

“for making a fair and equitable allocation of funds” and “national economic, energy, and strategic defense concerns based upon the most current risk assessments available” for “national economic and strategic defense concerns”.

Subsec. (b)(2). Pub. L. 109-347, §112(b)(1), inserted at end “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)), including those facilities in support of this paragraph, and specifically approved by the Secretary. Costs eligible for funding under this paragraph may not exceed the greater of—” and subpars. (A) and (B).

Subsec. (b)(5) to (7). Pub. L. 109-347, §112(b)(2), added pars. (5) to (7).

Subsecs. (e) to (i). Pub. L. 109-347, §112(c)(1), added subsecs. (e) to (h). Former subsecs. (e) to (i) redesignated (i) to (m), respectively.

Subsec. (i)(1). Pub. L. 109-347, §112(c)(2), substituted “Secretary shall require” for “program shall require”.

Subsecs. (j), (k). Pub. L. 109-347, §112(c)(1), redesignated subsecs. (f) and (g) as (j) and (k), respectively.

Subsec. (l). Pub. L. 109-347, §112(d), amended subsec. (l) generally. Prior to amendment, subsec. (l) read as follows: “There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2008 such sums as are necessary to carry out subsections (a) through (g).”

Pub. L. 109-347, §112(c)(1), redesignated subsec. (h) as (l).

Subsec. (m). Pub. L. 109-347, §112(c)(1), redesignated subsec. (i) as (m).

2004—Subsec. (a). Pub. L. 108-293, §804(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of Transportation, acting through the Maritime Administrator, shall establish a grant program for making a fair and equitable allocation among port authorities, facility operators, and State and local agencies required to provide security services of funds to implement Area Maritime Transportation Security Plans and facility security plans. The program shall take into account national economic and strategic defense considerations.”

Subsec. (c)(2)(B). Pub. L. 108-293, §804(b)(1), substituted “Secretary determines” for “Secretary of Transportation determines”.

Subsecs. (d), (e). Pub. L. 108-293, §804(b)(1), substituted “Secretary” for “Secretary of Transportation” wherever appearing.

Subsec. (f). Pub. L. 108-293, §804(b), substituted “Secretary” for “Secretary of Transportation” in two places and “department in which the Coast Guard is operating” for “Department of Transportation”.

Subsecs. (g), (h). Pub. L. 108-293, §804(b)(1), substituted “Secretary” for “Secretary of Transportation” wherever appearing.

Subsec. (i). Pub. L. 108-293, §808(a), added subsec. (i) and struck out former subsec. (i) which related to research and development grants for port security.

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-293, title VIII, §804(c), Aug. 9, 2004, 118 Stat. 1081, provided that: “Subsections (a) and (b) [amending this section]—

“(1) shall take effect October 1, 2004; and

“(2) shall not affect any grant made before that date.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security,

and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

§ 70107A. Repealed. Pub. L. 115-254, div. J, § 1809(a)(1), Oct. 5, 2018, 132 Stat. 3537]

Section, added Pub. L. 109-347, title I, §108(a), Oct. 13, 2006, 120 Stat. 1892; amended Pub. L. 111-281, title VIII, §§803, 824, Oct. 15, 2010, 124 Stat. 2990, 3003, related to interagency operational centers for port security.

SAVINGS CLAUSE

Pub. L. 115-254, div. J, §1809(a)(2), Oct. 5, 2018, 132 Stat. 3537, provided that: “A repeal made by this subsection [repealing this section] shall not affect an interagency operational center established before the date of enactment of this Act [Oct. 5, 2018].”

NOTICE TO CONGRESS

Pub. L. 115-254, div. J, §1809(a)(3), Oct. 5, 2018, 132 Stat. 3537, provided that: “The Secretary of Homeland Security shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives at least 1 year before ceasing operations of any interagency operational center established before the date of enactment of the Security and Accountability for Every Port Act of 2006 (Public Law 109-347; 120 Stat. 1884) [Oct. 13, 2006].”

REPORT REQUIREMENT

Pub. L. 109-347, title I, §108(b), Oct. 13, 2006, 120 Stat. 1893, as amended by Pub. L. 115-254, div. J, §1809(c)(2), Oct. 5, 2018, 132 Stat. 3538, related to continued compliance with requirements of section 807 of Pub. L. 108-293 (118 Stat. 1082). Amendment by Pub. L. 115-254 substituted “[Reserved].” for text of subsec. (b).

§ 70108. Foreign port assessment

(a) IN GENERAL.—The Secretary shall assess the effectiveness of the antiterrorism measures maintained at—

(1) a foreign port—

(A) served by vessels documented under chapter 121 of this title; or

(B) from which foreign vessels depart on a voyage to the United States; and

(2) any other foreign port the Secretary believes poses a security risk to international maritime commerce.

(b) PROCEDURES.—In conducting an assessment under subsection (a), the Secretary shall assess the effectiveness of—

(1) screening of containerized and other cargo and baggage;

(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;