

# Calendar No. 558

115TH CONGRESS  
2D SESSION

# S. 3273

[Report No. 115-324]

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 (for himself and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 20, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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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.~~

1 **SEC. 2. PORT AND INTERMODAL IMPROVEMENT PROGRAM.**

2 (a) **SHORT TITLE.**—This section may be cited as the  
3 “Ports Improvement Act”.

4 (b) **PORT AND INTERMODAL IMPROVEMENT PRO-**  
5 **GRAM.**—Section 50302 of title 46, United States Code, is  
6 amended by striking subsection (c) and inserting the fol-  
7 lowing:

8 “(c) **PORT AND INTERMODAL IMPROVEMENT PRO-**  
9 **GRAM.**—

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

17 “(2) **ELIGIBLE APPLICANT.**—The Secretary  
18 may make a grant under this subsection to the fol-  
19 lowing:

20 “(A) A State.

21 “(B) A political subdivision of a State or  
22 local government.

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

25 “(D) A special purpose district with a  
26 transportation function.

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

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

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

8           “(A) for a project that—

9           “(i) is either—

10           “(I) within the boundary of a  
11 port; or

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

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

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

21           “(II) the movement of goods  
22 into, out of, around, or within a port,  
23 such as for highway or rail infrastruc-  
24 ture, intermodal facilities, freight in-

1 intelligent transportation systems, and  
 2 digital infrastructure systems; or

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

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

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

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

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

1           “(ii) is not receiving assistance under  
2           chapter 537; or

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

5           “(5) APPLICATIONS AND PROCESS.—

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

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

18          “(6) PROJECT SELECTION CRITERIA.—

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

23                  “(i) the project improves the safety,  
24                  efficiency, or reliability of the movement of

1 goods through a port or intermodal con-  
2 nection to a port;

3 “(ii) the project is cost-effective;

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

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

9 “(v) the project will be completed  
10 without unreasonable delay; and

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

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

19 “(i) the utilization of non-Federal  
20 contributions; and

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

1           “(C) SMALL PROJECTS.—The Secretary  
 2           may waive the cost-benefit analysis under sub-  
 3           paragraph (A)(ii), and establish a simplified, al-  
 4           ternative basis for determining whether a  
 5           project is cost-effective, for a small project de-  
 6           scribed in paragraph (7)(B).

7           “(7) ALLOCATION OF FUNDS.—

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

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

19                 “(i) 10 percent of the amounts made  
 20                 available for grants under this subsection  
 21                 for a fiscal year; or

22                 “(ii) \$1,000,000.

23          “(C) DREDGING PROJECTS.—Not more  
 24          than 25 percent of the amounts made available  
 25          for grants under this subsection for a fiscal

1 year may be used to make grants for projects  
2 described in paragraph (3)(A)(ii)(III).

3 “(D) DEVELOPMENT PHASE ACTIVITIES.—

4 Not more than 10 percent of the amounts made  
5 available for grants under this subsection for a  
6 fiscal year may be used to make grants for de-  
7 velopment phase activities under paragraph  
8 (3)(B).

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

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

20 “(B) FEDERAL SHARE.—

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



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

5           “(iii) RURAL AREAS.—The Secretary  
6           may increase the Federal share of costs  
7           above 80 percent for a project located in a  
8           rural area.

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

18          “(10) PROCEDURAL SAFEGUARDS.—The Sec-  
19          retary shall issue guidelines to establish appropriate  
20          accounting, reporting, and review procedures to en-  
21          sure that—

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

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

1           “(C) grant funds not used for such pur-  
2           poses and amounts not obligated or expended  
3           are returned.

4           “(11) GRANT CONDITIONS.—The Secretary  
5           shall require as a condition of making a grant under  
6           this subsection that a grantee—

7                   “(A) maintain such records as the Sec-  
8                   retary considers necessary;

9                   “(B) make the records described in sub-  
10                  paragraph (A) available for review and audit by  
11                  the Secretary; and

12                  “(C) periodically report to the Secretary  
13                  such information as the Secretary considers  
14                  necessary to assess progress.

15           “(12) CONGRESSIONAL NOTIFICATION.—

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

24                   “(B) CONTENTS.—Each notification under  
25                   subparagraph (A) shall include—

1           “(i) an evaluation of and justification  
2           for the project; and

3           “(ii) the amount of the proposed  
4           grant award.

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

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

16               “(A) Hawaii, as authorized by section  
17               9008 of the SAFETEA-LU Act (Public Law  
18               109-59; 119 Stat. 1926);

19               “(B) Alaska, as authorized by section  
20               10205 of the SAFETEA-LU Act (Public Law  
21               109-59; 119 Stat. 1934); or

22               “(C) Guam, as authorized by section 3512  
23               of the Duncan Hunter National Defense Au-  
24               thorization Act for Fiscal Year 2009 (48 U.S.C.  
25               1421r).

1           “(14) REPORTS.—The Secretary shall make  
2           available on the website of the Department of Trans-  
3           portation at the end of each fiscal year an annual  
4           report that lists each project for which a grant has  
5           been provided under this subsection during that fis-  
6           cal year.

7           “(15) ADMINISTRATION.—

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

14          “(B) AVAILABILITY.—

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

18          “(ii) UNEXPENDED FUNDS.—

19          Amounts awarded as a grant under this  
20          subsection that are not expended by the  
21          grantee during the 4-year period following  
22          the date of the award shall remain avail-  
23          able to the Secretary for use for grants  
24          under this subsection in a subsequent fis-  
25          cal year.

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

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

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

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

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

12                           “(i) a sea port; and

13                           “(ii) an inland waterways port.

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

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

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

5 **SECTION 1. SHORT TITLE.**

6       *This Act may be cited as the Port Operations, Re-*  
7 *search, and Technology Act.*

8 **SEC. 2. PORT AND INTERMODAL IMPROVEMENT PROGRAM.**

9       *(a) SHORT TITLE.—This section may be cited as the*  
10 *“Ports Improvement Act”.*

11       *(b) PORT AND INTERMODAL IMPROVEMENT PRO-*  
12 *GRAM.—Section 50302 of title 46, United States Code, is*  
13 *amended by striking subsection (c) and inserting the fol-*  
14 *lowing:*

15       *“(c) PORT AND INTERMODAL IMPROVEMENT PRO-*  
16 *GRAM.—*

17               *“(1) GENERAL AUTHORITY.—Subject to the*  
18 *availability of appropriations, the Secretary of*  
19 *Transportation shall make grants, on a competitive*  
20 *basis, to eligible applicants to assist in funding eligi-*  
21 *ble projects for the purpose of improving the safety,*  
22 *efficiency, or reliability of the movement of goods*  
23 *through ports and intermodal connections to ports.*

24               *“(2) ELIGIBLE APPLICANT.—The Secretary may*  
25 *make a grant under this subsection to the following:*

1           “(A) *A State.*

2           “(B) *A political subdivision of a State or*  
3 *local government.*

4           “(C) *A public agency or publicly chartered*  
5 *authority established by 1 or more States.*

6           “(D) *A special purpose district with a*  
7 *transportation function.*

8           “(E) *A multistate or multijurisdictional*  
9 *group of entities described in this subsection.*

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11 *graph (A), (B), (C), (D), or (E) jointly with a*  
12 *private entity or group of private entities.*

13           “(3) *ELIGIBLE PROJECTS.—The Secretary may*  
14 *make a grant under this subsection—*

15           “(A) *for a project that—*

16           “(i) *is either—*

17           “(I) *within the boundary of a*  
18 *port; or*

19           “(II) *outside the boundary of a*  
20 *port, but is directly related to port op-*  
21 *erations or to an intermodal connec-*  
22 *tion to a port; and*

23           “(ii) *will be used to improve the safety,*  
24 *efficiency, or reliability of—*

1                   “(I) the loading and unloading of  
2 goods at the port, such as for marine  
3 terminal equipment;

4                   “(II) the movement of goods into,  
5 out of, around, or within a port, such  
6 as for highway or rail infrastructure,  
7 intermodal facilities, freight intelligent  
8 transportation systems, and digital in-  
9 frastructure systems; or

10                   “(III) the movement of vessels in  
11 and out of the port facility by dredging  
12 a vessel berthing area that is not part  
13 of a Federal channel or an access chan-  
14 nel associated with a Federal channel;  
15 or

16                   “(B) notwithstanding paragraph (6)(A)(v),  
17 to provide financial assistance to 1 or more  
18 projects under subparagraph (A) for development  
19 phase activities, including planning, feasibility  
20 analysis, revenue forecasting, environmental re-  
21 view, permitting, and preliminary engineering  
22 and design work.

23                   “(4) *PROHIBITED USES.*—A grant award under  
24 this subsection may not be used—

1           “(A) to finance or refinance the construc-  
2           tion, reconstruction, reconditioning, or purchase  
3           of a vessel that is eligible for such assistance  
4           under chapter 537, unless the Secretary deter-  
5           mines such vessel—

6                   “(i) is necessary for a project described  
7                   in paragraph (3)(A)(ii)(III) of this sub-  
8                   section; and

9                   “(ii) is not receiving assistance under  
10                  chapter 537; or

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

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14                   “(A) APPLICATIONS.—To be eligible for a  
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16                   shall submit to the Secretary an application in  
17                   such form, at such time, and containing such in-  
18                   formation as the Secretary considers appro-  
19                   priate.

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

1           “(6) *PROJECT SELECTION CRITERIA.*—

2                   “(A) *IN GENERAL.*—*The Secretary may se-*  
3                   *lect a project described in paragraph (3) for*  
4                   *funding under this subsection if the Secretary*  
5                   *determines that—*

6                           “(i) *the project improves the safety, ef-*  
7                           *iciency, or reliability of the movement of*  
8                           *goods through a port or intermodal connec-*  
9                           *tion to a port;*

10                           “(ii) *the project is cost-effective;*

11                           “(iii) *the eligible applicant has author-*  
12                           *ity to carry out the project;*

13                           “(iv) *the eligible applicant has suffi-*  
14                           *cient funding available to meet the match-*  
15                           *ing requirements under paragraph (8);*

16                           “(v) *the project will be completed with-*  
17                           *out unreasonable delay; and*

18                           “(vi) *the project cannot be easily and*  
19                           *efficiently completed without Federal fund-*  
20                           *ing or financial assistance available to the*  
21                           *project sponsor.*

22                   “(B) *ADDITIONAL CONSIDERATIONS.*—*In se-*  
23                   *lecting projects described in paragraph (3) for*  
24                   *funding under this subsection, the Secretary*  
25                   *shall give substantial weight to—*

1                   “(i) the utilization of non-Federal con-  
2                   tributions; and

3                   “(ii) the net benefits of the funds  
4                   awarded under this subsection, considering  
5                   the cost-benefit analysis of the project, as  
6                   applicable.

7                   “(C) *SMALL PROJECTS.*—The Secretary  
8                   may waive the cost-benefit analysis under sub-  
9                   paragraph (A)(ii), and establish a simplified, al-  
10                  ternative basis for determining whether a project  
11                  is cost-effective, for a small project described in  
12                  paragraph (7)(B).

13                  “(7) *ALLOCATION OF FUNDS.*—

14                  “(A) *GEOGRAPHIC DISTRIBUTION.*—Not  
15                  more than 25 percent of the amounts made  
16                  available for grants under this subsection for a  
17                  fiscal year may be used to make grants for  
18                  projects in any 1 State.

19                  “(B) *SMALL PROJECTS.*—The Secretary  
20                  shall reserve 25 percent of the amounts made  
21                  available for grants under this subsection each  
22                  fiscal year to make grants for eligible projects de-  
23                  scribed in paragraph (3)(A) that request the less-  
24                  er of—

1           “(i) 10 percent of the amounts made  
2           available for grants under this subsection  
3           for a fiscal year; or

4           “(ii) \$1,000,000.

5           “(C) *DREDGING PROJECTS.*—Not more than  
6           25 percent of the amounts made available for  
7           grants under this subsection for a fiscal year  
8           may be used to make grants for projects de-  
9           scribed in paragraph (3)(A)(ii)(III).

10          “(D) *DEVELOPMENT PHASE ACTIVITIES.*—  
11          Not more than 10 percent of the amounts made  
12          available for grants under this subsection for a  
13          fiscal year may be used to make grants for devel-  
14          opment phase activities under paragraph (3)(B).

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

17                 “(A) *TOTAL PROJECT COSTS.*—To be eligible  
18                 for a grant under this subsection, an eligible ap-  
19                 plicant shall submit to the Secretary an estimate  
20                 of the total costs of a project under this sub-  
21                 section based on the best available information,  
22                 including any available engineering studies,  
23                 studies of economic feasibility, environmental  
24                 analyses, and information on the expected use of  
25                 equipment or facilities.



1                   “(B) *FEDERAL SHARE.*—

2                   “(i) *IN GENERAL.*—*Except as provided*  
3                   *in clauses (ii) and (iii), the Federal share*  
4                   *of the total costs of a project under this sub-*  
5                   *section shall not exceed 80 percent.*

6                   “(ii) *DREDGING PROJECTS.*—*The Fed-*  
7                   *eral share of the total costs of a project de-*  
8                   *scribed in paragraph (3)(A)(ii)(III) shall*  
9                   *not exceed 50 percent.*

10                  “(iii) *RURAL AREAS.*—*The Secretary*  
11                  *may increase the Federal share of costs*  
12                  *above 80 percent for a project located in a*  
13                  *rural area.*

14                  “(9) *PROCEDURAL SAFEGUARDS.*—*The Secretary*  
15                  *shall issue guidelines to establish appropriate ac-*  
16                  *counting, reporting, and review procedures to ensure*  
17                  *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 purposes*  
23                  *and amounts not obligated or expended are re-*  
24                  *turned.*

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

4                   “(A) *maintain such records as the Secretary*  
5                   *considers necessary;*

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

9                   “(C) *periodically report to the Secretary*  
10                  *such information as the Secretary considers nec-*  
11                  *essary to assess progress.*

12           “(11) *CONGRESSIONAL NOTIFICATION.*—

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

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

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

24                           “(ii) *the amount of the proposed grant*  
25                           *award.*

1           “(C) *CONGRESSIONAL DISAPPROVAL.*—*The*  
2           *Secretary may not make a grant or any other*  
3           *obligation or commitment to fund a project*  
4           *under this section if a joint resolution is enacted*  
5           *disapproving funding for the project before the*  
6           *last day of the 60-day period described in sub-*  
7           *paragraph (A).*

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

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

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

18           “(C) *Guam, as authorized by section 3512*  
19           *of the Duncan Hunter National Defense Author-*  
20           *ization Act for Fiscal Year 2009 (48 U.S.C.*  
21           *1421r).*

22           “(13) *REPORTS.*—*The Secretary shall make*  
23           *available on the website of the Department of Trans-*  
24           *portation at the end of each fiscal year an annual re-*  
25           *port that lists each project for which a grant has been*

1       *provided under this subsection during that fiscal*  
2       *year.*

3           “(14) *ADMINISTRATION.*—

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

10           “(B) *AVAILABILITY.*—

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

14               “(ii) *UNEXPENDED FUNDS.*—*Amounts*  
15       *awarded as a grant under this subsection*  
16       *that are not expended by the grantee during*  
17       *the 4-year period following the date of the*  
18       *award shall remain available to the Sec-*  
19       *retary for use for grants under this sub-*  
20       *section in a subsequent fiscal year.*

21           “(15) *DEFINITIONS.*—*In this subsection:*

22               “(A) *APPROPRIATE COMMITTEES OF CON-*  
23       *GRESS.*—*The term ‘appropriate committees of*  
24       *Congress’ means—*

1                   “(i) the Committee on Commerce,  
2                   Science, and Transportation of the Senate;  
3                   and

4                   “(ii) the Committee on Transportation  
5                   and Infrastructure of the House of Rep-  
6                   resentatives.

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

8                   “(i) a sea port; and

9                   “(ii) an inland waterways port.

10                  “(C) PROJECT.—The term ‘project’ includes  
11                  construction, reconstruction, rehabilitation, ac-  
12                  quisition of property, including land related to  
13                  the project and improvements to the land, equip-  
14                  ment acquisition, and operational improvements.

15                  “(D) RURAL AREA.—The term ‘rural area’  
16                  means an area that is outside an urbanized  
17                  area.

18                  “(d) ADDITIONAL AUTHORITY OF THE SECRETARY.—

19                  In carrying out this section, the Secretary may—

20                  “(1) receive funds from a Federal or non-Federal  
21                  entity that has a specific agreement with the Sec-  
22                  retary to further the purposes of this section;

23                  “(2) coordinate with other Federal agencies to  
24                  expedite the process established under the National  
25                  Environmental Policy Act of 1969 (42 U.S.C. 4321 et

1       *seq.) for the improvement of port facilities to improve*  
 2       *the efficiency of the transportation system, to increase*  
 3       *port security, or to provide greater access to port fa-*  
 4       *cilities;*

5               *“(3) seek to coordinate all reviews or require-*  
 6       *ments with appropriate local, State, and Federal*  
 7       *agencies; and*

8               *“(4) in addition to any financial assistance pro-*  
 9       *vided under subsection (c), provide such technical as-*  
 10       *istance to port authorities or commissions or their*  
 11       *subdivisions and agents as needed for project plan-*  
 12       *ning, design, and construction.”.*

13       *(c) SAVINGS CLAUSE.—A repeal made by subsection*  
 14       *(b) of this section shall not affect amounts apportioned or*  
 15       *allocated before the effective date of the repeal. Such appor-*  
 16       *tioned or allocated funds shall continue to be subject to the*  
 17       *requirements to which the funds were subject under section*  
 18       *50302(c) of title 46, United States Code, as in effect on the*  
 19       *day before the date of enactment of this Act.*

20       **SEC. 3. COAST GUARD BLUE TECHNOLOGY CENTER OF EX-**  
 21               **PERTISE.**

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

24       *(b) ESTABLISHMENT.—Not later than 1 year after the*  
 25       *date of enactment of this Act and subject to the availability*

1 *of appropriations, the Commandant shall establish under*  
2 *section 58 of title 14, United States Code, a Blue Tech-*  
3 *nology center of expertise.*

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

6 *(1) shall—*

7 *(A) promote awareness within the Coast*  
8 *Guard of the range and diversity of Blue Tech-*  
9 *nologies and their potential to enhance Coast*  
10 *Guard mission readiness, operational perform-*  
11 *ance, and regulation of such technologies;*

12 *(B) function as an interactive conduit to*  
13 *enable the sharing and dissemination of Blue*  
14 *Technology information between the Coast Guard*  
15 *and representatives from the private sector, aca-*  
16 *demia, nonprofit organizations, and other Fed-*  
17 *eral agencies;*

18 *(C) increase awareness among Blue Tech-*  
19 *nology manufacturers, entrepreneurs, and ven-*  
20 *dors of Coast Guard acquisition policies, proce-*  
21 *dures, and business practices; and*

22 *(D) provide technical support, coordination,*  
23 *and assistance to Coast Guard districts and the*  
24 *Coast Guard Research and Development Center,*  
25 *as appropriate; and*

1           (2) *subject to the requirements of the Coast*  
2           *Guard Academy, may coordinate with the Academy*  
3           *to develop appropriate curricula regarding Blue Tech-*  
4           *nology to be offered in professional courses of study to*  
5           *give Coast Guard cadets and officer candidates a*  
6           *greater background and understanding of Blue Tech-*  
7           *nologies.*

8           (d) *BLUE TECHNOLOGY EXPOSITION; BRIEFING.—Not*  
9           *later than 6 months after the date of enactment of this Act,*  
10          *the Commandant shall provide to the Committee on Com-*  
11          *merce, Science, and Transportation of the Senate and the*  
12          *Committee on Transportation and Infrastructure of the*  
13          *House of Representatives a briefing on the costs and benefits*  
14          *of hosting a biennial Coast Guard Blue Technology expo-*  
15          *sition to further interactions between representatives from*  
16          *the private sector, academia, and nonprofit organizations,*  
17          *and the Coast Guard and examine emerging technologies*  
18          *and Coast Guard mission demands.*

19          (e) *DEFINITIONS.—In this section:*

20               (1) *CENTER.—The term “Center” means the*  
21               *Blue Technology center of expertise established under*  
22               *this section.*

23               (2) *COMMANDANT.—The term “Commandant”*  
24               *means the Commandant of the Coast Guard.*



1           (3) *BLUE TECHNOLOGY*.—The term “Blue Tech-  
2           nology” means any technology, system, or platform  
3           that—

4                   (A) is designed for use or application above,  
5                   on, or below the sea surface or that is otherwise  
6                   applicable to Coast Guard operational needs, in-  
7                   cluding such a technology, system, or platform  
8                   that provides continuous or persistent coverage;  
9                   and

10                  (B) supports or facilitates—

11                   (i) maritime domain awareness, in-  
12                   cluding—

13                           (I) surveillance and monitoring;

14                           (II) observation, measurement,  
15                           and modeling; or

16                           (III) information technology and  
17                           communications;

18                           (ii) search and rescue;

19                           (iii) emergency response;

20                           (iv) maritime law enforcement;

21                           (v) marine inspections and investiga-  
22                           tions; or

23                           (vi) protection and conservation of the  
24                           marine environment.

Calendar No. 558

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3273**

[Report No. 115-324]

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## **A BILL**

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

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August 20, 2018

Reported with an amendment