

nizations are exploiting weak security at ports to commit a wide range of cargo crimes. Intelligence and information sharing among law enforcement agencies needs to be improved and coordinated at many ports. A lack of minimum physical and personnel security standards at ports and related facilities leaves many ports and port users very vulnerable. Access to ports and operations within ports is often uncontrolled. Security-related and detection-related equipment, such as small boats, cameras, large-scale x-ray machines, and vessel tracking devices, are lacking at many ports.

“(15) The International Maritime Organization and other similar international organizations are currently developing a new maritime security system that contains the essential elements for enhancing global maritime security. Therefore, it is in the best interests of the United States to implement new international instruments that establish such a system.”

MARITIME SECURITY PROFESSIONAL TRAINING

Pub. L. 107-295, title I, §109, Nov. 25, 2002, 116 Stat. 2090, as amended by Pub. L. 117-286, §4(a)(293), Dec. 27, 2022, 136 Stat. 4338, provided that:

“(a) IN GENERAL.—

“(1) DEVELOPMENT OF STANDARDS.—Not later than 6 months after the date of enactment of this Act [Nov. 25, 2002], the Secretary of Transportation shall develop standards and curriculum to allow for the training and certification of maritime security professionals. In developing these standards and curriculum, the Secretary shall consult with the National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code, as amended by this Act.

“(2) SECRETARY TO CONSULT ON STANDARDS.—In developing standards under this section, the Secretary may, without regard to chapter 10 of title 5, United States Code, consult with the Federal Law Enforcement Training Center, the United States Merchant Marine Academy’s Global Maritime and Transportation School, the Maritime Security Council, the International Association of Airport and Port Police, the National Cargo Security Council, and any other Federal, State, or local government or law enforcement agency or private organization or individual determined by the Secretary to have pertinent expertise.

“(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include the following elements:

“(1) The training and certification of maritime security professionals in accordance with accepted law enforcement and security guidelines, policies, and procedures, including, as appropriate, recommendations for incorporating a background check process for personnel trained and certified in foreign ports.

“(2) The training of students and instructors in all aspects of prevention, detection, investigation, and reporting of criminal activities in the international maritime environment.

“(3) The provision of off-site training and certification courses and certified personnel at United States and foreign ports used by United States-flagged vessels, or by foreign-flagged vessels with United States citizens as passengers or crewmembers, to develop and enhance security awareness and practices.

“(c) TRAINING PROVIDED TO LAW ENFORCEMENT AND SECURITY PERSONNEL.—

“(1) IN GENERAL.—The Secretary is authorized to make the training opportunities provided under this section available to any Federal, State, local, and private law enforcement or maritime security personnel in the United States or to personnel employed in foreign ports used by vessels with United States citizens as passengers or crewmembers.

“(2) ACADEMIES AND SCHOOLS.—The Secretary may provide training under this section at—

“(A) each of the 6 State maritime academies;

“(B) the United States Merchant Marine Academy;

“(C) the Appalachian Transportation Institute; and

“(D) other security training schools in the United States.

“(d) USE OF CONTRACT RESOURCES.—The Secretary may employ Federal and contract resources to train and certify maritime security professionals in accordance with the standards and curriculum developed under this Act [see Tables for classification].

“(e) ANNUAL REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the training under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$5,500,000 for each of fiscal years 2003 through 2008.”

[For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

REPORT ON TRAINING CENTER

Pub. L. 107-295, title I, §110(b), Nov. 25, 2002, 116 Stat. 2091, provided that: “The Commandant of the United States Coast Guard, in conjunction with the Secretary of the Navy, shall submit to Congress a report, at the time they submit their fiscal year 2005 budget, on the life cycle costs and benefits of creating a Center for Coastal and Maritime Security. The purpose of the Center would be to provide an integrated training complex to prevent and mitigate terrorist threats against coastal and maritime assets of the United States, including ports, harbors, ships, dams, reservoirs, and transport nodes.”

PERFORMANCE STANDARDS

Pub. L. 107-295, title I, §111, Nov. 25, 2002, 116 Stat. 2092, provided that: “Not later than January 1, 2004, the Secretary of the department in which the Coast Guard is operating, in consultation with the Transportation Security Oversight Board, shall—

“(1) develop and maintain an antiterrorism cargo identification, tracking, and screening system for containerized cargo shipped to and from the United States either directly or via a foreign port; and

“(2) develop performance standards to enhance the physical security of shipping containers, including standards for seals and locks.”

REPORT ON FOREIGN-FLAG VESSELS

Pub. L. 107-295, title I, §112, Nov. 25, 2002, 116 Stat. 2092, which required the Secretary of the department in which the Coast Guard is operating to provide an annual report regarding all nations whose flag vessels have entered United States ports in the previous year, a separate list of those nations whose registered flag vessels present certain irregularities, actions taken to improve transparency and security of vessel registration procedures in those nations, and recommendations for legislative or other actions to improve security of United States ports, was repealed by Pub. L. 111-207, §4(a)(2), July 27, 2010, 124 Stat. 2251.

§ 70102. United States facility and vessel vulnerability assessments

(a) INITIAL ASSESSMENTS.—The Secretary shall conduct an assessment of vessel types and

United States facilities on or adjacent to the waters subject to the jurisdiction of the United States to identify those vessel types and United States facilities that pose a high risk of being involved in a transportation security incident.

(b) FACILITY AND VESSEL ASSESSMENTS.—(1) Based on the information gathered under subsection (a) of this section, the Secretary shall conduct a detailed vulnerability assessment of the facilities and vessels that may be involved in a transportation security incident. The vulnerability assessment shall include the following:

(A) Identification and evaluation of critical assets and infrastructures.

(B) Identification of the threats to those assets and infrastructures.

(C) Identification of weaknesses in physical security, security against cybersecurity risks, passenger and cargo security, structural integrity, protection systems, procedural policies, communications systems, transportation infrastructure, utilities, contingency response, and other areas as determined by the Secretary.

(2) Upon completion of an assessment under this subsection for a facility or vessel, the Secretary shall provide the owner or operator with a copy of the vulnerability assessment for that facility or vessel.

(3) The Secretary shall update each vulnerability assessment conducted under this section at least every 5 years.

(4) In lieu of conducting a facility or vessel vulnerability assessment under paragraph (1), the Secretary may accept an alternative assessment conducted by or on behalf of the owner or operator of the facility or vessel if the Secretary determines that the alternative assessment includes the matters required under paragraph (1).

(c) SHARING OF ASSESSMENT INTEGRATION OF PLANS AND EQUIPMENT.—The owner or operator of a facility, consistent with any Federal security restrictions, shall—

(1) make a current copy of the vulnerability assessment conducted under subsection (b) available to the port authority with jurisdiction of the facility and appropriate State or local law enforcement agencies; and

(2) integrate, to the maximum extent practical, any security system for the facility with compatible systems operated or maintained by the appropriate State, law enforcement agencies, and the Coast Guard.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2068; amended Pub. L. 108-458, title IV, §4072(b), Dec. 17, 2004, 118 Stat. 3730; Pub. L. 111-281, title VIII, §822, Oct. 15, 2010, 124 Stat. 3003; Pub. L. 115-254, div. J, §1805(d)(1), Oct. 5, 2018, 132 Stat. 3535.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-254, §1805(d)(1)(A), struck out “and by not later than December 31, 2004” after “subsection (a) of this section” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 115-254, §1805(d)(1)(B), inserted “security against cybersecurity risks,” after “physical security,”.

2010—Subsec. (c). Pub. L. 111-281 added subsec. (c).

2004—Subsec. (b)(1). Pub. L. 108-458 substituted “and by not later than December 31, 2004, the Secretary” for “the Secretary” in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-254, div. J, §1805(d)(3), Oct. 5, 2018, 132 Stat. 3535, provided that: “The amendments made by this subsection [amending this section and section 70103 of this title] shall apply to assessments or security plans, or updates to such assessments or plans, submitted after the date that the cybersecurity risk assessment model is developed under subsection (a) [46 U.S.C. 70112 note].”

COORDINATION WITH TSA ON MARITIME FACILITIES

Pub. L. 115-254, div. J, §1803, Oct. 5, 2018, 132 Stat. 3533, provided that: “The Secretary of Homeland Security shall—

“(1) provide the Administrator of the TSA [Transportation Security Administration] with updates to vulnerability assessments required under section 70102(b)(3) of title 46, United States Code, to avoid any duplication of effort between the Coast Guard and the TSA; and

“(2) identify any security gaps between authorities of operating entities within the Department of Homeland Security that a threat could exploit to cause a transportation security incident (as defined in section 70101 of title 46, United States Code).”

DEFINITIONS

Pub. L. 115-254, div. J, §1802, Oct. 5, 2018, 132 Stat. 3533, provided that: “In this division [see section 1801 of Pub. L. 115-254, set out as a Short Title of 2018 Amendment note under section 101 of this title]:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Commerce, Science, and Transportation of the Senate;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(C) the Committee on Homeland Security of the House of Representatives; and

“(D) the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) TSA.—The term ‘TSA’ means the Transportation Security Administration.”

[§ 70102a. Repealed. Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8507(d)(1), Jan. 1, 2021, 134 Stat. 4754]

Section, as added and amended Pub. L. 115-282, title IV, §408(a), (b), Dec. 4, 2018, 132 Stat. 4268, related to port, harbor, and coastal facility security.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 4, 2018, and as if included in Pub. L. 115-282, see section 8507(d)(7) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note under section 1226 of Title 33, Navigation and Navigable Waters.

§ 70103. Maritime transportation security plans

(a) NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.—(1) The Secretary shall prepare a National Maritime Transportation Security Plan for deterring and responding to a transportation security incident.

(2) The National Maritime Transportation Security Plan shall provide for efficient, coordinated, and effective action to deter and mini-