Revised #3
- 2nd revision

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2830 OFFERED BY MS. BORDALLO OF GUAM

At the end of title IV, add the following (and conform the table of contents accordingly):

1 **SEC. 430. PORT OF GUAM IMPROVEMENT ENTERPRISE PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—The Secretary of Transportation,
4 acting through the Administrator of the Maritime Admin-
5 istration (in this section referred to as the "Adminis-
6 trator"), may establish a Port of Guam Improvement En-
7 terprise Program (in this section referred to as the "Pro-
8 gram") to provide for the planning, design, and construc-
9 tion of projects for the Port of Guam to improve facilities,
10 relieve port congestion, and provide greater access to port
11 facilities.

12 (b) AUTHORITIES OF THE ADMINISTRATOR.—In car-
13 rying out the Program, the Administrator may—

14 (1) receive funds provided for the Program
15 from non-Federal entities, including private entities,
16 that have entered into a specific contract or agree-
17 ment with the Administrator;

1 (2) provide for coordination among appropriate
2 governmental agencies to expedite the review process
3 under the National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.) for projects carried
5 out under the Program;
6 (3) provide for coordination among appropriate
7 governmental agencies in connection with other re-
8 views and requirements applicable to projects carried
9 out under the Program;
10 (4) provide technical assistance to the Port Au-
11 thority of Guam (and its agents) as needed for
12 projects carried out under the Program; and
13 (5) encourage partnerships between public and
14 private entities for the development and financial
15 support of projects carried out under the Program,
16 to the extent that the Administrator considers nec-
17 essary and in accordance with the guidelines estab-
18 lished in a memorandum of understanding between
19 the Government of Guam and the Administrator.
20 (c) INTERMODAL SURFACE FREIGHT TRANSFER FA-
21 CILITY ELIGIBILITY.—Notwithstanding any other provi-
22 sion of law, an intermodal or marine facility comprising
23 a component of the Program is deemed to be eligible to
24 be an intermodal surface freight transfer facility for the

1 purposes of section 601(8)(D) of title 23, United States
2 Code.
3 (d) PORT OF GUAM IMPROVEMENT ENTERPRISE
4 FUND.—
5 (1) ESTABLISHMENT.—There is established in
6 the Treasury of the United States a separate ac-
7 count to be known as the "Port of Guam Improve-
8 ment Enterprise Fund" (in this section referred to
9 as the "Fund").
10 (2) DEPOSITS.—There shall be deposited into
11 the Fund—
12 (A) amounts received by the Administrator
13 from non-Federal sources under subsection
14 (b)(1);
15 (B) amounts transferred to the Adminis-
16 trator under subsection (e); and
17 (C) amounts appropriated to carry out this
18 section under subsection (f).
19 (3) USE OF AMOUNTS.—Amounts in the Fund
20 shall be available to the Administrator to carry out
21 the Program.
22 (4) ADMINISTRATIVE EXPENSES.—Not to ex-
23 ceed 3 percent of the amounts appropriated to the
24 Fund for a fiscal year may be used for administra-
25 tive expenses of the Administrator.

1 (5) AVAILABILITY OF AMOUNTS.—Amounts in
2 the Fund shall remain available until expended.
3 (e) TRANSFERS OF AMOUNTS.—Amounts appro-
4 priated or otherwise made available for any fiscal year for
5 an intermodal or marine facility comprising a component
6 of the Program shall be transferred to and administered
7 by the Administrator.
8 (f) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to the Fund such sums
10 as may be necessary to carry out this section.