AMENDMENT TO RULES COMMITTEE PRINT 118–10
OFFERED BY MR. EZELL OF MISSISSIPPI

At the end of title XXXV, add the following:

SEC. 35. CAPITAL CONSTRUCTION FUNDS AMENDMENTS.

(a) DEFINITIONS OF CARGO HANDLING EQUIPMENT AND MARINE TERMINAL.—Section 53501 of title 46, United States Code, is amended—

(1) by redesignating—

(A) subsections (2) and (3), as subsections (3) and (4), respectively; and

(B) subsections (4), (5), (6), (7), (8), and (9), as subsections (6), (7), (8), (9), (10), and (11), respectively;

(2) by inserting after subsection (1), the following:

“(2) CARGO HANDLING EQUIPMENT.—The term ‘cargo handling equipment’ means any vehicle or land-based equipment, and the associated marine terminal or port landside infrastructure, used at a marine terminal to lift or move cargo—
“(A) manufactured in the United States;

or

“(B) manufactured outside of the United States, if such equipment is not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality as determined by the marine terminal operator.”; and

(3) by inserting after subsection (4), as redesignated by paragraph (1), the following:

“(5) MARINE TERMINAL.—The term ‘marine terminal’ means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or adjacent areas and structures associated with the primary movement of cargo or materials from vessel to shore, or from shore to vessel, including structures which are devoted to receiving, handling, holding, consolidating, loading, or delivery of waterborne shipments, including areas devoted to the maintenance of the terminal or equipment.”.

(b) ESTABLISHING A CAPITAL CONSTRUCTION FUND.—Section 53503 of title 46, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:
“(a) IN GENERAL.—

“(1) A citizen of the United States owning or leasing an eligible vessel may make an agreement with the Secretary under this chapter to establish a capital construction fund for the vessel.

“(2) An operator of a United States marine terminal may make an agreement with the Secretary under this chapter to establish a capital construction fund for the marine terminal.”; and

(2) by striking subsection (b) and inserting the following:

“(b) ALLOWABLE PURPOSE.—The purpose of the agreement shall be to provide—

“(1) replacement vessels, additional vessels, or reconstructed vessels, built in the United States and documented under the laws of the United States, for operation in the foreign or domestic trade of the United States; or

“(2) replacement cargo handling equipment, additional cargo handling equipment, or reconstructed cargo handling equipment for operation at marine terminals in the United States.”.

(e) DEPOSITS AND WITHDRAWALS.—Section 53504(b) of title 46, United States Code, is amended by
inserting “or United States marine terminal” after “agreement vessel”.

(d) Ceiling on Deposits.—Section 53505(a) of title 46, United States Code, is amended—

(1) in subparagraph (1) by inserting “, or the operation of a marine terminal in the United States” after “in the fisheries of the United States”;

(2) in subparagraph (2) by inserting “or cargo handling equipment” after “agreement vessels”; and

(3) in subparagraph (3) by inserting “or cargo handling equipment” after both instances of “agreement vessel”.

(e) Qualified Withdrawals.—Section 53509 of the title 46, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) In General.—Subject to subsections (b) and (c), a withdrawal from a capital construction fund is a qualified withdrawal if it is made under the terms of the agreement and is for—

“(1) the acquisition, construction, or reconstruction of—

“(A) a qualified vessel or a barge or container that is part of the complement of a qualified vessel; or
“(B) cargo handling equipment; or

“(2) the payment of the principal on indebtedness incurred in the acquisition, construction, or reconstruction of—

“(A) a qualified vessel or a barge or container that is part of the complement of a qualified vessel; or

“(B) cargo handling equipment.”;

(2) by redesignating subsection (c) as subsection (e); and

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

“(c) FULLY AUTOMATED CARGO HANDLING EQUIPMENT.—No withdrawals may be made from a capital construction fund to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary determines such equipment would result in a net loss of jobs within a marine terminal.

“(d) PROHIBITION ON PRC CRANES.—No withdrawals may be made from a capital construction fund to purchase cranes manufactured in the People’s Republic of China.”.
(f) Treatment of Qualified Withdrawals and Basis of Property.—Section 53510 of title 46, United States Code, is amended——

(1) in subsection (b) by inserting “cargo handling equipment,” after both instances of “barge,”;

(2) in subsection (c) by inserting “cargo handling equipment,” after both instances of “barge,”; and

(3) in subsection (d) by inserting “cargo handling equipment,” after “barges,”.

(g) FIFO and LIFO Withdrawals.—Section 53512 of title 46, United States Code, is amended by inserting “cargo handling equipment,” after “advanced”.

(h) Cargo Handling Equipment Availability.—

The Secretary shall annually publish in the Federal Register a request for information regarding the availability of cargo handling equipment manufactured in the United States and shall share the results of such request for information with capital construction fund holders.