

ignated under CSI that has been identified as high risk, including by the Automated Targeting System, unless the cargo is determined to no longer be high risk through—

- (A) a scan of the cargo with nonintrusive imaging equipment and radiation detection equipment;
- (B) a search of the cargo; or
- (C) additional information received by the Department.

**(2) Rule of construction**

Nothing in this subsection shall be construed to interfere with the ability of the Secretary to deny entry of any cargo into the United States.

**(I) Report**

**(1) In general**

Not later than September 30, 2007, the Secretary, acting through the Commissioner, shall, in consultation with other appropriate government officials and the Commercial Operations Advisory Committee, submit a report to the appropriate congressional committees on the effectiveness of, and the need for any improvements to, the Container Security Initiative. The report shall include—

- (A) a description of the technical assistance delivered to, as well as needed at, each designated seaport;
- (B) a description of the human capital management plan at each designated seaport;
- (C) a summary of the requests made by the United States to foreign governments to conduct physical or nonintrusive inspections of cargo at designated seaports, and whether each such request was granted or denied by the foreign government;
- (D) an assessment of the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports and the effect on the flow of commerce at such seaports, as well as any recommendations for improving the effectiveness of screening, scanning, and inspection protocols and technologies utilized at designated seaports;
- (E) a description and assessment of the outcome of any security incident involving a foreign seaport designated under the Container Security Initiative;
- (F) the rationale for the continuance of each port designated under CSI;
- (G) a description of the potential for remote targeting to decrease the number of personnel who are deployed at foreign ports under CSI; and
- (H) a summary and assessment of the aggregate number and extent of trade compliance lapses at each seaport designated under the Container Security Initiative.

**(2) Updated report**

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).

**(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.)

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