

Markey 4 Modified

BOM19453

Edward J. Markey ^{S.L.C.}

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Ports Improvement Act relating to the port and intermodal improvement program.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. _____

To reauthorize activities of the Maritime Administration, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MARKEY

Viz:

1 Beginning on page 22, strike line 19 and all the fol-
2 lows through page 27, line 8, and insert the following:

3 “(IV) the movement of vessels in
4 and out of the port facility by dredg-
5 ing a vessel berthing area, making
6 other improvements to a vessel berth,
7 or performing construction or mainte-
8 nance dredging that is not part of a
9 Federal channel; or

10 “(B) notwithstanding paragraph (6)(A)(v),
11 to provide financial assistance to 1 or more
12 projects under subparagraph (A) for develop-

1 ment phase activities, including planning, feasi-
2 bility analysis, revenue forecasting, environ-
3 mental review, permitting, and preliminary en-
4 gineering and design work.

5 “(4) PROHIBITED USES.—A grant award under
6 this subsection may not be used—

7 “(A) to finance or refinance the construc-
8 tion, reconstruction, reconditioning, or purchase
9 of a vessel that is eligible for such assistance
10 under chapter 537, unless the Secretary deter-
11 mines such vessel—

12 “(i) is necessary for a project de-
13 scribed in paragraph (3)(A)(ii)(III) of this
14 subsection; and

15 “(ii) is not receiving assistance under
16 chapter 537; or

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

19 “(5) APPLICATIONS AND PROCESS.—

20 “(A) APPLICATIONS.—To be eligible for a
21 grant under this subsection, an eligible appli-
22 cant shall submit to the Secretary an applica-
23 tion in such form, at such time, and containing
24 such information as the Secretary considers ap-
25 propriate.

1 “(B) SOLICITATION PROCESS.—Not later
2 than 60 days after the date that amounts are
3 made available for grants under this subsection
4 for a fiscal year, the Secretary shall solicit
5 grant applications for eligible projects in ac-
6 cordance with this subsection.

7 “(6) PROJECT SELECTION CRITERIA.—

8 “(A) IN GENERAL.—The Secretary may se-
9 lect a project described in paragraph (3) for
10 funding under this subsection if the Secretary
11 determines that—

12 “(i) the project improves the safety,
13 efficiency, or reliability of the movement of
14 goods through a port or intermodal con-
15 nection to a port;

16 “(ii) the project is cost effective;

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

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

22 “(v) the project will be completed
23 without unreasonable delay; and

24 “(vi) the project cannot be easily and
25 efficiently completed without Federal fund-

1 ing or financial assistance available to the
2 project sponsor.

3 “(B) ADDITIONAL CONSIDERATIONS.—In
4 selecting projects described in paragraph (3) for
5 funding under this subsection, the Secretary
6 shall give substantial weight to—

7 “(i) the utilization of non-Federal
8 contributions;

9 “(ii) the net benefits of the funds
10 awarded under this subsection, considering
11 the cost-benefit analysis of the project, as
12 applicable; and

13 “(iii) the public benefits of the funds
14 awarded under this subsection.

15 “(C) SMALL PROJECTS.—The Secretary
16 may waive the cost-benefit analysis under sub-
17 paragraph (A)(ii), and establish a simplified, al-
18 ternative basis for determining whether a
19 project is cost effective, for a small project de-
20 scribed in paragraph (7)(B).

21 “(D) RESEARCH HARBORS.—The Sec-
22 retary may waive the determination under sub-
23 paragraph (A)(i) for a project in a research
24 harbor.

25 “(7) ALLOCATION OF FUNDS.—

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

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

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

15 “(ii) \$11,000,000.

16 “(C) DREDGING PROJECTS.—Not more
17 than 25 percent of the amounts made available
18 for grants under this subsection for a fiscal
19 year may be used to make grants for projects
20 described in paragraph (3)(A)(ii)(III).

21 “(D) DEVELOPMENT PHASE ACTIVITIES.—
22 Not more than 10 percent of the amounts made
23 available for grants under this subsection for a
24 fiscal year may be used to make grants for de-

1 velopment phase activities under paragraph
2 (3)(B).

3 “(E) RESEARCH HARBORS.—

4 “(i) IN GENERAL.—Of the funds that
5 may be used under subparagraph (C), the
6 Secretary shall consider reserving an
7 amount equal to not more than 5 percent
8 of the amounts made available for grants
9 under this subsection to make grants for
10 projects described in paragraph
11 (3)(A)(ii)(IV) for research harbors.