

submits the report under section 1970 [132 Stat. 3612], the Administrator [of the Transportation Security Administration] may increase the number of State and local surface and maritime transportation canines by not more than 70 explosives detection canine teams.

“(2) **ADDITIONAL TEAMS.**—Beginning on the date the Inspector General of the Department submits the report under section 1970, the Secretary may increase the State and local surface and maritime transportation canines up to 200 explosives detection canine teams unless more are identified in the risk-based surface transportation security strategy under section 1964 [enacting provisions set out as a note under section 114 of Title 49, Transportation], consistent with section 1965 [enacting provisions set out as a note under section 114 of Title 49] or with the President’s most recent budget submitted under section 1105 of title 31, United States Code.

“(3) **RECOMMENDATIONS.**—Before initiating any increase in the number of explosives detection teams under paragraph (2), the Secretary shall consider any recommendations in the report under section 1970 on the efficacy and management of the explosives detection canine program.

“(c) **DEPLOYMENT.**—The Secretary shall—

“(1) use the additional explosives detection canine teams, as described in subsection (b)(1), as part of the Department’s efforts to strengthen security across the Nation’s surface and maritime transportation networks;

“(2) make available explosives detection canine teams to all modes of transportation, subject to the requirements under section 1968 [amending section 1112 of this title and enacting provisions set out as a note under section 114 of Title 49], to address specific vulnerabilities or risks, on an as-needed basis and as otherwise determined appropriate by the Secretary; and

“(3) consider specific needs and training requirements for explosives detection canine teams to be deployed across the Nation’s surface and maritime transportation networks, including in venues of multiple modes of transportation, as the Secretary considers appropriate.

“(d) **AUTHORIZATION.**—There are authorized to be appropriated to the Secretary to the extent of appropriations to carry out this section for each of fiscal years 2019 through 2021.”

[For definition of “explosives detection canine teams” as used in section 1971 of Pub. L. 115–254, set out above, see section 1902 of Pub. L. 115–254, set out as a note under section 101 of Title 49, Transportation.]

#### **§ 1117. Roles of the Department of Homeland Security and the Department of Transportation**

The Secretary of Homeland Security is the principal Federal official responsible for transportation security. The roles and responsibilities of the Department of Homeland Security and the Department of Transportation in carrying out this chapter are the roles and responsibilities of such Departments pursuant to the Aviation and Transportation Security Act (Public Law 107–71); the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); the National Infrastructure Protection Plan required by Homeland Security Presidential Directive–7; The<sup>1</sup> Homeland Security Act of 2002 [6 U.S.C. 101 et seq.]; The<sup>1</sup> National Response Plan; Executive Order No. 13416: Strengthening Surface Transportation Security, dated December 5, 2006; the Memorandum of Understanding between the Department and the

Department of Transportation on Roles and Responsibilities, dated September 28, 2004, and any and all subsequent annexes to this Memorandum of Understanding; and any other relevant agreements between the two Departments.

(Pub. L. 110–53, title XIII, § 1310, Aug. 3, 2007, 121 Stat. 400.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

This chapter, referred to in text, was in the original a reference to titles XII, XIII, XIV, and XV of Pub. L. 110–53, which enacted this chapter, amended section 1992 of Title 18, Crimes and Criminal Procedure, section 70105 of Title 46, Shipping, and sections 114, 5103a, 14504, 20106, 20109, 24301, 28101, 31105, and 46301 of Title 49, Transportation, enacted provisions set out as notes under section 1101 of this title and sections 114, 13908, and 14504 of Title 49, and amended provisions set out as a note under section 14504 of Title 49. For complete classification of titles XII to XV to the Code, see Tables.

The Aviation and Transportation Security Act, referred to in text, is Pub. L. 107–71, Nov. 19, 2001, 115 Stat. 597. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 40101 of Title 49, Transportation, and Tables.

The Intelligence Reform and Terrorism Prevention Act of 2004, referred to in text, is Pub. L. 108–458, Dec. 17, 2004, 118 Stat. 3638. For complete classification of this Act to the Code, see Tables.

The Homeland Security Act of 2002, referred to in text, 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.

Executive Order No. 13416, referred to in text, is set out as a note under section 1101 of this title.

#### **§ 1118. Biometrics expansion**

##### **(a) In general**

The Administrator and the Commissioner of U.S. Customs and Border Protection shall consult with each other on the deployment of biometric technologies.

##### **(b) Rule of construction**

Nothing in this section shall be construed to permit the Commissioner of U.S. Customs and Border Protection to facilitate or expand the deployment of biometric technologies, or otherwise collect, use, or retain biometrics, not authorized by any provision of or amendment made by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) or the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 266).

##### **(c) Report required**

Not later than 270 days after October 5, 2018, the Secretary shall submit to the appropriate committees of Congress, and to any Member of Congress upon the request of that Member, a report that includes specific assessments from the Administrator and the Commissioner of U.S. Customs and Border Protection with respect to the following:

(1) The operational and security impact of using biometric technology to identify travelers.

<sup>1</sup> So in original. Probably should not be capitalized.