AMENDMENT
TO RULES COMMITTEE PRINT 116–57
OFFERED BY MR. DEFAZIO OF OREGON

At the end of subtitle A of title XXXV, add the following:

SEC. ___. MARITIME TRANSPORTATION SYSTEM EMERGENCY RELIEF PROGRAM.

(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

“§ 50308. Maritime transportation system emergency relief program

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

“(1) ELIGIBLE STATE ENTITY.—The term ‘eligible State entity’ means a port authority, or a State-owned or -operated vessel and facilities associated with the operation of such vessel, in any State.

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

“(A) vessel construction, transportation by water, or support activities for transportation by water with an assigned North American Industry Classification System code beginning with 3366, 483, or 4883; or

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

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

“(ii) maritime education and training.

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

“(A) emergency response;

“(B) cleaning;

“(C) sanitization;

“(D) janitorial services;

“(E) staffing;

“(F) workforce retention;

“(G) paid leave;

“(H) procurement and use of protective health equipment, testing, and training for employees and contractors;

“(I) debt service payments;
“(J) infrastructure repair projects; and

“(K) other maritime transportation system operations;

“(4) EMERGENCY.—The term ‘emergency’ means a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, that impacts the United States maritime transportation system and as a result of which—

“(A) the Governor of a State has declared an emergency and the Maritime Administrator, in consultation with the Administrator of the Federal Emergency Management Administration, has concurred in the declaration;

“(B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

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

“(D) a public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) is in effect.
“(b) GENERAL AUTHORITY.—The Maritime Administrator may—

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

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

“(A) the costs of capital projects to protect, repair, reconstruct, or replace equipment and facilities of the United States maritime transportation system that the Maritime Administrator determines is in danger of suffering serious physical damage, or has suffered serious physical damage, as a result of an emergency; and

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

“(i) the 1-year period beginning on the date of a declaration described in subsections (a)(4)(A) and (a)(4)(B); and

“(ii) an additional 1-year period beginning 1 year after the date of a declaration described in subsections (a)(4)(A) and (a)(4)(B), if the Maritime Administrator,
in consultation with the Administrator of the Federal Emergency Management Administration, determines there is a compelling need arising out of the emergency for which the declaration is made.

“(c) ALLOCATION.—The Maritime Administrator shall determine an appropriate method for the equitable allocation and distribution of funds under this section to eligible State entities and eligible entities.

“(d) APPLICATIONS.—An applicant for assistance under this section shall submit an application for such assistance to the Maritime Administrator at such time, in such manner, and containing such information and assurances as the Maritime Administrator may require.

“(e) COORDINATION OF EMERGENCY FUNDS.—

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

“(2) NO EFFECT ON OTHER GOVERNMENT ACTIVITY.—The provision of funds under this section shall not affect the ability of any other agency of the Government, including the Federal Emergency Management Agency, or a State agency, a local governmental entity, organization, or person, to provide any other funds otherwise authorized by law.
“(f) Grant Requirements.—A grant awarded under this section that is made to address an emergency defined under subsection (a)(4)(B) shall be—

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

“(2) made only for expenses that are not reimbursed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or any Federal, State, or local assistance program.

“(g) Federal Share of Costs.—The Federal share payable of the costs for which a grant is made under this section shall be 100 percent.

“(h) Administrative Costs.—Of the amounts available to carry out this section, not more than one-half of one percent may be used for administration of this section.

“(i) Quality Assurance.—The Maritime Administrator shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for the distribution of funds under this section.

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

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

“50308. Port development; maritime transportation system emergency relief 
program.”.

(c) INCLUSION OF COVID-19 PANDEMIC PUBLIC 
HEALTH EMERGENCY.—For purposes of section 50308 of 
title 46, United States Code, as amended by subsection 
(a), the public health emergency declared pursuant to sec-
tion 319 of the Public Health Service Act (42 U.S.C. 
247d) resulting from the COVID-19 pandemic shall be 
treated as an emergency.

SEC. ___. CENTERS OF EXCELLENCE FOR DOMESTIC MAR-
TIME WORKFORCE TRAINING AND EDU-
CATION: TECHNICAL AMENDMENTS.

(a) REDESIGNATION AND TRANSFER OF SECTION.— 
Section 54102 of title 46, United States Code, is redesig-
nated as section 51706 of such title and transferred to 
appear after section 51705 of such title.

(b) CLERICAL AMENDMENTS.—Title 46, United 
States Code, is amended—

(1) in the analysis for chapter 541, by striking 
the item relating to section 54102; and
(2) in the analysis for chapter 517, by striking the item relating to section 51705 and inserting the following:

“51705. Training for use of force against piracy.
“51706. Center of excellence for domestic maritime workforce training and education”.

SEC. ___.

MERCHANT MARINER EDUCATION LOAN PROGRAM.

(a) In General.—Chapter 517 of title 46, United States Code, as amended by this Act, is further amended by adding at the end the following:

“§ 51707. Merchant mariner career training loan program

“(a) Establishment.—The Secretary of Transportation shall establish the Elijah E. Cummings Merchant Mariner Career Training Loan Program (in this section referred to as the ‘program’) in accordance with the requirements of this section.

“(b) Purpose.—The purpose of the program shall be to make merchant mariner career training loans available to eligible students to provide for the training of United States merchant mariners, including those working to receive a Standards of Training, Certification and Watchkeeping endorsement under subchapter B of chapter I of title 46, Code of Federal Regulations.
“(c) ADMINISTRATION.—The program shall be carried out by the Secretary, acting through the Administrator of the Maritime Administration.

“(d) DUTIES.—The Secretary shall—

“(1) allocate, on an annual basis, the award of loans under the program based on the needs of students;

“(2) develop an application process and eligibility criteria for the award of loans under the program;

“(3) approve applications for loans under the program based on the eligibility criteria and allocations made under paragraph (1); and

“(4) designate maritime training institutions at which loans made under the program may be used.

“(e) DESIGNATION OF MARITIME TRAINING INSTITUTIONS.—

“(1) IN GENERAL.—In designating maritime training institutions under subsection (d)(4), the Secretary—

“(A) may include Federal, State, and commercial training institutions and nonprofit training organizations, including centers of excellence designated under section 51706;
“(B) shall designate institutions based on geographic diversity and scope of classes offered;

“(C) shall ensure that designated institutions have the ability to administer the program; and

“(D) shall ensure that designated institutions meet requirements to provide training instruction for appropriate Coast Guard-approved training instruction.

“(2) EXCLUSIONS.—The Secretary—

“(A) may exclude from participation in the program a maritime training institution that has had severe performance deficiencies, including deficiencies demonstrated by audits or program reviews conducted during the 5 calendar years immediately preceding the present year;

“(B) shall exclude from participation in the program a maritime training institution that has delinquent or outstanding debts to the United States, unless such debts are being repaid under or in accordance with a repayment arrangement satisfactory to the United States, or the Secretary in the Secretary’s discretion determines that the existence or amount of any
such debts has not been finally determined by
the appropriate Federal agency;

“(C) may exclude from participation in the
program a maritime training institution that
has failed to comply with quality standards es-
established by the Department of Labor, the
Coast Guard, or a State; and

“(D) may establish such other criteria as
the Secretary determines will protect the finan-
cial interest of the United States and promote
the purposes of this section.

“(f) State Maritime Academies.—

“(1) Use of Funds for Loans to Students
Attending State Maritime Academies.—The
Secretary may obligate not more than 50 percent of
the amounts appropriated to carry out this section
for a fiscal year for loans to undergraduate students
attending State maritime academies receiving assist-
ance under chapter 515 of this title.

“(2) Academic Standards for Students.—
Students at State maritime academies receiving
loans under the program shall maintain satisfactory
progress toward the completion of their course of
study as evidenced by the maintenance of a cumu-
lative C average, or its equivalent, or academic
standing consistent with the requirements for graduation, as determined by the institution.

“(g) LOAN AMOUNTS AND USE.—

“(1) MAXIMUM AMOUNTS.—

“(A) IN GENERAL.—The Secretary may not make loans to a student under the program in an amount that exceeds $30,000 in a calendar year or $120,000 in the aggregate.

“(B) ADJUSTMENT FOR INFLATION.—The Secretary shall, every 5 years for the life of a loan under the program, adjust the maximum amounts described in subparagraph (A) in accordance with any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor that occurs since the previous adjustment.

“(2) USE OF LOAN PROCEEDS.—A student who receives a loan under the program may use the proceeds of the loan only for postsecondary expenses incurred at an institution designated by the Secretary under subsection (d)(4) for books, tuition, required fees, travel to and from training facilities, and room and board.

“(h) STUDENT ELIGIBILITY.—
“(1) IN GENERAL.—Subject to paragraph (2), to be eligible to receive a loan under the program, a student shall—

“(A) be eligible to hold a license or merchant mariner document issued by the Coast Guard;

“(B) provide to the Secretary such information as the Secretary may require, including all current Coast Guard documents, certifications, proof of United States citizenship or permanent legal status, and a statement of intent to enter a maritime career;

“(C) meet the enrollment requirements of a maritime training institution designated by the Secretary under subsection (d)(4); and

“(D) sign an agreement to—

“(i) complete a course of instruction at such a maritime training institution; and

“(ii) maintain a license or document and work under the authority of the license or document and any associated endorsements for at least 18 months following the date of graduation from the maritime pro-
gram for which the loan proceeds will be used.

“(2) Limitation.—An undergraduate student at the United States Merchant Marine Academy shall not be eligible for a loan under the program.

“(i) Administration of Loans.—

“(1) Contents of Loan Agreements.—Any agreement between the Secretary and a student borrower for a loan under the program shall—

“(A) be evidenced by a note or other written instrument that provides for the repayment of the principal amount of the loan and any origination fee, together with interest thereon, in equal installments (or, if the student borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Secretary) payable quarterly, bimonthly, or monthly, at the option of the student borrower, over a period beginning 9 months from the date on which the student borrower completes study or discontinues attendance at the maritime program for which the loans are used at the institution approved by the Secretary and not exceeding 10 years;
“(B) include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the student borrower;

“(C) provide the loan without security and without endorsement;

“(D) provide that the liability to repay the loan shall be canceled upon the death of the student borrower, or if the student borrower becomes permanently and totally disabled, as determined in accordance with regulations to be issued by the Secretary;

“(E) contain a notice of the system of disclosure of information concerning default on such loan to credit bureau organizations; and

“(F) include provisions for deferral of repayment, as determined by the Secretary.

“(2) RATE OF INTEREST.—A student borrower who receives a loan under the program shall be obligated to repay the loan amount to the Secretary, together with interest beginning in the period referred to in paragraph (1)(A), at a rate of interest determined by the Secretary, in consultation with the Secretary of Education, in accordance with section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e).
“(3) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

“(A) IN GENERAL.—The Secretary shall at or prior to the time the Secretary makes a loan to a student borrower under the program, provide thorough and adequate loan information on such loan to the student borrower. The disclosures required by this paragraph may be made as part of the written application material provided to the student borrower, as part of the promissory note evidencing the loan, or on a separate written form provided to the student borrower.

“(B) CONTENTS.—The disclosures shall include—

“(i) the address to which communications and payments should be sent;

“(ii) the principal amount of the loan;

“(iii) the amount of any charges collected at or prior to the disbursal of the loan and whether such charges are to be deducted from the proceeds of the loan or paid separately by the student borrower;

“(iv) the stated interest rate on the loan;
“(v) the yearly and cumulative maximum amounts that may be borrowed;

“(vi) an explanation of when repayment of the loan will be required and when the student borrower will be obligated to pay interest that accrues on the loan;

“(vii) a statement as to the minimum and maximum repayment term that the Secretary may impose, and the minimum monthly payment required by law and a description of any penalty imposed as a consequence of default, such as liability for expenses reasonably incurred in attempts by the Secretary to collect on a loan;

“(viii) a statement of the total cumulative balance, including the loan applied for, owed by the student borrower to the Secretary, and an estimate of the projected monthly payment, given such cumulative balance;

“(ix) an explanation of any special options the student borrower may have for loan consolidation or other refinancing of the loan;
“(x) a statement that the student borrower has the right to prepay all or part of the loan, at any time, without penalty;

“(xi) a statement summarizing circumstances in which repayment of the loan or interest that accrues on the loan may be deferred, and a brief notice of the program for repayment of loans, on the basis of military service, pursuant to the Department of Defense educational loan repayment program (10 U.S.C. 16302);

“(xii) a definition of default and the consequences to the student borrower if the student borrower defaults, together with a statement that the disbursement of, and the default on, a loan under this part shall be reported to a credit bureau or credit reporting agency;

“(xiii) to the extent practicable, the effect of accepting the loan on the eligibility of the student borrower for other forms of student assistance; and

“(xiv) an explanation of any cost the student borrower may incur in the making or collection of the loan.
“(C) Information to be provided without cost.—The information provided under this paragraph shall be available to the Secretary without cost to the student borrower.

“(4) Repayment after default.—The Secretary may require any student borrower who has defaulted on a loan made under the program to—

“(A) pay all reasonable collection costs associated with such loan; and

“(B) repay the loan pursuant to an income contingent repayment plan.

“(5) Authorization to reduce rates and fees.—Notwithstanding any other provision of this section, the Secretary may prescribe by regulation any reductions in the interest rate or origination fee paid by a student borrower of a loan made under the program as the Secretary determines appropriate to encourage ontime repayment of the loan. Such reductions may be offered only if the Secretary determines the reductions are cost neutral and in the best financial interest of the United States.

“(6) Collection of repayments.—The Secretary shall collect repayments made under the program and exercise due diligence in such collection, including maintenance of all necessary records to en-
sure that maximum repayments are made. Collection
and servicing of repayments under the program shall
be pursued to the full extent of the law, including
wage garnishment if necessary. The Secretary of the
Department in which the Coast Guard is operating
shall provide the Secretary of Transportation with
any information regarding a merchant mariner that
may aid in the collection of repayments under this
section.

“(7) REPAYMENT SCHEDULE.—A student bor-
rower who receives a loan under the program shall
repay the loan quarterly, bimonthly, or monthly, at
the option of the student borrower, over a period be-
beginning 9 months from the date the student bor-
rower completes study or discontinues attendance at
the maritime program for which the loan proceeds
are used and ending not more than 10 years after
the date repayment begins. Provisions for deferral of
repayment shall be determined by the Secretary.

“(8) CONTRACTS FOR SERVICING AND COLLEC-
tion of loans.—The Secretary may—

“(A) enter into a contract or other ar-
rangements with State or nonprofit agencies
and, on a competitive basis, with collection
agencies for servicing and collection of loans under this section; and

“(B) conduct litigation necessary to carry out this section.

“(j) **REVOLVING LOAN FUND.**—

“(1) **ESTABLISHMENT.**—The Secretary shall establish a revolving loan fund consisting of amounts deposited in the fund under paragraph (2).

“(2) **DEPOSITS.**—The Secretary shall deposit in the fund—

“(A) receipts from the payment of principal and interest on loans made under the program; and

“(B) any other monies paid to the Secretary by or on behalf of individuals under the program.

“(3) **AVAILABILITY OF AMOUNTS.**—Subject to the availability of appropriations, amounts in the fund shall be available to the Secretary—

“(A) to cover the administrative costs of the program, including the maintenance of records and making collections under this section; and
“(B) to the extent that amounts remain available after paying such administrative costs, to make loans under the program.

“(4) MAINTENANCE OF RECORDS.—The Secretary shall maintain accurate records of the administrative costs referred to in paragraph (3)(A).

“(k) ANNUAL REPORT.—The Secretary, on an annual basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the program, including—

“(1) the total amount of loans made under the program in the preceding year;

“(2) the number of students receiving loans under the program in the preceding year; and

“(3) the total amount of loans made under program that are in default as of the date of the report.

“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2021 through 2026—

“(1) $10,000,000 for making loans under the program; and

“(2) $1,000,000 for administrative expenses of the Secretary in carrying out the program.
§ 51708. Merchant mariner recruitment, training, and retention grant program

“(a) Strategic Plan.—

“(1) In General.—Not later than one year after the date of enactment of this section, and at least once every 3 years thereafter, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall publish in the Federal Register a plan to recruit, train, and retain merchant mariners for the 5-year period following the date of publication of the most recently published plan under this paragraph.

“(2) Contents.—A plan published under paragraph (1) shall contain—

“(A) a strategy to address merchant mariner recruitment, training, and retention issues in the United States; and

“(B) demonstration and research priorities concerning merchant mariner recruitment, training, and retention.

“(3) Factors.—In developing a plan under paragraph (1), the Secretary shall take into account, at a minimum—

“(A) the availability of existing research (as of the date of publication of the plan); and
“(B) the need to ensure results that have broad applicability.

“(4) CONSULTATION.—In developing a plan under paragraph (1), the Secretary shall consult with representatives of the maritime industry, labor organizations, including the Commander of the Transportation Command and the Commander of the Military Sealift Command, and other governmental entities and persons with an interest in the maritime industry.

“(5) TRANSMITTAL TO CONGRESS.—The Secretary shall transmit copies of a plan published under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) DEMONSTRATION AND RESEARCH PROJECTS.—

“(1) IN GENERAL.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, a maritime training institutions designated under section 51607(e) or a consortium such institutions, to carry out demonstration and research projects that implement the priorities identified in the plan prepared under subsection (a)(1),
for the purpose of recruiting, training, or retaining United States merchant mariners.

“(2) COMPETITIVE AWARDS.—Grants shall be awarded, and contracts and cooperative agreements shall be entered into, under this subsection on a competitive basis under guidelines and requirements to be established by the Secretary.

“(3) APPLICATIONS.—To be eligible to receive a grant or enter into a contract or cooperative agreement under this section for a project under this subsection, a maritime training institution shall submit to the Secretary a proposal that includes, at a minimum—

“(A) a description of the project; and

“(B) a method for evaluating the effectiveness of the project.

“(4) ELIGIBLE PROJECTS.—Projects eligible for grants, contracts, and cooperative agreements under this subsection—

“(A) shall carry out the demonstration and research priorities included in the plan published under subsection (a)(1); and

“(B) may—

“(i) provide training to upgrade the skills of United States merchant mariners,
including training to acquire a Standards of Training, Certification and Watchkeeping endorsement under subchapter B of chapter I of title 46, Code of Federal Regulations;

“(ii) promote the use of distance learning that enables students to take courses through the use of teleconferencing, the Internet, and other media technology;

“(iii) assist in providing services to address merchant mariner recruitment and training of youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

“(iv) implement partnerships with national and regional organizations with special expertise in developing, organizing, and administering merchant mariner recruitment and training services;

“(v) design, develop, and test an array of approaches to providing recruitment, training, or retention services, including to one or more targeted populations;
“(vi) in conjunction with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test various training approaches in order to determine effective practices; or

“(vii) assist in the development and replication of effective service delivery strategies for the national maritime industry as a whole.

“§ 51709. Authorization of appropriations

“There are authorized to be appropriated for each of fiscal years 2021 through 2026—

“(1) $10,000,000 for making grants and entering into cooperative agreements under sections 51707 and 51708; and

“(2) $1,000,000 for administrative expenses of the Secretary in carrying out such sections.”.

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

“51707. Merchant mariner career training loan program.

“51708. Merchant mariner recruitment, training, and retention program.

“51709. Authorization of appropriations.”.
SEC. ____ ASSISTANCE FOR INLAND AND SMALL COASTAL PORTS AND TERMINALS.

Section 50302 of title 46, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) by inserting “and subsection (d)” after “this subsection”; and

(ii) by adding at the end the following:

“(H) In the case of a small project funded under subsection (d), a private entity or group of entities.”;

(B) in paragraph (6) by striking subparagraph (C);

(C) in paragraph (7)(B) by striking “paragraph (3)(A)” and inserting “subsection (d)”;

(D) in paragraph (8)(B)—

(i) in clause (i) by striking “under this subsection” and inserting “under this subsection and subsection (d)”;

(ii) in clause (ii) by inserting “under subsection (d) or” after “project”; and

(E) in paragraph (11) by—

(i) striking “under this subsection” and inserting “under this subsection and
subsection (d)” each place such phrase appears; and

(ii) striking “fiscal year.” and inserting “fiscal year, and shall be awarded as grants under the subsection for which the original grant was made.”;

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (e) the following:

“(d) ASSISTANCE FOR INLAND AND SMALL COASTAL PORTS AND TERMINALS.—

“(1) IN GENERAL.—Of amounts reserved under subsection (c)(7)(B), the Secretary, acting through the Administrator of the Maritime Administration, shall make grants under this subsection—

“(A) to the owners or operators of a facility at a port, as such term is defined in subsection (e), to and from which the average annual tonnage of cargo for the immediately preceding 3 calendar years from the time an application is submitted is less than 8,000,000 short tons as determined using Corps of Engineers data; and
“(B) for infrastructure improvements, equipment purchases, and capital investments at such a facility, including piers, wharves, docks, terminals, and similar structures used principally for the movement of goods, including areas of land, water, or areas in proximity to such structure that are necessary for the movement of goods.

“(2) AWARDS.—In providing assistance under this subsection, the Secretary shall—

“(A) take into account—

“(i) the economic advantage and the contribution to freight transportation at an eligible facility; and

“(ii) the competitive disadvantage of an eligible facility;

“(B) not make more than 1 award per applicant for each fiscal year appropriation; and

“(C) promote the enhancement and efficiencies of an eligible facility.

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—Assistance provided under this subsection may be used to—

“(i) make capital improvements;
“(ii) construct, improve, repair, or maintain transportation or physical infrastructure, buildings, equipment, or facility security;

“(iii) perform planning activities related to carrying out an activity described in clause (i); and

“(iv) otherwise fulfill the purposes for which such assistance is provided.

“(B) Acquisition Methods.—The Secretary may not require as a condition of issuing a grant under this subsection—

“(i) direct ownership of either a facility or equipment to be procured using funds awarded under this subsection; or

“(ii) that equipment procured using such funds be new.

“(4) Prohibited Uses.—Funds provided under this subsection may not be used for—

“(A) projects conducted on property lying outside port or terminal boundaries and not owned or leased by the applicant;

“(B) any single grant award more than 10 percent of total allocation of funds to carry out this subsection per fiscal year appropriation; or
“(C) activities, including channel improvements or harbor deepening, authorized, as of the date of the application for assistance under this subsection, to be carried out by of the Corps of Engineers.

“(5) MATCHING REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary may not provide assistance under this subsection unless the Secretary determines that sufficient funding is available to meet the matching requirements of subsection (e)(8). Any costs of the project to be paid by the recipient’s matching share may be incurred prior to the date on which assistance is provided.

“(B) INCLUSIONS.—For the purpose of making the determination under subparagraph (A), funding may include a loan agreement, a commitment from investors, cash on balance sheet, or other contributions determined acceptable by the Secretary.

“(6) APPLICATION AND AWARD.—

“(A) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted shall include a comprehensive description of—
“(i) the project;
“(ii) the need for the project;
“(iii) the methodology for implementing the project; and
“(iv) documentation of matching funds as described in paragraph (5).

“(B) DEMONSTRATION OF EFFECTIVENESS.—In determining whether a project will achieve the purposes for which such assistance is requested under this subsection, the Secretary shall accept documentation used to obtain a commitment of the matching funds described in paragraph (5), including feasibility studies, business plans, investor prospectuses, loan applications, or similar documentation.

“(C) PROJECT APPROVAL REQUIRED.—The Secretary may not award a grant under this subsection unless the Secretary determines that the—

“(i) project will be completed without unreasonable delay; and
“(ii) recipient has authority to carry out the proposed project.

“(7) PROCEDURAL SAFEGUARDS, AUDITS, AND EXAMINATIONS.—
“(A) PROCEDURAL SAFEGUARDS.—The Administrator shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

“(i) assistance provided under this subsection is used for the purposes for which such assistance made available; and

“(ii) grantees have properly accounted for all expenditures of grant funds.

“(B) AUDITS AND EXAMINATIONS.—All grantees under this subsection shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.

“(8) LIMITATION.—Not more than 10 percent of the funds made available under subsection (c)(7)(B) may be used to the planning and design of eligible projects described in paragraph (3)(A)(iii).

“(9) DEFINITION OF PROJECT.—In this subsection, the term ‘project’ has the meaning given such term in subsection (c).”.

SEC. ______. NATIONAL SHIPPER ADVISORY COMMITTEE.

(a) IN GENERAL.—Part B of subtitle IV of title 46, United States Code, is amended by adding at the end the following:
“CHAPTER 425—NATIONAL SHIPPER ADVISORY COMMITTEE

“Sec.
“42501. Definitions.
“42503. Administration.

“§ 42501. Definitions

“In this chapter:

“(1) COMMISSION.—The term ‘Commission’ means the Federal Maritime Commission.

“(2) COMMITTEE.—The term ‘Committee’ means the National Shipper Advisory Committee established by section 42502.

“§ 42502. National Shipper Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Shipper Advisory Committee.

“(b) FUNCTION.—The Committee shall advise the Federal Maritime Commission on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 24 members appointed by the Commission in accordance with this section.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge,
and experience in matters relating to the function of
the Committee.

“(3) REPRESENTATION.—Members of the Com-
mittee shall be appointed as follows:

“(A) Twelve members shall represent enti-
ties who import cargo to the United States
using ocean common carriers.

“(B) Twelve members shall represent enti-
ties who export cargo from the United States
using ocean common carriers.

“§ 42503. Administration

“(a) MEETINGS.—The Committee shall, not less than
once each year, meet at the call of the Commission or a
majority of the members of the Committee.

“(b) EMPLOYEE STATUS.—A member of the Com-
mittee shall not be considered an employee of the Federal
Government by reason of service on such Committee, ex-
cept for the purposes of the following:

“(1) Chapter 81 of title 5.

“(2) Chapter 171 of title 28 and any other
Federal law relating to tort liability.

“(c) ACCEPTANCE OF VOLUNTEER SERVICES.—Not-
withstanding any other provision of law, a member of the
Committee may serve on such committee on a voluntary
basis without pay.
“(d) STATUS OF MEMBERS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of the Committee whom the Commission appoints to represent an entity or group—

“(A) the member is authorized to represent the interests of the applicable entity or group; and

“(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

“(2) EXCEPTION.—Notwithstanding subsection (b), a member of the Committee shall be treated as a special Government employee for purposes of the committee service of the member if the member, without regard to service on the Committee, is a special Government employee.

“(e) SERVICE ON COMMITTEE.—

“(1) SOLICITATION OF NOMINATIONS.—Before appointing an individual as a member of the Com-
mittee, the Commission shall publish a timely notice in the Federal Register soliciting nominations for membership on such Committee.

“(2) APPOINTMENTS.—

“(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Commission may appoint a member to the Committee.

“(B) PROHIBITION.—The Commission shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

“(3) SERVICE AT PLEASURE OF THE COMMISSION.—Each member of the Committee shall serve at the pleasure of the Commission.

“(4) SECURITY BACKGROUND EXAMINATIONS.—The Commission may require an individual to have passed an appropriate security background examination before appointment to the Committee.

“(5) PROHIBITION.—A Federal employee may not be appointed as a member of the Committee.

“(6) TERMS.—

“(A) IN GENERAL.—The term of each member of the Committee shall expire on De-
cember 31 of the third full year after the effective date of the appointment.

“(B) CONTINUED SERVICE AFTER TERM.—

When the term of a member of the Committee ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

“(7) VACANCIES.—A vacancy on the Committee shall be filled in the same manner as the original appointment.

“(8) SPECIAL RULE FOR REAPPOINTMENTS.—

Notwithstanding paragraphs (1) and (2), the Commission may reappoint a member of a committee for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

“(f) STAFF SERVICES.—The Commission shall furnish to the Committee any staff and services considered by the Commission to be necessary for the conduct of the Committee’s functions.

“(g) CHAIR; VICE CHAIR.—

“(1) IN GENERAL.—The Committee shall elect a Chair and Vice Chair from among the committee’s members.
“(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—

The Vice Chair shall act as Chair in the absence or incapacity of, or in the event of a vacancy in the office of, the Chair.

“(h) SUBCOMMITTEES AND WORKING GROUPS.—

“(1) IN GENERAL.—The Chair of the Committee may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the Committee.

“(2) PARTICIPANTS.—Subject to conditions imposed by the Chair, members of the Committee may be assigned to subcommittees and working groups established under paragraph (1).

“(i) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—

“(1) CONSULTATION.—Before taking any significant action, the Commission shall consult with, and consider the information, advice, and recommendations of, the Committee if the function of the Committee is to advise the Commission on matters related to the significant action.

“(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—The Committee shall submit, in writing, to the Commission its advice, reports, and rec-
ommendations, in a form and at a frequency determined appropriate by the Committee.

“(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Commission receives recommendations from the Committee under paragraph (2), the Commission shall—

“(A) publish the recommendations on a public website; and

“(B) respond, in writing, to the Committee regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.

“(4) SUBMISSION TO CONGRESS.—The Commission shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the advice, reports, and recommendations received from the Committee under paragraph (2).

“(j) OBSERVERS.—The Commission may designate a representative to—

“(1) attend any meeting of the Committee; and

“(2) participate as an observer at such meeting.

“(k) TERMINATION.—The Committee shall terminate on September 30, 2029.”.
(b) CLERICAL AMENDMENT.—The analysis for sub-
title IV of title 46, United States Code, is amended by
inserting after the item related to chapter 423 the fol-
lowing:

“425. National Shipper Advisory Committee ..................42501”.

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