

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.

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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

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## 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

1           “(B) for any project within a small ship-  
2 yard (as defined in section 54101).

3           “(5) APPLICATIONS AND PROCESS.—

4           “(A) APPLICATIONS.—To be eligible for a  
5 grant under this subsection, an eligible appli-  
6 cant shall submit to the Secretary an applica-  
7 tion in such form, at such time, and containing  
8 such information as the Secretary considers ap-  
9 propriate.

10           “(B) SOLICITATION PROCESS.—Not later  
11 than 30 days after the date that amounts are  
12 made available for grants under this subsection  
13 for a fiscal year, the Secretary shall solicit  
14 grant applications for eligible projects in ac-  
15 cordance with this subsection.

16           “(6) PROJECT SELECTION CRITERIA.—

17           “(A) IN GENERAL.—The Secretary may se-  
18 lect a project described in paragraph (3) for  
19 funding under this subsection if the Secretary  
20 determines that—

21                   “(i) the project improves the safety,  
22 efficiency, or reliability of the movement of  
23 goods through a port or intermodal con-  
24 nection to a port;

25                   “(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

1 available for grants under this subsection for a  
2 fiscal year may be used to make grants for de-  
3 velopment phase activities under paragraph  
4 (3)(B).

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

7 “(A) TOTAL PROJECT COSTS.—To be eligi-  
8 ble for a grant under this subsection, an eligible  
9 applicant shall submit to the Secretary an esti-  
10 mate of the total costs of a project under this  
11 subsection based on the best available informa-  
12 tion, including any available engineering stud-  
13 ies, studies of economic feasibility, environ-  
14 mental analyses, and information on the ex-  
15 pected use of equipment or facilities.

16 “(B) FEDERAL SHARE.—

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

21 “(ii) DREDGING PROJECTS.—The  
22 Federal share of the total costs of a  
23 project described in paragraph  
24 (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.

○