

**(m) Authorization of appropriations**

There are authorized to be appropriated to the United States Customs and Border Protection to carry out the provisions of this section—

- (1) \$144,000,000 for fiscal year 2008;
- (2) \$146,000,000 for fiscal year 2009; and
- (3) \$153,300,000 for fiscal year 2010.

(Pub. L. 109-347, title II, §205, Oct. 13, 2006, 120 Stat. 1906; Pub. L. 115-254, div. J, §1812, Oct. 5, 2018, 132 Stat. 3539.)

## AMENDMENTS

2018—Subsec. (l). Pub. L. 115-254 struck out par. (1) designation and heading, substituted “Not later than 270 days after October 5, 2018,” for “Not later than September 30, 2007,” in introductory provisions, redesignated subpars. (A) to (H) of former par. (1) as pars. (1) to (8), respectively, and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “Not later than September 30, 2010, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit an updated report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The updated report shall address each of the elements required to be included in the report provided for under paragraph (1).”

INTERNATIONAL PORT AND FACILITY INSPECTION  
COORDINATION

Pub. L. 111-281, title VIII, §825, Oct. 15, 2010, 124 Stat. 3004, as amended by Pub. L. 114-120, title III, §320, Feb. 8, 2016, 130 Stat. 66, provided that:

“(a) COORDINATION.—The Secretary of Homeland Security shall, to the extent practicable, conduct the assessments required by the following provisions of law concurrently, or develop a process by which the assessments are coordinated between the Coast Guard and Customs and Border Protection:

“(1) Section 205 of the SAFE Port Act (6 U.S.C. 945).

“(2) Section 213 of that Act (6 U.S.C. 964 [963]).

“(3) Section 70108 of title 46, United States Code.

“(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect or diminish the Secretary’s authority or discretion—

“(1) to conduct an assessment of a foreign port at any time;

“(2) to compel the Secretary to conduct an assessment of a foreign port so as to ensure that 2 or more assessments are conducted concurrently; or

“(3) to cancel an assessment of a foreign port if the Secretary is unable to conduct 2 or more assessments concurrently.

“(c) MULTIPLE ASSESSMENT REPORT.—The Secretary shall provide written notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives whenever the Secretary conducts 2 or more assessments of the same port within a 3-year period.”

PART B—CUSTOMS–TRADE PARTNERSHIP AGAINST  
TERRORISM**§ 961. Establishment****(a) Establishment**

The Secretary, acting through the Commissioner, is authorized to establish a voluntary government-private sector program (to be known as the “Customs–Trade Partnership Against Terrorism” or “C–TPAT”) to strengthen and improve the overall security of the international supply chain and United States border

security, and to facilitate the movement of secure cargo through the international supply chain, by providing benefits to participants meeting or exceeding the program requirements. Participants in C–TPAT shall include Tier 1 participants, Tier 2 participants, and Tier 3 participants.

**(b) Minimum security requirements**

The Secretary, acting through the Commissioner, shall review the minimum security requirements of C–TPAT at least once every year and update such requirements as necessary.

(Pub. L. 109-347, title II, §211, Oct. 13, 2006, 120 Stat. 1909.)

**§ 962. Eligible entities**

Importers, customs brokers, forwarders, air, sea, land carriers, contract logistics providers, and other entities in the international supply chain and intermodal transportation system are eligible to apply to voluntarily enter into partnerships with the Department under C–TPAT.

(Pub. L. 109-347, title II, §212, Oct. 13, 2006, 120 Stat. 1909.)

**§ 963. Minimum requirements**

An applicant seeking to participate in C–TPAT shall—

(1) demonstrate a history of moving cargo in the international supply chain;

(2) conduct an assessment of its supply chain based upon security criteria established by the Secretary, acting through the Commissioner, including—

- (A) business partner requirements;
- (B) container security;
- (C) physical security and access controls;
- (D) personnel security;
- (E) procedural security;
- (F) security training and threat awareness; and
- (G) information technology security;

(3) implement and maintain security measures and supply chain security practices meeting security criteria established by the Commissioner; and

(4) meet all other requirements established by the Commissioner, in consultation with the Commercial Operations Advisory Committee.

(Pub. L. 109-347, title II, §213, Oct. 13, 2006, 120 Stat. 1909.)

**§ 964. Tier 1 participants in C–TPAT****(a) Benefits**

The Secretary, acting through the Commissioner, shall offer limited benefits to a Tier 1 participant who has been certified in accordance with the guidelines referred to in subsection (b). Such benefits may include a reduction in the score assigned pursuant to the Automated Targeting System of not greater than 20 percent of the high-risk threshold established by the Secretary.

**(b) Guidelines**

Not later than 180 days after October 13, 2006, the Secretary, acting through the Commissioner, shall update the guidelines for certifying

a C-TPAT participant's security measures and supply chain security practices under this section. Such guidelines shall include a background investigation and extensive documentation review.

**(c) Timeframe**

To the extent practicable, the Secretary, acting through the Commissioner, shall complete the Tier 1 certification process within 90 days of receipt of an application for participation in C-TPAT.

(Pub. L. 109-347, title II, §214, Oct. 13, 2006, 120 Stat. 1910.)

**§ 965. Tier 2 participants in C-TPAT**

**(a) Validation**

The Secretary, acting through the Commissioner, shall validate the security measures and supply chain security practices of a Tier 1 participant in accordance with the guidelines referred to in subsection (c). Such validation shall include on-site assessments at appropriate foreign locations utilized by the Tier 1 participant in its supply chain and shall, to the extent practicable, be completed not later than 1 year after certification as a Tier 1 participant.

**(b) Benefits**

The Secretary, acting through the Commissioner, shall extend benefits to each C-TPAT participant that has been validated as a Tier 2 participant under this section, which may include—

- (1) reduced scores in the Automated Targeting System;
- (2) reduced examinations of cargo; and
- (3) priority searches of cargo.

**(c) Guidelines**

Not later than 180 days after October 13, 2006, the Secretary, acting through the Commissioner, shall develop a schedule and update the guidelines for validating a participant's security measures and supply chain security practices under this section.

(Pub. L. 109-347, title II, §215, Oct. 13, 2006, 120 Stat. 1910.)

**§ 966. Tier 3 participants in C-TPAT**

**(a) In general**

The Secretary, acting through the Commissioner, shall establish a third tier of C-TPAT participation that offers additional benefits to participants who demonstrate a sustained commitment to maintaining security measures and supply chain security practices that exceed the guidelines established for validation as a Tier 2 participant in C-TPAT under section 965 of this title.

**(b) Criteria**

The Secretary, acting through the Commissioner, shall designate criteria for validating a C-TPAT participant as a Tier 3 participant under this section. Such criteria may include—

- (1) compliance with any additional guidelines established by the Secretary that exceed the guidelines established pursuant to section 965 of this title for validating a C-TPAT par-

ticipant as a Tier 2 participant, particularly with respect to controls over access to cargo throughout the supply chain;

(2) submission of additional information regarding cargo prior to loading, as determined by the Secretary;

(3) utilization of container security devices, technologies, policies, or practices that meet standards and criteria established by the Secretary; and

(4) compliance with any other cargo requirements established by the Secretary.

**(c) Benefits**

The Secretary, acting through the Commissioner, in consultation with the Commercial Operations Advisory Committee and the National Maritime Security Advisory Committee, shall extend benefits to each C-TPAT participant that has been validated as a Tier 3 participant under this section, which may include—

(1) the expedited release of a Tier 3 participant's cargo in destination ports within the United States during all threat levels designated by the Secretary;

(2) further reduction in examinations of cargo;

(3) priority for examinations of cargo; and

(4) further reduction in the risk score assigned pursuant to the Automated Targeting System; and

(5) inclusion in joint incident management exercises, as appropriate.

**(d) Deadline**

Not later than 2 years after October 13, 2006, the Secretary, acting through the Commissioner, shall designate appropriate criteria pursuant to subsection (b) and provide benefits to validated Tier 3 participants pursuant to subsection (c).

(Pub. L. 109-347, title II, §216, Oct. 13, 2006, 120 Stat. 1910.)

**§ 967. Consequences for lack of compliance**

**(a) In general**

If at any time a C-TPAT participant's security measures and supply chain security practices fail to meet any of the requirements under this part, the Commissioner may deny the participant benefits otherwise available under this part, in whole or in part. The Commissioner shall develop procedures that provide appropriate protections to C-TPAT participants before benefits are revoked. Such procedures may not limit the ability of the Commissioner to take actions to protect the national security of the United States.

**(b) False or misleading information**

If a C-TPAT participant knowingly provides false or misleading information to the Commissioner during the validation process provided for under this part, the Commissioner shall suspend or expel the participant from C-TPAT for an appropriate period of time. The Commissioner, after the completion of the process under subsection (c), may publish in the Federal Register a list of participants who have been suspended or expelled from C-TPAT pursuant to this subsection, and may make such list available to C-TPAT participants.