

115TH CONGRESS
1ST SESSION

S. 1488

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

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2017

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, to provide for expanded uses of the Fund, and to 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 2017”.

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, 2017, 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 (b)—

11 (A) in paragraph (1), by striking “Subject
 12 to the availability of appropriations, the Sec-
 13 retary may” and inserting “The Secretary
 14 shall”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (B), by striking “;
 17 and” and inserting a semicolon;

18 (ii) in subparagraph (C)(ii), by strik-
 19 ing the period at the end and inserting “;
 20 and”; and

21 (iii) by adding at the end the fol-
 22 lowing:

23 “(D) shall be provided in equal amounts
 24 for each fiscal year to—

1 “(i) donor ports and medium-sized
2 donor ports; and

3 “(ii) energy transfer ports.”;

4 (2) by striking subsection (f); and

5 (3) by redesignating subsection (g) as sub-
6 section (f).

7 **SEC. 4. EXPENDITURES FROM THE HARBOR MAINTENANCE**

8 **TRUST FUND.**

9 (a) OPERATION AND MAINTENANCE OF HARBOR
10 PROJECTS.—Section 210(e) of the Water Resources De-
11 velopment Act of 1986 (33 U.S.C. 2238(e)) is amended—

12 (1) in paragraph (3), by striking “fiscal year
13 2012” and inserting “fiscal year 2016”;

14 (2) by redesignating paragraph (4) as para-
15 graph (5); and

16 (3) by inserting after paragraph (3) the fol-
17 lowing:

18 “(4) CERTAIN DONOR PORTS AND ENERGY
19 TRANSFER PORTS.—The Secretary shall allocate to
20 carry out activities under section 2106(e) of the
21 Water Resources Reform and Development Act of
22 2014 (33 U.S.C. 2238c(e)) an amount that is not
23 less than 20 percent of the funds made available
24 under this section for each fiscal year.”.

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.”.

○