

116TH CONGRESS
2D SESSION

H. R. 7416

To amend title 46, United States Code, to allow the Administrator of the Maritime Administration to provide assistance to the owners and operators of certain ports and terminals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2020

Mr. BOST (for himself, Mr. LAMB, Mr. GIBBS, Mr. RESCENTHALER, Mrs. HARTZLER, Mr. LOEBSACK, and Mrs. MILLER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 46, United States Code, to allow the Administrator of the Maritime Administration to provide assistance to the owners and operators of certain ports and terminals, 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 “Coastal and Inland
5 Ports and Terminals Commerce Improvement Act”.

1 **SEC. 2. ASSISTANCE FOR INLAND AND SMALL COASTAL**
2 **PORTS AND TERMINALS.**

3 Section 50302 of title 46, United States Code, is
4 amended—

5 (1) in subsection (c)—

6 (A) in paragraph (2) by adding at the end
7 the following:

8 “(H) In the case of a small project funded
9 under subsection (d), a private entity or group
10 of entities.”;

11 (B) in paragraph (6) by striking subpara-
12 graph (C);

13 (C) in paragraph (7)(B) by striking “para-
14 graph (3)(A)” and inserting “subsection (d)”;

15 (D) in paragraph (8)(B)—

16 (i) in clause (i) by striking “under
17 this subsection” and inserting “under this
18 subsection and subsection (d)”;

19 (ii) in clause (ii) by inserting “under
20 subsection (d) or” after “project”; and

21 (E) in paragraph (11) by—

22 (i) striking “under this subsection”
23 and inserting “under this subsection and
24 subsection (d)” each place such phrase ap-
25 pears; and

1 (ii) striking “fiscal year.” and insert-
2 ing “fiscal year, and shall be awarded as
3 grants under the subsection for which the
4 original grant was made.”;

5 (2) by redesignating subsection (d) as sub-
6 section (e);

7 (3) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) ASSISTANCE FOR INLAND AND SMALL COASTAL
10 PORTS AND TERMINALS.—

11 “(1) IN GENERAL.—Of amounts reserved under
12 subsection (c)(7)(B), the Secretary, acting through
13 the Administrator of the Maritime Administration,
14 shall make grants under this subsection—

15 “(A) to the owners or operators of a facil-
16 ity at a port, as such term is defined in sub-
17 section (c), to and from which the average an-
18 nual tonnage of cargo for the immediately pre-
19 ceding 3 calendar years from the time an appli-
20 cation is submitted is less than 8,000,000 short
21 tons as determined using Corps of Engineers
22 data; and

23 “(B) for infrastructure improvements,
24 equipment purchases, and capital investments
25 at such a facility, including piers, wharves,

docks, terminals, and similar structures used principally for the movement of goods, including areas of land, water, or areas in proximity to such structure that are necessary for the movement of goods.

“(2) AWARDS.—In providing assistance under this subsection, the Secretary shall—

“(A) take into account—

“(i) the economic advantage and the contribution to freight transportation at an eligible facility; and

“(ii) the competitive disadvantage of an eligible facility;

“(B) not make more than 1 award per applicant for each fiscal year appropriation; and

“(C) promote the enhancement and efficiencies of an eligible facility.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—Assistance provided under this subsection may be used to—

“(i) make capital improvements;

“(ii) construct, improve, repair, or maintain transportation or physical infrastructure, buildings, equipment, or facility security;

1 “(iii) perform planning activities re-
2 lated to carrying out an activity described
3 in clause (i); and

4 “(iv) otherwise fulfill the purposes for
5 which such assistance is provided.

6 “(B) ACQUISITION METHODS.—The Sec-
7 retary may not require as a condition of issuing
8 a grant under this subsection—

9 “(i) direct ownership of either a facil-
10 ity or equipment to be procured using
11 funds awarded under this subsection; or

12 “(ii) that equipment procured using
13 such funds be new.

14 “(4) PROHIBITED USES.—Funds provided
15 under this subsection may not be used for—

16 “(A) projects conducted on property lying
17 outside port or terminal boundaries and not
18 owned or leased by the applicant;

19 “(B) any single grant award more than 10
20 percent of total allocation of funds to carry out
21 this subsection per fiscal year appropriation; or

22 “(C) activities, including channel improve-
23 ments or harbor deepening, authorized, as of
24 the date of the application for assistance under

1 this subsection, to be carried out by of the
2 Corps of Engineers.

3 “(5) MATCHING REQUIREMENTS.—

4 “(A) IN GENERAL.—The Secretary may
5 not provide assistance under this subsection un-
6 less the Secretary determines that sufficient
7 funding is available to meet the matching re-
8 quirements of subsection (c)(8). Any costs of
9 the project to be paid by the recipient’s match-
10 ing share may be incurred prior to the date on
11 which assistance is provided.

12 “(B) INCLUSIONS.—For the purpose of
13 making the determination under subparagraph
14 (A), funding may include a loan agreement, a
15 commitment from investors, cash on balance
16 sheet, or other contributions determined accept-
17 able by the Secretary.

18 “(6) APPLICATION AND AWARD.—

19 “(A) MINIMUM STANDARDS FOR PAYMENT
20 OR REIMBURSEMENT.—Each application sub-
21 mitted shall include a comprehensive description
22 of—

23 “(i) the project;

24 “(ii) the need for the project;

1 “(iii) the methodology for imple-
2 menting the project; and

3 “(iv) documentation of matching
4 funds as described in paragraph (5).

5 “(B) DEMONSTRATION OF EFFECTIVE-
6 NESS.—In determining whether a project will
7 achieve the purposes for which such assistance
8 is requested under this subsection, the Sec-
9 retary shall accept documentation used to ob-
10 tain a commitment of the matching funds de-
11 scribed in paragraph (5), including feasibility
12 studies, business plans, investor prospectuses,
13 loan applications, or similar documentation.

14 “(C) PROJECT APPROVAL REQUIRED.—
15 The Secretary may not award a grant under
16 this subsection unless the Secretary determines
17 that the—

18 “(i) project will be completed without
19 unreasonable delay; and

20 “(ii) recipient has authority to carry
21 out the proposed project.

22 “(7) PROCEDURAL SAFEGUARDS, AUDITS, AND
23 EXAMINATIONS.—

24 “(A) PROCEDURAL SAFEGUARDS.—The
25 Administrator shall issue guidelines to establish

appropriate accounting, reporting, and review procedures to ensure that—

“(i) assistance provided under this subsection is used for the purposes for which such assistance is made available; and

“(ii) grantees have properly accounted for all expenditures of grant funds.

“(B) AUDITS AND EXAMINATIONS.—All grantees under this subsection shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.

“(8) LIMITATION.—Not more than 10 percent of the funds made available under subsection (c)(7)(B) may be used for the planning and design of eligible projects described in paragraph (3)(A)(iii).

“(9) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE FACILITY.—The term ‘eligible facility’ means a facility or collection of facilities that includes piers, wharves, docks, terminals, and similar structures used principally for the movement of goods, including areas of land, water, or areas in proximity to such struc-

1 ture that are necessary for the movement of
2 goods, located at a port, as that term is defined
3 in subsection (c), to and from which the aver-
4 age annual tonnage of cargo for the imme-
5 diately preceding 3 calendar years from the
6 time an application is submitted is less than
7 8,000,000 short tons as determined using Corps
8 of Engineers data.

9 “(B) PROJECT.—The term ‘project’ has
10 the meaning given such term in subsection
11 (c).”.

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