

108TH CONGRESS  
2D SESSION

# S 2240

To improve seaport security.

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IN THE SENATE OF THE UNITED STATES

MARCH 25, 2004

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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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. SEAPORT SECURITY IMPROVEMENT PROJECTS.**

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

10 (b) APPLICATIONS.—A seaport seeking a grant under  
11 this section shall submit to the Secretary an application

1 in such form and containing such information as the Sec-  
2 retary prescribes.

3 (c) GRANT AWARDS.—

4 (1) IN GENERAL.—The Secretary, after con-  
5 sultation with the Secretary of Transportation, may  
6 approve an application of a seaport for a grant  
7 under this section only if the Secretary determines  
8 that the project will improve security at a seaport or  
9 improve the efficiency of the seaport without less-  
10 ening security.

11 (2) PRIORITY.—The Secretary shall give pri-  
12 ority in awarding grants under this section to sea-  
13 ports that the Secretary considers will impact or en-  
14 hance the Nation's seaport security.

15 (d) MATCHING REQUIREMENTS.—

16 (1) 75-PERCENT FEDERAL FUNDING.—Except  
17 as provided in paragraph (2), Federal funds for any  
18 eligible project under this section shall not exceed 75  
19 percent of the total cost of such project.

20 (2) EXCEPTIONS.—

21 (A) SMALL PROJECTS.—A seaport with a  
22 project under subsection (a) that costs less than  
23 \$25,000 shall not be required to match Federal  
24 funds.

1           (B) HIGHER LEVEL OF SUPPORT RE-  
2           QUIRED.—If the Secretary determines that a  
3           proposed project merits support and cannot be  
4           undertaken without a higher rate of Federal  
5           support, the Secretary may approve grants  
6           under this section with a matching requirement  
7           other than that specified in paragraph (1).

8           (e) LETTERS OF INTENT.—

9           (1) ISSUANCE.—The Secretary may issue a let-  
10          ter of intent to a seaport committing to obligate  
11          from future budget authority an amount, not more  
12          than the Federal Government's share of the project's  
13          cost, for a seaport security improvement project (in-  
14          cluding interest costs and costs of formulating the  
15          project).

16          (2) SCHEDULE.—A letter of intent under this  
17          subsection shall establish a schedule under which the  
18          Secretary will reimburse the seaport for the Govern-  
19          ment's share of the project's costs, as amounts be-  
20          come available, if the seaport, after the Secretary  
21          issues the letter, carries out the project without re-  
22          ceiving amounts under this section.

23          (3) NOTICE TO SECRETARY.—A seaport that  
24          has been issued a letter of intent under this sub-

1 section shall notify the Secretary of the seaport's in-  
2 tent to carry out a project before the project begins.

3 (4) NOTICE TO CONGRESS.—The Secretary  
4 shall transmit to the Committees on Appropriations  
5 and Transportation and Infrastructure of the House  
6 of Representatives and the Committees on Appro-  
7 priations and Commerce, Science and Transpor-  
8 tation of the Senate a written notification at least 3  
9 days before the issuance of a letter of intent under  
10 this section.

11 (5) LIMITATIONS.—A letter of intent issued  
12 under this subsection is not an obligation of the  
13 Government under section 1501 of title 31, and the  
14 letter is not deemed to be an administrative commit-  
15 ment for financing. An obligation or administrative  
16 commitment may be made only as amounts are pro-  
17 vided in authorization and appropriations laws.

18 (6) STATUTORY CONSTRUCTION.—Nothing in  
19 this subsection shall be construed to prohibit the ob-  
20 ligation of amounts pursuant to a letter of intent  
21 under this subsection in the same fiscal year as the  
22 letter of intent is issued.

23 (f) APPLICATION OF ADDITIONAL REQUIREMENTS.—  
24 The Secretary may require as a condition for issuance of

1 a letter of intent such reasonable administrative require-  
2 ments as necessary to carry out the provisions of this Act.

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

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

9 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to carry out this section  
11 \$800,000,000 for each of fiscal years 2005 through 2009.  
12 Such sums shall remain available until expended.

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