These are the minutes of the regular meeting of the Port Authority Advisory Committee (the Committee) held on June 16, 2020 via conference call due to COVID-19 restrictions place on meetings in person. The meeting was called to order at 9:07 a.m. by acting Chair Chris Fisher with the following committee members present:

Port Authority Advisory Committee:

Chris Fisher                     Acting Chair - Port of Beaumont
Roger Guenther                  Houston Port Authority
Ron Mills                       Port of Port Mansfield
Larry Kelley                    Port of Port Arthur
Walker Smith                    Port of Harlingen
Alan Ritter                     Speaker of the House Appointee
Phyllis Saathoff                Chair - Port Freeport Absent
Michael Plank                   Lt. Governor Appointee Absent
Sean Strawbridge                Port of Corpus Christi Absent

A public notice of this meeting containing all items on the proposed agenda was filed in the Office of the Secretary of State at 8:05 a.m. on June 3, 2020 as required by Government Code, Chapter 551, referred to as “The Open Meetings Act.”

ITEM 1. Call to order.
Phyllis Saathoff, chairperson, Port Freeport, was unable to attend the meeting and appointed Chris Fisher, Port of Beaumont, as acting chair.
The Port Authority Advisory Committee Meeting was called to order by the acting chairperson, Chris Fisher, at approximately 9:07 a.m.

ITEM 2. Introduction of committee members and TxDOT staff.
Chris Fisher, acting Chair, asked committee members, TxDOT and guests to introduce themselves.

ITEM 3. Approval of the March 20, 2020 meeting minutes. (Action).
Ron Mills, Port of Port Mansfield, made a motion that the meeting minutes be accepted with a second by Larry Kelley, Port of Port Arthur, and the committee approved the minutes of the March 20, 2020 meeting by a vote of 6-0.

ITEM 4. Update on the Rider 38 project list.
Stephanie Cribbs, TxDOT Maritime Division, presented information on the projects for the Rider 38 grant which was approved by the Texas Transportation Commission on May 28, 2020. The Committee was informed that the Advance Funding Agreements will soon be released by TxDOT’s Office of General Council and they will be sent to the TxDOT district offices. Mrs. Cribbs informed the Committee that, with the Rider 38 project award, it brings the total amount of money issued to ports for access improvement right under $100MIL. See attached for presentation.
ITEM 5. Approval of the budget request for the Ship Channel Improvement Revolving Fund. (Action)

Chris Fisher, acting Chair, opened the discussion regarding the budget request for the Ship Channel Improvement Revolving Fund. Mr. Fisher stated that the total amount was for $1,692,518,256 and asked the Committee their thoughts on the amount of the request, should the request stay at the total ask or should they discuss lowering the amount of the request. After a short discussion, a motion was made by Larry Kelley, Port of Port Arthur, to accept the full amount of the request and submit the number to TxDOT. Roger Guenther, Port Houston, second the motion and the motion passed 6-0. See attached for presentation.


Patricia Hasan, TxDOT Maritime Division along with TxDOT commissioned consultant AECOM presented an update on the Port Mission Plan. No comments were provided by the Committee See attached for presentation.

ITEM 7. Approval of the budget request for the 2021-2022 Port Capital Program. (Action)

Chris Fisher, acting Chair, opened the discussion regarding the budget request for the 2021-2022 Port Capital Program. Mr. Fisher stated that the total amount was for $1,035,896,442.

Larry Kelley started the discussion stating that his opinion was to keep the request at the full request. This would show the state Legislature the need of the ports, to show how much each port is contributing to maintaining and/or improving their port. Roger Guenther agreed with Mr. Kelley and added that the Port Capital Program has not been funded thus far but it would send a clear message that the ports needs are increasing every year.

Chris Fisher asked if some of the projects should be cut to bring the total amount of the ask down or should any funds be requested at all due to the current economic situation caused by COVID-19. After a short discussion, the Committee felt the entire ask should be submitted. The common reason being that the Port Capital Program has not been funded yet and this ask, like the Ship Channel Improvement Revolving Fund, will show the growing need of the ports.

A motion was made by Ron Mills, Port of Port Mansfield, to accept the budget request at the full ask price. Larry Kelley second the motion and the motion was passed by a vote of 6-0. See attached for presentation.

ITEM 8. Public comment

Melanie Alvord, TxDOT Federal Affairs, reported on the Maritime Reauthorization Act of 2020, maritime issues that included the House INVEST in America Act, and the failed amendment to reform distribution of Harbor Maintenance Trust Fund Revenue. See attached presentation. See attached for presentation.

Roger Guenther stated that the Texas Ports Association will be hosting to discuss their legislative agenda for the upcoming session.

Larry Kelley stated he would like to thank TxDOT Maritime Division for all their efforts and hard work on all the programs that the Committee is presented.

Stephanie Cribbs stated that the next meeting will have an agenda item of nominating/re-nominating a new chairperson.
ITEM 9. Adjourn. (Action)

With no further business, a motion by Larry Kelley was made to adjourn the meeting and second by Roger Guenther. The motion passed 6-0. The meeting was adjourned by Chris Fisher, acting chair, at 10:49 a.m.

APPROVED:

[Signature]

Chris Fisher, Acting Chairperson
Port Authority Advisory Committee
Rider Grant Program

Maritime Division
### TxDOT Rider Grant Program

<table>
<thead>
<tr>
<th>Rider 48</th>
<th>Rider 45</th>
<th>Rider 38</th>
<th>Total Port Contribution to Rider Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port</td>
<td>State</td>
<td>Port</td>
<td>State</td>
</tr>
<tr>
<td>Orange</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
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<tr>
<td>Port Arthur</td>
<td>$ 737,500.00</td>
<td>$ 1,237,500.00</td>
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<tr>
<td>Sabine Port Authority</td>
<td>$ -</td>
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<tr>
<td>Beaumont</td>
<td>$ 61,179.80</td>
<td>$ 550,618.00</td>
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<tr>
<td>Galveston</td>
<td>$ 272,118.00</td>
<td>$ 1,088,471.00</td>
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<tr>
<td>Houston</td>
<td>$ 2,547,763.00</td>
<td>$ 10,191,049.58</td>
<td>$ 3,225,000.00</td>
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<tr>
<td>Freeport</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
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<tr>
<td>Palacios</td>
<td>$ -</td>
<td>$ 2,323,731.00</td>
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<tr>
<td>Calhoun Navigation</td>
<td>$ 7,600.00</td>
<td>$ 69,362.00</td>
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<tr>
<td>West Calhoun</td>
<td>$ -</td>
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<td>Victoria</td>
<td>$ 952,223.00</td>
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<td>Corpus Christi</td>
<td>$ 1,675,000.00</td>
<td>$ 1,675,000.00</td>
<td>$ 1,041,141.00</td>
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<td>Port Mansfield</td>
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<tr>
<td>Harlingen</td>
<td>$ -</td>
<td>$ -</td>
<td>$ 413,032.00</td>
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<tr>
<td>Port Isabel</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Brownsville</td>
<td>$ -</td>
<td>$ -</td>
<td>$ 900,000.00</td>
</tr>
</tbody>
</table>

**TOTALS:**
- Rider 48: $6,253,383.80
- Rider 45: $19,992,399.58
- Rider 38: $9,259,777.00
- State: $42,328,097.00
- Port: $25,274,605.57
- State: $40,000,000.00
- Rider Program: $40,787,766.37

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**Total Rider Contributions:**
- Ports: $40,787,766.37
- State: $102,320,496.58

*Indicates state-level jobs*
## Contents

1. **2022-2023 Port Mission Plan Overview**  
   Page 3

2. **Port Capital Investment Report**  
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3. **Ship Channel Report**  
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4. **Port Connectivity Report**  
   Page 9-11

5. **Legislative Update**  
   Page 12

6. **Next Steps**  
   Page 13
PORT MISSION PLAN

Connectivity
*Port Connectivity Report*

Port Facilities
*Port Capital Investment Report*

Ship Channel Improvement
*Ship Channel Report*
Port Capital Investment Report

- 2022-2023 Project Inventory
  - 31 total eligible projects
- 8 participating ports including:
  - Calhoun Port Authority
  - Port of Beaumont
  - Port of Brownsville
  - Port of Corpus Christi
  - Port Freeport
  - Port of Galveston
  - Port of Orange
  - Port of Port Arthur

- Thank you to the participating ports, it is a wonderful selection of projects!
2022-2023 PCP Project Submissions

- 31 submissions including 30 capital projects and 1 study
- Ports submitted 1-10 applications each
- 7 submissions were repeats from the 2020-2021 PCP

### Port Funding Requested by Project Type

- **Port Facilities**
  - 26 Projects
  - $510M
- **Transportation**
  - 0 Projects
  - $0M
- **Waterways**
  - 5 Projects
  - 1 Study (0.4%)
  - $526M

Total: $1.04B
Port Capital Investment Report Project Scoring

- **Project Impact Categories**
  - Economic Impact
  - Operational Impact
  - Enhanced Connectivity
  - Safe Secure Operations
  - Other Benefits

- **Scoring Process**
  - AECOM (engineering consultant) prepared Project Write-Ups for each submission for scoring
  - Projects scored by three independent professional engineers with extensive maritime experience
  - Projects will be evaluated on two Project Impact Categories, selected by the submitting port, with a maximum score of 10 points per impact category (total maximum score of 20 points per project)
### Authorized Projects:

<table>
<thead>
<tr>
<th>Non-Federal Sponsor</th>
<th>Project</th>
<th>Total Cost</th>
<th>Federal / NFS Share</th>
<th>Federal Allocations</th>
<th>NFS Funding Identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sabine-Neches Navigation District</td>
<td>Sabine-Neches Waterway Channel Improvement</td>
<td>$1,400,000,000</td>
<td>60%/40%</td>
<td>$34,620,000</td>
<td>$</td>
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<tr>
<td>Cedar Bayou Navigation District</td>
<td>Cedar Bayou Channel Improvement</td>
<td>$52,800,000</td>
<td>90%/10%</td>
<td>$41,730,000</td>
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<td>Port Freeport Navigation District</td>
<td>Freeport Harbor Channel Improvement</td>
<td>$324,590,000</td>
<td>60%/40%</td>
<td>$19,000,000</td>
<td>$130,000,000</td>
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<tr>
<td>Port of Corpus Christi Authority</td>
<td>Corpus Christi Ship Channel Improvement Project</td>
<td>$651,085,000</td>
<td>61%/39%</td>
<td>$148,048,000</td>
<td>$140,958,000</td>
</tr>
<tr>
<td>Brownsville Navigation District</td>
<td>Brazos Island Harbor Channel Improvement</td>
<td>$301,952,000</td>
<td>75%/25%</td>
<td>$</td>
<td>$</td>
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</table>

### Feasibility Studies:

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<thead>
<tr>
<th>Non-Federal Sponsor</th>
<th>Project</th>
<th>Status</th>
<th>Total Cost</th>
<th>Federal / NFS Share</th>
<th>Federal Allocations</th>
<th>NFS Funding Identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Port of Houston Authority</td>
<td>Houston Ship Channel Expansion Channel Improvement Feasibility Study</td>
<td>Signed Chief’s Report</td>
<td>$876,848,000</td>
<td>53%/47%</td>
<td>$1,130,000</td>
<td>$27,307,822</td>
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<tr>
<td>Calhoun Port Authority</td>
<td>Matagorda Ship Channel Improvement Feasibility Study</td>
<td>Signed Chief’s Report</td>
<td>$218,325,000</td>
<td>64%/36%</td>
<td>$</td>
<td>-</td>
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<tr>
<td>Port of Corpus Christi Authority</td>
<td>Corpus Christi Ship Channel Deepening Feasibility Study</td>
<td>Study Ongoing</td>
<td>$525,000,000</td>
<td>0%/100%</td>
<td>$</td>
<td>$7,300,000</td>
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</table>

<table>
<thead>
<tr>
<th>Total Cost</th>
<th>Federal Allocations</th>
<th>NFS Funding Identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4,350,600,000</td>
<td>$244,528,000</td>
<td>$305,565,822</td>
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Overarching goal remains to capitalize the Ship Channel Improvement Revolving Fund (SCIRF) and Loan Program

**PAAC Action:** Recommend a funding request for the SCIRF
- Previous request was $450M
- Discussion and approval of budget request will take place after this Presentation
Port Connectivity Report

- A Broader Approach for 2022
  - Balances technical analyses with Port-identified issues
  - Seeks longer term outlook to account for changing markets and expectations for Port development
  - Outlines regional intermodal connectivity issues and opportunities as well as local opportunities
Port Connectivity Report

- Connectivity Needs Analysis
  - Technical Analysis
    - Focused on major changes in roadway and rail systems since last iteration of PMP
    - Identify key deficiencies in structures, safety, congestion, land use conflicts
    - Highlighting network locations with significant problems affecting freight transport
  - Port Interviews
    - Changing markets and implications for connectivity
    - Growth and port development planning
    - Common issues among ports in each district
Connectivity Solutions Development and Evaluation
- Solutions developed to directly address the Ports’ most pressing issues
- Ports have provided many potential projects
- Evaluated for effectiveness and feasibility
- Solutions to be packaged to provide success in securing diverse funding
Updated Legislative Documents
- Key takeaways for Port Mission Plan
  - PCP Funding Request
  - SCIRF Funding Request
- Significance of Texas ports system

Annual Trade by Region:

- South & Central America: $60.2 B (Exports: $37.6 B, Imports: $22.6 B)
- Europe: $46.5 B (Exports: $22.1 B, Imports: $24.4 B)
- Africa: $9.6 B (Exports: $6.1 B, Imports: $3.5 B)
- Asia: $94.4 B (Exports: $80.4 B, Imports: $61.0 B)
- Australia & Oceania: $1.7 B (Exports: $1.3 B, Imports: $0.4 B)

$247.6 billion in trade value overall annually*
$120.7 billion in exports and $126.9 billion in imports

*Values in dollars for annual combined waterborne import and export trade value for Texas averaged from 2013 to 2017.
## Anticipated PMP Timeline and Next Steps

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<tr>
<td>2022-2023 Port Mission Plan and Executive Summary</td>
<td></td>
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<tr>
<td>Port Capital Investment Report</td>
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<tr>
<td>Port Connectivity Report</td>
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<tr>
<td>Ship Channel Improvement Report</td>
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<tr>
<td>Submit to Transportation Commission</td>
<td></td>
<td></td>
<td></td>
<td>9/4/20</td>
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<tr>
<td>Submit to Governor, Lieutenant Governor, and Speaker of the House</td>
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<td>12/31/20</td>
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<tr>
<td>Start of 87th Legislative Session</td>
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<td>1/12/21</td>
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</table>
1. **Maritime Reauthorization Act of 2020**
   - Annual reauthorization bill.
   - Becomes part of the annual defense authorization bill on the Senate floor.
   - Includes a change we requested through Senator Cruz to amend the America’s Marine Highway (Short-sea Shipping) Grant Program.
     - One of the first things our Maritime Division took when it was stood up by TxDOT was getting the GIWW-Texas designated as M-69—the first requirement to apply for these funds.
     - Unfortunately, despite the M-69 designation, most of the traffic traveling along M-69 remains ineligible for these funds because they are statutorily limited to cargo containers.
     - We sought a change to the definition of “short sea transportation” to include other types of commodity packaging—this is included in the bill as introduced.
     - This change will provide Texas enterprises the opportunity to apply through this grant program for the seed money to need to start new waterborne transportation options.
2. Maritime Issues Included in the House INVEST in America Act (surface transportation reauthorization)

- **Sec. 1301. Projects of National and Regional Significance**
  - Establishes a Projects of National and Regional Significance grant program for large surface transportation projects,
  - Includes “inside-the-gates” projects.
  - Must make a significant improvement to the movement of freight on the National Highway System.
  - Minimum grant amount is $25 million.

- **Sec. 5502. Repeal of section 6314 of title 49, United States Code**
  - Repeals the Port Performance Freight Statistics Program

- **Sec. 6003 - National multimodal freight network**
  - Amends the National Multimodal Freight Network to include ports that have a total annual cargo value of at least $1 billion. Previously, inclusion was based upon tonnage.
  - We believe ports that would be excluded by this change are Port of Brownsville, Port of Victoria, and the Calhoun Port Authority.
3. Amendment Filed to Reform the Distribution of Harbor Maintenance Trust Fund Revenue

- Senate amendment intended to be offered to the America Waterway Infrastructure Act (AWIA) 2020, commonly known as WRDA.
- Sponsored by Senators Murray (D-WA), Stabenow (D-MI), Durbin (D-IL), and Feinstein (D-CA)
- CARES Act already took HMTF revenues off-budget.
- AAPA is advocating for this as the next step, “The port industry has agreed on a fair and equitable framework that provides full use of the HMT by the Corps.”
- The prior year’s HMT revenues would be appropriated to the Corps.
- **Donor Ports:** receive 10% set-aside and provides for the expansion of in-water uses in addition to traditional HMTF uses.
- **Energy Transfer Ports:** receive a 5% set-aside to ensure the availability of energy imports and exports through these ports.
- **Emerging Ports:** not less than 12% for ports that transit less than 1 million tons of cargo annually.
- **Great Lakes Navigation System:** not less than 12%.
- Is this something AAPA has made you aware of? Do any of the ports on the line disagree with this proposal?
§2238. Authorization of appropriations
Expenditure of receipts from Harbor Maintenance Trust Fund

(a) Definitions
In this section:

“(1) Cargo container.—The term ‘cargo container’ means a cargo container that is 1 Twenty-foot Equivalent Unit.”;

(2) Constructed width and depth
The term “constructed width and depth” means the width and depth to which a project has been constructed, which may not exceed the authorized width and depth of the project.

“(3) Discretionary cargo.—The term ‘discretionary cargo’ means maritime cargo for which the United States port of unloading is different than the United States port of entry.

“(4) Donor port.—

“(A) In general.—The term ‘donor port’ means a port—

“(i) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

“(ii) at which, on an average annual basis for the previous 3 fiscal years, the total amount of harbor maintenance taxes collected, including domestic cargo and cruise passenger estimates, was not less than $15,000,000;

“(iii) that, on an annual average basis for the previous 5 fiscal years, received less than 25 percent of the total amount of harbor maintenance taxes collected at that port; and

“(iv) that is located in a State in which, on an average annual basis for the previous 3 fiscal years, more than 2,000,000 cargo containers were unloaded from or loaded onto vessels.

“(B) Calculation.—For the purpose of calculating the percentage described in subparagraph (A)(iii), payments described in subsection (d)(4)(B)(i) shall not be included.”;

(25) Emerging harbor project
The term “emerging harbor project” means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) that transits less than 1,000,000 tons of cargo annually.
“(6) **Energy Commodity.**—The term ‘energy commodity’ includes—

“(A) petroleum products;
“(B) natural gas;
“(C) coal;
“(D) wind and solar energy components; and
“(E) biofuels.

“(7) **Energy Transfer Port.**—The term ‘energy transfer port’ means a port—

“(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);
“(B) through which, on an average annual basis for the previous 3 fiscal years, more than 40,000,000 tons of cargo were transported; and
“(C) at which, on an average annual basis for the previous 3 fiscal years, energy commodities comprised greater than 25 percent of all commercial activity by tonnage.”;

(38) Expanded uses
The term "expanded uses" means the following activities:
(A) The maintenance dredging of a berth in a harbor that is accessible to a Federal navigation project and that benefits commercial navigation at the harbor.
(B) The maintenance dredging and disposal of legacy-contaminated sediment, and sediment unsuitable for open water disposal, if-
   (i) such dredging and disposal benefits commercial navigation at the harbor; and
   (ii) such sediment is located in and affects the maintenance of a Federal navigation project or is located in a berth that is accessible to a Federal navigation project.
(C) An in-water improvement, if the improvement—
   (i) benefits commercial navigation at the applicable harbor; and
   (ii) is located in, or adjacent to, a berth that is accessible to a Federal navigation project.
(D) An activity to maintain or improve slope stability at a berth in a harbor that is accessible to a Federal navigation project, if the activity benefits commercial navigation at the harbor.”;

(49) Great Lakes Navigation System
The term "Great Lakes Navigation System" includes-
(A)(i) Lake Superior;
(ii) Lake Huron;
(iii) Lake Michigan;
(iv) Lake Erie; and
(v) Lake Ontario;
(B) all connecting waters between the lakes referred to in subparagraph (A) used for commercial navigation;
(C) any navigation features in the lakes referred to in subparagraph (A) or waters described in subparagraph (B) that are a Federal operation or maintenance responsibility; and

(D) areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

(510) Harbor maintenance tax

The term "harbor maintenance tax" means the amounts collected under section 4461 of title 26.

“(11) HARBOR MAINTENANCE TRUST FUND.—The term ‘Harbor Maintenance Trust Fund’ means the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.”;

(612) High-use harbor project

The term "high-use harbor project" means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) subsection (b)(1)(B) that transits not less than 10,000,000 tons of cargo annually.

“(13) MEDIUM-SIZED DONOR PORT.—

“(A) IN GENERAL.—The term ‘medium-sized donor port’ means a port—

“(i) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

“(ii) at which, on an annual average basis for the previous 3 fiscal years, the total amount of harbor maintenance taxes collected, including domestic cargo and cruise passenger estimates, was more than $5,000,000, but less than $15,000,000;

“(iii) that, on an average annual basis for the previous 5 fiscal years, received less than 25 percent of the total amount of harbor maintenance taxes collected at that port; and

“(iv) that is located in a State in which, on an average annual basis for the previous 3 fiscal years, more than 2,000,000 cargo containers were unloaded from or loaded onto vessels.

“(B) CALCULATION.—For the purpose of calculating the percentage described in subparagraph (A)(iii), payments described in subsection (d)(4)(B)(i) shall not be included.”;

(714) Moderate-use harbor project

The term "moderate-use harbor project" means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2) subsection (b)(1)(B) that transits annually-

(A) more than 1,000,000 tons of cargo; but

(B) less than 10,000,000 tons of cargo.

(8) Priority funds

The term "priority funds" means the difference between-

(A) the total funds that are made available under this section to pay the costs described in subsection (a)(2) for a fiscal year; and
(B) the total funds made available under this section to pay the costs described in subsection (a)(2) in fiscal year 2012.

(9) Underserved harbor project

(A) In general

The term "underserved harbor project" means a project that is assigned to a harbor or inland harbor referred to in subsection (a)(2)-

(i) that is a moderate-use harbor project or an emerging harbor project;

(ii) that has been maintained at less than the constructed width and depth of the project during each of the preceding 6 fiscal years; and

(iii) for which State and local investments in infrastructure have been made at those projects during the preceding 6 fiscal years.

(B) Administration

For purposes of this paragraph, State and local investments in infrastructure shall include infrastructure investments made using amounts made available for activities under section 5305(a)(9) of title 42.

(ab) Trust fund

There are (1) IN GENERAL.—There are authorized to be appropriated out of the Harbor Maintenance Trust Fund, established by section 9505 of title 26, for each fiscal year such sums as may be necessary to pay-

(4A) 100 percent of the eligible operations and maintenance costs of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation for such fiscal year; and

(2B) up to 100 percent of the eligible operations and maintenance costs assigned to commercial navigation of all harbors and inland harbors within the United States.; and

“(C) up to 100 percent of the eligible costs to donor ports, medium-sized donor ports, and energy transfer ports, in accordance with this section.”

“(2) LIMITATIONS.—

“(A) ENERGY TRANSFER PORTS.—The amounts available under this subsection for energy transfer ports shall be divided equally among all States that contain an energy transfer port.

“(B) DONOR PORTS AND MEDIUM-SIZED DONOR PORTS.—Of the amounts available under this subsection for donor ports and medium-sized donor ports—

“(i) 50 percent shall be equally divided among eligible donor ports, in accordance with this section; and

“(ii) 50 percent shall be divided between eligible donor ports and medium-sized donor ports based on the percentage of the total harbor maintenance tax revenues generated at each eligible donor port and medium-sized donor port.

“(C) GREAT LAKES NAVIGATION SYSTEM.—Of the amounts available under this subsection, the Secretary shall use not less than 12 percent for projects that are located within the Great Lakes Navigation System.

“(D) EMERGING HARBORS.—Of the amounts available under this subsection,
(E) **Allocation.**—

“(i) **In general.**—Amounts provided to a port under this subsection shall be available to the port as—

“(I) a donor port;

“(II) a medium-sized donor port; or

“(III) an energy transfer port.

“(ii) **Treatment.**—No port may receive amounts made available under this subsection for more than 1 designation described in clause (i).”;

(b) **General fund**

There are authorized to be appropriated out of the general fund of the Treasury of the United States for each fiscal year such sums as may be necessary to pay the balance of all eligible operations and maintenance costs not provided by payments from the Harbor Maintenance Trust Fund under this section.

(c) **Operation and maintenance of harbor projects**

“(d) **Use of Funds.**—

“(1) **Allocations.**—The Secretary

(1) In general

To the maximum extent practicable, the Secretary shall make expenditures to pay for operation and maintenance costs of the harbors and inland harbors referred to in subsection (a)(2), including expenditures of funds appropriated from the Harbor Maintenance Trust Fund, subsection (b)(1)(B) based on an equitable allocation of funds among all such harbors and inland harbors.

(2) **Criteria**

(A) In general

In determining an equitable allocation of funds under paragraph (1), the Secretary shall—

(i) consider the information obtained in the assessment conducted under subsection (e);

(ii) consider the national and regional significance of harbor operations and maintenance; and

(iii) as appropriate, consider national security and military readiness needs.

(B) Limitation

The Secretary shall not allocate funds under paragraph (1) based solely on the tonnage transiting through a harbor.

(3) **Emerging harbor projects**

Notwithstanding any other provision of this subsection, in making expenditures under paragraph (1) for each fiscal year, the Secretary shall allocate for operation and maintenance costs of emerging harbor projects an amount that is not less than 10 percent of the funds made available under this section for fiscal year 2012 to pay the costs described in subsection (a)(2):

“(4) **Donor ports and energy transfer ports.**—

“(A) In general.—Subject to subparagraph (B), the Secretary shall use amounts in
the Harbor Maintenance Trust Fund to pay the costs described in subsection (b)(1)(C), in accordance with the applicable allocations under paragraph (5).

“(B) USE OF FUNDS.—The amounts provided under this paragraph may be used at a donor port, a medium-sized donor port, or an energy transfer port—

“(i) to provide payments to importers entering cargo through that port, as calculated by the Secretary according to the value of discretionary cargo and in accordance with subparagraph (C);

“(ii) for expanded uses; or

“(iii) for environmental remediation related to dredging berths and Federal navigation channels.

“(C) ADMINISTRATION OF PAYMENTS.—

“(i) IN GENERAL.—If a donor port, medium-sized donor port, or energy transfer port elects to provide payments to importers pursuant to subparagraph (B)(i), the Secretary shall transfer to the Commissioner of U.S. Customs and Border Protection those payments that would otherwise be provided to the port under this paragraph to provide payments to the importers of discretionary cargo that is—

“(I) shipped through the port; and

“(II) most at risk of diversion to seaports outside the United States.

“(ii) REQUIREMENT.—The Secretary, in consultation with a port electing to provide payments pursuant to subparagraph (B)(i), shall determine the top importers at the port, as ranked by the value of discretionary cargo, and payments shall be limited to those top importers.

“(5) SPENDING BY ANNUAL HMTF RECEIPTS.—For each fiscal year, the amounts provided to carry out subparagraphs (B) and (C) of subsection (b)(1) shall be distributed in accordance with the following:

“(A) 85 percent shall be used in accordance with subsection (b)(1)(B); and

“(B) 15 percent shall be used in accordance with subsection (b)(1)(C), of which—

“(i) not less than 5 percent shall be provided to energy transfer ports in accordance with subsection (b)(2)(A); and

“(ii) not less than 10 percent shall be provided to donor ports and medium-sized donor ports in accordance with subsection (b)(2)(B).”

(46) Management of Great Lakes Navigation System

To sustain effective and efficient operation and maintenance of the Great Lakes Navigation System, including any navigation feature in the Great Lakes that is a Federal responsibility with respect to operation and maintenance, the Secretary shall manage all of the individually authorized projects in the Great Lakes Navigation System as components of a single, comprehensive system, recognizing the interdependence of the projects.

(d) Prioritization

(1) Priority

(A) In general
For each fiscal year, if priority funds are available, the Secretary shall use at least 10 percent of such funds for emerging harbor projects.

(B) Additional considerations
For each fiscal year, of the priority funds available, the Secretary shall use-
(i) not less than 5 percent of such funds for underserved harbor projects; and
(ii) not less than 10 percent of such funds for projects that are located within the Great Lakes Navigation System.

(C) Underserved harbors
In determining which underserved harbor projects shall receive funds under this paragraph, the Secretary shall consider-
(i) the total quantity of commerce supported by the water body on which the project is located; and
(ii) the minimum width and depth that-
(I) would be necessary at the underserved harbor project to provide sufficient clearance for fully loaded commercial vessels using the underserved harbor project to maneuver safely; and
(II) does not exceed the constructed width and depth of the authorized navigation project.

(2) Expanded uses

(A) Definition of eligible harbor or inland harbor defined
In this paragraph, the term "eligible harbor or inland harbor" means a harbor or inland harbor at which the total amount of harbor maintenance taxes collected in the immediately preceding 3 fiscal years exceeds the value of the work carried out for the harbor or inland harbor using amounts from the Harbor Maintenance Trust Fund during those 3 fiscal years.

(B) Use of expanded uses funds
(i) Fiscal years 2015 through 2024
For each of fiscal years 2015 through 2024, of the priority funds available, the Secretary shall use not less than 10 percent of such funds for expanded uses carried out at an eligible harbor or inland harbor.

(ii) Subsequent fiscal years
For fiscal year 2025 and each fiscal year thereafter, the Secretary shall use not less than 10 percent of the priority funds available for expanded uses carried out at an eligible harbor or inland harbor.

(C) Prioritization
In allocating funds under this paragraph, the Secretary shall give priority to projects at eligible harbors or inland harbors for which the difference, calculated in dollars, is greatest between-
(i) the total amount of funding made available for projects at that eligible harbor or inland harbor from the Harbor Maintenance Trust Fund in the immediately preceding 3 fiscal years; and
(ii) the total amount of harbor maintenance taxes collected at that harbor or inland harbor in the immediately preceding 3 fiscal years.

(3) Remaining funds

(A) In general
For each of fiscal years 2015 through 2024, if after fully funding all projects eligible for funding under paragraphs (1)(B) and (2)(B)(i), priority funds made available under those paragraphs remain unobligated, the Secretary shall use those remaining funds to pay for operation and maintenance costs of any harbor or inland harbor referred to in subsection (a)(2) based on an equitable allocation of those funds among the harbors and inland harbors.

(B) Criteria
In determining an equitable allocation of funds under subparagraph (A), the Secretary shall-
(i) use the criteria specified in subsection (c)(2)(A); and
(ii) make amounts available in accordance with the requirements of paragraph (1)(A).

(4) Emergency expenditures
Nothing in this subsection prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if-
(A) the Secretary determines that the action is necessary to address the navigation needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and
(B) the Secretary provides within 90 days of the action notice and information on the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

(e) Assessment of harbors and inland harbors
(1) In general
Not later than 270 days after June 10, 2014, and biennially thereafter, the Secretary shall assess, and issue a report to Congress on, the operation and maintenance needs and uses of the harbors and inland harbors referred to in subsection (a)(2).

(2) Assessment of harbor needs and activities
(A) Total operation and maintenance needs of harbors
In carrying out paragraph (1), the Secretary shall identify-
(i) the total future costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2); and
(ii) the total expected costs for expanded uses at eligible harbors or inland harbors referred to in subsection (d)(2).

(B) Uses of harbors and inland harbors
In carrying out paragraph (1), the Secretary shall identify current uses (and, to the extent practicable, assess the national, regional, and local benefits of such uses) of harbors and inland harbors referred to in subsection (a)(2), including the use of those harbors for-
(i) commercial navigation, including the movement of goods;
(ii) domestic trade;
(iii) international trade;
(iv) commercial fishing;
(v) subsistence, including use by Indian tribes (as defined in section 5304 of title 25) for subsistence and ceremonial purposes;
(vi) use as a harbor of refuge;
(vii) transportation of persons;
(viii) purposes relating to domestic energy production, including the fabrication, servicing, or supply of domestic offshore energy production facilities;
(ix) activities of the Secretary of the department in which the Coast Guard is operating;
(x) activities of the Secretary of the Navy;
(xi) public health and safety related equipment for responding to coastal and inland emergencies;
(xii) recreation purposes; and
(xiii) other authorized purposes.

(C) Opportunities for beneficial use of dredged materials

In carrying out paragraph (1), the Secretary shall identify potential opportunities for the beneficial use of dredged materials obtained from harbors and inland harbors referred to in subsection (a)(2), including projects eligible under section 1122 of the Water Resources Development Act of 2016 (130 Stat. 1645; 33 U.S.C. 2326 note).

(3) Report to Congress

(A) In general

For fiscal year 2016, and biennially thereafter, in conjunction with the President's annual budget submission to Congress under section 1105(a) of title 31, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that, with respect to harbors and inland harbors referred to in subsection (a)(2)—

(i) identifies the operation and maintenance costs associated with the harbors and inland harbors, including those costs required to achieve and maintain the constructed width and depth for the harbors and inland harbors and the costs for expanded uses at eligible harbors and inland harbors, on a project-by-project basis;
(ii) identifies the amount of funding requested in the President's budget for the operation and maintenance costs associated with the harbors and inland harbors, on a project-by-project basis;
(iii) identifies the unmet operation and maintenance needs associated with the harbors and inland harbors, on a project-by-project basis; and
(iv) identifies the harbors and inland harbors for which the President will allocate funding over the subsequent 5 fiscal years for operation and maintenance activities, on a project-by-project basis, including the amounts to be allocated for such purposes.

(B) Additional requirement

In the first report submitted under subparagraph (A) following December 16, 2016, the Secretary shall identify, to the maximum extent practicable, transportation cost savings realized by achieving and maintaining the constructed width and depth for the harbors and inland harbors referred to in subsection (a)(2), on a project-by-project basis.

(C) Public availability

The Secretary shall make the report submitted under subparagraph (A) available to the public, including on the Internet.

“(e) Emergency Expenditures.—Nothing in this section prohibits the Secretary from making an expenditure to pay for the operation and maintenance costs of a specific harbor or inland harbor, including the transfer of funding from the operation and maintenance of a separate project, if—

“(1) the Secretary determines that the action is necessary to address the navigation
needs of a harbor or inland harbor where safe navigation has been severely restricted due to an unforeseen event; and

“(2) the Secretary provides, by not later than 90 days after the date of the action, a notice and information regarding the need for the action to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

“(f) Additional Reports.—At the request of the Committee on Environment and Public Works or the Committee on Appropriations of the Senate, or the Committee on Transportation and Infrastructure or the Committee on Appropriations of the House of Representatives, the Secretary shall submit to the Committee an update in the form of testimony and any additional reports regarding the allocation of funding under this section.”

“(g) Adjustments to Discretionary Spending Limits.—Amounts made available from the Harbor Maintenance Trust Fund under this section or section 9505 of the Internal Revenue Code of 1986 shall be made available in accordance with section 14003 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).”
§2238c. Additional measures at donor ports and energy transfer ports

(a) Definitions

In this section:

(1) Cargo container

The term "cargo container" means a cargo container that is 1 Twenty-foot Equivalent Unit.

(2) Discretionary cargo

The term "discretionary cargo" means maritime cargo for which the United States port of unloading is different than the United States port of entry.

(3) Donor port

(A) In general

The term "donor port" means a port-

(i) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);

(ii) at which the total amount of harbor maintenance taxes collected comprise not less than $15,000,000 annually of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of title 26;

(iii) that received less than 25 percent of the total amount of harbor maintenance taxes collected at that port in the previous 5 fiscal years; and

(iv) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded on to vessels in fiscal year 2012.

(B) Calculation

For the purpose of calculating the percentage described in subparagraph (A)(iii), payments described under subsection (c)(1) shall not be included.

(4) Energy commodity

The term "energy commodity" includes-

(A) petroleum products;

(B) natural gas;

(C) coal;

(D) wind and solar energy components; and

(E) biofuels.

(5) Energy transfer port

The term "energy transfer port" means a port-

(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or any successor regulation); and

(B)(i) at which energy commodities comprised greater than 25 percent of all commercial activity by tonnage in fiscal year 2012; and

(ii) through which more than 40,000,000 tons of cargo were transported in fiscal year 2012.
(6) Expanded uses
The term "expanded uses" has the meaning given the term in section 2238(f) of this title.

(7) Harbor maintenance tax
The term "harbor maintenance tax" has the meaning given the term in section 2238(f) of this title.

(8) Medium-sized donor port
The term "medium-sized donor port" means a port-
(A) that is subject to the harbor maintenance fee under section 24.24 of title 19, Code of Federal Regulations (or a successor regulation);
(B) at which the total amount of harbor maintenance taxes collected comprise annually more than $5,000,000 but less than $15,000,000 of the total funding of the Harbor Maintenance Trust Fund established under section 9505 of title 26;
(C) that received less than 25 percent of the total amount of harbor maintenance taxes collected at that port in the previous 5 fiscal years; and
(D) that is located in a State in which more than 2,000,000 cargo containers were unloaded from or loaded onto vessels in fiscal year 2012.

(b) Authority
(1) In general
Subject to the availability of appropriations, the Secretary may provide to donor ports, medium-sized donor ports, and energy transfer ports amounts in accordance with this section.

(2) Limitations
Amounts provided under this section-
(A) for energy transfer ports shall be divided equally among all States with an energy transfer port;
(B) shall be made available to a port as either a donor port, medium-sized donor port, or an energy transfer port, and no port may receive amounts from more than 1 designation; and
(C) for donor ports and medium-sized donor ports-
   (i) 50 percent of the funds shall be equally divided between the eligible donor ports as authorized by this section; and
   (ii) 50 percent of the funds shall be divided between the eligible donor ports and eligible medium-sized donor ports based on the percentage of the total harbor maintenance tax revenues generated at each eligible donor port and medium-sized donor port.

(c) Use of funds
Amounts provided under this section may be used by a donor port, a medium-sized donor port, or an energy transfer port-
(1) to provide payments to importers entering cargo through that port, as calculated by the Secretary according to the value of discretionary cargo;
(2) for expanded uses; or
(3) for environmental remediation related to dredging berths and Federal navigation channels.

(d) Administration of payments
(1) In general
If a donor port, a medium-sized donor port, or an energy transfer port elects to provide payments to importers under subsection (c), the Secretary shall transfer to the Commissioner of U.S. Customs and Border Protection an amount equal to those payments that would otherwise be provided to the port under this section to provide the payments to the importers of the discretionary cargo that is—

(A) shipped through the port; and
(B) most at risk of diversion to seaports outside of the United States.

(2) Requirement
The Secretary, in consultation with a port electing to provide payments under subsection (c), shall determine the top importers at the port, as ranked by the value of discretionary cargo, and payments shall be limited to those top importers.

(e) Report to Congress

(1) In general
Not later than 18 months after June 10, 2014, the Secretary shall assess the impact of the authority provided by this section and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the results of that assessment, including any recommendations for amending or reauthorizing the authority.

(2) Factors
In carrying out the assessment under paragraph (1), the Secretary shall assess—

(A) the impact of the amounts provided and used under this section on those ports that received funds under this section; and
(B) any impact on domestic harbors and ports that did not receive funds under this section.

(f) Authorization of appropriations

(1) In general
There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2015 through 2020.

(2) Division between donor ports, medium-sized donor ports, and energy transfer ports
For each fiscal year, amounts made available to carry out this section shall be provided in equal amounts to—

(A) donor ports and medium-sized donor ports; and
(B) energy transfer ports.

(3) Additional appropriations
If the target total budget resources under subparagraphs (A) through (D) of section 2238b(b)(1) of this title are met for each of fiscal years 2016 through 2020, there is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2021 through 2025.

(g) Savings clause
Nothing in this section waives any statutory requirement related to the transportation of merchandise as authorized under chapter 551 of title 46.
After years of underutilizing Harbor Maintenance Tax (HMT) collections, a comprehensive solution that dedicates full use of the annual revenues to the U.S. Army Corps of Engineers (Corps) will result in the long-term sustainability of our nation’s harbor maintenance needs.

The port industry has agreed on a fair and equitable framework that provides full use of the HMT by the Corps, ensures year-to-year funding sustainability and assures the most efficient use of collected harbor maintenance funds. Under this plan, the prior year’s HMT revenues would be appropriated to the Corps.

FOR U.S. PORTS, MAINTENANCE IS THE HIGHEST PRIORITY.

This plan will restore and fully maintain the nation’s water highways using existing revenues. It has four pillars: (1) Full use of HMT; (2) Donor and Energy (D&ET) Port spending expansion; and minimum floors for both (3) Emerging Harbors and (4) the Great Lakes.

✓ Pillar 1: Full use of the HMT. Thanks to the leadership of Senator Shelby the CARES Act enacted a budget cap adjustment allowing for any discretionary Corps appropriation derived from the Harbor Maintenance Trust Fund (not to exceed the total amount of deposited in the trust fund during the prior fiscal year) to be outside of any budget cap limitation. This will allow Congress to fully fund the HMT on an annual basis.

➢ Pillar 2: Donor and Energy (D&ET) Port spending expansion.
   ▪ Donor Ports: Imports through Donor Ports (established in WRRDA 2014) generated 51% of national HMT revenues in 2019. The legislative proposal provides for a set-aside of 10% and provides for the expansion of in-water uses in addition to traditional HMTF uses.
   ▪ Energy Transfer Ports: Congress established (in WRRDA 2014) energy transfer qualification criteria for key energy ports to receive additional funding for specific expanded uses in support of commercial navigation. The legislative proposal provides for a 5% set-aside to ensure the availability of energy imports and exports through these ports.

➢ Pillar 3: Minimum funding floor for Emerging Harbors. The legislative proposal provides for a funding floor of not less than 12% for Emerging Harbors — those ports that transit less than 1 million tons of cargo annually.

➢ Pillar 4: Minimum Funding floor for the Great Lakes. The legislative proposal provides for a funding floor of not less than 12% for the Great Lakes Navigation System.

JOIN US IN ENACTING THE REMAINING THREE PILLARS IN WRDA 2020, and FIX THE HMTF FOR AMERICA’S PORTS.
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**TOTALS** $2,045,396,591 $1,035,896,442
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Port Funding Requested by Project Type

**Port Facilities**
- 24 Projects
- $436M

**Waterways**
- 3 Projects
- 1 Study (0.2%)
  - $456M

**Transportation**
- 0 Projects
- $0M

**Total**
- $891M
### Ship Channel Improvement Project Costs

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<th>Non-Federal Sponsor (NFS)</th>
<th>Project</th>
<th>Total Cost</th>
<th>Federal Cost</th>
<th>Federal Share</th>
<th>NFS Cost</th>
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<td>Sabine-Neches Navigation District</td>
<td>Sabine-Neches Waterway Channel Improvement</td>
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<td>Freeport Harbor Channel Improvement</td>
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<td>Corpus Christi Ship Channel Improvement</td>
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