

“(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 Commis-