

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2020

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

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## 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,

1 docks, terminals, and similar structures used  
2 principally for the movement of goods, including  
3 areas of land, water, or areas in proximity to  
4 such structure that are necessary for the move-  
5 ment of goods.

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

8 “(A) take into account—

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

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

14 “(B) not make more than 1 award per ap-  
15 plicant for each fiscal year appropriation; and

16 “(C) promote the enhancement and effi-  
17 ciencies of an eligible facility.

18 “(3) USE OF FUNDS.—

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

21 “(i) make capital improvements;

22 “(ii) construct, improve, repair, or  
23 maintain transportation or physical infra-  
24 structure, buildings, equipment, or facility  
25 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

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

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

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

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

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

19 “(9) DEFINITIONS.—In this subsection:

20 “(A) ELIGIBLE FACILITY.—The term ‘eli-  
21 gible facility’ means a facility or collection of fa-  
22 cilities that includes piers, wharves, docks, ter-  
23 minals, and similar structures used principally  
24 for the movement of goods, including areas of  
25 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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