guard Academy, may coordinate with the Academy
9 to develop appropriate curricula regarding Blue
10 Technology to be offered in professional courses of
11 study to give Coast Guard cadets and officer can-
12 didates a greater background and understanding of
13 Blue Technologies.

14 (d) BLUE TECHNOLOGY EXPOSITION; BRIEFING.—
15 Not later than 6 months after the date of enactment of
16 this Act, the Commandant shall provide to the Committee
17 on Commerce, Science, and Transportation of the Senate
18 and the Committee on Transportation and Infrastructure
19 of the House of Representatives a briefing on the costs
20 and benefits of hosting a biennial Coast Guard Blue Tech-
21 nology exposition to further interactions between rep-
22 resentatives from the private sector, academia, and non-
23 profit organizations, and the Coast Guard and examine
24 emerging technologies and Coast Guard mission demands.

25 (e) DEFINITIONS.—In this section:

1 (1) CENTER.—The term “Center” means the
2 Blue Technology center of expertise established
3 under this section.

4 (2) COMMANDANT.—The term “Commandant”
5 means the Commandant of the Coast Guard.

6 (3) BLUE TECHNOLOGY.—The term “Blue
7 Technology” means any technology, system, or plat-
8 form that—

9 (A) is designed for use or application
10 above, on, or below the sea surface or that is
11 otherwise applicable to Coast Guard operational
12 needs, including such a technology, system, or
13 platform that provides continuous or persistent
14 coverage; and

15 (B) supports or facilitates—

16 (i) maritime domain awareness, in-
17 cluding—

18 (I) surveillance and monitoring;

19 (II) observation, measurement,
20 and modeling; or

21 (III) information technology and
22 communications;

23 (ii) search and rescue;

24 (iii) emergency response;

25 (iv) maritime law enforcement;

- 1 (v) marine inspections and investiga-
- 2 tions; or
- 3 (vi) protection and conservation of the
- 4 marine environment.

