

116TH CONGRESS
2D SESSION

S. 4395

To amend title 46, United States Code, to authorize maritime transportation emergency relief, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2020

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

A BILL

To amend title 46, United States Code, to authorize maritime transportation emergency relief, 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 “Maritime Transpor-
5 tation System Emergency Relief Act of 2020”.

1 **SEC. 2. MARITIME TRANSPORTATION SYSTEM EMERGENCY**
 2 **RELIEF PROGRAM.**

3 (a) IN GENERAL.—Chapter 503 of title 46, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 50308. Maritime transportation system emergency**
 7 **relief program**

8 “(a) DEFINITIONS.—In this section the following
 9 definitions shall apply:

10 “(1) ELIGIBLE STATE ENTITY.—The term ‘eli-
 11 gible State entity’ means a port authority, or a
 12 State-owned or -operated vessel and facilities associ-
 13 ated with the operation of such vessel, in any State.

14 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
 15 tity’ means a public or private entity that is created
 16 or organized in the United States or under the laws
 17 of the United States, with significant operations in
 18 and a majority of its employees based in the United
 19 States, that is engaged in—

20 “(A) vessel construction, transportation by
 21 water, or support activities for transportation
 22 by water with an assigned North American In-
 23 dustry Classification System code beginning
 24 with 3366, 483, or 4883; or

25 “(B) as determined by the Secretary of
 26 Transportation—

1 “(i) construction related to activities
2 described in subparagraph (A); or

3 “(ii) maritime education and training.

4 “(3) ELIGIBLE OPERATING COSTS.—The term
5 ‘eligible operating costs’ means costs relating to—

6 “(A) emergency response;

7 “(B) cleaning;

8 “(C) sanitization;

9 “(D) janitorial services;

10 “(E) staffing;

11 “(F) workforce retention;

12 “(G) paid leave;

13 “(H) procurement and use of protective
14 health equipment, testing, and training for em-
15 ployees and contractors;

16 “(I) debt service payments;

17 “(J) infrastructure repair projects; and

18 “(K) other maritime transportation system
19 operations;

20 “(4) EMERGENCY.—The term ‘emergency’
21 means a natural disaster affecting a wide area (such
22 as a flood, hurricane, tidal wave, earthquake, severe
23 storm, or landslide) or a catastrophic failure from
24 any external cause, that impacts the United States

1 maritime transportation system and as a result of
2 which—

3 “(A) the Governor of a State has declared
4 an emergency and the Maritime Administrator,
5 in consultation with the Administrator of the
6 Federal Emergency Management Administra-
7 tion, has concurred in the declaration;

8 “(B) the President has declared a major
9 disaster under section 401 of the Robert T.
10 Stafford Disaster Relief and Emergency Assist-
11 ance Act (42 U.S.C. 5170);

12 “(C) a national emergency declared by the
13 President under the National Emergencies Act
14 (50 U.S.C. 1601 et seq.) is in effect; or

15 “(D) a public health emergency declared
16 pursuant to section 319 of the Public Health
17 Service Act (42 U.S.C. 247d) is in effect.

18 “(b) GENERAL AUTHORITY.—The Maritime Admin-
19 istrator may—

20 “(1) make grants to eligible State entities for
21 eligible operating costs; and

22 “(2) make grants and enter into contracts and
23 other agreements with eligible entities for—

24 “(A) the costs of capital projects to pro-
25 tect, repair, reconstruct, or replace equipment

1 and facilities of the United States maritime
2 transportation system that the Maritime Ad-
3 ministrator determines is in danger of suffering
4 serious physical damage, or has suffered serious
5 physical damage, as a result of an emergency;
6 and

7 “(B) eligible operating costs of United
8 States maritime transportation equipment and
9 facilities in an area directly affected by an
10 emergency during—

11 “(i) the 1-year period beginning on
12 the date of a declaration described in sub-
13 sections (a)(4)(A) and (a)(4)(B); and

14 “(ii) an additional 1-year period be-
15 ginning 1 year after the date of a declara-
16 tion described in subsections (a)(4)(A) and
17 (a)(4)(B), if the Maritime Administrator,
18 in consultation with the Administrator of
19 the Federal Emergency Management Ad-
20 ministration, determines there is a compel-
21 ling need arising out of the emergency for
22 which the declaration is made.

23 “(c) ALLOCATION.—The Maritime Administrator
24 shall determine an appropriate method for the equitable

1 allocation and distribution of funds under this section to
 2 eligible State entities and eligible entities.

3 “(d) APPLICATIONS.—An applicant for assistance
 4 under this section shall submit an application for such as-
 5 sistance to the Maritime Administrator at such time, in
 6 such manner, and containing such information and assur-
 7 ances as the Maritime Administrator may require.

8 “(e) COORDINATION OF EMERGENCY FUNDS.—

9 “(1) USE OF FUNDS.—Funds appropriated to
 10 carry out this section shall be in addition to any
 11 other funds available under this chapter.

12 “(2) NO EFFECT ON OTHER GOVERNMENT AC-
 13 TIVITY.—The provision of funds under this section
 14 shall not affect the ability of any other agency of the
 15 Government, including the Federal Emergency Man-
 16 agement Agency, or a State agency, a local govern-
 17 mental entity, organization, or person, to provide
 18 any other funds otherwise authorized by law.

19 “(f) GRANT REQUIREMENTS.—A grant awarded
 20 under this section that is made to address an emergency
 21 defined under subsection (a)(4)(B) shall be—

22 “(1) subject to the terms and conditions the
 23 Maritime Administrator determines are necessary;
 24 and

1 “(2) made only for expenses that are not reim-
2 bursed under the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5121 et
4 seq.) or any Federal, State, or local assistance pro-
5 gram.

6 “(g) FEDERAL SHARE OF COSTS.—The Federal
7 share payable of the costs for which a grant is made under
8 this section shall be 100 percent.

9 “(h) ADMINISTRATIVE COSTS.—Of the amounts
10 available to carry out this section, not more than one-half
11 of one percent may be used for administration of this sec-
12 tion.

13 “(i) QUALITY ASSURANCE.—The Maritime Adminis-
14 trator shall institute adequate policies, procedures, and in-
15 ternal controls to prevent waste, fraud, abuse, and pro-
16 gram mismanagement for the distribution of funds under
17 this section.

18 “(j) REPORTS.—The Maritime Administrator shall
19 annually report to the Congress regarding financial assist-
20 ance provided under this section, including a description
21 of such assistance.”.

22 (b) CLERICAL AMENDMENT.—The analysis for such
23 chapter is amended by adding at the end the following:

“50308. Maritime transportation system emergency relief program.”.

24 (c) INCLUSION OF COVID-19 PANDEMIC PUBLIC
25 HEALTH EMERGENCY.—For purposes of section 50308 of

1 title 46, United States Code, as amended by subsection
2 (a), the public health emergency declared pursuant to sec-
3 tion 319 of the Public Health Service Act (42 U.S.C.
4 247d) resulting from the COVID-19 pandemic shall be
5 treated as an emergency.

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