

Subsecs. (o), (p). Pub. L. 111-281, §818(a), added subsecs. (o) and (p).

Subsec. (q). Pub. L. 111-281, §823, added subsec. (q). 2007—Subsec. (b)(1). Pub. L. 110-53, §1309(a)(1), substituted “determines under subsection (c) that the individual poses a security risk” for “decides that the individual poses a security risk under subsection (c)”.

Subsec. (c)(1). Pub. L. 110-53, §1309(a)(2), inserted heading and amended text of par. (1) generally, substituting provisions relating to disqualifications, consisting of subpars. (A) to (E), for former provisions relating to when individuals may be denied transportation security cards, consisting of subpars. (A) to (D). 2006—Subsec. (b)(2)(G). Pub. L. 109-347, §104(b)(1), added subpar. (G).

Subsec. (c)(2). Pub. L. 109-347, §104(b)(2), inserted “subparagraph (A), (B), or (D)” before “paragraph (1)”.

Subsec. (c)(3) to (5). Pub. L. 109-241 added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

Subsecs. (g) to (m). Pub. L. 109-347, §104(a), added subsecs. (g) to (m).

#### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(13) is effective with the enactment of Pub. L. 111-281.

#### DEADLINE FOR SECTION 70105 REGULATIONS

Pub. L. 109-347, title I, §104(c), Oct. 13, 2006, 120 Stat. 1891, provided that: “Not later than January 1, 2007, the Secretary [of Homeland Security] shall promulgate final regulations implementing the requirements for issuing transportation security cards under section 70105 of title 46, United States Code. The regulations shall include a background check process to enable newly hired workers to begin working unless the Secretary makes an initial determination that the worker poses a security risk. Such process shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government.”

#### PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS

Pub. L. 111-281, title VIII, §808, Oct. 15, 2010, 124 Stat. 2994, provided that:

“(a) IN GENERAL.—Within 180 days after the date of enactment of this Act [Oct. 15, 2010], the Secretary of Homeland Security shall establish procedures providing for an individual who is required to be fingerprinted for purposes of obtaining a transportation security card under section 70105 of title 46, United States Code, the ability to be fingerprinted at any of not less than 20 facilities operated by or under contract with an agency of the Department of Homeland Security that fingerprints the public for the Department. These facilities shall be in addition to facilities established under section 70105 of title 46, United States Code.

“(b) EXPIRATION.—The requirement made by subsection (a) expires 1 year after the date the Secretary establishes the facilities required under that subsection.”

#### ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES

Pub. L. 111-281, title VIII, §815, Oct. 15, 2010, 124 Stat. 2999, provided that:

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Oct. 15, 2010], the Secretary of the department in which the Coast Guard is operating shall prepare an assessment of the enrollment sites for transportation security cards issued under section 70105 of title 46, United States Code, including—

(1) the feasibility of keeping those enrollment sites open after the date of enactment of this Act; and

(2) the quality of customer service, including the periods of time individuals are kept on

hold on the telephone, whether appointments are kept, and processing times for applications.

(b) TIMELINES AND BENCHMARKS.—The Secretary shall develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary.

#### RECEIPT OF CARDS

Pub. L. 111-281, title VIII, §818(b), Oct. 15, 2010, 124 Stat. 3000, provided that:

“(1) REPORT BY COMPTROLLER GENERAL.—Within 180 days after the date of enactment of this Act [Oct. 15, 2010], the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing the costs, technical feasibility, and security measures associated with implementing procedures to deliver a transportation security card to an approved applicant’s place of residence in a secure manner or to allow an approved applicant to receive the card at an enrollment center of the individual’s choosing.

“(2) PROCESS FOR ALTERNATIVE MEANS OF RECEIPT.—If the Comptroller General finds in the final report under paragraph (1) that it is feasible for a transportation security card to be sent to an approved applicant’s place 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.)

#### 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”.

#### 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 law enforcement 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. 5121(j)(8)<sup>1</sup>), including those facilities in support of this paragraph, and specifically approved by the Secretary. Costs eligible for

<sup>1</sup> So in original. Probably should be “5196(j)(8)”.