

114TH CONGRESS
1ST SESSION

S. 1298

To provide nationally consistent measures of performance of the Nation's ports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2015

Mr. THUNE (for himself, Mrs. FISCHER, Mr. GARDNER, and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide nationally consistent measures of performance of the Nation's 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. PORT PERFORMANCE FREIGHT STATISTICS**
4 **PROGRAM.**

5 (a) IN GENERAL.—Chapter 63 of title 49, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 6314. Port performance freight statistics program**

9 “(a) IN GENERAL.—The Director shall establish, on
10 behalf of the Secretary, a port performance statistics pro-

1 gram to provide nationally consistent measures of per-
2 formance of the Nation's top 25 ports by tonnage, top 25
3 ports by 20-foot equivalent unit, and top 25 ports by dry
4 bulk.

5 “(b) ANNUAL REPORTS.—

6 “(1) PORT CAPACITY AND THROUGHPUT.—Not
7 later than January 15 of each year, the Director
8 shall submit an annual report to Congress that in-
9 cludes statistics on capacity and throughput at these
10 ports.

11 “(2) PORT PERFORMANCE INDICATORS.—The
12 Director shall require each United States port au-
13 thority referred to in subsection (a) that receives
14 Federal assistance or is subject to Federal regula-
15 tion to submit an annual report to the Bureau of
16 Transportation Statistics that includes statistics on
17 capacity and throughput, including—

18 “(A) the volume of inbound and outbound
19 cargo to include containers, break bulk, vehi-
20 cles, and dry and liquid bulk;

21 “(B) the average number of lifts per hour
22 of containers by crane;

23 “(C) the average vessel unload rate;

24 “(D) the average vessel load rate;

25 “(E) the average vessel turn time;

1 “(F) port transit time;

2 “(G) the average cargo dwell time;

3 “(H) the average container dwell time;

4 “(I) port storage capacity and utilization;

5 “(J) the average wait time for trucks in-
6 side a port complex;

7 “(K) the average truck time at ports; and

8 “(L) the average rail delay at ports.

9 “(c) RECOMMENDATIONS.—The Director shall obtain
10 recommendations for specifications for port performance
11 measures, to identify standard data elements for meas-
12 uring port performance, from—

13 “(1) operating administrations of the Depart-
14 ment of Transportation;

15 “(2) the Coast Guard;

16 “(3) the Maritime Administration;

17 “(4) the Marine Transportation System Na-
18 tional Advisory Council;

19 “(5) the Army Corps of Engineers;

20 “(6) the Saint Lawrence Seaway Development
21 Corporation; and

22 “(7) the Advisory Committee on Supply Chain
23 Competitiveness.

24 “(d) ACCESS TO DATA.—The Director shall ensure
25 that the statistics compiled under this section are readily

1 accessible to the public, consistent with applicable security
2 constraints and confidentiality interests.”.

3 (b) PROHIBITION ON CERTAIN DISCLOSURES.—Sec-
4 tion 6307(b)(1) of title 49, United States Code, is amend-
5 ed by inserting “or section 6314(b)” after “section
6 6302(b)(3)(B)” each place it appears.

7 (c) COPIES OF REPORTS.—Section 6307(b)(2)(A) of
8 title 49, United States Code, is amended by inserting “or
9 section 6314(b)” after “section 6302(b)(3)(B)”.

10 (d) TECHNICAL AND CONFORMING AMENDMENT.—
11 The table of sections for chapter 63 of title 49, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

“6314. Port performance freight statistics program.”.

14 **SEC. 2. MONTHLY REPORTS ON PERFORMANCE AT UNITED**
15 **STATES PORTS.**

16 (a) IN GENERAL.—Not later than 1 year before the
17 expiration date of a maritime labor agreement for a
18 United States port, 3 months before the expiration date
19 of the maritime labor agreement, and monthly thereafter,
20 the Secretary of Transportation, in consultation with the
21 Secretary of Commerce and the Secretary of Labor, shall
22 submit a report to the Committee on Commerce, Science,
23 and Transportation of the Senate and the Committee on
24 Transportation and Infrastructure of the House of Rep-
25 resentatives that includes port performance indicators at

1 the affected port. If multiple ports are affected by the ex-
2 piration of the maritime labor agreement, the Secretary
3 of Transportation shall submit a report for each affected
4 port.

5 (b) CONTENTS.—Each report required under sub-
6 section (a) shall include, for the affected port during the
7 previous month—

8 (1) the performance indicators listed under sec-
9 tion 6314(b)(2) of title 49, United States Code;

10 (2) the number and type of vessels awaiting
11 berthing, including average wait time;

12 (3) the number of cancelled vessel calls;

13 (4) an estimate of the economic impact associ-
14 ated with any delays both at the port and across the
15 national economy; and

16 (5) an estimate of the amount of time required
17 to clear any congestion.

18 (c) EFFECTIVE PERIOD.—The Secretary of Trans-
19 portation, in consultation with the Secretary of Commerce
20 and the Secretary of Labor, shall submit a report required
21 under subsection (a) for an affected port until the date
22 that a new maritime labor agreement for the port is
23 agreed to by all of the parties to that maritime labor
24 agreement.

1 (d) DEFINITION OF MARITIME LABOR AGREE-
2 MENT.—In this section, the term “maritime labor agree-
3 ment” has the meaning given such term in section 40102
4 of title 46, United States Code.

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