

of residence in a secure manner, the Secretary shall, within 1 year after the date of issuance of the final report by the Comptroller General, implement a secure process to permit an individual approved for a transportation security card to receive the card at the applicant's place of residence or at the enrollment center of the individual's choosing. The individual shall be responsible for any additional cost associated with the secure delivery of a transportation security card."

PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO PERSONS CONVICTED OF CERTAIN FELONIES

Pub. L. 109-347, title I, §106, Oct. 13, 2006, 120 Stat. 1891, provided that: "The Secretary [of Homeland Security], in issuing a final rule pursuant to section 70105 of title 46, United States Code, shall provide for the disqualification of individuals who have been found guilty or have been found not guilty by reason of insanity of a felony, involving—

- "(1) treason, or conspiracy to commit treason;
- "(2) espionage, or conspiracy to commit espionage;
- "(3) sedition, or conspiracy to commit sedition; or
- "(4) a crime listed in chapter 113B of title 18, United States Code, a comparable State law, or conspiracy to commit such crime."

§ 70106. Deployable, specialized forces

(a) ESTABLISHMENT.—

(1) IN GENERAL.—To enhance the domestic maritime security capability of the United States, the Secretary shall establish deployable specialized forces of varying capabilities as are needed to safeguard the public and protect vessels, harbors, ports, facilities, and cargo in waters subject to the jurisdiction of the United States from destruction, loss or injury from crime, or sabotage due to terrorist activity, and to respond to such activity in accordance with the transportation security plans developed under section 70103.

(2) ENHANCED TEAMS.—Such specialized forces shall include no less than two enhanced teams to serve as deployable forces capable of combating terrorism, engaging in interdiction, law enforcement, and advanced tactical maritime security operations to address known or potentially armed security threats (including non-compliant actors at sea), and participating in homeland security, homeland defense, and counterterrorism exercises in the maritime environment.

(b) MISSION.—The combined force of the specialized forces established under subsection (a) shall be trained, equipped, and capable of being deployed to—

- (1) deter, protect against, and rapidly respond to threats of maritime terrorism;
- (2) conduct maritime operations to protect against and disrupt illegal use, access to, or proliferation of weapons of mass destruction;
- (3) enforce moving or fixed safety or security zones established pursuant to law;
- (4) conduct high speed intercepts;
- (5) board, search, and seize any article or thing on or at, respectively, a vessel or facility found to present a risk to the vessel or facility, or to a port;
- (6) rapidly deploy to supplement United States armed forces domestically or overseas;
- (7) respond to criminal or terrorist acts so as to minimize, insofar as possible, the disruption caused by such acts;

(8) assist with facility vulnerability assessments required under this chapter; and

(9) carry out any other missions of the Coast Guard as are assigned to it by the Secretary.

(c) MINIMIZATION OF RESPONSE TIMES.—The enhanced teams established under subsection (a)(2) shall, to the extent practicable, be stationed in such a way so as to minimize the response time to maritime terrorist threats and potential or actual transportation security incidents.

(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, the combined force of the specialized forces established under subsection (a) shall coordinate their activities with other Federal, State, and local law enforcement and emergency response agencies.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2074; amended Pub. L. 109-241, title III, §305, July 11, 2006, 120 Stat. 528; Pub. L. 111-281, title VIII, §804(a), Oct. 15, 2010, 124 Stat. 2990.)

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-281 amended section generally. Prior to amendment, section related to maritime safety and security teams.

2006—Subsec. (b)(8). Pub. L. 109-241 substituted "any other missions of the Coast Guard" for "other security missions".

Statutory Notes and Related Subsidiaries

COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION

Pub. L. 111-281, title VIII, §805, Oct. 15, 2010, 124 Stat. 2991, provided that:

"(a) DEFINITIONS.—For purposes of this section:

"(1) CANINE DETECTION TEAM.—The term 'detection canine team' means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(b) DETECTION CANINE TEAMS.—

"(1) INCREASED CAPACITY.—Not later than 1 year after the date of enactment of this Act [Oct. 15, 2010], and subject to the availability of appropriations, the Secretary shall—

"(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 10 canine teams annually through fiscal year 2012; and

"(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing cargo vessels, and other vessels identified by the Secretary to strengthen security through the use of highly trained detection canine teams.

"(2) CANINE PROCUREMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall procure detection canine teams as efficiently as possible, including, to the greatest extent possible, through increased domestic breeding, while meeting the performance needs and criteria established by the Commandant.

"(c) DEPLOYMENT.—The Secretary shall prioritize deployment of the additional canine teams to ports based on risk, consistent with the Security and Accountability For Every Port Act of 2006 (Public Law 109-347) [see Tables for classification]."

§ 70107. Grants

(a) IN GENERAL.—The Secretary shall establish a grant program for the allocation of funds

based on risk to implement Area Maritime Transportation Security Plans and facility security plans among port authorities, facility operators, and State and local government agencies required to provide port security services and to train public safety personnel under section 70132 of this title. Before awarding a grant under the program, the Secretary shall provide for review and comment by the appropriate Federal Maritime Security Coordinators and the Maritime Administrator. In administering the grant program, the Secretary shall take into account national economic, energy, and strategic defense concerns based upon the most current risk assessments available.

(b) **ELIGIBLE COSTS.**—The following costs of funding the correction of Coast Guard identified vulnerabilities in port security and ensuring compliance with Area Maritime Transportation Security Plans and facility security plans are eligible to be funded:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers. Grants awarded under this section may not be used to construct buildings or other physical facilities, except those which are constructed under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(8)), including those facilities in support of this paragraph, and specifically approved by the Secretary. Costs eligible for funding under this paragraph may not exceed the greater of—

(A) \$1,000,000 per project; or

(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the grant.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(4) The cost of conducting vulnerability assessments to evaluate and make recommendations with respect to security.

(5) The cost of conducting exercises or training for prevention and detection of, preparedness for, response to, or recovery from terrorist attacks.

(6) The cost of establishing or enhancing mechanisms for sharing terrorism threat information and ensuring that the mechanisms are interoperable with Federal, State, and local agencies.

(7) The cost of equipment (including software) required to receive, transmit, handle, and store classified information.

(8) The cost of training public safety personnel—

(A) to enforce a security zone under section 70132 of this title; or

(B) assist in the enforcement of a security zone.

(c) **MATCHING REQUIREMENTS.**—

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

(2) **EXCEPTIONS.**—

(A) **SMALL PROJECTS.**—There are no matching requirements for grants under subsection (a) for projects costing not more than \$25,000.

(B) **HIGHER LEVEL OF SUPPORT REQUIRED.**—If the Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

(C) **TRAINING.**—There are no matching requirements for grants under subsection (a) to train public safety personnel in the enforcement of security zones under section 70132 of this title or in assisting in the enforcement of such security zones.

(d) **COORDINATION AND COOPERATION AGREEMENTS.**—The Secretary shall ensure that projects paid for, or the costs of which are reimbursed, under this section within any area or port are coordinated with other projects, and may require cooperative agreements among users of the port and port facilities with respect to projects funded under this section.

(e) **MULTIPLE-YEAR PROJECTS.**—

(1) **LETTERS OF INTENT.**—The Secretary may execute letters of intent to commit funding to such authorities, operators, and agencies.

(2) **LIMITATION.**—Not more than 20 percent of the grant funds awarded under this subsection in any fiscal year may be awarded for projects that span multiple years.

(f) **CONSISTENCY WITH PLANS.**—The Secretary shall ensure that each grant awarded under subsection (e)—

(1) is used to supplement and support, in a consistent and coordinated manner, the applicable Area Maritime Transportation Security Plan; and

(2) is coordinated with any applicable State or Urban Area Homeland Security Plan.

(g) **APPLICATIONS.**—Any entity subject to an Area Maritime Transportation Security Plan may submit an application for a grant under this section, at such time, in such form, and containing such information and assurances as the Secretary may require.

(h) **REPORTS.**—Not later than 180 days after the date of the enactment of the SAFE Port Act, the Secretary, acting through the Commandant of the Coast Guard, shall submit a report to Congress, in a secure format, describing the methodology used to allocate port security grant funds on the basis of risk.

(i) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall require eligible port authorities, facility operators, and State and local agencies required to provide security services, to submit an application, at such time, in such form, and containing such information and assurances as the Secretary may require, and shall include appropriate application, review, and delivery mechanisms.

(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application for payment or reimbursement of eligible costs shall include, at a minimum, the following:

(A) A copy of the applicable Area Maritime Transportation Security Plan or facility security plan.

(B) A comprehensive description of the need for the project, and a statement of the project's relationship to the applicable Area Maritime Transportation Security Plan or facility security plan.

(C) A determination by the Captain of the Port that the security project addresses or corrects Coast Guard identified vulnerabilities in security and ensures compliance with Area Maritime Transportation Security Plans and facility security plans.

(3) PROCEDURAL SAFEGUARDS.—The Secretary shall by regulation establish appropriate accounting, reporting, and review procedures to ensure that amounts paid or reimbursed under this section are used for the purposes for which they were made available, all expenditures are properly accounted for, and amounts not used for such purposes and amounts not obligated or expended are recovered.

(4) PROJECT APPROVAL REQUIRED.—The Secretary may approve an application for the payment or reimbursement of costs under this section only if the Secretary is satisfied that—

(A) the project is consistent with Coast Guard vulnerability assessments and ensures compliance with Area Maritime Transportation Security Plans and facility security plans;

(B) enough money is available to pay the project costs that will not be reimbursed by the United States Government under this section;

(C) the project will be completed without unreasonable delay; and

(D) the recipient has authority to carry out the project as proposed.

(j) AUDITS AND EXAMINATIONS.—A recipient of amounts made available under this section shall keep such records as the Secretary may require, and make them available for review and audit by the Secretary, the Comptroller General of the United States, or the Inspector General of the department in which the Coast Guard is operating.

(k) REPORTS ON SECURITY FUNDING AND COMPLIANCE.—

(1) INITIAL REPORT.—Within 6 months after the date of enactment of this Act, the Secretary shall transmit an unclassified report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, that—

(A) includes a funding proposal and rationale to fund the correction of Coast Guard identified vulnerabilities in port security and to help ensure compliance with Area Maritime Transportation Security Plans and facility security plans for fiscal years 2003 through 2008; and

(B) includes projected funding proposals for fiscal years 2003 through 2008 for the following security programs:

(i) The Sea Marshall program.

(ii) The Automated Identification System and a system of polling vessels on entry into United States waters.

(iii) The maritime intelligence requirements in this Act.

(iv) The issuance of transportation security cards required by section 70105.

(v) The program of certifying secure systems of transportation.

(2) OTHER EXPENDITURES.—The Secretary shall, as part of the report required by paragraph (1) report, in coordination with the Commissioner of Customs, on projected expenditures of screening and detection equipment and on cargo security programs over fiscal years 2003 through 2008.

(3) ANNUAL REPORTS.—Annually, beginning 1 year after transmittal of the report required by paragraph (1) until October 1, 2009, the Secretary shall transmit an unclassified annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure, on progress in achieving compliance with the correction of Coast Guard identified vulnerabilities in port security and compliance with Area Maritime Transportation Security Plans and facility security plans that—

(A) identifies any modifications necessary in funding to ensure the correction of Coast Guard identified vulnerabilities and ensure compliance with Area Maritime Transportation Security Plans and facility security plans;

(B) includes an assessment of progress in implementing the grant program established by subsection (a);

(C) includes any recommendations the Secretary may make to improve these programs; and

(D) with respect to a port selected by the Secretary, describes progress and enhancements of applicable Area Maritime Transportation Security Plans and facility security plans and how the Maritime Transportation Security Act of 2002 has improved security at that port.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$400,000,000 for each of the fiscal years 2007 through 2013 to carry out this section.

(m) INVESTIGATIONS.—

(1) IN GENERAL.—The Secretary shall conduct investigations, fund pilot programs, and award grants, to examine or develop—

(A) methods or programs to increase the ability to target for inspection vessels, cargo, crewmembers, or passengers that will

arrive or have arrived at any port or place in the United States;

(B) equipment to detect accurately explosives, chemical, or biological agents that could be used in a transportation security incident against the United States;

(C) equipment to detect accurately nuclear or radiological materials, including scintillation-based detection equipment capable of signalling the presence of nuclear or radiological materials;

(D) improved tags and seals designed for use on shipping containers to track the transportation of the merchandise in such containers, including sensors that are able to track a container throughout its entire supply chain, detect hazardous and radioactive materials within that container, and transmit that information to the appropriate law enforcement authorities;

(E) tools, including the use of satellite tracking systems, to increase the awareness of maritime areas and to identify potential transportation security incidents that could have an impact on facilities, vessels, and infrastructure on or adjacent to navigable waterways, including underwater access;

(F) tools to mitigate the consequences of a transportation security incident on, adjacent to, or under navigable waters of the United States, including sensor equipment, and other tools to help coordinate effective response to a transportation security incident;

(G) applications to apply existing technologies from other areas or industries to increase overall port security;

(H) improved container design, including blast-resistant containers; and

(I) methods to improve security and sustainability of port facilities in the event of a maritime transportation security incident, including specialized inspection facilities.

(2) IMPLEMENTATION OF TECHNOLOGY.—

(A) IN GENERAL.—In conjunction with ongoing efforts to improve security at United States ports, the Secretary may conduct pilot projects at United States ports to test the effectiveness and applicability of new port security projects, including—

(i) testing of new detection and screening technologies;

(ii) projects to protect United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access; and

(iii) tools for responding to a transportation security incident at United States ports and infrastructure on or adjacent to the navigable waters of the United States, including underwater access.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$35,000,000 for each of fiscal years 2005 through 2009 to carry out this subsection.

(3) NATIONAL PORT SECURITY CENTERS.—

(A) IN GENERAL.—The Secretary may make grants or enter into cooperative agreements with eligible nonprofit institutions of higher

learning to conduct investigations in collaboration with ports and the maritime transportation industry focused on enhancing security of the Nation's ports in accordance with this subsection through National Port Security Centers.

(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, a nonprofit institution of higher learning, or a consortium of such institutions, shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(C) COMPETITIVE SELECTION PROCESS.—The Secretary shall select grant recipients under this paragraph through a competitive process on the basis of the following criteria:

(i) Whether the applicant can demonstrate that personnel, laboratory, and organizational resources will be available to the applicant to carry out the investigations authorized in this paragraph.

(ii) The applicant's capability to provide leadership in making national and regional contributions to the solution of immediate and long-range port and maritime transportation security and risk mitigation problems.

(iii) Whether the applicant can demonstrate that the applicant has an established, nationally recognized program in disciplines that contribute directly to maritime transportation safety and education.

(iv) Whether the applicant's investigations will involve major United States ports on the East Coast, the Gulf Coast, and the West Coast, and Federal agencies and other entities with expertise in port and maritime transportation.

(v) Whether the applicant has a strategic plan for carrying out the proposed investigations under the grant.

(4) ADMINISTRATIVE PROVISIONS.—

(A) NO DUPLICATION OF EFFORT.—Before making any grant, the Secretary shall coordinate with other Federal agencies to ensure the grant will not duplicate work already being conducted with Federal funding.

(B) ACCOUNTING.—The Secretary shall by regulation establish accounting, reporting, and review procedures to ensure that funds made available under paragraph (1) are used for the purpose for which they were made available, that all expenditures are properly accounted for, and that amounts not used for such purposes and amounts not expended are recovered.

(C) RECORDKEEPING.—Recipients of grants shall keep all records related to expenditures and obligations of funds provided under paragraph (1) and make them available upon request to the Inspector General of the department in which the Coast Guard is operating and the Secretary for audit and examination.

(5) ANNUAL REVIEW AND REPORT.—The Inspector General of the department in which the Coast Guard is operating shall annually review the programs established under this sub-

section to ensure that the expenditures and obligations of funds are consistent with the purposes for which they are provided, and report the findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2075; amended Pub. L. 108-293, title VIII, §§804(a), (b), 808(a), Aug. 9, 2004, 118 Stat. 1081, 1083; Pub. L. 109-347, title I, §112, Oct. 13, 2006, 120 Stat. 1894; Pub. L. 111-281, title VIII, §828(b), Oct. 15, 2010, 124 Stat. 3007; Pub. L. 114-120, title III, §306(a)(10), Feb. 8, 2016, 130 Stat. 54; Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], §8314(1), Jan. 1, 2021, 134 Stat. 4699.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the SAFE Port Act, referred to in subsec. (h), is the date of enactment of Pub. L. 109-347, which was approved Oct. 13, 2006.

The date of enactment of this Act, referred to in subsec. (k)(1), probably means the date of enactment of Pub. L. 107-295, which enacted this section and was approved Nov. 25, 2002.

This Act, referred to in subsec. (k)(1)(B)(iii), probably means the Maritime Transportation Security Act of 2002, which enacted this subtitle, see note below.

With respect to “transportation security cards required by section 70105”, referred to in subsec. (k)(1)(B)(iv), amendments made by Pub. L. 117-263 to section 70105 of this title are such that section 70105 now refers to “transportation worker identification credential” rather than “transportation security card”. See section 70105 of this title.

The Maritime Transportation Security Act of 2002, referred to in subsec. (k)(3)(D), is Pub. L. 107-295, Nov. 25, 2002, 116 Stat. 2064. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §8314(1)(A), substituted “public safety personnel” for “law enforcement personnel”.

Subsec. (b)(8). Pub. L. 116-283, §8314(1)(B), substituted “public safety personnel—” for “law enforcement personnel—” in introductory provisions.

Subsec. (c)(2)(C). Pub. L. 116-283, §8314(1)(C), substituted “public safety personnel” for “law enforcement agency personnel”.

2016—Subsec. (b)(2). Pub. L. 114-120, §306(a)(10)(A), substituted “5196(j)(8),” for “5121(j)(8),” in introductory provisions.

Subsec. (m)(3)(C)(iii). Pub. L. 114-120, §306(a)(10)(B), substituted “that the applicant” for “that is”.

2010—Subsec. (a). Pub. L. 111-281, §828(b)(1), substituted “services and to train law enforcement personnel under section 70132 of this title.” for “services.” in first sentence.

Subsec. (b)(8). Pub. L. 111-281, §828(b)(2), added par.(8).

Subsec. (c)(2)(C). Pub. L. 111-281, §828(b)(3), added subpar. (C).

Subsec. (l). Pub. L. 111-281, §828(b)(4), substituted “2013” for “2011”.

2006—Subsec. (a). Pub. L. 109-347, §112(a), (e), substituted “for the allocation of funds based on risk” for “for making a fair and equitable allocation of funds” and “national economic, energy, and strategic defense concerns based upon the most current risk assessments available” for “national economic and strategic defense concerns”.

Subsec. (b)(2). Pub. L. 109-347, §112(b)(1), inserted at end “Grants awarded under this section may not be

used to construct buildings or other physical facilities, except those which are constructed under terms and conditions consistent with the requirements under section 611(j)(8) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121(j)(8)), including those facilities in support of this paragraph, and specifically approved by the Secretary. Costs eligible for funding under this paragraph may not exceed the greater of—” and subpars. (A) and (B).

Subsec. (b)(5) to (7). Pub. L. 109-347, §112(b)(2), added pars. (5) to (7).

Subsecs. (e) to (i). Pub. L. 109-347, §112(c)(1), added subsecs. (e) to (h). Former subsecs. (e) to (i) redesignated (i) to (m), respectively.

Subsec. (i)(1). Pub. L. 109-347, §112(c)(2), substituted “Secretary shall require” for “program shall require”.

Subsecs. (j), (k). Pub. L. 109-347, §112(c)(1), redesignated subsecs. (f) and (g) as (j) and (k), respectively.

Subsec. (l). Pub. L. 109-347, §112(d), amended subsec. (l) generally. Prior to amendment, subsec. (l) read as follows: “There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2008 such sums as are necessary to carry out subsections (a) through (g).”

Pub. L. 109-347, §112(c)(1), redesignated subsec. (h) as (l).

Subsec. (m). Pub. L. 109-347, §112(c)(1), redesignated subsec. (i) as (m).

2004—Subsec. (a). Pub. L. 108-293, §804(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of Transportation, acting through the Maritime Administrator, shall establish a grant program for making a fair and equitable allocation among port authorities, facility operators, and State and local agencies required to provide security services of funds to implement Area Maritime Transportation Security Plans and facility security plans. The program shall take into account national economic and strategic defense considerations.”

Subsec. (c)(2)(B). Pub. L. 108-293, §804(b)(1), substituted “Secretary determines” for “Secretary of Transportation determines”.

Subsecs. (d), (e). Pub. L. 108-293, §804(b)(1), substituted “Secretary” for “Secretary of Transportation” wherever appearing.

Subsec. (f). Pub. L. 108-293, §804(b), substituted “Secretary” for “Secretary of Transportation” in two places and “department in which the Coast Guard is operating” for “Department of Transportation”.

Subsecs. (g), (h). Pub. L. 108-293, §804(b)(1), substituted “Secretary” for “Secretary of Transportation” wherever appearing.

Subsec. (i). Pub. L. 108-293, §808(a), added subsec. (i) and struck out former subsec. (i) which related to research and development grants for port security.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-293, title VIII, §804(c), Aug. 9, 2004, 118 Stat. 1081, provided that: “Subsections (a) and (b) [amending this section]—

“(1) shall take effect October 1, 2004; and

“(2) shall not affect any grant made before that date.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 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.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the

Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

[§ 70107A. Repealed. Pub. L. 115–254, div. J, § 1809(a)(1), Oct. 5, 2018, 132 Stat. 3537]

Section, added Pub. L. 109–347, title I, § 108(a), Oct. 13, 2006, 120 Stat. 1892; amended Pub. L. 111–281, title VIII, §§ 803, 824, Oct. 15, 2010, 124 Stat. 2990, 3003, related to interagency operational centers for port security.

Statutory Notes and Related Subsidiaries

SAVINGS CLAUSE

Pub. L. 115–254, div. J, § 1809(a)(2), Oct. 5, 2018, 132 Stat. 3537, provided that: “A repeal made by this subsection [repealing this section] shall not affect an interagency operational center established before the date of enactment of this Act [Oct. 5, 2018].”

NOTICE TO CONGRESS

Pub. L. 115–254, div. J, § 1809(a)(3), Oct. 5, 2018, 132 Stat. 3537, provided that: “The Secretary of Homeland Security shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives at least 1 year before ceasing operations of any interagency operational center established before the date of enactment of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1884) [Oct. 13, 2006].”

REPORT REQUIREMENT

Pub. L. 109–347, title I, § 108(b), Oct. 13, 2006, 120 Stat. 1893, as amended by Pub. L. 115–254, div. J, § 1809(c)(2), Oct. 5, 2018, 132 Stat. 3538, related to continued compliance with requirements of section 807 of Pub. L. 108–293 (118 Stat. 1082). Amendment by Pub. L. 115–254 substituted “[Reserved].” for text of subsec. (b).

§ 70108. Foreign port assessment

(a) **IN GENERAL.**—The Secretary shall assess the effectiveness of the antiterrorism measures maintained at—

(1) a foreign port—

(A) served by vessels documented under chapter 121 of this title; or

(B) from which foreign vessels depart on a voyage to the United States; and

(2) any other foreign port the Secretary believes poses a security risk to international maritime commerce.

(b) **PROCEDURES.**—In conducting an assessment under subsection (a), the Secretary shall assess the effectiveness of—

(1) screening of containerized and other cargo and baggage;

(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;

(3) additional security on board vessels;

(4) licensing or certification of compliance with appropriate security standards;

(5) the security management program of the foreign port; and

(6) other appropriate measures to deter terrorism against the United States.

(c) **CONSULTATION.**—In carrying out this section, the Secretary shall consult with—

(1) the Secretary of Defense and the Secretary of State—

(A) on the terrorist threat that exists in each country involved; and

(B) to identify foreign ports that pose a high risk of introducing terrorism to international maritime commerce;

(2) appropriate authorities of foreign governments; and

(3) operators of vessels.

(d) **PERIODIC REASSESSMENT.**—The Secretary, acting through the Commandant of the Coast Guard, shall reassess the effectiveness of antiterrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than once every 3 years.

(e) **LIMITATION ON STATUTORY CONSTRUCTION.**—The absence of an inspection of a foreign port shall not bar the Secretary from making a finding that a port in a foreign country does not maintain effective antiterrorism measures.

(f) **RECOGNITION OF ASSESSMENT CONDUCTED BY OTHER ENTITIES.**—

(1) **CERTIFICATION AND TREATMENT OF ASSESSMENTS.**—For the purposes of this section and section 70109, the Secretary may treat an assessment that a foreign government (including, for the purposes of this subsection, an entity of or operating under the auspices of the European Union) or international organization has conducted as an assessment that the Secretary has conducted for the purposes of subsection (a), if—

(A) the Secretary certifies that the foreign government or international organization—

(i) has conducted the assessment in accordance with subsection (b); and

(ii) has provided the Secretary with sufficient information pertaining to its assessment (including information regarding the outcome of the assessment); and

(B) the foreign government that conducted the assessment is not a state sponsor of terrorism (as defined in section 3316(h)).

(2) **AUTHORIZATION TO ENTER INTO AN AGREEMENT.**—For the purposes of this section and section 70109, the Secretary, in consultation with the Secretary of State, may enter into an agreement with a foreign government (including, for the purposes of this subsection, an entity of or operating under the auspices of the European Union) or international organization, under which parties to the agreement—

(A) conduct an assessment, required under subsection (a);

(B) share information pertaining to such assessment (including, but not limited to, information on the outcome of the assessment); or

(C) both.

(3) **LIMITATIONS.**—Nothing in this section may be construed—