

(A) to require the Secretary to treat an assessment conducted by a foreign government or an international organization as an assessment that satisfies the requirement under subsection (a);

(B) to limit the discretion or ability of the Secretary to conduct an assessment under this section;

(C) to limit the authority of the Secretary to repatriate aliens to their respective countries of origin; or

(D) to prevent the Secretary from requesting security and safety measures that the Secretary considers necessary to safeguard Coast Guard personnel during the repatriation of aliens to their respective countries of origin.

(4) NOTIFICATION TO CONGRESS.—Not later than 30 days before entering into an agreement or arrangement with a foreign government under paragraph (2), the Secretary shall notify the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the proposed terms of such agreement or arrangement.

(g) STATE SPONSORS OF TERRORISM AND INTERNATIONAL TERRORIST ORGANIZATIONS.—The Secretary—

(1) may not enter into an agreement under subsection (f)(2) with—

(A) a foreign government that is a state sponsor of terrorism (as defined in section 3316(h)); or

(B) an entity designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(2) shall—

(A) deem any port that is under the jurisdiction of a foreign government that is a state sponsor of terrorism as not having effective antiterrorism measures for purposes of this section and section 70109; and

(B) immediately apply the sanctions described in section 70110(a) to such port.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2079; amended Pub. L. 109-347, title II, §234, Oct. 13, 2006, 120 Stat. 1918; Pub. L. 111-281, title VIII, §806(a)(1), (c)(2)(B), Oct. 15, 2010, 124 Stat. 2992, 2993; Pub. L. 114-120, title III, §317, Feb. 8, 2016, 130 Stat. 62; Pub. L. 118-31, div. E, title LVI, §5603, Dec. 22, 2023, 137 Stat. 959.)

Editorial Notes

AMENDMENTS

2023—Subsec. (f)(1). Pub. L. 118-31, §5603(1)(A), substituted “if—” and subpars. (A) and (B) for “provided that the Secretary certifies that the foreign government or international organization has—

“(A) conducted the assessment in accordance with subsection (b); and

“(B) provided the Secretary with sufficient information pertaining to its assessment (including, but not limited to, information on the outcome of the assessment).”

Subsec. (f)(3). Pub. L. 118-31, §5603(1)(B), amended par. (3) generally. Prior to amendment, text read as follows: “Nothing in this subsection shall be construed to—

“(A) require the Secretary to recognize an assessment that a foreign government or an international organization has conducted; or

“(B) limit the discretion or ability of the Secretary to conduct an assessment under this section.”

Subsec. (g). Pub. L. 118-31, §5603(2), added subsec. (g). 2016—Subsec. (f). Pub. L. 114-120 added subsec. (f).

2010—Subsec. (c)(2) to (4). Pub. L. 111-281, §806(c)(2)(B), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: “the Secretary of the Treasury;”.

Subsec. (e). Pub. L. 111-281, §806(a)(1), added subsec. (e).

2006—Subsec. (d). Pub. L. 109-347 added subsec. (d).

§ 70109. Notifying foreign authorities

(a) IN GENERAL.—Unless the Secretary finds that a port in a foreign country maintains effective antiterrorism measures, the Secretary shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to improve the antiterrorism measures in use at the port.

(b) TRAINING PROGRAM.—The Secretary, in cooperation with the Secretary of State, shall operate a port security training program for ports in foreign countries that are found under section 70108 to lack effective antiterrorism measures.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2080; amended Pub. L. 111-281, title VIII, §806(a)(2), Oct. 15, 2010, 124 Stat. 2992.)

Editorial Notes

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-281 substituted “Unless the Secretary finds that a port in a foreign country maintains effective antiterrorism measures,” for “If the Secretary, after conducting an assessment under section 70108, finds that a port in a foreign country does not maintain effective antiterrorism measures.”.

§ 70110. Actions and assistance for foreign ports or facilities and United States territories

(a) IN GENERAL.—Unless the Secretary finds that a foreign port or facility maintains effective antiterrorism measures, the Secretary—

(1) may prescribe conditions of entry into the United States for any vessel arriving from that port or facility, or any vessel carrying cargo or passengers originating from or transhipped through that port or facility;

(2) may deny entry into the United States to any vessel that does not meet such conditions; and

(3) shall provide public notice for passengers of the ineffective antiterrorism measures.

(b) EFFECTIVE DATE FOR SANCTIONS.—Any action taken by the Secretary under subsection (a) for a particular port or facility shall take effect—

(1) 90 days after the government of the foreign country with jurisdiction over or control of that port or facility is notified under section 70109 unless the Secretary finds that the government has brought the antiterrorism measures at the port or facility up to the security level the Secretary used in making an assessment under section 70108 before the end of that 90-day period; or

(2) immediately upon the finding of the Secretary under subsection (a) if the Secretary