

tion of port or facility security antiterrorism measures at the ports located in the Caribbean Basin, as such ports pose unique security and safety threats to the United States due to—

- (A) the strategic location of such ports between South America and the United States;
- (B) the relative openness of such ports; and
- (C) the significant number of shipments of narcotics to the United States that are moved through such ports.

(f) COAST GUARD ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards; and

(B) to assist the port or facility in correcting deficiencies identified in periodic port assessments and reassessments required under section 70108 of this title.

(2) CONDITIONS.—The Secretary—

(A) may provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility to bring the port or facility into compliance with those standards and to maintain compliance with, or exceed, such standards;

(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard; and

(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2080; amended Pub. L. 109-347, title II, §233(b), Oct. 13, 2006, 120 Stat. 1917; Pub. L. 111-281, title VIII, §806(a)(3)-(c)(2)(A), Oct. 15, 2010, 124 Stat. 2992, 2993; Pub. L. 111-330, §1(12), Dec. 22, 2010, 124 Stat. 3570.)

AMENDMENTS

2010—Pub. L. 111-281, §806(c)(2)(A)(i), as amended by Pub. L. 111-330, inserted “or facilities” after “ports” in section catchline.

Pub. L. 111-281, §806(c)(2)(A)(ii), inserted “or facility” after “port” wherever appearing except in subsec. (f), which was added by Pub. L. 111-281, §806(b), to reflect the probable intent of Congress.

Subsec. (a). Pub. L. 111-281, §806(a)(3), substituted “Unless the Secretary finds that a foreign port maintains effective antiterrorism measures,” for “If the Secretary finds that a foreign port does not maintain effective antiterrorism measures,”.

Subsec. (e). Pub. L. 111-281, §806(c)(2)(A)(iii), substituted “Ports, Facilities,” for “Ports” in heading.

Subsec. (e)(1). Pub. L. 111-281, §806(c)(1), substituted “The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.” for “The Secretary shall establish a program to utilize the programs that are capable of implementing port security antiterrorism measures at ports in foreign countries and territories of the

United States that the Secretary finds to lack effective antiterrorism measures.”

Subsec. (f). Pub. L. 111-281, §806(b), added subsec. (f). 2006—Pub. L. 109-347, §233(b)(1), substituted “Actions and assistance for foreign ports and United States territories” for “Actions when foreign ports not maintaining effective antiterrorism measures” in section catchline.

Subsec. (e). Pub. L. 109-347, §233(b)(2), added subsec. (e).

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-330, §1, Dec. 22, 2010, 124 Stat. 3569, provided that the amendment made by section 1(12) is effective with the enactment of Pub. L. 111-281.

§ 70111. Enhanced crewmember identification

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of the SAFE Port Act, the Secretary, in consultation with the Attorney General and the Secretary of State, shall require crewmembers on vessels calling at United States ports to carry and present on demand any identification that the Secretary decides is necessary.

(b) FORMS AND PROCESS.—Not later than 1 year after the date of enactment of the SAFE Port Act, the Secretary, in consultation with the Attorney General and the Secretary of State, shall establish the proper forms and process that shall be used for identification and verification of crewmembers.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2080; amended Pub. L. 109-347, title I, §110, Oct. 13, 2006, 120 Stat. 1893.)

REFERENCES IN TEXT

The date of enactment of the SAFE Port Act, referred to in subssecs. (a) and (b), is the date of enactment of Pub. L. 109-347, which was approved Oct. 13, 2006.

AMENDMENTS

2006—Subsecs. (a), (b). Pub. L. 109-347 substituted “Not later than 1 year after the date of enactment of the SAFE Port Act, the” for “The”.

INTERNATIONAL SEAFARER IDENTIFICATION

Pub. L. 107-295, title I, §103, Nov. 25, 2002, 116 Stat. 2084, provided that:

“(a) TREATY INITIATIVE.—The Secretary of the department in which the Coast Guard is operating is encouraged to negotiate an international agreement, or an amendment to an international agreement, that provides for a uniform, comprehensive, international system of identification for seafarers that will enable the United States and another country to establish authoritatively the identity of any seafarer aboard a vessel within the jurisdiction, including the territorial waters, of the United States or such other country.

“(b) LEGISLATIVE ALTERNATIVE.—If the Secretary fails to complete a negotiation process undertaken under subsection (a) within 24 months after the date of enactment of this Act [Nov. 25, 2002], the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a draft of legislation that, if enacted, would establish a uniform, comprehensive system of identification for seafarers.”

[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.]

§ 70112. Maritime Security Advisory Committees

(a) ESTABLISHMENT OF COMMITTEES.—(1) The Secretary shall establish a National Maritime Security Advisory Committee. The Committee—

(A) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to national maritime security matters;

(B) may make available to the Congress recommendations that the Committee makes to the Secretary; and

(C) shall meet at the call of—

(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

(ii) a majority of the Committee.

(2)(A) The Secretary may—

(i) establish an Area Maritime Security Advisory Committee for any port area of the United States; and

(ii) request such a committee to review the proposed Area Maritime Transportation Security Plan developed under section 70103(b) and make recommendations to the Secretary that the Committee considers appropriate.

(B) A committee established under this paragraph for an area—

(i) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;

(ii) may make available to the Congress recommendations that the committee makes to the Secretary; and

(iii) shall meet at the call of—

(I) the Secretary, who shall call such a meeting at least once during each calendar year; or

(II) a majority of the committee.

(b) MEMBERSHIP.—(1) Each of the committees established under subsection (a) shall consist of not less than 7 members appointed by the Secretary, each of whom has at least 5 years practical experience in maritime security operations.

(2) The term of each member shall be for a period of not more than 5 years, specified by the Secretary.

(3) Before appointing an individual to a position on such a committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the committee.

(4) The Secretary may require an individual to have passed an appropriate security background examination before appointment to the Committee.

(5)(A) The National Maritime Security Advisory Committee shall be composed of—

(i) at least 1 individual who represents the interests of the port authorities;

(ii) at least 1 individual who represents the interests of the facilities owners or operators;

(iii) at least 1 individual who represents the interests of the terminal owners or operators;

(iv) at least 1 individual who represents the interests of the vessel owners or operators;

(v) at least 1 individual who represents the interests of the maritime labor organizations;

(vi) at least 1 individual who represents the interests of the academic community;

(vii) at least 1 individual who represents the interests of State or local governments; and

(viii) at least 1 individual who represents the interests of the maritime industry.

(B) Each Area Maritime Security Advisory Committee shall be composed of individuals who represents the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—(1) Each committee established under subsection (a) shall elect 1 of its members as the Chairman and 1 of its members as the Vice Chairperson.

(2) The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

(d) OBSERVERS.—(1) The Secretary shall, and the head of any other interested Federal agency may, designate a representative to participate as an observer with the Committee.

(2) The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

(e) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting maritime security.

(f) COMPENSATION AND EXPENSES.—(1) A member of a committee established under this section, when attending meetings of the committee or when otherwise engaged in the business of the committee, is entitled to receive—

(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-15 of the General Schedule under section 5332 of title 5 including travel time; and

(B) travel or transportation expenses under section 5703 of title 5.

(2) A member of such a committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

(g) FACA; TERMINATION.—(1) The Federal Advisory Committee Act (5 U.S.C. App.)—

(A) applies to the National Maritime Security Advisory Committee established under this section, except that such committee terminates on September 30, 2020; and

(B) does not apply to Area Maritime Security Advisory Committees established under this section.

(2) Not later than September 30, 2018, each committee established under this section shall submit to the Congress its recommendation regarding whether the committee should be renewed and continued beyond the termination date.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2081; amended Pub. L. 108-293, title