

- (3) additional security on board vessels;
- (4) licensing or certification of compliance with appropriate security standards;
- (5) the security management program of the foreign port; and
- (6) other appropriate measures to deter terrorism against the United States.

(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

- (1) the Secretary of Defense and the Secretary of State—
  - (A) on the terrorist threat that exists in each country involved; and
  - (B) to identify foreign ports that pose a high risk of introducing terrorism to international maritime commerce;
- (2) appropriate authorities of foreign governments; and
- (3) operators of vessels.

(d) PERIODIC REASSESSMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall reassess the effectiveness of anti-terrorism measures maintained at ports as described under subsection (a) and of procedures described in subsection (b) not less than once every 3 years.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—The absence of an inspection of a foreign port shall not bar the Secretary from making a finding that a port in a foreign country does not maintain effective antiterrorism measures.

(f) RECOGNITION OF ASSESSMENT CONDUCTED BY OTHER ENTITIES.—

(1) CERTIFICATION AND TREATMENT OF ASSESSMENTS.—For the purposes of this section and section 70109, the Secretary may treat an assessment that a foreign government (including, for the purposes of this subsection, an entity of or operating under the auspices of the European Union) or international organization has conducted as an assessment that the Secretary has conducted for the purposes of subsection (a), provided that the Secretary certifies that the foreign government or international organization has—

- (A) conducted the assessment in accordance with subsection (b); and
- (B) provided the Secretary with sufficient information pertaining to its assessment (including, but not limited to, information on the outcome of the assessment).

(2) AUTHORIZATION TO ENTER INTO AN AGREEMENT.—For the purposes of this section and section 70109, the Secretary, in consultation with the Secretary of State, may enter into an agreement with a foreign government (including, for the purposes of this subsection, an entity of or operating under the auspices of the European Union) or international organization, under which parties to the agreement—

- (A) conduct an assessment, required under subsection (a);
- (B) share information pertaining to such assessment (including, but not limited to, information on the outcome of the assessment); or
- (C) both.

(3) LIMITATIONS.—Nothing in this subsection shall be construed to—

(A) require the Secretary to recognize an assessment that a foreign government or an international organization has conducted; or

(B) limit the discretion or ability of the Secretary to conduct an assessment under this section.

(4) NOTIFICATION TO CONGRESS.—Not later than 30 days before entering into an agreement or arrangement with a foreign government under paragraph (2), the Secretary shall notify the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the proposed terms of such agreement or arrangement.

(Added Pub. L. 107–295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2079; amended Pub. L. 109–347, title II, §234, Oct. 13, 2006, 120 Stat. 1918; Pub. L. 111–281, title VIII, §806(a)(1), (c)(2)(B), Oct. 15, 2010, 124 Stat. 2992, 2993; Pub. L. 114–120, title III, §317, Feb. 8, 2016, 130 Stat. 62.)

#### AMENDMENTS

- 2016—Subsec. (f). Pub. L. 114–120 added subsec. (f).
- 2010—Subsec. (c)(2) to (4). Pub. L. 111–281, §806(c)(2)(B), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: “the Secretary of the Treasury;”.
- Subsec. (e). Pub. L. 111–281, §806(a)(1), added subsec. (e).
- 2006—Subsec. (d). Pub. L. 109–347 added subsec. (d).

#### § 70109. Notifying foreign authorities

(a) IN GENERAL.—Unless the Secretary finds that a port in a foreign country maintains effective antiterrorism measures, the Secretary shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to improve the antiterrorism measures in use at the port.

(b) TRAINING PROGRAM.—The Secretary, in cooperation with the Secretary of State, shall operate a port security training program for ports in foreign countries that are found under section 70108 to lack effective antiterrorism measures.

(Added Pub. L. 107–295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2080; amended Pub. L. 111–281, title VIII, §806(a)(2), Oct. 15, 2010, 124 Stat. 2992.)

#### AMENDMENTS

- 2010—Subsec. (a). Pub. L. 111–281 substituted “Unless the Secretary finds that a port in a foreign country maintains effective antiterrorism measures,” for “If the Secretary, after conducting an assessment under section 70108, finds that a port in a foreign country does not maintain effective antiterrorism measures,”.

#### § 70110. Actions and assistance for foreign ports or facilities and United States territories

(a) IN GENERAL.—Unless the Secretary finds that a foreign port or facility maintains effective antiterrorism measures, the Secretary—

- (1) may prescribe conditions of entry into the United States for any vessel arriving from that port or facility, or any vessel carrying cargo or passengers originating from or transhipped through that port or facility;
- (2) may deny entry into the United States to any vessel that does not meet such conditions; and