

- (2) \$146,000,000 for fiscal year 2009; and
 (3) \$153,300,000 for fiscal year 2010.

(Pub. L. 109-347, title II, §205, Oct. 13, 2006, 120 Stat. 1906; Pub. L. 115-254, div. J, §1812, Oct. 5, 2018, 132 Stat. 3539.)

Editorial Notes

AMENDMENTS

2018—Subsec. (I). Pub. L. 115-254 struck out par. (1) designation and heading, substituted “Not later than 270 days after October 5, 2018,” for “Not later than September 30, 2007,” in introductory provisions, redesignated subpars. (A) to (H) of former par. (1) as pars. (1) to (8), respectively, and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).”

Statutory Notes and Related Subsidiaries

INTERNATIONAL PORT AND FACILITY INSPECTION COORDINATION

Pub. L. 111-281, title VIII, §825, Oct. 15, 2010, 124 Stat. 3004, as amended by Pub. L. 114-120, title III, §320, Feb. 8, 2016, 130 Stat. 66, provided that:

“(a) COORDINATION.—The Secretary of Homeland Security shall, to the extent practicable, conduct the assessments required by the following provisions of law concurrently, or develop a process by which the assessments are coordinated between the Coast Guard and Customs and Border Protection:

- “(1) Section 205 of the SAFE Port Act (6 U.S.C. 945).
 “(2) Section 213 of that Act (6 U.S.C. 964 [963]).

“(3) Section 70108 of title 46, United States Code.

“(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect or diminish the Secretary’s authority or discretion—

“(1) to conduct an assessment of a foreign port at any time;

“(2) to compel the Secretary to conduct an assessment of a foreign port so as to ensure that 2 or more assessments are conducted concurrently; or

“(3) to cancel an assessment of a foreign port if the Secretary is unable to conduct 2 or more assessments concurrently.

“(c) MULTIPLE ASSESSMENT REPORT.—The Secretary shall provide written notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives whenever the Secretary conducts 2 or more assessments of the same port within a 3-year period.”

PART B—CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM

§ 961. Establishment

(a) Establishment

The Secretary, acting through the Commissioner, is authorized to establish a voluntary government-private sector program (to be known as the “Customs-Trade Partnership Against Terrorism” or “C-TPAT”) to strengthen and improve the overall security of the international supply chain and United States border security, and to facilitate the movement of se-

cure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C-TPAT shall include Tier 1 participants, Tier 2 participants, and Tier 3 participants.

(b) Minimum security requirements

The Secretary, acting through the Commissioner, shall review the minimum security requirements of C-TPAT at least once every year and update such requirements as necessary.

(Pub. L. 109-347, title II, §211, Oct. 13, 2006, 120 Stat. 1909.)

Statutory Notes and Related Subsidiaries

CTPAT PILOT PROGRAM ON PARTICIPATION OF THIRD-PARTY LOGISTICS PROVIDERS

Pub. L. 118-98, Oct. 1, 2024, 138 Stat. 1575, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Customs Trade Partnership Against Terrorism Pilot Program Act of 2023’ or the ‘CTPAT Pilot Program Act of 2023’.

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

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

“(B) the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives.

“(2) CTPAT.—The term ‘CTPAT’ means the Customs Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act (6 U.S.C. 961 et seq.).

“SEC. 3. PILOT PROGRAM ON PARTICIPATION OF THIRD-PARTY LOGISTICS PROVIDERS IN CTPAT.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall carry out a pilot program to assess whether allowing entities described in subsection (b) to participate in CTPAT would enhance port security, combat terrorism, prevent supply chain security breaches, or otherwise meet the goals of CTPAT.

“(2) FEDERAL REGISTER NOTICE.—Not later than one year after the date of the enactment of this Act [Oct. 1, 2024], the Secretary shall publish in the Federal Register a notice specifying the requirements for the pilot program required by paragraph (1).

“(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

“(1) a non-asset-based third-party logistics provider that—

“(A) arranges international transportation of freight and is licensed by the Department of Transportation; and

“(B) meets such other requirements as the Secretary specifies in the Federal Register notice required by subsection (a)(2); or

“(2) an asset-based third-party logistics provider that—

“(A) facilitates cross border activity and is licensed or bonded by the Federal Maritime Commission, the Transportation Security Administration, U.S. Customs and Border Protection, or the Department of Transportation;

“(B) manages and executes logistics services using its own warehousing assets and resources on behalf of its customers; and

“(C) meets such other requirements as the Secretary specifies in the Federal Register notice required by subsection (a)(2).

“(c) REQUIREMENTS.—In carrying out the pilot program required by subsection (a)(1), the Secretary shall—

“(1) ensure that—

“(A) not more than 10 entities described in paragraph (1) of subsection (b) participate in the pilot program; and

“(B) not more than 10 entities described in paragraph (2) of that subsection participate in the program;

“(2) provide for the participation of those entities on a voluntary basis;

“(3) continue the program for a period of not less than one year after the date on which the Secretary publishes the Federal Register notice required by subsection (a)(2); and

“(4) terminate the pilot program not more than 5 years after that date.

“(d) REPORT REQUIRED.—Not later than 180 days after the termination of the pilot program under subsection (c)(4), the Secretary shall submit to the appropriate congressional committees a report on the findings of, and any recommendations arising from, the pilot program concerning the participation in CTPAT of entities described in subsection (b), including an assessment of participation by those entities.

“SEC. 4. REPORT ON EFFECTIVENESS OF CTPAT.

“(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Oct. 1, 2024], the Comptroller General of the United States shall submit to the appropriate congressional committees a report assessing the effectiveness of CTPAT.

“(b) ELEMENTS.—The report required by subsection (a) shall include the following:

“(1) An analysis of—

“(A) security incidents in the cargo supply chain during the 5-year period preceding submission of the report that involved criminal activity, including drug trafficking, human smuggling, commercial fraud, or terrorist activity; and

“(B) whether those incidents involved participants in CTPAT or entities not participating in CTPAT.

“(2) An analysis of causes for the suspension or removal of entities from participating in CTPAT as a result of security incidents during that 5-year period.

“(3) An analysis of the number of active CTPAT participants involved in one or more security incidents while maintaining their status as participants.

“(4) Recommendations to the Commissioner of U.S. Customs and Border Protection for improvements to CTPAT to improve prevention of security incidents in the cargo supply chain involving participants in CTPAT.

“SEC. 5. NO ADDITIONAL FUNDS AUTHORIZED.

“No additional funds are authorized to be appropriated for the purpose of carrying out this Act.”

§ 962. Eligible entities

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C-TPAT.

(Pub. L. 109-347, title II, §212, Oct. 13, 2006, 120 Stat. 1909.)

§ 963. Minimum requirements

An applicant seeking to participate in C-TPAT shall—

(1) demonstrate a history of moving cargo in the international supply chain;

(2) conduct an assessment of its supply chain based upon security criteria established by the

Secretary, acting through the Commissioner, including—

(A) business partner requirements;

(B) container security;

(C) physical security and access controls;

(D) personnel security;

(E) procedural security;

(F) security training and threat awareness;

and

(G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner, in consultation with the Commercial Operations Advisory Committee.

(Pub. L. 109-347, title II, §213, Oct. 13, 2006, 120 Stat. 1909.)

§ 964. Tier 1 participants in C-TPAT

(a) Benefits

The Secretary, acting through the Commissioner, shall offer limited benefits to a Tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high-risk threshold established by the Secretary.

(b) Guidelines

Not later than 180 days after October 13, 2006, the Secretary, acting through the Commissioner, shall update the guidelines for certifying a C-TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

(c) Timeframe

To the extent practicable, the Secretary, acting through the Commissioner, shall complete the Tier 1 certification process within 90 days of receipt of an application for participation in C-TPAT.

(Pub. L. 109-347, title II, §214, Oct. 13, 2006, 120 Stat. 1910.)

§ 965. Tier 2 participants in C-TPAT

(a) Validation

The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a Tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the Tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a Tier 1 participant.

(b) Benefits

The Secretary, acting through the Commissioner, shall extend benefits to each C-TPAT participant that has been validated as a Tier 2 participant under this section, which may include—