

108TH CONGRESS  
2D SESSION

# H. R. 3712

To improve seaport security.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2004

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To improve seaport security.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Seaport  
5 Multiyear Security Enhancement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Nation’s 361 seaports are considered a  
9 major terrorist target. Al Qaeda has strong ties to  
10 the shipping industry and one of the aims of this  
11 terrorist network is to weaken the economic security  
12 of our country.

1           (2) The Nation’s coastline is our longest border,  
2           which is a 95,000-mile coast that includes the Great  
3           Lakes and inland waterways.

4           (3) Protecting America’s seaports is critical to  
5           the Nation’s economic growth and vitality. Seaports  
6           handle 95 percent of our Nation’s overseas trade by  
7           volume, support the mobilization and deployment of  
8           the Armed Forces, and serve as transit points for  
9           millions of cruise and ferry passengers.

10          (4) Maritime industries contribute  
11          \$742,000,000,000 per year to our Gross National  
12          Product.

13          (5) The United States Coast Guard has issued  
14          final regulations that call for an immediate and  
15          long-term investment in the security of our seaports.

16          (6) According to the United States Coast  
17          Guard, implementing these regulations will cost  
18          \$1,125,000,000 in the first year and \$5,450,000,000  
19          over 10 years.

20          (7) Given the Nation’s economic dependence on  
21          our seaports and our ongoing national security con-  
22          cerns, seaport security funding and the need for  
23          Federal support for the Nation’s security should be  
24          ongoing.

1           (8) Given the enormity of the seaport capital  
2 infrastructure projects, Congress needs to establish  
3 a multi-year seaport grant program that resembles  
4 the Letter of Intent measures established in the  
5 aviation security program.

6           (9) The continuing security and economic needs  
7 that face the Nation and our seaports should be rec-  
8 ognized by the implementation of this Act.

9 **SEC. 3. SEAPORT SECURITY IMPROVEMENT PROJECTS.**

10       (a) GRANT AUTHORITY.—Subject to the require-  
11 ments of this section, the Secretary of Homeland Security  
12 may make grants to seaports to enhance security.

13       (b) APPLICATIONS.—A seaport seeking a grant under  
14 this section shall submit to the Secretary an application  
15 in such form and containing such information as the Sec-  
16 retary prescribes.

17       (c) GRANT AWARDS.—

18           (1) IN GENERAL.—The Secretary, after con-  
19 sultation with the Secretary of Transportation, may  
20 approve an application of a seaport for a grant  
21 under this section only if the Secretary determines  
22 that the project will improve security at a seaport or  
23 improve the efficiency of the seaport without less-  
24 ening security.

1           (2) PRIORITY.—The Secretary shall give pri-  
2           ority in awarding grants under this section to sea-  
3           ports that the Secretary considers will impact or en-  
4           hance the Nation’s seaport security.

5           (d) MATCHING REQUIREMENTS.—

6           (1) 75-PERCENT FEDERAL FUNDING.—Except  
7           as provided in paragraph (2), Federal funds for any  
8           eligible project under this section shall not exceed 75  
9           percent of the total cost of such project.

10          (2) EXCEPTIONS.—

11           (A) SMALL PROJECTS.—A seaport with a  
12           project under subsection (a) that costs less than  
13           \$25,000 shall not be required to match Federal  
14           funds.

15           (B) HIGHER LEVEL OF SUPPORT RE-  
16           QUIRED.—If the Secretary determines that a  
17           proposed project merits support and cannot be  
18           undertaken without a higher rate of Federal  
19           support, the Secretary may approve grants  
20           under this section with a matching requirement  
21           other than that specified in paragraph (1).

22          (e) LETTERS OF INTENT.—

23           (1) ISSUANCE.—The Secretary may issue a let-  
24           ter of intent to a seaport committing to obligate  
25           from future budget authority an amount, not more

1 than the Federal Government's share of the project's  
2 cost, for a seaport security improvement project (in-  
3 cluding interest costs and costs of formulating the  
4 project).

5 (2) SCHEDULE.—A letter of intent under this  
6 subsection shall establish a schedule under which the  
7 Secretary will reimburse the seaport for the Govern-  
8 ment's share of the project's costs, as amounts be-  
9 come available, if the seaport, after the Secretary  
10 issues the letter, carries out the project without re-  
11 ceiving amounts under this section.

12 (3) NOTICE TO SECRETARY.—A seaport that  
13 has been issued a letter of intent under this sub-  
14 section shall notify the Secretary of the seaport's in-  
15 tent to carry out a project before the project begins.

16 (4) NOTICE TO CONGRESS.—The Secretary  
17 shall transmit to the Committees on Appropriations  
18 and Transportation and Infrastructure of the House  
19 of Representatives and the Committees on Appro-  
20 priations and Commerce, Science and Transpor-  
21 tation of the Senate a written notification at least 3  
22 days before the issuance of a letter of intent under  
23 this section.

24 (5) LIMITATIONS.—A letter of intent issued  
25 under this subsection is not an obligation of the

1 Government under section 1501 of title 31, and the  
2 letter is not deemed to be an administrative commit-  
3 ment for financing. An obligation or administrative  
4 commitment may be made only as amounts are pro-  
5 vided in authorization and appropriations laws.

6 (6) STATUTORY CONSTRUCTION.—Nothing in  
7 this subsection shall be construed to prohibit the ob-  
8 ligation of amounts pursuant to a letter of intent  
9 under this subsection in the same fiscal year as the  
10 letter of intent is issued.

11 (f) APPLICATION OF ADDITIONAL REQUIREMENTS.—  
12 The Secretary may require as a condition for issuance of  
13 a letter of intent such reasonable administrative require-  
14 ments as necessary to carry out the provisions of this Act.

15 (g) SECRETARY DEFINED.—Unless otherwise pro-  
16 vided, in this section, the term “Secretary” means the Sec-  
17 retary of Homeland Security.

18 (h) NOTIFICATION TO COMMITTEE.—The Secretary  
19 shall notify the appropriate committees of Congress when  
20 a grant is made under this section.

21 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to carry out this section  
23 \$800,000,000 for each of fiscal years 2005 through 2009.  
24 Such sums shall remain available until expended.

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