

(C) an evaluation of the scalability of the system to meet both current and future forecasted trade flows;

(D) the ability of the system to automatically maintain and catalog appropriate data for reference and analysis in the event of a transportation disruption;

(E) an analysis of requirements, including costs, to install and maintain an integrated scanning system;

(F) the ability of administering personnel to efficiently manage and utilize the data produced by a nonintrusive scanning system;

(G) the ability to safeguard commercial data generated by, or submitted to, a nonintrusive scanning system; and

(H) an assessment of the reliability of currently available technology to implement an integrated scanning system.

(Pub. L. 109-347, title II, § 231, Oct. 13, 2006, 120 Stat. 1915.)

#### **§ 981a. Pilot integrated scanning system**

##### **(a) Designations**

###### **(1) In general**

Not later than 90 days after October 4, 2006, the Secretary of Homeland Security (referred to in this section as the “Secretary”) shall designate three foreign seaports through which containers pass or are transshipped to the United States to pilot an integrated scanning system that couples nonintrusive imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of Energy. In making designations under this subsection, the Secretary shall consider three distinct ports with unique features and differing levels of trade volume.

###### **(2) Collaboration and cooperation**

The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.

##### **(b) Implementation**

Not later than one year after October 4, 2006, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the terminal;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and/or Customs and Border Protection personnel in the United States for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

##### **(c) Evaluation**

The Secretary shall evaluate the pilot program in subsection (b) to determine whether such a system—

(1) has a sufficiently low false alarm rate for use in the supply chain;

(2) is capable of being deployed and operated at ports overseas, including consideration of cost, personnel, and infrastructure required to operate the system;

(3) is capable of integrating, where necessary, with existing systems;

(4) does not significantly impact trade capacity and flow of cargo at foreign or United States ports; and

(5) provides an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

##### **(d) Report**

Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot program implemented under this section;

(2) an analysis of the efficacy of the Automated Targeted System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an evaluation of software that is capable of automatically identifying potential anomalies in scanned containers; and

(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.

##### **(e) Implementation**

If the Secretary determines the available technology meets the criteria outlined in subsection (c), the Secretary, in cooperation with the Secretary of State, shall seek to secure the cooperation of foreign governments to initiate and maximize the use of such technology at foreign ports to scan all cargo bound for the United States as quickly as possible.

(Pub. L. 109-295, title V, § 558, Oct. 4, 2006, 120 Stat. 1392.)

#### **Editorial Notes**

##### **CODIFICATION**

Section was enacted as part of the Department of Homeland Security Appropriations Act, 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.

#### **§ 982. Screening and scanning of cargo containers**

##### **(a) One hundred percent screening of cargo containers and 100 percent scanning of high-risk containers**

###### **(1) Screening of cargo containers**

The Secretary shall ensure that 100 percent of the cargo containers originating outside the United States and unloaded at a United States seaport undergo a screening to identify high-risk containers.

###### **(2) Scanning of high-risk containers**

The Secretary shall ensure that 100 percent of the containers that have been identified as

high-risk under paragraph (1), or through other means, are scanned or searched before such containers leave a United States seaport facility.

**(b) Full-scale implementation**

**(1) In general**

A container that was loaded on a vessel in a foreign port shall not enter the United States (either directly or via a foreign port) unless the container was scanned by nonintrusive imaging equipment and radiation detection equipment at a foreign port before it was loaded on a vessel.

**(2) Application**

Paragraph (1) shall apply with respect to containers loaded on a vessel in a foreign country on or after the earlier of—

(A) July 1, 2012; or

(B) such other date as may be established by the Secretary under paragraph (3).

**(3) Establishment of earlier deadline**

The Secretary shall establish a date under (2)(B)<sup>1</sup> pursuant to the lessons learned through the pilot integrated scanning systems established under section 981 of this title.

**(4) Extensions**

The Secretary may extend the date specified in paragraph (2)(A) or (2)(B) for 2 years, and may renew the extension in additional 2-year increments, for containers loaded in a port or ports, if the Secretary certifies to Congress that at least two of the following conditions exist:

(A) Systems to scan containers in accordance with paragraph (1) are not available for purchase and installation.

(B) Systems to scan containers in accordance with paragraph (1) do not have a sufficiently low false alarm rate for use in the supply chain.

(C) Systems to scan containers in accordance with paragraph (1) cannot be purchased, deployed, or operated at ports overseas, including, if applicable, because a port does not have the physical characteristics to install such a system.

(D) Systems to scan containers in accordance with paragraph (1) cannot be integrated, as necessary, with existing systems.

(E) Use of systems that are available to scan containers in accordance with paragraph (1) will significantly impact trade capacity and the flow of cargo.

(F) Systems to scan containers in accordance with paragraph (1) do not adequately provide an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.

**(5) Exemption for military cargo**

Notwithstanding any other provision in the section, supplies bought by the Secretary of Defense and transported in compliance section 2631 of title 10 and military cargo of foreign countries are exempt from the requirements of this section.

<sup>1</sup> So in original. Probably should be “paragraph (2)(B)”.

**(6) Report on extensions**

An extension under paragraph (4) for a port or ports shall take effect upon the expiration of the 60-day period beginning on the date the Secretary provides a report to Congress that—

(A) states what container traffic will be affected by the extension;

(B) provides supporting evidence to support the Secretary’s certification of the basis for the extension; and

(C) explains what measures the Secretary is taking to ensure that scanning can be implemented as early as possible at the port or ports that are the subject of the report.

**(7) Report on renewal of extension**

If an extension under paragraph (4) takes effect, the Secretary shall, after one year, submit a report to Congress on whether the Secretary expects to seek to renew the extension.

**(8) Scanning technology standards**

In implementing paragraph (1), the Secretary shall—

(A) establish technological and operational standards for systems to scan containers;

(B) ensure that the standards are consistent with the global nuclear detection architecture developed under the Homeland Security Act of 2002 [6 U.S.C. 101 et seq.]; and

(C) coordinate with other Federal agencies that administer scanning or detection programs at foreign ports.

**(9) International trade and other obligations**

In carrying out this subsection, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders, and ensure that actions under this section do not violate international trade obligations, and are consistent with the World Customs Organization framework, or other international obligations of the United States.

**(c) Report**

Not later than 6 months after the submission of a report under section 981(d) of this title, and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment under subsection (b) and the cost of deploying the system at each foreign port at which the integrated scanning systems are deployed.

(Pub. L. 109-347, title II, § 232, Oct. 13, 2006, 120 Stat. 1916; Pub. L. 110-53, title XVII, § 1701(a), Aug. 3, 2007, 121 Stat. 489.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Homeland Security Act of 2002, referred to in subsec. (b)(8)(B), is Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135, which is classified principally to chapter 1 (§ 101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

**AMENDMENTS**

2007—Subsec. (b). Pub. L. 110-53 reenacted heading without change and amended text of subsec. (b) generally. Prior to amendment, text related to full deployment of an integrated scanning system after the Sec-

retary had determined that such system had met section 981(c) requirements, had a sufficiently low false alarm rate, was capable of being deployed overseas, was capable of integrating with existing systems, would not significantly impact trade flow, and had provided for automated notification of high-risk cargo.

#### Statutory Notes and Related Subsidiaries

##### CARGO CONTAINER SCANNING TECHNOLOGY REVIEW

Pub. L. 115-254, div. K, title I, § 1979, Oct. 5, 2018, 132 Stat. 3618, provided that:

“(a) DESIGNATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], and not less frequently than once every 5 years thereafter until the date of full-scale implementation of 100 percent screening of cargo containers and 100 percent scanning of high-risk containers required under section 232 of the SAFE Port Act (6 U.S.C. 982), the Secretary [of Homeland Security] shall solicit proposals for scanning technologies, consistent with the standards under subsection (b)(8) of that section, to improve scanning of cargo at domestic ports.

“(2) EVALUATION.—In soliciting proposals under paragraph (1), the Secretary shall establish measures to assess the performance of the proposed scanning technologies, including—

“(A) the rate of false positives;

“(B) the delays in processing times; and

“(C) the impact on the supply chain.

“(b) PILOT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary may establish a pilot program to determine the efficacy of a scanning technology referred to in subsection (a).

“(2) APPLICATION PROCESS.—In carrying out the pilot program under this subsection, the Secretary shall—

“(A) solicit applications from domestic ports;

“(B) select up to 4 domestic ports to participate in the pilot program; and

“(C) select ports with unique features and differing levels of trade volume.

“(3) REPORT.—Not later than 1 year after initiating a pilot program under paragraph (1), the Secretary shall submit to the appropriate committees of Congress [Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report on the pilot program, including—

“(A) an evaluation of the scanning technologies proposed to improve security at domestic ports and to meet the full-scale implementation requirement;

“(B) the costs to implement a pilot program;

“(C) the benefits of the proposed scanning technologies;

“(D) the impact of the pilot program on the supply chain; and

“(E) recommendations for implementation of advanced cargo scanning technologies at domestic ports.

“(4) SHARING PILOT PROGRAM TESTING RESULTS.—The results of the pilot testing of advanced cargo scanning technologies shall be shared, as appropriate, with government agencies and private stakeholders whose responsibilities encompass the secure transport of cargo.”

#### § 983. Inspection technology and training

##### (a) In general

The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports

designated under the Container Security Initiative.

##### (b) Acquisition and training

Unless otherwise prohibited by law, the Secretary may—

(1) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including non-reimbursable loans or the transfer of ownership of equipment; and

(2) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(Pub. L. 109-347, title II, § 233(a), Oct. 13, 2006, 120 Stat. 1917; Pub. L. 115-254, div. J, § 1816(e)(1), Oct. 5, 2018, 132 Stat. 3541.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-254, which directed the general amendment of “section 233 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 983)”, was executed by generally amending section 233(a) of the Security and Accountability for Every Port Act of 2006, which comprises this section, to reflect the probable intent of Congress. Prior to amendment, section read as follows:

“(1) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports designated under the Container Security Initiative.

“(2) ACQUISITION AND TRAINING.—Unless otherwise prohibited by law, the Secretary may—

“(A) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

“(B) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.”

#### § 984. Repealed. Pub. L. 115-254, div. J, § 1816(f), Oct. 5, 2018, 132 Stat. 3541

Section, Pub. L. 109-347, title II, § 235, Oct. 13, 2006, 120 Stat. 1919, related to pilot program to improve the security of empty containers.

#### § 985. Information sharing relating to supply chain security cooperation

##### (a) Purposes

The purposes of this section are—

(1) to establish continuing liaison and to provide for supply chain security cooperation between Department and the private sector; and

(2) to provide for regular and timely interchange of information between the private sector and the Department concerning developments and security risks in the supply chain environment.

##### (b) System

The Secretary shall develop a system to collect from and share appropriate risk informa-