

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MR. EZELL OF MISSISSIPPI

At the end of title XXXV, add the following:

1 **SEC. 35__ . CAPITAL CONSTRUCTION FUNDS AMEND-**
2 **MENTS.**

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

6 (1) by redesignating—

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

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

12 (2) by inserting after subsection (1), the fol-
13 lowing:

14 “(2) CARGO HANDLING EQUIPMENT.—The term
15 ‘cargo handling equipment’ means any vehicle or
16 land-based equipment, and the associated marine
17 terminal or port landside infrastructure, used at a
18 marine terminal to lift or move cargo—

1 “(A) manufactured in the United States;

2 or

3 “(B) manufactured outside of the United
4 States, if such equipment is not produced in the
5 United States in sufficient and reasonably
6 available quantities or of a satisfactory quality
7 as determined by the marine terminal oper-
8 ator.”; and

9 (3) by inserting after subsection (4), as redesign-
10 nated by paragraph (1), the following:

11 “(5) MARINE TERMINAL.—The term ‘marine
12 terminal’ means wharves, bulkheads, quays, piers,
13 docks and other berthing locations and adjacent
14 storage or adjacent areas and structures associated
15 with the primary movement of cargo or materials
16 from vessel to shore, or from shore to vessel, includ-
17 ing structures which are devoted to receiving, han-
18 dling, holding, consolidating, loading, or delivery of
19 waterborne shipments, including areas devoted to
20 the maintenance of the terminal or equipment.”.

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

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

1 “(a) IN GENERAL.—

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

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

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

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

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

19 “(2) replacement cargo handling equipment, ad-
20 ditional cargo handling equipment, or reconstructed
21 cargo handling equipment for operation at marine
22 terminals in the United States.”.

23 (c) DEPOSITS AND WITHDRAWALS.—Section
24 53504(b) of title 46, United States Code, is amended by

1 inserting “or United States marine terminal” after
2 “agreement vessel”.

3 (d) CEILING ON DEPOSITS.—Section 53505(a) of
4 title 46, United States Code, is amended—

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

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

10 (3) in subparagraph (3) by inserting “or cargo
11 handling equipment” after both instances of “agree-
12 ment vessel”.

13 (e) QUALIFIED WITHDRAWALS.—Section 53509 of
14 the title 46, United States Code, is amended—

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

17 “(a) IN GENERAL.—Subject to subsections (b) and
18 (c), a withdrawal from a capital construction fund is a
19 qualified withdrawal if it is made under the terms of the
20 agreement and is for—

21 “(1) the acquisition, construction, or recon-
22 struction of—

23 “(A) a qualified vessel or a barge or con-
24 tainer that is part of the complement of a quali-
25 fied vessel; or

1 “(B) cargo handling equipment; or

2 “(2) the payment of the principal on indebted-
3 ness incurred in the acquisition, construction, or re-
4 construction of—

5 “(A) a qualified vessel or a barge or con-
6 tainer that is part of the complement of a quali-
7 fied vessel; or

8 “(B) cargo handling equipment.”;

9 (2) by redesignating subsection (c) as sub-
10 section (e); and

11 (3) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) FULLY AUTOMATED CARGO HANDLING EQUIP-
14 MENT.—No withdrawals may be made from a capital con-
15 struction fund to purchase fully automated cargo handling
16 equipment that is remotely operated or remotely mon-
17 itored with or without the exercise of human intervention
18 or control, if the Secretary determines such equipment
19 would result in a net loss of jobs within a marine terminal.

20 “(d) PROHIBITION ON PRC CRANES.—No with-
21 draws may be made from a capital construction fund to
22 purchase cranes manufactured in the People’s Republic of
23 China.”.

1 (f) TREATMENT OF QUALIFIED WITHDRAWALS AND
2 BASIS OF PROPERTY.—Section 53510 of title 46, United
3 States Code, is amended—

4 (1) in subsection (b) by inserting “cargo han-
5 dling equipment,” after both instances of “barge,”;

6 (2) in subsection (c) by inserting “cargo han-
7 dling equipment,” after both instances of “barge,”;
8 and

9 (3) in subsection (d) by inserting “cargo han-
10 dling equipment,” after “barges,”.

11 (g) FIFO AND LIFO WITHDRAWALS.—Section
12 53512 of title 46, United States Code, is amended by in-
13 serting “cargo handling equipment,” after “advanced”.

14 (h) CARGO HANDLING EQUIPMENT AVAILABILITY.—
15 The Secretary shall annually publish in the Federal Reg-
16 ister a request for information regarding the availability
17 of cargo handling equipment manufactured in the United
18 States and shall share the results of such request for infor-
19 mation with capital construction fund holders.

