

108TH CONGRESS
2D SESSION

H. R. 4819

To provide funding for the operations and maintenance by the Corps of Engineers of essential waterways.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2004

Mr. JOHN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide funding for the operations and maintenance by the Corps of Engineers of essential waterways.

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 “Essential Waterways
5 Operations and Maintenance Act of 2004”.

6 **SEC. 2. ESSENTIAL WATERWAYS OPERATIONS AND MAINTENANCE.**
7

8 (a) IN GENERAL.—For each fiscal year, there shall
9 be available to the Secretary of the Army, acting through

1 the Chief of Engineers, for operations and maintenance
2 of essential waterways 5 percent of the amount of duties
3 collected during the preceding fiscal year on articles trans-
4 ported by vessel unladen for purposes of entering the cus-
5 toms territory of the United States.

6 (b) SELECTION CRITERIA FOR ESSENTIAL WATER-
7 WAYS.—For purposes of this section, an essential water-
8 way is a waterway that—

9 (1) the Secretary of the Army determines pro-
10 vides service to one of the 25 highest ranked United
11 States ports in terms of total tonnage of cargo
12 transported through the port;

13 (2) the Secretary of Energy, in consultation
14 with the Secretary of Homeland Security, deter-
15 mines is a critical component of the United States
16 energy infrastructure; and

17 (3)(A) the Secretary of Homeland Security de-
18 termines provides service to at least one militarily
19 and economically strategic port; or

20 (B) the Secretary of Transportation determines
21 provides service to at least one commercially stra-
22 tegic port.

23 (c) MAINTENANCE OF EFFORT.—Amounts made
24 available to the Secretary of the Army pursuant to sub-

1 section (a) are in addition to amounts otherwise made
2 available to the Secretary for operations and maintenance.

3 (d) DEFINITIONS.—For purposes of this section, the
4 following terms apply:

5 (1) CUSTOMS TERRITORY OF THE UNITED
6 STATES.—The term “customs territory of the United
7 States” has the meaning given that term in general
8 note 2 of the Harmonized Tariff Schedule of the
9 United States.

10 (2) VESSEL.—The term “vessel” has the mean-
11 ing given that term in section 401 of the Tariff Act
12 of 1930 (19 U.S.C. 1401).

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