

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2
OFFERED BY MISS GONZÁLEZ-COLÓN OF PUERTO
RICO**

Page 778, strike lines 1 through 19, and insert the following:

1 **SEC. 5502. PORT PERFORMANCE FREIGHT STATISTICS PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Chapter 63 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 6315. Port performance freight statistics program**

7 “(a) IN GENERAL.—The Director shall establish, on
8 behalf of the Secretary, a port performance statistics pro-
9 gram to provide nationally consistent measures of per-
10 formance of—

11 “(1) the Nation’s top 25 ports by tonnage;

12 “(2) the Nation’s top 25 ports by 20-foot equiv-
13 alent unit; and

14 “(3) the Nation’s top 25 ports by dry bulk.

15 “(b) ANNUAL REPORTS.—

16 “(1) PORT CAPACITY AND THROUGHPUT.—Not
17 later than January 15 of each year, the Director

1 shall submit an annual report to Congress that in-
2 cludes statistics on capacity and throughput at the
3 ports described in subsection (a).

4 “(2) PORT PERFORMANCE MEASURES.—The
5 Director shall collect monthly port performance
6 measures for each of the United States ports re-
7 ferred to in subsection (a) that receives Federal as-
8 sistance or is subject to Federal regulation to submit
9 an annual report to the Bureau of Transportation
10 Statistics that includes monthly statistics on capac-
11 ity and throughput as applicable to the specific con-
12 figuration of the port, including—

13 “(A) the total capacity of inbound and out-
14 bound cargo, including containers, break bulk,
15 vehicles, and dry and liquid bulk;

16 “(B) the total volume of inbound and out-
17 bound cargo, including containers, break bulk,
18 vehicles, and dry and liquid bulk;

19 “(C) the average number of lifts per hour
20 of containers by crane;

21 “(D) the average vessel turn time by vessel
22 type;

23 “(E) the average cargo or container dwell
24 time;

25 “(F) port storage capacity and utilization;

1 “(G) the average truck time at ports;

2 “(H) the average rail time at ports; and

3 “(I) any additional metrics, as determined
4 by the Director after receiving recommenda-
5 tions from the working group established under
6 subsection (c).

7 “(c) RECOMMENDATIONS.—

8 “(1) IN GENERAL.—The Director shall obtain
9 recommendations for—

10 “(A) specifications and data measurements
11 for the port performance measures listed in
12 subsection (b)(2);

13 “(B) additionally needed data elements for
14 measuring port performance; and

15 “(C) a process for the Department of
16 Transportation to collect timely and consistent
17 data, including identifying safeguards to protect
18 proprietary information described in subsection
19 (b)(2).

20 “(2) WORKING GROUP.—Not later than 60 days
21 after the date of enactment of this section, the Di-
22 rector shall commission a working group composed
23 of—

24 “(A) operating administrations of the De-
25 partment of Transportation;

- 1 “(B) the Coast Guard;
- 2 “(C) the Federal Maritime Commission;
- 3 “(D) U.S. Customs and Border Protection;
- 4 “(E) the Marine Transportation System
5 National Advisory Council;
- 6 “(F) the Army Corps of Engineers;
- 7 “(G) the Saint Lawrence Seaway Develop-
8 ment Corporation;
- 9 “(H) the Advisory Committee on Supply
10 Chain Competitiveness;
- 11 “(I) 1 representative from the rail indus-
12 try;
- 13 “(J) 1 representative from the trucking in-
14 dustry;
- 15 “(K) 1 representative from the port man-
16 agement industry;
- 17 “(L) 1 representative from the maritime
18 shipping industry;
- 19 “(M) 1 representative from the maritime
20 labor industry;
- 21 “(N) representatives of the National
22 Freight Advisory Committee of the Depart-
23 ment; and
- 24 “(O) representatives of the Transportation
25 Research Board of the National Academies.

1 monthly thereafter until a new agreement is agreed to, the
2 Secretary of Transportation, in consultation with the Sec-
3 retary of Commerce and the Secretary of Labor, shall sub-
4 mit a report to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of Rep-
7 resentatives that includes port performance indicators at
8 the affected port. If multiple ports are affected by the ex-
9 piration of the maritime labor agreement, the Secretary
10 of Transportation shall submit a report for each affected
11 port.

12 (b) CONTENTS.—Each report required under sub-
13 section (a) shall include, for the affected port during the
14 previous month—

15 (1) the performance indicators listed under sec-
16 tion 6314(b)(2) of title 49, United States Code;

17 (2) the number and type of vessels awaiting
18 berthing, including average wait time;

19 (3) the number of cancelled vessel calls;

20 (4) an estimate of the economic impact associ-
21 ated with any delays both at the port and across the
22 national economy;

23 (5) an estimate of the amount of time required
24 to clear any congestion;

1 (6) the average number of positions ordered
2 and filled; and

3 (7) any other factors that might have created
4 delays, including weather, equipment maintenance or
5 failures, or infrastructure development or repair.

6 (c) EFFECTIVE PERIOD.—The Secretary of Trans-
7 portation, in consultation with the Secretary of Commerce
8 and the Secretary of Labor, shall submit a report required
9 under subsection (a) for an affected port until the date
10 on which a new maritime labor agreement that applies to
11 the facilities of the port is agreed to by all of the parties
12 to that maritime labor agreement.

13 (d) DEFINITION OF MARITIME LABOR AGREE-
14 MENT.—In this section, the term “maritime labor agree-
15 ment” has the meaning given such term in section 40102
16 of title 46, United States Code.

