H. R. 2875

To authorize programs and activities for the improvement and protection of ports and harbors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2013

Ms. Velázquez introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To authorize programs and activities for the improvement and protection of ports and harbors, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Waterfront of Tomorrow Act of 2013”.

SEC. 2. STUDIES.

(a) Measures to improve flood protection and climate resilience for New York City.
(1) STUDY.—The Secretary of the Army shall conduct a study of measures to improve flood protection and climate resilience for New York City, using both traditional engineering and green infrastructure technologies.

(2) CONTENTS.—In conducting the study, the Secretary shall—

(A) assess traditional engineering solutions, including tide gates and seawalls;

(B) assess, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, the use of alternative approaches, including oyster reef restoration, tidal wetland restoration and construction, and other natural designs that reduce storm surge impacts and retain storm water while providing additional environmental benefits;

(C) identify the cost and time associated with implementing the measures described in subparagraphs (A) and (B), the potential impact of such measures on the surrounding environment, and any adverse impacts of such measures on local housing, commerce, or recreation; and
(D) make a recommendation as to which of such measures would provide the greatest protection for New York City coastal communities and critical infrastructure from an event of a magnitude that is equal to or greater than Hurricane Sandy.

(3) Coordination to Prevent Duplication of Efforts.—The Secretary shall carry out the activities under this section in coordination with the study to be conducted by the Secretary under the heading “Corps of Engineers—Civil—Investigations” in title II of Public Law 113–2 (127 Stat. 5).

(4) Report.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(5) Corps of Engineers.—The Secretary shall carry out this subsection acting through the Chief of Engineers.

(b) Environmental Impact of Major Disasters.—

(1) Study.—The Administrator of the Environmental Protection Agency, in consultation with the Administrator of the Occupational Safety and Health Administration, shall conduct a study of the
environmental impact of each major disaster that
the Administrator determines will have a significant
environmental impact on the waters of the United
States.

(2) DETERMINATIONS.—In making determina-
tions under paragraph (1), the Administrator of the
Environmental Protection Agency shall ensure that
the Administrator conducts studies under this sub-
section with respect to, at a minimum, 10 percent of
the major disasters declared in a fiscal year.

(3) CONTENTS.—The Administrator shall con-
duct a study under this subsection with respect to
a major disaster with the specific goal of deter-
mining—

(A) whether industrial facilities discharged
pollutants or other hazards into local waterways
or the water supply during the major disaster;
and

(B) if so, how to avoid or minimize the
risk of such pollution incidents in the future.

(4) REPORT.—Not later than 180 days after
the date of the declaration of a major disaster de-
scribed in paragraph (1), the Administrator shall
transmit to Congress a report on the results of the
study conducted under this subsection with respect to the major disaster.

(5) MAJOR DISASTER DEFINED.—In this subsection, the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 3. NATIONAL FREIGHT POLICY.

(a) GOALS.—Section 167(b) of title 23, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon;

(3) by striking the semicolon at the end of paragraph (7) and inserting “; and”; and

(4) by adding at the end the following:

“(8) to ensure that the socioeconomic and environmental impacts of moving cargo through a community are fully accounted for in establishing the national freight network.”.

(b) PORTS AND HARBORS.—Section 167(c) of title 23, United States Code, is amended by adding at the end the following:
“(3) PORTS AND HARBORS.—The Secretary shall ensure that ports and harbors are incorporated into the national freight network.”.

SEC. 4. NEXT GENERATION PORTS.

(a) IMPROVEMENTS TO PORT INFRASTRUCTURE AND INTERMODAL RAIL AND HIGHWAY NETWORKS.—

(1) GRANTS.—The Secretary of the Army is authorized to make grants to States and local governments for projects to improve port infrastructure and intermodal rail and highway networks.

(2) CONSIDERATION OF LOCAL PREFERENCES AND ENVIRONMENTAL CONCERNS.—In making grants to States and local governments under this subsection, the Secretary shall ensure that local preferences and environmental concerns are incorporated into any port infrastructure and intermodal transportation improvements, so that disruptions and adverse impacts are minimized.

(b) GREEN PORTS.—

(1) DESIGNATION.—The Administrator of the Maritime Administration, acting jointly with the Administrator of the Environmental Protection Agency, shall establish a green port designation for ports that meet certain environmental standards.
(2) Grants and Technical Assistance.—The Administrator of the Maritime Administration is authorized to provide grants and technical assistance to a port designated as a green port pursuant to paragraph (1) to implement innovations that minimize the environmental impacts of port operations.

SEC. 5. WATERFRONTS AS MAIN STREETS.
(a) Establishment of Grant Program.—The Secretary of Commerce, acting through the Administrator of the Economic Development Administration, shall carry out a grant program in accordance with the requirements of this section.
(b) Award of Grants.—In carrying out the program, the Secretary may make grants to States and local governments for projects to establish environmentally sustainable waterfront areas.
(c) Applications.—A State or local government seeking a grant under the program shall submit to the Secretary an application at such time and containing such information as the Secretary may require.
(d) Criteria.—
(1) In general.—The Secretary shall establish criteria for awarding grants for projects under the program.
(2) PRIORITY.—The criteria shall include an assessment of whether the applicant is able to demonstrate the potential of a project—

(A) to generate economic growth and job creation; or

(B) to improve the environmental sustainability of waterfront areas.

(e) MAXIMUM GRANT AMOUNT.—The Secretary may not make grants under this section to a State or local government in an amount that exceeds $10,000,000 in the aggregate.

(f) REPORTING REQUIREMENT.—As a condition for receiving a grant under the program, a State or local government shall agree to submit to the Secretary an annual report on the achievement of performance measures, including the criteria described in subsection (d)(2), by the State or local government for a period of 3 years after the grant is awarded.

(g) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds from a grant under the program may not exceed 75 percent.