

113TH CONGRESS
1ST SESSION

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.

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 “Waterfront of Tomor-
5 row Act of 2013”.

6 **SEC. 2. STUDIES.**

7 (a) MEASURES TO IMPROVE FLOOD PROTECTION
8 AND CLIMATE RESILIENCE FOR NEW YORK CITY.—

1 (1) STUDY.—The Secretary of the Army shall
2 conduct a study of measures to improve flood protec-
3 tion and climate resilience for New York City, using
4 both traditional engineering and green infrastructure
5 technologies.

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

8 (A) assess traditional engineering solu-
9 tions, including tide gates and seawalls;

10 (B) assess, in consultation with the Admin-
11 istrator of the National Oceanic and Atmos-
12 pheric Administration, the use of alternative ap-
13 proaches, including oyster reef restoration, tidal
14 wetland restoration and construction, and other
15 natural designs that reduce storm surge im-
16 pacts and retain storm water while providing
17 additional environmental benefits;

18 (C) identify the cost and time associated
19 with implementing the measures described in
20 subparagraphs (A) and (B), the potential im-
21 pact of such measures on the surrounding envi-
22 ronment, and any adverse impacts of such
23 measures on local housing, commerce, or recre-
24 ation; 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

1 environmental impact of each major disaster that
2 the Administrator determines will have a significant
3 environmental impact on the waters of the United
4 States.

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

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

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

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

21 (4) REPORT.—Not later than 180 days after
22 the date of the declaration of a major disaster de-
23 scribed in paragraph (1), the Administrator shall
24 transmit to Congress a report on the results of the

1 study conducted under this subsection with respect
2 to the major disaster.

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

8 **SEC. 3. NATIONAL FREIGHT POLICY.**

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

11 (1) by striking “and” at the end of paragraph
12 (5);

13 (2) by striking the period at the end of para-
14 graph (6) and inserting a semicolon;

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

17 (4) by adding at the end the following:

18 “(8) to ensure that the socioeconomic and envi-
19 ronmental impacts of moving cargo through a com-
20 munity are fully accounted for in establishing the
21 national freight network.”.

22 (b) PORTS AND HARBORS.—Section 167(c) of title
23 23, United States Code, is amended by adding at the end
24 the following:

1 “(3) PORTS AND HARBORS.—The Secretary
2 shall ensure that ports and harbors are incorporated
3 into the national freight network.”.

4 **SEC. 4. NEXT GENERATION PORTS.**

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

7 (1) GRANTS.—The Secretary of the Army is au-
8 thorized to make grants to States and local govern-
9 ments for projects to improve port infrastructure
10 and intermodal rail and highway networks.

11 (2) CONSIDERATION OF LOCAL PREFERENCES
12 AND ENVIRONMENTAL CONCERNS.—In making
13 grants to States and local governments under this
14 subsection, the Secretary shall ensure that local
15 preferences and environmental concerns are incor-
16 porated into any port infrastructure and intermodal
17 transportation improvements, so that disruptions
18 and adverse impacts are minimized.

19 (b) GREEN PORTS.—

20 (1) DESIGNATION.—The Administrator of the
21 Maritime Administration, acting jointly with the Ad-
22 ministrator of the Environmental Protection Agency,
23 shall establish a green port designation for ports
24 that meet certain environmental standards.

1 (2) GRANTS AND TECHNICAL ASSISTANCE.—

2 The Administrator of the Maritime Administration
3 is authorized to provide grants and technical assist-
4 ance to a port designated as a green port pursuant
5 to paragraph (1) to implement innovations that min-
6 imize the environmental impacts of port operations.

7 **SEC. 5. WATERFRONTS AS MAIN STREETS.**

8 (a) ESTABLISHMENT OF GRANT PROGRAM.—The
9 Secretary of Commerce, acting through the Administrator
10 of the Economic Development Administration, shall carry
11 out a grant program in accordance with the requirements
12 of this section.

13 (b) AWARD OF GRANTS.—In carrying out the pro-
14 gram, the Secretary may make grants to States and local
15 governments for projects to establish environmentally sus-
16 tainable waterfront areas.

17 (c) APPLICATIONS.—A State or local government
18 seeking a grant under the program shall submit to the
19 Secretary an application at such time and containing such
20 information as the Secretary may require.

21 (d) CRITERIA.—

22 (1) IN GENERAL.—The Secretary shall establish
23 criteria for awarding grants for projects under the
24 program.

1 (2) PRIORITY.—The criteria shall include an as-
2 essment of whether the applicant is able to dem-
3 onstrate the potential of a project—

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

6 (B) to improve the environmental sustain-
7 ability of waterfront areas.

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

12 (f) REPORTING REQUIREMENT.—As a condition for
13 receiving a grant under the program, a State or local gov-
14 ernment shall agree to submit to the Secretary an annual
15 report on the achievement of performance measures, in-
16 cluding the criteria described in subsection (d)(2), by the
17 State or local government for a period of 3 years after
18 the grant is awarded.

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

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