

Customs and Border Protection of the Department of Homeland Security.

**(5) Container**

The term “container” has the meaning given the term in the International Convention for Safe Containers, with annexes, done at Geneva, December 2, 1972 (29 UST 3707).

**(6) Container security device**

The term “container security device” means a device, or system, designed, at a minimum, to identify positively a container, to detect and record the unauthorized intrusion of a container, and to secure a container against tampering throughout the supply chain. Such a device, or system, shall have a low false alarm rate as determined by the Secretary.

**(7) Department**

The term “Department” means the Department of Homeland Security.

**(8) Examination**

The term “examination” means an inspection of cargo to detect the presence of misdeclared, restricted, or prohibited items that utilizes nonintrusive imaging and detection technology.

**(9) Inspection**

The term “inspection” means the comprehensive process used by the United States Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws. The process may include screening, conducting an examination, or conducting a search.

**(10) International supply chain**

The term “international supply chain” means the end-to-end process for shipping goods to or from the United States beginning at the point of origin (including manufacturer, supplier, or vendor) through a point of distribution to the destination.

**(11) Radiation detection equipment**

The term “radiation detection equipment” means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.

**(12) Scan**

The term “scan” means utilizing nonintrusive imaging equipment, radiation detection equipment, or both, to capture data, including images of a container.

**(13) Screening**

The term “screening” means a visual or automated review of information about goods, including manifest or entry documentation accompanying a shipment being imported into the United States, to determine the presence of misdeclared, restricted, or prohibited items and assess the level of threat posed by such cargo.

**(14) Search**

The term “search” means an intrusive examination in which a container is opened and

its contents are devanned and visually inspected for the presence of misdeclared, restricted, or prohibited items.

**(15) Secretary**

The term “Secretary” means the Secretary of Homeland Security.

**(16) Transportation disruption**

The term “transportation disruption” means any significant delay, interruption, or stoppage in the flow of trade caused by a natural disaster, heightened threat level, an act of terrorism, or any transportation security incident (as defined in section 70101(6)<sup>1</sup> of title 46).

**(17) Transportation security incident**

The term “transportation security incident” has the meaning given the term in section 70101(6)<sup>1</sup> of title 46.

(Pub. L. 109-347, § 2, Oct. 13, 2006, 120 Stat. 1886.)

**Editorial Notes**

**REFERENCES IN TEXT**

This Act, referred to in text, is Pub. L. 109-347, Oct. 13, 2006, 120 Stat. 1884, known as the Security and Accountability For Every Port Act of 2006 or the SAFE Port Act. For complete classification of this Act to the Code, see Tables.

Section 9503(c) of the Omnibus Budget Reconciliation Act of 1987, referred to in par. (2), is section 9503(c) of title IX of Pub. L. 100-203, which was set out as a note under section 2071 of Title 19, Customs Duties, prior to repeal by Pub. L. 114-125, title I, § 109(g)(1), Feb. 24, 2016, 130 Stat. 137. For establishment of successor committee, see section 4316(a) of Title 19.

Section 70101(6) of title 46, referred to in pars. (16) and (17), was redesignated section 70101(7) of title 46 by Pub. L. 115-254, div. J, § 1805(b)(1), Oct. 5, 2018, 132 Stat. 3534.

**Statutory Notes and Related Subsidiaries**

**SHORT TITLE**

Pub. L. 109-347, § 1(a), Oct. 13, 2006, 120 Stat. 1884, provided that: “This Act [see Tables for classification] may be cited as the ‘Security and Accountability For Every Port Act of 2006’ or the ‘SAFE Port Act’.”

**SUBCHAPTER I—SECURITY OF UNITED STATES SEAPORTS**

**PART A—PORT SECURITY GRANTS; TRAINING AND EXERCISE PROGRAMS**

**§ 911. Repealed. Pub. L. 111-281, title VIII, § 821(b), Oct. 15, 2010, 124 Stat. 3003**

Section, Pub. L. 109-347, title I, § 113, Oct. 13, 2006, 120 Stat. 1895, established the Port Security Training Program and its requirements.

**§ 912. Port Security Exercise Program**

**(a) In general**

The Secretary, acting through the Under Secretary for Preparedness and in coordination with the Commandant of the Coast Guard, shall establish a Port Security Exercise Program (referred to in this section as the “Exercise Program”) for the purpose of testing and evaluating the capabilities of Federal, State, local, and foreign governments, commercial seaport personnel and management, governmental and non-governmental emergency response providers, the

private sector, or any other organization or entity, as the Secretary determines to be appropriate, to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism, natural disasters, and other emergencies at facilities required to submit a plan under section 70103(c) of title 46.

**(b) Requirements**

The Secretary shall ensure that the Exercise Program—

(1) conducts, on a periodic basis, port security exercises at such facilities that are—

(A) scaled and tailored to the needs of each facility;

(B) live, in the case of the most at-risk facilities;

(C) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(D) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(E) evaluated against clear and consistent performance measures;

(F) assessed to learn best practices, which shall be shared with appropriate Federal, State, and local officials, commercial seaport personnel and management, governmental and nongovernmental emergency response providers, and the private sector; and

(G) followed by remedial action in response to lessons learned; and

(2) assists State and local governments and facilities in designing, implementing, and evaluating exercises that—

(A) conform to the requirements of paragraph (1); and

(B) are consistent with any applicable Area Maritime Transportation Security Plan and State or Urban Area Homeland Security Plan.

**(c) Improvement plan**

The Secretary shall establish a port security exercise improvement plan process to—

(1) identify and analyze each port security exercise for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the Exercise Program;

(3) monitor the implementation of lessons learned and best practices by participants in the Exercise Program; and

(4) conduct remedial action tracking and long-term trend analysis.

(Pub. L. 109-347, title I, §114, Oct. 13, 2006, 120 Stat. 1896.)

**§ 913. Facility exercise requirements**

The Secretary of the Department in which the Coast Guard is operating shall require each high risk facility to conduct live or full-scale exercises described in section 105.220(c) of title 33, Code of Federal Regulations, not less frequently than once every 2 years, in accordance with the

facility security plan required under section 70103(c) of title 46.

(Pub. L. 109-347, title I, §115, Oct. 13, 2006, 120 Stat. 1897.)

PART B—PORT OPERATIONS

**§ 921. Domestic radiation detection and imaging**

**(a) Scanning containers**

Subject to section 1318 of title 19, not later than December 31, 2007, all containers entering the United States through the 22 ports through which the greatest volume of containers enter the United States by vessel shall be scanned for radiation. To the extent practicable, the Secretary shall deploy next generation radiation detection technology.

**(b) Strategy**

The Secretary shall develop a strategy for the deployment of radiation detection capabilities that includes—

(1) a risk-based prioritization of ports of entry at which radiation detection equipment will be deployed;

(2) a proposed timeline of when radiation detection equipment will be deployed at each port of entry identified under paragraph (1);

(3) the type of equipment to be used at each port of entry identified under paragraph (1), including the joint deployment and utilization of radiation detection equipment and non-intrusive imaging equipment;

(4) standard operating procedures for examining containers with such equipment, including sensor alarming, networking, and communications and response protocols;

(5) operator training plans;

(6) an evaluation of the environmental health and safety impacts of nonintrusive imaging technology and a radiation risk reduction plan, in consultation with the Nuclear Regulatory Commission, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health, that seeks to minimize radiation exposure of workers and the public to levels as low as reasonably achievable;

(7) the policy of the Department for using nonintrusive imaging equipment in tandem with radiation detection equipment; and

(8) a classified annex that—

(A) details plans for covert testing; and

(B) outlines the risk-based prioritization of ports of entry identified under paragraph (1).

**(c) Standards**

The Secretary, acting through the Director for Domestic Nuclear Detection<sup>1</sup> and in collaboration with the National Institute of Standards and Technology, shall publish technical capability standards and recommended standard operating procedures for the use of nonintrusive imaging and radiation detection equipment in the United States. Such standards and procedures—

(1) should take into account relevant standards and procedures utilized by other Federal

<sup>1</sup> See Change of Name note below.

departments or agencies as well as those developed by international bodies; and

(2) shall not be designed so as to endorse specific companies or create sovereignty conflicts with participating countries.

**(d) Implementation**

Not later than 3 years after October 13, 2006, the Secretary shall fully implement the strategy developed under subsection (b).

**(e) Expansion to other United States ports of entry**

**(1) In general**

As soon as practicable after—

(A) implementation of the program for the examination of containers for radiation at ports of entry described in subsection (a); and

(B) submission of the strategy developed under subsection (b),

but not later than December 31, 2008, the Secretary shall expand the strategy developed under subsection (b), in a manner consistent with the requirements of subsection (b), to provide for the deployment of radiation detection capabilities at all other United States ports of entry not covered by the strategy developed under subsection (b).

**(2) Risk assessment**

In expanding the strategy under paragraph (1), the Secretary shall identify and assess the risks to those other ports of entry in order to determine what equipment and practices will best mitigate the risks.

**(f) Intermodal Rail Radiation Detection Test Center**

**(1) Establishment**

In accordance with subsection (b), and in order to comply with this section, the Secretary shall establish an Intermodal Rail Radiation Detection Test Center (referred to in this subsection as the “Test Center”).

**(2) Projects**

The Secretary shall conduct multiple, concurrent projects at the Test Center to rapidly identify and test concepts specific to the challenges posed by on-dock rail.

**(3) Location**

The Test Center shall be located within a public port facility at which a majority of the containerized cargo is directly laden from (or unladen to) on-dock, intermodal rail.

(Pub. L. 109-347, title I, § 121, Oct. 13, 2006, 120 Stat. 1898; Pub. L. 115-254, div. J, § 1816(b), Oct. 5, 2018, 132 Stat. 3541.)

**Editorial Notes**

**AMENDMENTS**

2018—Subsecs. (c) to (e). Pub. L. 115-254, § 1816(b)(1), (2), redesignated subsecs. (f) to (h) as (c) to (e), respectively, and struck out former subsecs. (c) to (e). Prior to amendment, subsecs. (c) to (e) read as follows:

“(c) **REPORT.**—Not later than 90 days after October 13, 2006, the Secretary shall submit the strategy developed under subsection (b) to the appropriate congressional committees.

“(d) **UPDATE.**—Not later than 180 days after the date of the submission of the report under subsection (c), the Secretary shall provide a more complete evaluation under subsection (b)(6).

“(e) **OTHER WEAPONS OF MASS DESTRUCTION THREATS.**—Not later than 180 days after October 13, 2006, the Secretary shall submit to the appropriate congressional committees a report on the feasibility of, and a strategy for, the development of equipment to detect and prevent shielded nuclear and radiological threat material and chemical, biological, and other weapons of mass destruction from entering the United States.”

Subsec. (e)(1)(B). Pub. L. 115-254, § 1816(b)(3), struck out “(and updating, if any, of that strategy under subsection (c))” after “under subsection (b)”.

Subsecs. (f) to (i). Pub. L. 115-254, § 1816(b)(2), redesignated subsecs. (f) to (i) as (c) to (f), respectively.

**Statutory Notes and Related Subsidiaries**

**CHANGE OF NAME**

Reference to the Director for Domestic Nuclear Detection deemed to be a reference to the Assistant Secretary for the Countering Weapons of Mass Destruction Office, see section 2(b)(1)(B) of Pub. L. 115-387, set out as a note under section 591 of this title.

**§ 921a. Integration of detection equipment and technologies**

**(a) Responsibility of Secretary**

The Secretary of Homeland Security shall have responsibility for ensuring that domestic chemical, biological, radiological, and nuclear detection equipment and technologies are integrated, as appropriate, with other border security systems and detection technologies.

**(b) Report**

Not later than 6 months after August 3, 2007, the Secretary shall submit a report to Congress that contains a plan to develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States.

(Pub. L. 110-53, title XI, § 1104, Aug. 3, 2007, 121 Stat. 380.)

**Editorial Notes**

**CODIFICATION**

Section was enacted as part of the Implementing Recommendations of the 9/11 Commission Act of 2007, and not as part of the Security and Accountability For Every Port Act of 2006, also known as the SAFE Port Act, which comprises this chapter.

**§ 922. Repealed. Pub. L. 115-254, div. J, § 1816(c), Oct. 5, 2018, 132 Stat. 3541**

Section, Pub. L. 109-347, title I, § 122, Oct. 13, 2006, 120 Stat. 1899, related to inspection of car ferries entering from abroad.

**§ 923. Random searches of containers**

Not later than 1 year after October 13, 2006, the Secretary, acting through the Commissioner, shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling, to conduct random searches of containers in addition to any targeted or preshipment inspection of such containers required by law or regulation or con-

ducted under any other program conducted by the Secretary. Nothing in this section shall be construed to mean that implementation of the random sampling plan precludes additional searches of containers not inspected pursuant to the plan.

(Pub. L. 109-347, title I, § 123, Oct. 13, 2006, 120 Stat. 1899.)

**§ 924. Threat assessment screening of port truck drivers**

Not later than 90 days after October 13, 2006, the Secretary shall implement a threat assessment screening, including name-based checks against terrorist watch lists and immigration status check, for all port truck drivers with access to secure areas of a port who have a commercial driver's license but do not have a current and valid hazardous materials endorsement issued in accordance with section 1572<sup>1</sup> of title 49, Code of Federal Regulations, that is the same as the threat assessment screening required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG-2006-24189 (Federal Register, Vol. 71, No. 82, Friday, April 28, 2006).

(Pub. L. 109-347, title I, § 125, Oct. 13, 2006, 120 Stat. 1900.)

**§ 925. Border Patrol unit for United States Virgin Islands**

**(a) In general**

The Secretary may establish at least 1 Border Patrol unit for the United States Virgin Islands.

**(b) Report**

Not later than 180 days after October 13, 2006, the Secretary shall submit a report to the appropriate congressional committees that includes the schedule, if any, for carrying out subsection (a).

(Pub. L. 109-347, title I, § 126, Oct. 13, 2006, 120 Stat. 1900.)

**§ 926. Center of Excellence for Maritime Domain Awareness**

**(a) Establishment**

The Secretary shall establish a university-based Center for Excellence for Maritime Domain Awareness following the merit-review processes and procedures that have been established by the Secretary for selecting university program centers of excellence.

**(b) Duties**

The Center established under subsection (a) shall—

- (1) prioritize its activities based on the “National Plan To Improve Maritime Domain Awareness” published by the Department in October 2005;
- (2) recognize the extensive previous and ongoing work and existing competence in the field of maritime domain awareness at numerous academic and research institutions, such as the Naval Postgraduate School;
- (3) leverage existing knowledge and continue development of a broad base of expertise with-

in academia and industry in maritime domain awareness; and

- (4) provide educational, technical, and analytical assistance to Federal agencies with responsibilities for maritime domain awareness, including the Coast Guard, to focus on the need for interoperability, information sharing, and common information technology standards and architecture.

(Pub. L. 109-347, title I, § 128, Oct. 13, 2006, 120 Stat. 1900.)

**SUBCHAPTER II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN**

**PART A—GENERAL PROVISIONS**

**§ 941. Strategic plan to enhance the security of the international supply chain**

**(a) Strategic plan**

The Secretary, in consultation with appropriate Federal, State, local, and tribal government agencies and private sector stakeholders responsible for security matters that affect or relate to the movement of containers through the international supply chain, shall develop, implement, and update, triennially, a strategic plan to enhance the security of the international supply chain.

**(b) Requirements**

The strategic plan required under subsection (a) shall—

- (1) describe the roles, responsibilities, and authorities of Federal, State, local, and tribal government agencies and private-sector stakeholders that relate to the security of the movement of containers through the international supply chain;
- (2) identify and address gaps and unnecessary overlaps in the roles, responsibilities, or authorities described in paragraph (1);
- (3) identify and make recommendations regarding legislative, regulatory, and organizational changes necessary to improve coordination among the entities or to enhance the security of the international supply chain;
- (4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;
- (5) build on available resources and consider costs and benefits;
- (6) provide incentives for additional voluntary measures to enhance cargo security, as recommended by the Commissioner;
- (7) consider the impact of supply chain security requirements on small- and medium-sized companies;
- (8) include a process for sharing intelligence and information with private-sector stakeholders to assist in their security efforts;
- (9) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;
- (10) provide protocols for the expeditious resumption of the flow of trade in accordance with section 942 of this title;
- (11) consider the linkages between supply chain security and security programs within

<sup>1</sup> So in original. Probably should be “part 1572”.