

**AMENDMENT TO RULES COMMITTEE PRINT 119–****8****OFFERED BY MR. EZELL OF MISSISSIPPI**

At the end of subtitle B of title XXXV, insert the following:

**1 SEC. 35\_\_\_\_. EXPANSION OF CAPITAL CONSTRUCTION**  
**2 FUNDS FOR REPLACEMENT OR PURCHASE OF**  
**3 CARGO HANDLING EQUIPMENT.**

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

**7 (1) by redesignating paragraphs (4), (5), (6),**  
**8 (7), (8), and (9), as paragraphs (6), (7), (8), (9),**  
**9 (10), and (11), respectively;**

**10 (2) by redesignating paragraphs (2) and (3), as**  
**11 paragraphs (3) and (4), respectively;**

**12 (3) by inserting after paragraph (1), the fol-**  
**13 lowing new paragraph (2):**

**14 “(2) CARGO HANDLING EQUIPMENT.—The term**  
**15 ‘cargo handling equipment’ means any vehicle or**  
**16 land-based equipment (excluding marine container**  
**17 chassis but including cargo handling equipment that**  
**18 emits less than 1 gram CO2/kWh), and the associ-**

1       ated marine terminal or port landside infrastructure,  
2       used at a marine terminal to lift or move cargo or  
3       transport passengers or waterfront workers—

4               “(A) manufactured in the United States  
5       (including any territory or possession of the  
6       United States); or

7               “(B) manufactured outside of the United  
8       States, if such equipment is not produced in the  
9       United States in sufficient and reasonably  
10      available quantities or of a satisfactory quality  
11      as determined by the Secretary.”;

12      (4) by inserting after paragraph (4), as redesign-  
13      nated by paragraph (2) of this section, the following  
14      new paragraph (5):

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

1 (5) by amending paragraph (8), as redesignated  
2 by paragraph (1) of this section, to read as follows:

3 “(8) SECRETARY.—The term ‘Secretary’  
4 means—

5 “(A) the Secretary of Commerce with re-  
6 spect to an eligible vessel or qualified vessel op-  
7 erated or to be operated in the fisheries of the  
8 United States or cargo handling equipment that  
9 supports the loading and unloading of commer-  
10 cially harvested fish and fish products; and

11 “(B) the Secretary of Transportation with  
12 respect to other vessels or all other cargo han-  
13 dling equipment not included in subparagraph  
14 (A).”.

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

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

20 “(a) IN GENERAL.—(1) A citizen of the United  
21 States owning or leasing an eligible vessel may make an  
22 agreement with the Secretary under this chapter to estab-  
23 lish a capital construction fund for the vessel.

24 “(2) An operator of a United States marine terminal  
25 may make an agreement with the Secretary under this

1 chapter to establish a capital construction fund for the  
2 marine terminal.”; and

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

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

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

12 “(2) replacement cargo handling equipment, ad-  
13 ditional cargo handling equipment, or reconstructed  
14 cargo handling equipment for operation at marine  
15 terminals in the United States.”.

16 (c) DEPOSITS AND WITHDRAWALS.—Section  
17 53504(b) of title 46, United States Code, is amended by  
18 inserting “or United States marine terminal” after  
19 “agreement vessel”.

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

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

1           (2) in subparagraph (2) by inserting “or cargo  
2       handling equipment” after “agreement vessels”; and  
3           (3) in subparagraph (3) by inserting “or cargo  
4       handling equipment” after both instances of “agree-  
5       ment vessel”.

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

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

10       “(a) IN GENERAL.—Subject to subsections (b) and  
11       (c), a withdrawal from a capital construction fund is a  
12       qualified withdrawal if it is made under the terms of the  
13       agreement and is for—

14           “(1) the acquisition, construction, or recon-  
15       struction of—

16               “(A) a qualified vessel or a barge or con-  
17       tainer that is part of the complement of a quali-  
18       fied vessel; or

19               “(B) cargo handling equipment; or

20           “(2) the payment of the principal on indebted-  
21       ness incurred in the acquisition, construction, or re-  
22       construction 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.”;

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

4 (3) by inserting after subsection (b) the fol-  
5 lowing:

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

13 “(d) PROHIBITION ON NON-ALLIED NATION CRANES  
14 AND EQUIPMENT.—No withdrawals may be made from a  
15 capital construction fund to purchase cranes or other  
16 equipment manufactured in a covered nation (as such  
17 term is defined in section 4872(d)(2) of title 10, United  
18 States Code).”.

19 (f) TREATMENT OF QUALIFIED WITHDRAWALS AND  
20 BASIS OF PROPERTY.—Section 53510 of title 46, United  
21 States Code, is amended—

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

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

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

6       (g) FIFO AND LIFO WITHDRAWALS.—Section  
7   53512 of title 46, United States Code, is amended by add-  
8   ing “cargo handling equipment,” after “advanced”.

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

