

(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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

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

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (c), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapter 8 of part II of the Act is classified generally to part VIII (§2349aa et seq.) of subchapter II of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

§ 70304. Travel advisories on security at foreign ports

(a) GENERAL REQUIREMENTS.—On being notified by the Secretary that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port that the Secretary has determined under section 70303(b) of this title does not maintain and administer effective security measures, the Secretary of State immediately shall issue a travel advisory for that port. The Secretary of State shall take the necessary steps to widely publicize the travel advisory.

(b) LIFTING ADVISORIES.—A travel advisory issued under subsection (a) may be lifted only if the Secretary, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port.

(c) NOTICE TO CONGRESS.—The Secretary of State shall notify Congress immediately of any