

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 Repealed.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—