

109TH CONGRESS  
1ST SESSION

# S. 855

To improve the security of the Nation's ports by providing Federal grants to support Area Maritime Transportation Security Plans and to address vulnerabilities in port areas identified in approved vulnerability assessments or by the Secretary of Homeland Security.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 20, 2005

Ms. COLLINS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

---

## A BILL

To improve the security of the Nation's ports by providing Federal grants to support Area Maritime Transportation Security Plans and to address vulnerabilities in port areas identified in approved vulnerability assessments or by the Secretary of Homeland 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 "Port Security Grants  
5 Act of 2005".

1 **SEC. 2. PORT SECURITY GRANT PROGRAM.**

2 (a) GRANTS AUTHORIZED.—The Secretary of Home-  
3 land Security (referred to in this Act as the “Secretary”),  
4 acting through the Office of State and Local Government  
5 Coordination and Preparedness, shall establish a grant  
6 program to fairly and equitably allocate Federal financial  
7 assistance—

8 (1) to help implement Area Maritime Transpor-  
9 tation Security Plans required under section  
10 70103(b) of title 46, United States Code;

11 (2) to correct port security vulnerabilities iden-  
12 tified through vulnerability assessments approved by  
13 the Secretary; or

14 (3) to non-Federal projects contributing to the  
15 overall security of an individual port or the system  
16 of ports in the United States, as determined by the  
17 Secretary.

18 (b) GRANT AWARDS.—In awarding grants under this  
19 Act, the Secretary shall—

20 (1) take into account national economic and  
21 strategic defense considerations of individual ports;  
22 and

23 (2) strongly encourage efforts to promote—

24 (A) integration of port wide security;

25 (B) information and intelligence sharing;

26 and

1 (C) joint efforts, such as joint harbor oper-  
2 ations centers between all port stakeholders.

3 (c) USE OF FUNDS.—Grants awarded under this sec-  
4 tion may be used—

5 (1) to help implement Area Maritime Transpor-  
6 tation Security Plans required under section  
7 70103(b) of title 46, United States Code;

8 (2) to correct port security vulnerabilities iden-  
9 tified through vulnerability assessments approved by  
10 the Secretary;

11 (3) for the salaries, benefits, overtime com-  
12 pensation, and other costs of additional security per-  
13 sonnel for State and local agencies for activities re-  
14 quired by the Area Maritime Security Plan for a  
15 port area if—

16 (A) the Secretary increases the threat level  
17 under the Homeland Security Advisory System  
18 to Code Orange or Code Red;

19 (B) the Commandant of the Coast Guard  
20 raises the Maritime Security level to MARSEC  
21 Level 2 or 3; or

22 (C) the Secretary otherwise authorizes  
23 such costs;

24 (4) for the cost of acquisition, operation, and  
25 maintenance of equipment that contributes to the

1 overall security of the port area, as identified in the  
2 Area Maritime Security Plan if the need is based  
3 upon vulnerability assessments approved by the Sec-  
4 retary or identified in the Area Maritime Security  
5 Plan;

6 (5) to develop joint harbor operations centers  
7 that bring together Federal, State, and local officials  
8 and stakeholders into a common operation center  
9 that is focused on port area security;

10 (6) to conduct vulnerability assessments ap-  
11 proved by the Secretary; and

12 (7) to conduct port wide exercises to strengthen  
13 emergency preparedness of Federal, State, and local  
14 officials responsible for port security, including law  
15 enforcement personnel, in support of the Area Mari-  
16 time Security Plan.

17 (d) PROHIBITED USES.—Grants awarded under this  
18 section may not be used to construct buildings or other  
19 physical facilities or to acquire land unless such use is spe-  
20 cifically approved by the Secretary in support of sub-  
21 section (c)(5).

22 (e) MATCHING REQUIREMENTS.—

23 (1) FEDERAL FUNDING.—Except as provided in  
24 paragraph (2), Federal funds for any eligible project

1 under this section shall not exceed 75 percent of the  
2 total cost of such project.

3 (2) EXCEPTIONS.—

4 (A) SMALL PROJECTS.—Paragraph (1)  
5 shall not apply to grants under this section for  
6 stand alone projects costing not more than  
7 \$25,000. The amount under this subparagraph  
8 shall be indexed to the consumer price index  
9 and modified each fiscal year after the annual  
10 publication of the consumer price index.

11 (B) REDUCTION IN MATCHING REQUIRE-  
12 MENT.—If the Secretary determines that a pro-  
13 posed project merits support and cannot be un-  
14 dertaken without a higher percentage of Fed-  
15 eral financial assistance, the Secretary may  
16 award a grant for such project with a lesser  
17 matching requirement than is described in  
18 paragraph (1).

19 (f) APPLICATION.—

20 (1) IN GENERAL.—The Secretary shall deter-  
21 mine who, as an eligible applicant, may submit an  
22 application, at such time, in such form, and con-  
23 taining such information and assurances as the Sec-  
24 retary, working through the Office of State and

1 Local Government Coordination and Preparedness,  
2 may require.

3 (2) MINIMUM STANDARDS FOR PAYMENT OR  
4 REIMBURSEMENT.—Each application submitted  
5 under paragraph (1) shall include—

6 (A) a comprehensive description of—

7 (i) the need for the project;

8 (ii) the methodology for coordinating  
9 the project into the security of the greater  
10 port area, as identified in the Area Mari-  
11 time Security Plan;

12 (iii) any existing cooperation agree-  
13 ments with other port facilities, vessels, or  
14 organizations that benefit security of the  
15 entire port; and

16 (iv) the applicability of the project to  
17 the Area Maritime Transportation Security  
18 Plan; and

19 (B) a determination by the Captain of the  
20 Port that the security project—

21 (i) addresses or corrects port security  
22 vulnerabilities identified by the Coast  
23 Guard, or through port security vulner-  
24 ability assessments approved by the Sec-  
25 retary; and

1                   (ii) helps to ensure compliance with  
2                   the Area Maritime Transportation Security  
3                   Plan.

4                   (3) PROCEDURAL SAFEGUARDS.—The Sec-  
5                   retary, in consultation with the Office of the Inspec-  
6                   tor General, shall issue guidelines to establish appro-  
7                   priate accounting, reporting, and review procedures  
8                   to ensure that—

9                   (A) grant funds are used for the purposes  
10                  for which they were made available;

11                  (B) grantees have properly accounted for  
12                  all expenditures of grant funds; and

13                  (C) grant funds not used for such purposes  
14                  and amounts not obligated or expended are re-  
15                  turned.

16                  (4) PROJECT APPROVAL REQUIRED.—The Sec-  
17                  retary may not award a grant under this section un-  
18                  less the Secretary determines that—

19                  (A) the project to be carried out with such  
20                  grant funding—

21                         (i) is consistent with vulnerability as-  
22                         sessments approved by the Secretary;

23                         (ii) supports cooperation or integra-  
24                         tion of Federal, State, local, and industry  
25                         stakeholders in the port area; and

1 (iii) helps to implement the Area Mar-  
2 itime Transportation Security Plan;

3 (B) sufficient funding is available to meet  
4 the matching requirement described under sub-  
5 section (d);

6 (C) the project will be completed without  
7 unreasonable delay; and

8 (D) the recipient has authority to carry  
9 out the proposed project.

10 (g) COORDINATION AND COOPERATION.—The Sec-  
11 retary—

12 (1) shall ensure that all projects that receive  
13 grant funding under this section within any area de-  
14 fined in an Area Maritime Transportation Security  
15 Plan are coordinated with other projects in such  
16 area; and

17 (2) may require cooperative agreements among  
18 users of the port and port facilities with respect to  
19 projects funded under this section.

20 (h) AUDITS AND EXAMINATIONS.—All grantees  
21 under this section shall maintain such records as the Sec-  
22 retary may require and make such records available for  
23 review and audit by the Secretary, the Comptroller Gen-  
24 eral of the United States, or the Inspector General of the  
25 Department of Homeland Security.

1 (i) REPORTS ON SECURITY FUNDING AND COMPLI-  
2 ANCE.—

3 (1) INITIAL REPORT.—Not later than 6 months  
4 after the date of enactment of this Act, the Sec-  
5 retary shall submit an unclassified report to the  
6 Committee on Homeland Security and Governmental  
7 Affairs of the Senate and the Select Committee on  
8 Homeland Security of the House of Representatives  
9 containing a proposal to implement the port security  
10 grant program for fiscal years 2007 through 2012.

11 (2) ANNUAL REPORTS.—Not later than 1 year  
12 after the submission of the report required by para-  
13 graph (1), and annually through October 1, 2013,  
14 the Secretary shall submit an unclassified report to  
15 the Committee on Homeland Security and Govern-  
16 mental Affairs of the Senate and the Select Com-  
17 mittee on Homeland Security of the House of Rep-  
18 resentatives, regarding the progress made in meeting  
19 the objectives described in subparagraphs (A) and  
20 (B) of paragraph (1), that—

21 (A) identifies any funding modifications  
22 necessary to meet the objectives described in  
23 such subparagraphs (A) and (B);

1 (B) includes an assessment of progress in  
2 implementing the grant program established  
3 under this Act; and

4 (C) includes any recommendations the Sec-  
5 retary may make to improve these programs.

6 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

7 (1) IN GENERAL.—There are authorized to be  
8 appropriated to the Secretary \$400,000,000 for each  
9 of the fiscal years 2007 through 2012 to carry out  
10 this Act.

11 (2) SOURCE OF FUNDS.—The amounts author-  
12 ized to be appropriated under paragraph (1) shall  
13 originate from duties collected by United States Cus-  
14 toms and Border Protection.

○