

Calendar No. 558

115TH CONGRESS
2D SESSION**S. 3273****[Report No. 115–324]**

To improve the safety, efficiency, and reliability of the movement of goods through ports and intermodal connections to ports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2018

Mr. WICKER (for himself and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 20, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To improve the safety, efficiency, and reliability of the movement of goods through ports and intermodal connections to 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. SHORT TITLE.**

4 This Act may be cited as the Port Operations, Re-
5 search, and Technology Act.

1 **SEC. 2. PORT AND INTERMODAL IMPROVEMENT PROGRAM.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Ports Improvement Act”.

4 (b) **PORT AND INTERMODAL IMPROVEMENT PRO-**
5 **GRAM.**—Section 50302 of title 46, United States Code, is
6 amended by striking subsection (c) and inserting the fol-
7 lowing:

8 “(c) **PORT AND INTERMODAL IMPROVEMENT PRO-**
9 **GRAM.**—

10 “(1) **GENERAL AUTHORITY.**—Subject to the
11 availability of appropriations, the Secretary of
12 Transportation shall make grants, on a competitive
13 basis, to eligible applicants to assist in funding eligi-
14 ble projects for the purpose of improving the safety,
15 efficiency, or reliability of the movement of goods
16 through ports and intermodal connections to ports.

17 “(2) **ELIGIBLE APPLICANT.**—The Secretary
18 may make a grant under this subsection to the fol-
19 lowing:

20 “(A) A State.

21 “(B) A political subdivision of a State or
22 local government.

23 “(C) A public agency or publicly chartered
24 authority established by one or more States.

25 “(D) A special purpose district with a
26 transportation function.

1 “(E) A multistate or multijurisdictional
2 group of entities described in this subsection.

3 “(F) A lead entity described in subpara-
4 graph (A), (B), (C), (D), or (E) jointly with a
5 private entity or group of private entities.

6 ~~“(3) ELIGIBLE PROJECTS.—~~The Secretary may
7 make a grant under this subsection—

8 ~~“(A) for a project that—~~

9 ~~“(i) is either—~~

10 ~~“(I) within the boundary of a~~
11 ~~port; or~~

12 ~~“(H) outside the boundary of a~~
13 ~~port, but is directly related to port op-~~
14 ~~erations or to an intermodal connec-~~
15 ~~tion to a port; and~~

16 ~~“(ii) will be used to improve the safe-~~
17 ~~ty, efficiency, or reliability of—~~

18 ~~“(I) the loading and unloading of~~
19 ~~goods at the port, such as for marine~~
20 ~~terminal equipment;~~

21 ~~“(H) the movement of goods~~
22 ~~into, out of, around, or within a port,~~
23 ~~such as for highway or rail infrastruc-~~
24 ~~ture, intermodal facilities, freight in-~~

1 intelligent transportation systems; and
 2 digital infrastructure systems; or

3 ~~“(III) the movement of vessels in~~
 4 ~~and out of the port facility by dredg-~~
 5 ~~ing a vessel berthing area that is not~~
 6 ~~part of a Federal channel or an access~~
 7 ~~channel associated with a Federal~~
 8 ~~channel; or~~

9 ~~“(B) notwithstanding paragraph (6)(A)(v),~~
 10 ~~to provide financial assistance to one or more~~
 11 ~~projects under subparagraph (A) for develop-~~
 12 ~~ment phase activities, including planning, feasi-~~
 13 ~~bility analysis, revenue forecasting, environ-~~
 14 ~~mental review, permitting, and preliminary en-~~
 15 ~~gineering and design work.~~

16 ~~“(4) PROHIBITED USES.—A grant award under~~
 17 ~~this subsection may not be used—~~

18 ~~“(A) to finance or refinance the construc-~~
 19 ~~tion, reconstruction, reconditioning, or purchase~~
 20 ~~of a vessel that is eligible for such assistance~~
 21 ~~under chapter 537, unless the Secretary deter-~~
 22 ~~mines such vessel—~~

23 ~~“(i) is necessary for a project de-~~
 24 ~~scribed in paragraph (3)(A)(ii)(III) of this~~
 25 ~~subsection; and~~

1 “(ii) is not receiving assistance under
2 chapter 537; or

3 “(B) for any project within a small ship-
4 yard (as defined in section 54101).

5 ~~“(5) APPLICATIONS AND PROCESS.—~~

6 ~~“(A) APPLICATIONS.—To be eligible for a~~
7 ~~grant under this subsection, an eligible appli-~~
8 ~~cant shall submit to the Secretary an applica-~~
9 ~~tion in such form, at such time, and containing~~
10 ~~such information as the Secretary considers ap-~~
11 ~~propriate.~~

12 ~~“(B) SOLICITATION PROCESS.—Not later~~
13 ~~than 30 days after the date that amounts are~~
14 ~~made available for grants under this subsection~~
15 ~~for a fiscal year, the Secretary shall solicit~~
16 ~~grant applications for eligible projects in ac-~~
17 ~~cordance with this subsection.~~

18 ~~“(6) PROJECT SELECTION CRITERIA.—~~

19 ~~“(A) IN GENERAL.—The Secretary may se-~~
20 ~~lect a project described in paragraph (3) for~~
21 ~~funding under this subsection if the Secretary~~
22 ~~determines that—~~

23 ~~“(i) the project improves the safety,~~
24 ~~efficiency, or reliability of the movement of~~

1 goods through a port or intermodal con-
2 nection to a port;

3 “(ii) the project is cost-effective;

4 “(iii) the eligible applicant has author-
5 ity to carry out the project;

6 “(iv) the eligible applicant has suffi-
7 cient funding available to meet the match-
8 ing requirements under paragraph (8);

9 “(v) the project will be completed
10 without unreasonable delay; and

11 “(vi) the project cannot be easily and
12 efficiently completed without Federal fund-
13 ing or financial assistance available to the
14 project sponsor.

15 “(B) ~~ADDITIONAL CONSIDERATIONS.~~—In
16 selecting projects described in paragraph (3) for
17 funding under this subsection, the Secretary
18 shall give substantial weight to—

19 “(i) the utilization of non-Federal
20 contributions; and

21 “(ii) the net benefits of the funds
22 awarded under this subsection, considering
23 the cost-benefit analysis of the project, as
24 applicable.

“(C) SMALL PROJECTS.—The Secretary may waive the cost-benefit analysis under subparagraph (A)(ii), and establish a simplified, alternative basis for determining whether a project is cost-effective, for a small project described in paragraph (7)(B).

“(7) ALLOCATION OF FUNDS.—

“(A) GEOGRAPHIC DISTRIBUTION.—Not more than 25 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for projects in any 1 State.

“(B) SMALL PROJECTS.—The Secretary shall reserve 25 percent of the amounts made available for grants under this subsection each fiscal year to make grants for eligible projects described in paragraph (3)(A) that request the lesser of—

“(i) 10 percent of the amounts made available for grants under this subsection for a fiscal year; or

“(ii) \$1,000,000.

“(C) DREDGING PROJECTS.—Not more than 25 percent of the amounts made available for grants under this subsection for a fiscal

year may be used to make grants for projects described in paragraph (3)(A)(ii)(III).

~~“(D) DEVELOPMENT PHASE ACTIVITIES.—~~

Not more than 10 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for development phase activities under paragraph (3)(B).

~~“(8) FEDERAL SHARE OF TOTAL PROJECT COSTS.—~~

~~“(A) TOTAL PROJECT COSTS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an estimate of the total costs of a project under this subsection based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.~~

~~“(B) FEDERAL SHARE.—~~

~~“(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the total costs of a project under this subsection shall not exceed 80 percent.~~

1 “(ii) DREDGING PROJECTS.—The
 2 Federal share of the total costs of a
 3 project described in paragraph
 4 (3)(A)(ii)(III) shall not exceed 50 percent.

5 “(iii) RURAL AREAS.—The Secretary
 6 may increase the Federal share of costs
 7 above 80 percent for a project located in a
 8 rural area.

9 “(9) TIFIA PROGRAM.—At the request of an
 10 eligible applicant under this subsection, the Sec-
 11 retary may use amounts awarded to an eligible ap-
 12 plicant under this subsection to pay the subsidy and
 13 administrative costs of a project necessary to provide
 14 the applicant with Federal credit assistance under
 15 chapter 6 of title 23, with respect to the project for
 16 which the grant was awarded, if such project is eligi-
 17 ble for credit assistance under that chapter.

18 “(10) PROCEDURAL SAFEGUARDS.—The Sec-
 19 retary shall issue guidelines to establish appropriate
 20 accounting, reporting, and review procedures to en-
 21 sure that—

22 “(A) grant funds are used for the purposes
 23 for which they were made available;

24 “(B) each grantee properly accounts for all
 25 expenditures of grant funds; and

1 ~~“(C) grant funds not used for such pur-~~
 2 ~~poses and amounts not obligated or expended~~
 3 ~~are returned.~~

4 ~~“(11) GRANT CONDITIONS.—The Secretary~~
 5 ~~shall require as a condition of making a grant under~~
 6 ~~this subsection that a grantee—~~

7 ~~“(A) maintain such records as the Sec-~~
 8 ~~retary considers necessary;~~

9 ~~“(B) make the records described in sub-~~
 10 ~~paragraph (A) available for review and audit by~~
 11 ~~the Secretary; and~~

12 ~~“(C) periodically report to the Secretary~~
 13 ~~such information as the Secretary considers~~
 14 ~~necessary to assess progress.~~

15 ~~“(12) CONGRESSIONAL NOTIFICATION.—~~

16 ~~“(A) NOTIFICATION.—At least 60 days be-~~
 17 ~~fore making a grant for a project under this~~
 18 ~~section, the Secretary shall notify, in writing,~~
 19 ~~the Committee on Commerce, Science, and~~
 20 ~~Transportation of the Senate and the Com-~~
 21 ~~mittee on Transportation and Infrastructure of~~
 22 ~~the House of Representatives of the proposed~~
 23 ~~grant.~~

24 ~~“(B) CONTENTS.—Each notification under~~
 25 ~~subparagraph (A) shall include—~~

1 “(i) an evaluation of and justification
2 for the project; and

3 “(ii) the amount of the proposed
4 grant award.

5 “(C) CONGRESSIONAL DISAPPROVAL.—The
6 Secretary may not make a grant or any other
7 obligation or commitment to fund a project
8 under this section if a joint resolution is en-
9 acted disapproving funding for the project be-
10 fore the last day of the 60-day period described
11 in subparagraph (A).

12 “(13) LIMITATION ON STATUTORY CONSTRUC-
13 TION.—Nothing in this subsection may be construed
14 to affect existing authorities to conduct port infra-
15 structure programs in—

16 “(A) Hawaii, as authorized by section
17 9008 of the SAFETEA-LU Act (Public Law
18 109–59; 119 Stat. 1926);

19 “(B) Alaska, as authorized by section
20 10205 of the SAFETEA-LU Act (Public Law
21 109–59; 119 Stat. 1934); or

22 “(C) Guam, as authorized by section 3512
23 of the Duncan Hunter National Defense Au-
24 thorization Act for Fiscal Year 2009 (48 U.S.C.
25 1421r).

1 “(14) REPORTS.—The Secretary shall make
 2 available on the website of the Department of Trans-
 3 portation at the end of each fiscal year an annual
 4 report that lists each project for which a grant has
 5 been provided under this subsection during that fis-
 6 cal year.

7 “(15) ADMINISTRATION.—

8 “(A) ADMINISTRATIVE AND OVERSIGHT
 9 COSTS.—The Secretary may retain not more
 10 than 1 percent of the amounts appropriated for
 11 each fiscal year under this subsection for the
 12 administrative and oversight costs incurred by
 13 the Secretary to carry out this subsection.

14 “(B) AVAILABILITY.—

15 “(i) IN GENERAL.—Amounts appro-
 16 priated for carrying out this subsection
 17 shall remain available until expended.

18 “(ii) UNEXPENDED FUNDS.—
 19 Amounts awarded as a grant under this
 20 subsection that are not expended by the
 21 grantee during the 4-year period following
 22 the date of the award shall remain avail-
 23 able to the Secretary for use for grants
 24 under this subsection in a subsequent fis-
 25 cal year.

1 “(16) DEFINITIONS.—In this subsection:

2 “(A) APPROPRIATE COMMITTEES OF CON-
3 GRESS.—The term ‘appropriate committees of
4 Congress’ means—

5 “(i) the Committee on Commerce,
6 Science, and Transportation of the Senate;
7 and

8 “(ii) the Committee on Transportation
9 and Infrastructure of the House of Rep-
10 resentatives.

11 “(B) PORT.—The term ‘port’ includes—

12 “(i) a sea port; and

13 “(ii) an inland waterways port.

14 “(C) PROJECT.—The term ‘project’ in-
15 cludes construction, reconstruction, rehabilita-
16 tion, acquisition of property, including land re-
17 lated to the project and improvements to the
18 land, equipment acquisition, and operational
19 improvements.

20 “(D) RURAL AREA.—The term ‘rural area’
21 means an area that is outside an urbanized
22 area.

23 “(d) ADDITIONAL AUTHORITY OF THE SEC-
24 RETARY.—In carrying out this section, the Secretary
25 may—

1 ~~“(1) receive funds from a Federal or non-Fed-~~
2 ~~eral entity that has a specific agreement with the~~
3 ~~Secretary to further the purposes of this section;~~

4 ~~“(2) coordinate with other Federal agencies to~~
5 ~~expedite the process established under the National~~
6 ~~Environmental Policy Act of 1969 (42 U.S.C. 4321~~
7 ~~et seq.) for the improvement of port facilities to im-~~
8 ~~prove the efficiency of the transportation system, to~~
9 ~~increase port security, or to provide greater access~~
10 ~~to port facilities;~~

11 ~~“(3) seek to coordinate all reviews or require-~~
12 ~~ments with appropriate local, State, and Federal~~
13 ~~agencies; and~~

14 ~~“(4) in addition to any financial assistance pro-~~
15 ~~vided under subsection (c), provide such technical~~
16 ~~assistance to port authorities or commissions or~~
17 ~~their subdivisions and agents as needed for project~~
18 ~~planning, design, and construction.”.~~

19 ~~(c) SAVINGS CLAUSE.—A repeal made by subsection~~
20 ~~(b) of this section shall not affect amounts apportioned~~
21 ~~or allocated before the effective date of the repeal. Such~~
22 ~~apportioned or allocated funds shall continue to be subject~~
23 ~~to the requirements to which the funds were subject under~~
24 ~~section 50302(c) of title 46, United States Code, as in ef-~~
25 ~~fect on the day before the date of enactment of this Act.~~

1 **SEC. 3. COAST GUARD BLUE TECHNOLOGY CENTER OF EX-**
2 **PERTISE.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Coast Guard Blue Technology Center of Expertise Act”.

5 (b) **ESTABLISHMENT.**—Not later than 1 year after
6 the date of enactment of this Act and subject to the avail-
7 ability of appropriations, the Commandant shall establish
8 under section 58 of title 14, United States Code, a Blue
9 Technology center of expertise.

10 (c) **MISSIONS.**—In addition to the missions listed in
11 section 58(b) of title 14, United States Code, the Center—

12 (1) shall—

13 (A) promote awareness within the Coast
14 Guard of the range and diversity of Blue Tech-
15 nologies and their potential to enhance Coast
16 Guard mission readiness, operational perform-
17 ance, and regulation of such technologies;

18 (B) function as an interactive conduit to
19 enable the sharing and dissemination of Blue
20 Technology information between the Coast
21 Guard and representatives from the private sec-
22 tor, academia, nonprofit organizations, and
23 other Federal agencies;

24 (C) increase awareness among Blue Tech-
25 nology manufacturers, entrepreneurs, and ven-

1 dors of Coast Guard acquisition policies, proce-
2 dures, and business practices; and

3 ~~(D)~~ provide technical support, coordina-
4 tion, and assistance to Coast Guard districts
5 and the Coast Guard Research and Develop-
6 ment Center, as appropriate; and

7 ~~(2)~~ subject to the requirements of the Coast
8 Guard Academy, may coordinate with the Academy
9 to develop appropriate curricula regarding Blue
10 Technology to be offered in professional courses of
11 study to give Coast Guard cadets and officer can-
12 didates a greater background and understanding of
13 Blue Technologies.

14 ~~(d) BLUE TECHNOLOGY EXPOSITION; BRIEFING.—~~
15 Not later than 6 months after the date of enactment of
16 this Act, the Commandant shall provide to the Committee
17 on Commerce, Science, and Transportation of the Senate
18 and the Committee on Transportation and Infrastructure
19 of the House of Representatives a briefing on the costs
20 and benefits of hosting a biennial Coast Guard Blue Tech-
21 nology exposition to further interactions between rep-
22 resentatives from the private sector, academia, and non-
23 profit organizations, and the Coast Guard and examine
24 emerging technologies and Coast Guard mission demands.

25 ~~(e) DEFINITIONS.—In this section:~~

1 (1) CENTER.—The term “Center” means the
2 Blue Technology center of expertise established
3 under this section.

4 (2) COMMANDANT.—The term “Commandant”
5 means the Commandant of the Coast Guard.

6 (3) BLUE TECHNOLOGY.—The term “Blue
7 Technology” means any technology, system, or plat-
8 form that—

9 (A) is designed for use or application
10 above, on, or below the sea surface or that is
11 otherwise applicable to Coast Guard operational
12 needs, including such a technology, system, or
13 platform that provides continuous or persistent
14 coverage; and

15 (B) supports or facilitates—

16 (i) maritime domain awareness, in-
17 cluding—

18 (I) surveillance and monitoring;

19 (II) observation, measurement,
20 and modeling; or

21 (III) information technology and
22 communications;

23 (ii) search and rescue;

24 (iii) emergency response;

25 (iv) maritime law enforcement;

1 ~~(v) marine inspections and investiga-~~
 2 ~~tions; or~~
 3 ~~(vi) protection and conservation of the~~
 4 ~~marine environment.~~

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the Port Operations, Re-*
 7 *search, and Technology Act.*

8 **SEC. 2. PORT AND INTERMODAL IMPROVEMENT PROGRAM.**

9 *(a) SHORT TITLE.—This section may be cited as the*
 10 *“Ports Improvement Act”.*

11 *(b) PORT AND INTERMODAL IMPROVEMENT PRO-*
 12 *GRAM.—Section 50302 of title 46, United States Code, is*
 13 *amended by striking subsection (c) and inserting the fol-*
 14 *lowing:*

15 *“(c) PORT AND INTERMODAL IMPROVEMENT PRO-*
 16 *GRAM.—*

17 *“(1) GENERAL AUTHORITY.—Subject to the*
 18 *availability of appropriations, the Secretary of*
 19 *Transportation shall make grants, on a competitive*
 20 *basis, to eligible applicants to assist in funding eligi-*
 21 *ble projects for the purpose of improving the safety,*
 22 *efficiency, or reliability of the movement of goods*
 23 *through ports and intermodal connections to ports.*

24 *“(2) ELIGIBLE APPLICANT.—The Secretary may*
 25 *make a grant under this subsection to the following:*

1 “(A) *A State.*

2 “(B) *A political subdivision of a State or*
3 *local government.*

4 “(C) *A public agency or publicly chartered*
5 *authority established by 1 or more States.*

6 “(D) *A special purpose district with a*
7 *transportation function.*

8 “(E) *A multistate or multijurisdictional*
9 *group of entities described in this subsection.*

10 “(F) *A lead entity described in subpara-*
11 *graph (A), (B), (C), (D), or (E) jointly with a*
12 *private entity or group of private entities.*

13 “(3) *ELIGIBLE PROJECTS.—The Secretary may*
14 *make a grant under this subsection—*

15 “(A) *for a project that—*

16 “(i) *is either—*

17 “(I) *within the boundary of a*
18 *port; or*

19 “(II) *outside the boundary of a*
20 *port, but is directly related to port op-*
21 *erations or to an intermodal connec-*
22 *tion to a port; and*

23 “(ii) *will be used to improve the safety,*
24 *efficiency, or reliability of—*

1 “(I) the loading and unloading of
2 goods at the port, such as for marine
3 terminal equipment;

4 “(II) the movement of goods into,
5 out of, around, or within a port, such
6 as for highway or rail infrastructure,
7 intermodal facilities, freight intelligent
8 transportation systems, and digital in-
9 frastructure systems; or

10 “(III) the movement of vessels in
11 and out of the port facility by dredging
12 a vessel berthing area that is not part
13 of a Federal channel or an access chan-
14 nel associated with a Federal channel;
15 or

16 “(B) notwithstanding paragraph (6)(A)(v),
17 to provide financial assistance to 1 or more
18 projects under subparagraph (A) for development
19 phase activities, including planning, feasibility
20 analysis, revenue forecasting, environmental re-
21 view, permitting, and preliminary engineering
22 and design work.

23 “(4) *PROHIBITED USES*.—A grant award under
24 this subsection may not be used—

1 “(A) to finance or refinance the construc-
 2 tion, reconstruction, reconditioning, or purchase
 3 of a vessel that is eligible for such assistance
 4 under chapter 537, unless the Secretary deter-
 5 mines such vessel—

6 “(i) is necessary for a project described
 7 in paragraph (3)(A)(ii)(III) of this sub-
 8 section; and

9 “(ii) is not receiving assistance under
 10 chapter 537; or

11 “(B) for any project within a small ship-
 12 yard (as defined in section 54101).

13 “(5) APPLICATIONS AND PROCESS.—

14 “(A) APPLICATIONS.—To be eligible for a
 15 grant under this subsection, an eligible applicant
 16 shall submit to the Secretary an application in
 17 such form, at such time, and containing such in-
 18 formation as the Secretary considers appro-
 19 priate.

20 “(B) SOLICITATION PROCESS.—Not later
 21 than 30 days after the date that amounts are
 22 made available for grants under this subsection
 23 for a fiscal year, the Secretary shall solicit grant
 24 applications for eligible projects in accordance
 25 with this subsection.

1 “(6) *PROJECT SELECTION CRITERIA.*—

2 “(A) *IN GENERAL.*—*The Secretary may se-*
 3 *lect a project described in paragraph (3) for*
 4 *funding under this subsection if the Secretary*
 5 *determines that—*

6 “(i) *the project improves the safety, ef-*
 7 *iciency, or reliability of the movement of*
 8 *goods through a port or intermodal connec-*
 9 *tion to a port;*

10 “(ii) *the project is cost-effective;*

11 “(iii) *the eligible applicant has author-*
 12 *ity to carry out the project;*

13 “(iv) *the eligible applicant has suffi-*
 14 *cient funding available to meet the match-*
 15 *ing requirements under paragraph (8);*

16 “(v) *the project will be completed with-*
 17 *out unreasonable delay; and*

18 “(vi) *the project cannot be easily and*
 19 *efficiently completed without Federal fund-*
 20 *ing or financial assistance available to the*
 21 *project sponsor.*

22 “(B) *ADDITIONAL CONSIDERATIONS.*—*In se-*
 23 *lecting projects described in paragraph (3) for*
 24 *funding under this subsection, the Secretary*
 25 *shall give substantial weight to—*

1 “(i) the utilization of non-Federal con-
2 tributions; and

3 “(ii) the net benefits of the funds
4 awarded under this subsection, considering
5 the cost-benefit analysis of the project, as
6 applicable.

7 “(C) *SMALL PROJECTS.*—The Secretary
8 may waive the cost-benefit analysis under sub-
9 paragraph (A)(ii), and establish a simplified, al-
10 ternative basis for determining whether a project
11 is cost-effective, for a small project described in
12 paragraph (7)(B).

13 “(7) *ALLOCATION OF FUNDS.*—

14 “(A) *GEOGRAPHIC DISTRIBUTION.*—Not
15 more than 25 percent of the amounts made
16 available for grants under this subsection for a
17 fiscal year may be used to make grants for
18 projects in any 1 State.

19 “(B) *SMALL PROJECTS.*—The Secretary
20 shall reserve 25 percent of the amounts made
21 available for grants under this subsection each
22 fiscal year to make grants for eligible projects de-
23 scribed in paragraph (3)(A) that request the less-
24 er of—

1 “(i) 10 percent of the amounts made
2 available for grants under this subsection
3 for a fiscal year; or

4 “(ii) \$1,000,000.

5 “(C) *DREDGING PROJECTS*.—Not more than
6 25 percent of the amounts made available for
7 grants under this subsection for a fiscal year
8 may be used to make grants for projects de-
9 scribed in paragraph (3)(A)(ii)(III).

10 “(D) *DEVELOPMENT PHASE ACTIVITIES*.—
11 Not more than 10 percent of the amounts made
12 available for grants under this subsection for a
13 fiscal year may be used to make grants for devel-
14 opment phase activities under paragraph (3)(B).

15 “(8) *FEDERAL SHARE OF TOTAL PROJECT*
16 *COSTS*.—

17 “(A) *TOTAL PROJECT COSTS*.—To be eligible
18 for a grant under this subsection, an eligible ap-
19 plicant shall submit to the Secretary an estimate
20 of the total costs of a project under this sub-
21 section based on the best available information,
22 including any available engineering studies,
23 studies of economic feasibility, environmental
24 analyses, and information on the expected use of
25 equipment or facilities.

1 “(B) *FEDERAL SHARE*.—

2 “(i) *IN GENERAL*.—*Except as provided*
 3 *in clauses (ii) and (iii), the Federal share*
 4 *of the total costs of a project under this sub-*
 5 *section shall not exceed 80 percent.*

6 “(ii) *DREDGING PROJECTS*.—*The Fed-*
 7 *eral share of the total costs of a project de-*
 8 *scribed in paragraph (3)(A)(ii)(III) shall*
 9 *not exceed 50 percent.*

10 “(iii) *RURAL AREAS*.—*The Secretary*
 11 *may increase the Federal share of costs*
 12 *above 80 percent for a project located in a*
 13 *rural area.*

14 “(9) *PROCEDURAL SAFEGUARDS*.—*The Secretary*
 15 *shall issue guidelines to establish appropriate ac-*
 16 *counting, reporting, and review procedures to ensure*
 17 *that—*

18 “(A) *grant funds are used for the purposes*
 19 *for which they were made available;*

20 “(B) *each grantee properly accounts for all*
 21 *expenditures of grant funds; and*

22 “(C) *grant funds not used for such purposes*
 23 *and amounts not obligated or expended are re-*
 24 *turned.*

1 “(10) *GRANT CONDITIONS.*—*The Secretary shall*
 2 *require as a condition of making a grant under this*
 3 *subsection that a grantee—*

4 “(A) *maintain such records as the Secretary*
 5 *considers necessary;*

6 “(B) *make the records described in subpara-*
 7 *graph (A) available for review and audit by the*
 8 *Secretary; and*

9 “(C) *periodically report to the Secretary*
 10 *such information as the Secretary considers nec-*
 11 *essary to assess progress.*

12 “(11) *CONGRESSIONAL NOTIFICATION.*—

13 “(A) *NOTIFICATION.*—*At least 60 days be-*
 14 *fore making a grant for a project under this sec-*
 15 *tion, the Secretary shall notify, in writing, the*
 16 *Committee on Commerce, Science, and Transpor-*
 17 *tation of the Senate and the Committee on*
 18 *Transportation and Infrastructure of the House*
 19 *of Representatives of the proposed grant.*

20 “(B) *CONTENTS.*—*Each notification under*
 21 *subparagraph (A) shall include—*

22 “(i) *an evaluation of and justification*
 23 *for the project; and*

24 “(ii) *the amount of the proposed grant*
 25 *award.*

1 “(C) *CONGRESSIONAL DISAPPROVAL.*—*The*
 2 *Secretary may not make a grant or any other*
 3 *obligation or commitment to fund a project*
 4 *under this section if a joint resolution is enacted*
 5 *disapproving funding for the project before the*
 6 *last day of the 60-day period described in sub-*
 7 *paragraph (A).*

8 “(12) *LIMITATION ON STATUTORY CONSTRUC-*
 9 *TION.*—*Nothing in this subsection may be construed*
 10 *to affect existing authorities to conduct port infra-*
 11 *structure programs in—*

12 “(A) *Hawaii, as authorized by section 9008*
 13 *of the SAFETEA-LU Act (Public Law 109–59;*
 14 *119 Stat. 1926);*

15 “(B) *Alaska, as authorized by section 10205*
 16 *of the SAFETEA-LU Act (Public Law 109–59;*
 17 *119 Stat. 1934); or*

18 “(C) *Guam, as authorized by section 3512*
 19 *of the Duncan Hunter National Defense Author-*
 20 *ization Act for Fiscal Year 2009 (48 U.S.C.*
 21 *1421r).*

22 “(13) *REPORTS.*—*The Secretary shall make*
 23 *available on the website of the Department of Trans-*
 24 *portation at the end of each fiscal year an annual re-*
 25 *port that lists each project for which a grant has been*

1 *provided under this subsection during that fiscal*
 2 *year.*

3 “(14) *ADMINISTRATION.*—

4 “(A) *ADMINISTRATIVE AND OVERSIGHT*
 5 *COSTS.*—*The Secretary may retain not more*
 6 *than 1 percent of the amounts appropriated for*
 7 *each fiscal year under this subsection for the ad-*
 8 *ministrative and oversight costs incurred by the*
 9 *Secretary to carry out this subsection.*

10 “(B) *AVAILABILITY.*—

11 “(i) *IN GENERAL.*—*Amounts appro-*
 12 *priated for carrying out this subsection*
 13 *shall remain available until expended.*

14 “(ii) *UNEXPENDED FUNDS.*—*Amounts*
 15 *awarded as a grant under this subsection*
 16 *that are not expended by the grantee during*
 17 *the 4-year period following the date of the*
 18 *award shall remain available to the Sec-*
 19 *retary for use for grants under this sub-*
 20 *section in a subsequent fiscal year.*

21 “(15) *DEFINITIONS.*—*In this subsection:*

22 “(A) *APPROPRIATE COMMITTEES OF CON-*
 23 *GRESS.*—*The term ‘appropriate committees of*
 24 *Congress’ means—*

1 “(i) the Committee on Commerce,
2 Science, and Transportation of the Senate;
3 and

4 “(ii) the Committee on Transportation
5 and Infrastructure of the House of Rep-
6 resentatives.

7 “(B) PORT.—The term ‘port’ includes—

8 “(i) a sea port; and

9 “(ii) an inland waterways port.

10 “(C) PROJECT.—The term ‘project’ includes
11 construction, reconstruction, rehabilitation, ac-
12 quisition of property, including land related to
13 the project and improvements to the land, equip-
14 ment acquisition, and operational improvements.

15 “(D) RURAL AREA.—The term ‘rural area’
16 means an area that is outside an urbanized
17 area.

18 “(d) ADDITIONAL AUTHORITY OF THE SECRETARY.—
19 In carrying out this section, the Secretary may—

20 “(1) receive funds from a Federal or non-Federal
21 entity that has a specific agreement with the Sec-
22 retary to further the purposes of this section;

23 “(2) coordinate with other Federal agencies to
24 expedite the process established under the National
25 Environmental Policy Act of 1969 (42 U.S.C. 4321 et

1 *seq.) for the improvement of port facilities to improve*
 2 *the efficiency of the transportation system, to increase*
 3 *port security, or to provide greater access to port fa-*
 4 *cilities;*

5 *“(3) seek to coordinate all reviews or require-*
 6 *ments with appropriate local, State, and Federal*
 7 *agencies; and*

8 *“(4) in addition to any financial assistance pro-*
 9 *vided under subsection (c), provide such technical as-*
 10 *sistance to port authorities or commissions or their*
 11 *subdivisions and agents as needed for project plan-*
 12 *ning, design, and construction.”.*

13 *(c) SAVINGS CLAUSE.—A repeal made by subsection*
 14 *(b) of this section shall not affect amounts apportioned or*
 15 *allocated before the effective date of the repeal. Such appor-*
 16 *tioned or allocated funds shall continue to be subject to the*
 17 *requirements to which the funds were subject under section*
 18 *50302(c) of title 46, United States Code, as in effect on the*
 19 *day before the date of enactment of this Act.*

20 **SEC. 3. COAST GUARD BLUE TECHNOLOGY CENTER OF EX-**
 21 **PERTISE.**

22 *(a) SHORT TITLE.—This section may be cited as the*
 23 *“Coast Guard Blue Technology Center of Expertise Act”.*

24 *(b) ESTABLISHMENT.—Not later than 1 year after the*
 25 *date of enactment of this Act and subject to the availability*

1 of appropriations, the Commandant shall establish under
2 section 58 of title 14, United States Code, a Blue Tech-
3 nology center of expertise.

4 (c) *MISSIONS.*—In addition to the missions listed in
5 section 58(b) of title 14, United States Code, the Center—

6 (1) shall—

7 (A) promote awareness within the Coast
8 Guard of the range and diversity of Blue Tech-
9 nologies and their potential to enhance Coast
10 Guard mission readiness, operational perform-
11 ance, and regulation of such technologies;

12 (B) function as an interactive conduit to
13 enable the sharing and dissemination of Blue
14 Technology information between the Coast Guard
15 and representatives from the private sector, aca-
16 demia, nonprofit organizations, and other Fed-
17 eral agencies;

18 (C) increase awareness among Blue Tech-
19 nology manufacturers, entrepreneurs, and ven-
20 dors of Coast Guard acquisition policies, proce-
21 dures, and business practices; and

22 (D) provide technical support, coordination,
23 and assistance to Coast Guard districts and the
24 Coast Guard Research and Development Center,
25 as appropriate; and

1 (2) *subject to the requirements of the Coast*
 2 *Guard Academy, may coordinate with the Academy*
 3 *to develop appropriate curricula regarding Blue Tech-*
 4 *nology to be offered in professional courses of study to*
 5 *give Coast Guard cadets and officer candidates a*
 6 *greater background and understanding of Blue Tech-*
 7 *nologies.*

8 (d) *BLUE TECHNOLOGY EXPOSITION; BRIEFING.—Not*
 9 *later than 6 months after the date of enactment of this Act,*
 10 *the Commandant shall provide to the Committee on Com-*
 11 *merce, Science, and Transportation of the Senate and the*
 12 *Committee on Transportation and Infrastructure of the*
 13 *House of Representatives a briefing on the costs and benefits*
 14 *of hosting a biennial Coast Guard Blue Technology expo-*
 15 *sition to further interactions between representatives from*
 16 *the private sector, academia, and nonprofit organizations,*
 17 *and the Coast Guard and examine emerging technologies*
 18 *and Coast Guard mission demands.*

19 (e) *DEFINITIONS.—In this section:*

20 (1) *CENTER.—The term “Center” means the*
 21 *Blue Technology center of expertise established under*
 22 *this section.*

23 (2) *COMMANDANT.—The term “Commandant”*
 24 *means the Commandant of the Coast Guard.*

(3) *BLUE TECHNOLOGY*.—The term “Blue Technology” means any technology, system, or platform that—

(A) is designed for use or application above, on, or below the sea surface or that is otherwise applicable to Coast Guard operational needs, including such a technology, system, or platform that provides continuous or persistent coverage; and

(B) supports or facilitates—

(i) maritime domain awareness, including—

(I) surveillance and monitoring;

(II) observation, measurement, and modeling; or

(III) information technology and communications;

(ii) search and rescue;

(iii) emergency response;

(iv) maritime law enforcement;

(v) marine inspections and investigations; or

(vi) protection and conservation of the marine environment.

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A BILL

To improve the safety, efficiency, and reliability of the movement of goods through ports and intermodal connections to ports, and for other purposes.

AUGUST 20, 2018

Reported with an amendment