

110TH CONGRESS
1ST SESSION

H. R. 3722

To amend the Internal Revenue Code of 1986 to allow for expenditures from the Harbor Maintenance Trust Fund for certain harbor construction activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2007

Mr. ENGLISH of Pennsylvania introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, 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 amend the Internal Revenue Code of 1986 to allow for expenditures from the Harbor Maintenance Trust Fund for certain harbor construction activities, 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. AUTOMATIC EXPENDITURES FROM HARBOR**
4 **MAINTENANCE TRUST FUND.**

5 (a) IN GENERAL.—Section 9505 of the Internal Rev-
6 enue Code of 1986 (relating to Harbor Maintenance Trust

1 Fund) is amended by adding at the end the following new
2 subsection:

3 “(d) AUTOMATIC EXPENDITURES FROM HARBOR
4 MAINTENANCE TRUST FUND.—

5 “(1) IN GENERAL.—Amounts in the Harbor
6 Maintenance Trust Fund shall be available, without
7 regard to appropriation Acts, for making expendi-
8 tures for the payment of 100 percent of the Federal
9 share of harbor construction activities by the Sec-
10 retary of the Army related to preserving geological
11 structures which create natural harbors.

12 “(2) PERMITTED EXPENDITURES.—Appropriate
13 expenditures permitted under paragraph (1) shall
14 consist of—

15 “(A) annual shoreline erosion control
16 projects, including breakwater construction and
17 sand replenishment, and

18 “(B) an environmental mitigation or reme-
19 diation component.

20 “(3) PROJECT PRIORITIZATION.—In weighing
21 whether a project contains an environmental mitiga-
22 tion or remediation component, the Secretary of the
23 Army shall give priority to those projects containing
24 a critical habitat (as defined by the Endangered
25 Species Act of 1973).

1 “(4) LIMITATIONS.—

2 “(A) LIMITATION BASED ON ANNUAL
3 PROJECT LIMITATION.—

4 “(i) IN GENERAL.—Amounts made
5 available under paragraph (1) for any fis-
6 cal year for a project shall not exceed the
7 annual project limitation.

8 “(ii) ANNUAL PROJECT LIMITA-
9 TION.—

10 “(I) SURPLUS YEAR.—If the Sec-
11 retary certifies that the Harbor Main-
12 tenance Trust Fund is projected to
13 have a surplus for a fiscal year, the
14 annual project limitation for that fis-
15 cal year is \$2,000,000 per project.

16 “(II) NONSURPLUS YEAR.—If
17 the Secretary certifies that the Har-
18 bor Maintenance Trust Fund is pro-
19 jected not to have a surplus for that
20 fiscal year, the annual project limita-
21 tion for that fiscal year is zero.

22 “(iii) ANNUAL CERTIFICATION.—The
23 Secretary shall, prior to the start of any
24 Federal fiscal year, certify to Congress
25 whether the Harbor Maintenance Trust

1 Fund is projected to have a surplus in ex-
2 cess of \$2,000,000 for that fiscal year (de-
3 termined without regard to this sub-
4 section).

5 “(B) LIMITATION BASED ON AMOUNTS IN
6 FUND.—Amounts may not be made available
7 for a project under paragraph (1) if doing so
8 would result in a deficit in the Harbor Mainte-
9 nance Trust Fund.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply to expenditures from the Harbor
12 Maintenance Trust Fund for fiscal years beginning after
13 the date of the enactment of this Act.

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