

109TH CONGRESS
1ST SESSION

H. R. 478

To improve seaport security.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Ms. MILLENDER-MCDONALD (for herself, Ms. HARMAN, Ms. CORRINE BROWN of Florida, Ms. BORDALLO, and Mr. NADLER) introduced the following bill; which was referred to the Committee on Homeland Security

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

1 terrorist network is to weaken the economic security
2 of our country.

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

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

12 (4) Maritime industries contribute
13 \$742,000,000,000 per year to our Gross National
14 Product.

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

18 (6) According to the United States Coast
19 Guard, implementing these regulations will cost
20 \$1,125,000,000 in the first year and \$5,450,000,000
21 over 10 years.

22 (7) Given the Nation's economic dependence on
23 our seaports and our ongoing national security con-
24 cerns, seaport security funding and the need for

1 Federal support for the Nation's security should be
2 ongoing.

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

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

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

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

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

19 (c) GRANT AWARDS.—

20 (1) IN GENERAL.—The Secretary, after con-
21 sultation with the Secretary of Transportation, may
22 approve an application of a seaport for a grant
23 under this section only if the Secretary determines
24 that the project will improve security at a seaport or

1 improve the efficiency of the seaport without less-
2 ening security.

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

7 (d) MATCHING REQUIREMENTS.—

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

12 (2) EXCEPTIONS.—

13 (A) SMALL PROJECTS.—A seaport with a
14 project under subsection (a) that costs less than
15 \$25,000 shall not be required to match Federal
16 funds.

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

24 (e) LETTERS OF INTENT.—

1 (1) ISSUANCE.—The Secretary may issue a let-
2 ter of intent to a seaport committing to obligate
3 from future budget authority an amount, not more
4 than the Federal Government’s share of the project’s
5 cost, for a seaport security improvement project (in-
6 cluding interest costs and costs of formulating the
7 project).

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

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

19 (4) NOTICE TO CONGRESS.—The Secretary
20 shall transmit to the Committees on Appropriations
21 and Transportation and Infrastructure of the House
22 of Representatives and the Committees on Appro-
23 priations and Commerce, Science and Transpor-
24 tation of the Senate a written notification at least 3

1 days before the issuance of a letter of intent under
2 this section.

3 (5) LIMITATIONS.—A letter of intent issued
4 under this subsection is not an obligation of the
5 Government under section 1501 of title 31, and the
6 letter is not deemed to be an administrative commit-
7 ment for financing. An obligation or administrative
8 commitment may be made only as amounts are pro-
9 vided in authorization and appropriations laws.

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

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

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

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

- 1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$800,000,000 for each of fiscal years 2006 through 2010.
4 Such sums shall remain available until expended.

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