

(A) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

(B) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.

(Pub. L. 109-347, title II, §233(a), Oct. 13, 2006, 120 Stat. 1917.)

§ 984. Pilot program to improve the security of empty containers

(a) In general

The Secretary shall conduct a 1-year pilot program to assess the risk posed by and improve the security of empty containers at United States seaports to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers. The pilot program shall include the use of visual searches of empty containers at United States seaports.

(b) Report

Not later than 90 days after the completion of the pilot program under paragraph (1), the Secretary shall prepare and submit to the appropriate congressional committees a report that contains—

- (1) the results of the pilot program; and
- (2) the determination of the Secretary on whether to expand the pilot program.

(Pub. L. 109-347, title II, §235, Oct. 13, 2006, 120 Stat. 1919.)

§ 985. Information sharing relating to supply chain security cooperation

(a) Purposes

The purposes of this section are—

- (1) to establish continuing liaison and to provide for supply chain security cooperation between Department and the private sector; and
- (2) to provide for regular and timely interchange of information between the private sector and the Department concerning developments and security risks in the supply chain environment.

(b) System

The Secretary shall develop a system to collect from and share appropriate risk information related to the supply chain with the private sector entities determined appropriate by the Secretary.

(c) Consultation

In developing the system under subsection (b), the Secretary shall consult with the Commercial Operations Advisory Committee and a broad range of public and private sector entities likely to utilize the system, including importers, exporters, carriers, customs brokers, and freight forwarders, among other parties.

(d) Independently obtained information

Nothing in this section shall be construed to limit or otherwise affect the ability of a Fed-

eral, State, or local government entity, under applicable law, to obtain supply chain security information, including any information lawfully and properly disclosed generally or broadly to the public and to use such information in any manner permitted by law.

(e) Authority to issue warnings

The Secretary may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential risks to the supply chain as appropriate. In issuing a warning, the Secretary shall take appropriate actions to protect from disclosure—

- (1) the source of any voluntarily submitted supply chain security information that forms the basis for the warning; and
- (2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

(Pub. L. 109-347, title II, §236, Oct. 13, 2006, 120 Stat. 1919.)

SUBCHAPTER III—ADMINISTRATION

§ 1001. Designation of liaison office of Department of State

The Secretary of State shall designate a liaison office within the Department of State to assist the Secretary, as appropriate, in negotiating cargo security-related international agreements.

(Pub. L. 109-347, title III, §301(b), Oct. 13, 2006, 120 Stat. 1920.)

RULE OF CONSTRUCTION

Nothing in this section to be construed to affect the authorities, functions, or capabilities of the Coast Guard to perform its missions or the requirement under section 468 of this title that those authorities, functions, and capabilities be maintained intact, see section 301(c) of Pub. L. 109-347, set out as a note under section 239 of this title.

§ 1002. Homeland Security Science and Technology Advisory Committee

The Under Secretary for Science and Technology shall utilize the Homeland Security Science and Technology Advisory Committee, as appropriate, to provide outside expertise in advancing cargo security technology.

(Pub. L. 109-347, title III, §302(c), Oct. 13, 2006, 120 Stat. 1921.)

§ 1003. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security

(a) In general

The Secretary shall—

- (1) direct research, development, testing, and evaluation efforts in furtherance of maritime and cargo security;
- (2) coordinate with public and private sector entities to develop and test technologies, and process innovations in furtherance of these objectives; and
- (3) evaluate such technologies.

(b) Coordination

The Secretary, in coordination with the Under Secretary for Science and Technology, the As-

sistant Secretary for Policy, the Commandant of the Coast Guard, the Director for Domestic Nuclear Detection, the Chief Financial Officer, and the heads of other appropriate offices or entities of the Department, shall ensure that—

(1) research, development, testing, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated within the Department and with other appropriate Federal agencies to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department and with other Federal, State, and local agencies, as appropriate.

(Pub. L. 109-347, title III, §303, Oct. 13, 2006, 120 Stat. 1921.)

CHAPTER 4—TRANSPORTATION SECURITY

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SUBCHAPTER I—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

§ 1101. Definitions

For purposes of this subchapter, the following terms apply:

(1) Department

The term “Department” means the Department of Homeland Security.

(2) Secretary

The term “Secretary” means the Secretary of Homeland Security.

(Pub. L. 110-53, title XII, §1201, Aug. 3, 2007, 121 Stat. 381.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title XII of Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 381, which enacted this subchapter, amended section 114 of Title 49, Transportation, and enacted provisions set out as a note under section 114 of Title 49. For complete classification of title XII to the Code, see Tables.

SHORT TITLE

Pub. L. 110-53, title XIV, §1401, Aug. 3, 2007, 121 Stat. 400, provided that: “This title [enacting subchapter III of this chapter] may be cited as the ‘National Transit Systems Security Act of 2007’.”

EX. ORD. NO. 13416. STRENGTHENING SURFACE TRANSPORTATION SECURITY

Ex. Ord. No. 13416, Dec. 5, 2006, 71 F.R. 71033, provided: