

114TH CONGRESS
2D SESSION

S. 2729

To require full spending of the Harbor Maintenance Trust Fund, provide for expanded uses of the Fund, and prevent cargo diversion, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2016

Mrs. MURRAY (for herself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require full spending of the Harbor Maintenance Trust Fund, provide for expanded uses of the Fund, and prevent cargo diversion, 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 “Harbor Maintenance
5 Trust Fund Reform Act of 2016”.

6 **SEC. 2. REFORM OF SPENDING FROM THE HARBOR MAIN-**
7 **TENANCE TRUST FUND.**

8 (a) IN GENERAL.—Section 9505(c) of the Internal
9 Revenue Code of 1986 is amended to read as follows:

1 “(c) EXPENDITURES FROM HARBOR MAINTENANCE
2 TRUST FUND.—

3 “(1) REQUIRED DISTRIBUTIONS.—

4 “(A) IN GENERAL.—In the case of any fis-
5 cal year beginning after September 30, 2016, so
6 much of the amounts in the Harbor Mainte-
7 nance Trust Fund as is equal to the applicable
8 amount shall be available, without appropria-
9 tion, for making expenditures—

10 “(i) to carry out section 210 of the
11 Water Resources Development Act of
12 1986,

13 “(ii) for payments of rebates of tolls
14 or charges pursuant to section 13(b) of the
15 Act of May 13, 1954 (as in effect on April
16 1, 1987), and

17 “(iii) for the payment of all expenses
18 of administration incurred by the Depart-
19 ment of the Treasury, the Army Corps of
20 Engineers, and the Department of Com-
21 merce related to the administration of sub-
22 chapter A of chapter 36 (relating to harbor
23 maintenance tax).

24 “(B) APPLICABLE AMOUNT.—For purposes
25 of subparagraph (A), the applicable amount for

1 any fiscal year is an amount equal to the sum
2 of—

3 “(i) the amount of taxes received in
4 the Treasury under section 4461 for the
5 immediately preceding fiscal year, plus

6 “(ii) any amounts credited to the
7 Harbor Maintenance Trust Fund under
8 section 9602(b) which is attributable to the
9 portion of the amounts described in clause
10 (i) that are deposited in such Trust Fund.

11 “(C) ALLOCATION OF AMOUNTS.—Of the
12 amounts available under this paragraph for any
13 fiscal year—

14 “(i) \$5,000,000 shall be available for
15 purposes described in subparagraph
16 (A)(iii),

17 “(ii) \$40,000,000 shall be available
18 for purposes described in subparagraph
19 (A)(ii), and

20 “(iii) the remainder shall be available
21 for purposes described in subparagraph
22 (A)(i).

23 “(2) OTHER AMOUNTS.—The amounts in the
24 Harbor Maintenance Trust Fund after application of
25 paragraph (1) shall be available, as provided in ap-

1 appropriations Acts, for making expenditures for pur-
 2 poses described in paragraph (1)(A).”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
 4 this section shall apply to fiscal years beginning after the
 5 date of the enactment of this Act.

6 **SEC. 3. ADDITIONAL MEASURES AT DONOR PORTS AND EN-**
 7 **ERGY TRANSFER PORTS.**

8 Section 2106 of the Water Resources Reform and De-
 9 velopment Act of 2014 (33 U.S.C. 2238c) is amended—

10 (1) in subsection (a)(2)—

11 (A) by redesignating subparagraphs (A)
 12 through (D) as clauses (i) through (iv), respec-
 13 tively, and indenting appropriately;

14 (B) in the matter preceding clause (i) (as
 15 redesignated), by striking “The term” and in-
 16 serting the following:

17 “(A) **IN GENERAL.**—The term”; and

18 (C) by adding at the end the following:

19 “(B) **CALCULATION.**—For the purpose of
 20 calculating the percentage described in subpara-
 21 graph (A)(iii), payments described under sub-
 22 section (c)(1) shall not be included.”;

23 (2) by striking subsection (b) and inserting the
 24 following:

25 “(b) **AUTHORITY.**—

1 “(1) IN GENERAL.—The Secretary may provide
2 to donor ports and energy transfer ports amounts in
3 accordance with this section.

4 “(2) LIMITATIONS.—Amounts provided under
5 this section for each fiscal year—

6 “(A) shall be provided in equal amounts to
7 donor ports and energy transfer ports;

8 “(B) for donor ports—

9 “(i) 50 percent of the funds shall be
10 equally divided between the eligible donor
11 ports; and

12 “(ii) 50 percent of the funds shall be
13 divided between the eligible donor ports
14 based on the percentage of the total Har-
15 bor Maintenance Tax revenues generated
16 at each eligible donor port;

17 “(C) for energy transfer ports, shall be di-
18 vided equally among all States with an energy
19 transfer port; and

20 “(D) shall be made available to a port as
21 either a donor port or an energy transfer port
22 and no port may receive amounts as both a
23 donor port and an energy transfer port.”; and

24 (3) by striking subsection (f).

1 **SEC. 4. EXPENDITURES FROM THE HARBOR MAINTENANCE**
 2 **TRUST FUND.**

3 (a) OPERATION AND MAINTENANCE OF HARBOR
 4 PROJECTS.—Section 210(c) of the Water Resources De-
 5 velopment Act of 1986 (33 U.S.C. 2238(c)) is amended—

6 (1) by striking paragraph (3);

7 (2) by redesignating paragraph (4) as para-
 8 graph (5); and

9 (3) by inserting after paragraph (2) the fol-
 10 lowing:

11 “(3) CERTAIN DONOR PORTS AND ENERGY
 12 TRANSFER PORTS.—The Secretary shall allocate to
 13 carry out activities under section 2106(c) of the
 14 Water Resources Reform and Development Act of
 15 2014 (33 U.S.C. 2238c(c)) an amount that is not
 16 less than 20 percent of the funds made available
 17 under this section for each fiscal year.

18 “(4) EMERGING HARBOR PROJECTS.—Notwith-
 19 standing any other provision of this subsection, in
 20 making expenditures under paragraph (1), the Sec-
 21 retary shall allocate for operation and maintenance
 22 costs of emerging harbor projects for each fiscal
 23 year an amount that is not less than 10 percent of
 24 the funds made available under this section for fiscal
 25 year 2012 to pay the costs described in subsection
 26 (a)(2).”.

1 (b) DEFINITION OF EXPANDED USES.—Section
2 210(f)(3) of the Water Resources Development Act of
3 1986 (33 U.S.C. 2238(f)(3)) is amended by adding at the
4 end the following:

5 “(C) An in-water improvement, if—

6 “(i) the improvement benefits com-
7 mercial navigation at the harbor; and

8 “(ii) the improvement is located in or
9 adjacent to a berth that is accessible to a
10 Federal navigation project.

11 “(D) An activity to maintain or improve
12 slope stability at a berth in a harbor that is ac-
13 cessible to a Federal navigation project, if the
14 activity benefits commercial navigation at the
15 harbor.”.

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