

Editorial Notes

REFERENCES IN TEXT

Section 1 of title II of the Act of June 15, 1917, referred to in par. (2), which was classified to section 191 of Title 50, War and National Defense, was redesignated and transferred to section 70051 of this title by Pub. L. 115-282, title IV, § 407(b)(1), (5), Dec. 4, 2018, 132 Stat. 4267.

Section 7(b) of the Ports and Waterways Safety Act, referred to in par. (2), which was classified to section 1226(b) of Title 33, Navigation and Navigable Waters, was redesignated and transferred to section 70116(b) of this title by Pub. L. 115-282, title IV, § 402(b)(1), Dec. 4, 2018, 132 Stat. 4264. A duplicate transfer to section 70102a(b) of this title by section 408(a) of Pub. L. 115-282 was repealed by Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8507(d)(1), Jan. 1, 2021, 134 Stat. 4754.

AMENDMENTS

2010—Pub. L. 111-330 amended Pub. L. 111-281, § 828(a), which enacted this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, § 1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(16) is effective with the enactment of Pub. L. 111-281.

§ 70132. Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo

(a) **STANDARD.**—The Commandant of the Coast Guard shall establish, by regulation, national standards for training and credentialing of public safety personnel—

- (1) to enforce a security zone; or
- (2) to assist in the enforcement of a security zone.

(b) **TRAINING.**—

- (1) The Commandant of the Coast Guard—
 - (A) shall develop and publish a training curriculum for—
 - (i) public safety personnel to enforce a security zone;
 - (ii) public safety personnel to enforce or assist in the enforcement of a security zone; and
 - (iii) personnel who are employed or retained by a facility or vessel owner to assist in the enforcement of a security zone; and

(B) may—

(i) test and deliver such training, the curriculum for which is developed pursuant to subparagraph (A);

(ii) enter into an agreement under which a public entity (including a Federal agency) or private entity may test and deliver such training, the curriculum for which has been developed pursuant to subparagraph (A); and

(iii) may accept a program, conducted by a public entity (including a Federal agency) or private entity, through which such training is delivered the curriculum for which is developed pursuant to subparagraph (A).

(2) Any Federal agency that provides such training, and any public or private entity that

receives moneys, pursuant to section 70107(b)(8) of this title, to provide such training, shall provide such training—

(A) to public safety personnel who enforce or assist in the enforcement of a security zone; and

(B) on an availability basis to—

(i) public safety personnel who assist in the enforcement of a security zone; and

(ii) personnel who are employed or retained by a facility or vessel owner or operator to assist in the enforcement of a security zone.

(3) If a Federal agency provides the training, the head of such agency may, notwithstanding any other provision of law, accept payment from any source for such training, and any amount received as payment shall be credited to the appropriation, current at the time of collection, charged with the cost thereof and shall be merged with, and available for, the same purposes of such appropriation.

(4) Notwithstanding any other provision of law, any moneys, awarded by the Department of Homeland Security in the form of awards or grants, may be used by the recipient to pay for training of personnel to assist in the enforcement of security zones and limited access areas.

(c) **CERTIFICATION; TRAINING PARTNERS.**—In developing and delivering training under the training program, the Secretary, in coordination with the Maritime Administrator of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

(1) work with government training facilities, academic institutions, private organizations, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management;

(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities; and

(3) certify organizations that offer the curriculum for training and certification.

(d) **PUBLIC SAFETY PERSONNEL DEFINED.**—For the purposes of this section, the term “public safety personnel” includes any Federal, State (or political subdivision thereof), territorial, or Tribal law enforcement officer, firefighter, or emergency response provider.

(Added Pub. L. 111-281, title VIII, § 828(a), Oct. 15, 2010, 124 Stat. 3005; amended Pub. L. 111-330, § 1(16), Dec. 22, 2010, 124 Stat. 3570; Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], § 8314(2), Jan. 1, 2021, 134 Stat. 4699.)

Editorial Notes

REFERENCES IN TEXT

Section 109 of the Maritime Transportation Security Act of 2002, referred to in subsec. (c), is section 109 of title I of Pub. L. 107-295, which is set out as a note under section 70101 of this title.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §8314(2)(A), substituted “public safety personnel—” for “law enforcement personnel—” in introductory provisions.

Subsec. (b). Pub. L. 116-283, §8314(2)(B), substituted “public safety personnel” for “law enforcement personnel” wherever appearing.

Subsec. (d). Pub. L. 116-283, §8314(2)(C), added subsec. (d).

2010—Pub. L. 111-330 amended Pub. L. 111-281, §828(a), which enacted this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(16) is effective with the enactment of Pub. L. 111-281.

CHAPTER 703—MARITIME SECURITY

Sec.

- 70301. Definitions.
70302. International measures for seaport and vessel security.
70303. Security standards at foreign ports.
70304. Travel advisories on security at foreign ports.
70305. Suspension of passenger services.
70306. Report on terrorist threats.

§ 70301. Definitions

In this chapter:

(1) COMMON CARRIER.—The term “common carrier” has the meaning given that term in section 40102 of this title.

(2) PASSENGER VESSEL.—The term “passenger vessel” has the meaning given that term in section 2101 of this title.

(3) SECRETARY.—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1683.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70301, 46 App.:1807, Pub. L. 99-399, title IX, §911, Aug. 27, 1986, 100 Stat. 892.

In paragraph (2), the term “vessel of the United States” is omitted because the definition of that term in 46 U.S.C. 2101 is being moved to chapter 1 of the revised title and will apply generally throughout the title.

In paragraph (3), the definition of “Secretary” is new. The functions of the Secretary of Transportation under this chapter were carried out by the Coast Guard, and its functions have been transferred to the Department of Homeland Security (except when operating as a service in the Navy) by section 888 of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2249).

§ 70302. International measures for seaport and vessel security

Congress encourages the President to continue to seek agreement on international seaport and vessel security through the International Maritime Organization. In developing an agreement, each member country of the International Maritime Organization should consult with appropriate private sector interests in that country. The agreement would establish seaport and vessel security measures and could include—

(1) seaport screening of cargo and baggage similar to that done at airports;

(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; and

(5) other appropriate measures to prevent unlawful acts against passengers and crews on vessels.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1683.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70302, 46 App.:1801, Pub. L. 99-399, title IX, §902, Aug. 27, 1986, 100 Stat. 889.

The word “vessel” is substituted for “shipboard” for consistency in the revised title. The words “and commends him on his efforts to date” are omitted as unnecessary.

§ 70303. Security standards at foreign ports

(a) GENERAL REQUIREMENTS.—The Secretary shall develop and implement a plan to assess the effectiveness of the security measures maintained at foreign ports that the Secretary, in consultation with the Secretary of State, determines pose a high risk of acts of terrorism against passenger vessels. In carrying out this subsection, the Secretary shall consult with the Secretary of State about the terrorist threat that exists in each country and poses a high risk of acts of terrorism against passenger vessels.

(b) NOTICE AND RECOMMENDATIONS TO OTHER COUNTRIES.—If the Secretary, after implementing the plan under subsection (a), determines that a port does not maintain and administer effective security measures, the Secretary of State (after being informed by the Secretary) shall—

(1) notify the appropriate government authorities of the country in which the port is located of the determination; and

(2) recommend steps necessary to bring the security measures at that port up to the standard used by the Secretary in making the assessment under subsection (a).

(c) ANTITERRORISM ASSISTANCE.—The President is encouraged to provide antiterrorism assistance related to maritime security under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.) to foreign countries, especially for a port that the Secretary determines under subsection (b) does not maintain and administer effective security measures.

(Pub. L. 109-304, §10(2), Oct. 6, 2006, 120 Stat. 1684.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70303, 46 App.:1803, Pub. L. 99-399, title IX, §907(a), (b), (d), (e), Aug. 27, 1986, 100 Stat. 891.