

thorization Act of 2010, the Secretary shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) DEFINITION.—For the purposes of this section, the term “biometric identification” means use of fingerprint and digital photography images and facial and iris scan technology and any other technology considered applicable by the Department of Homeland Security.

(Added Pub. L. 111–281, title VIII, § 807(a), Oct. 15, 2010, 124 Stat. 2993.)

REFERENCES IN TEXT

The date of the enactment of the Coast Guard Authorization Act of 2010, referred to in subsec. (a), is the date of enactment of Pub. L. 111–281, which was approved Oct. 15, 2010.

§ 70124. Regulations

Unless otherwise provided, the Secretary may issue regulations necessary to implement this chapter.

(Added Pub. L. 111–281, title VIII, § 820(a), Oct. 15, 2010, 124 Stat. 3001.)

§ 70125. Port security training for facility security officers

(a) FACILITY SECURITY OFFICERS.—The Secretary shall establish comprehensive facility security officer training requirements designed to provide full security training that would lead to certification of such officers. In establishing the requirements, the Secretary shall—

- (1) work with affected industry stakeholders; and
- (2) evaluate—
 - (A) the requirements of subsection (b);
 - (B) existing security training programs employed at marine terminal facilities; and
 - (C) existing port security training programs developed by the Federal Government.

(b) REQUIREMENTS.—The training program shall provide validated training that—

- (1) provides training at the awareness, performance, management, and planning levels;
- (2) utilizes multiple training mediums and methods;
- (3) establishes a validated provisional online certification methodology;
- (4) provide for continuing education and training for facility security officers beyond certification requirements, including a program to educate on the dangers and issues associated with the shipment of hazardous and especially hazardous cargo;
- (5) addresses port security topics, including—

(A) facility security plans and procedures, including how to develop security plans and security procedure requirements when threat levels are elevated;

(B) facility security force operations and management;

(C) physical security and access control at facilities;

(D) methods of security for preventing and countering cargo theft;

(E) container security;

(F) recognition and detection of weapons, dangerous substances, and devices;

(G) operation and maintenance of security equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

(J) evacuation procedures;

(6) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

(7) is evaluated against clear and consistent performance measures;

(8) addresses security requirements under facility security plans;

(9) addresses requirements under the International Code for the Security of Ships and Port Facilities to address shore leave for mariners and access to visitors, representatives of seafarers’ welfare organizations, and labor organizations; and

(10) such other subject matters as may be prescribed by the Secretary.

(c) CONTINUING SECURITY TRAINING.—The Secretary, in coordination with the Secretary of Transportation, shall work with State and local law enforcement agencies and industry stakeholders to develop and certify the following additional security training requirements for Federal, State, and local officials with security responsibilities at United States seaports:

(1) A program to familiarize them with port and shipping operations, requirements of the Maritime Transportation Security Act of 2002 (Public Law 107–295), and other port and cargo security programs that educates and trains them with respect to their roles and responsibilities.

(2) A program to familiarize them with dangers and potential issues with respect to shipments of hazardous and especially hazardous cargoes.

(3) A program of continuing education as deemed necessary by the Secretary.

(d) TRAINING PARTNERS.—In developing curriculum and delivering training established pursuant to subsections (a) and (c), 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 work with institutions with maritime expertise and with industry stakeholders with security expertise to develop appropriate training capacity to ensure that training can be provided in a geographically balanced

manner to personnel seeking certification under subsection (a) or education and training under subsection (c).

(e) ESTABLISHED GRANT PROGRAM.—The Secretary shall issue regulations or grant solicitations for grants for homeland security or port security to ensure that activities surrounding the development of curriculum and the provision of training and these activities are eligible grant activities under both grant programs.

(Added Pub. L. 111–281, title VIII, §821(a), Oct. 15, 2010, 124 Stat. 3001; amended Pub. L. 111–330, §1(14), Dec. 22, 2010, 124 Stat. 3570.)

REFERENCES IN TEXT

The Maritime Transportation Security Act of 2002, referred to in subsec. (c)(1), is Pub. L. 107–295, Nov. 25, 2002, 116 Stat. 2064. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2010—Pub. L. 111–330 amended Pub. L. 111–281, §821(a), which enacted this section.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(12) is effective with the enactment of Pub. L. 111–281.

SUBCHAPTER II—PORT SECURITY ZONES

AMENDMENTS

Pub. L. 111–330, §1(16), Dec. 22, 2010, 124 Stat. 3570, amended Pub. L. 111–281, title VIII, §828(a), Oct. 15, 2010, 124 Stat. 3005, which added subchapter II heading.

§ 70131. Definitions

In this subchapter:

(1) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means an agency of a State, a political subdivision of a State, or a Federally recognized tribe that is authorized by law to supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(2) SECURITY ZONE.—The term “security zone” means a security zone, established by the Commandant of the Coast Guard or the Commandant’s designee pursuant to section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 191) or section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)), for a vessel carrying especially hazardous cargo when such vessel—

(A) enters, or operates within, the internal waters of the United States and the territorial sea of the United States; or

(B) transfers such cargo or residue in any port or place, under the jurisdiction of the United States, within the territorial sea of the United States or the internal waters of the United States.

(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.)

AMENDMENTS

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

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 law enforcement 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) law enforcement personnel to enforce a security zone;

(ii) law enforcement 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 law enforcement personnel who enforce or assist in the enforcement of a security zone; and

(B) on an availability basis to—

(i) law enforcement 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 enforce-