

cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and—” in introductory provisions and added cls. (i) to (vi).

2010—Subsec. (b)(5). Pub. L. 111–281, §810(1), amended par. (5) generally. Prior to amendment par. (5) read as follows: “The membership of an Area Maritime Security Advisory Committee shall include representatives of the port industry, terminal operators, port labor organizations, and other users of the port areas.”

Subsec. (g)(1)(A). Pub. L. 111–281, §810(2)(A), substituted “2020;” for “2008;”.

Subsec. (g)(2). Pub. L. 111–281, §810(2)(B), substituted “2018” for “2006”.

2006—Subsec. (b)(5). Pub. L. 109–241 realigned margins.

2004—Subsec. (b)(5). Pub. L. 108–293 added par. (5).

### Statutory Notes and Related Subsidiaries

#### TREATMENT OF EXISTING COMMITTEE

Pub. L. 115–282, title VI, §602(b), Dec. 4, 2018, 132 Stat. 4293, provided that: “Notwithstanding any other provision of law—

“(1) an advisory committee substantially similar to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, and that was in force or in effect on the day before the date of enactment of this section [Dec. 4, 2018], may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the committee may remain in force or in effect; and

“(2) during the 2-year period referenced in paragraph (1)—

“(A) requirements relating to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, shall be treated as satisfied by the substantially similar advisory committee; and

“(B) the enactment of this section, including the amendments made in this section, shall not be the basis—

“(i) to deem, find, or declare such committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

“(ii) to suspend the activities of such committee; or

“(iii) to bar the members of such committee from meeting.”

#### CYBERSECURITY INFORMATION SHARING AND COORDINATION IN PORTS

Pub. L. 115–254, div. J, §1805(a), Oct. 5, 2018, 132 Stat. 3533, provided that:

“(a) **MARITIME CYBERSECURITY RISK ASSESSMENT MODEL.**—The Secretary of Homeland Security, through the Commandant of the Coast Guard and the Under Secretary responsible for overseeing the critical infrastructure protection, cybersecurity, and other related programs of the Department of Homeland Security, shall—

“(1) not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], coordinate with the National Maritime Security Advisory Committee, the Area Maritime Security Advisory Committees, and other maritime stakeholders, as necessary, to develop and implement a maritime cybersecurity risk assessment model, consistent with the activities described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)), to evaluate current and future cybersecurity risks that have the potential to affect the marine transportation system or that would cause a transportation security incident (as defined in section 70101 of title 46, United States Code) in ports; and

“(2) not less than biennially thereafter, evaluate the effectiveness of the cybersecurity risk assessment model established under paragraph (1).”

#### INFORMATION SHARING

Pub. L. 115–254, div. J, §1805(c)(2), Oct. 5, 2018, 132 Stat. 3534, provided that: “The Commandant of the Coast Guard and the Under Secretary responsible for overseeing the critical infrastructure protection, cybersecurity, and other related programs of the Department of Homeland Security shall—

“(A) ensure there is a process for each Area Maritime Security Advisory Committee established under section 70112 of title 46, United States Code—

“(i) to facilitate the sharing of information related to cybersecurity risks that may cause transportation security incidents;

“(ii) to timely report transportation security incidents to the national level; and

“(iii) to disseminate such reports across the entire maritime transportation system via the National Cybersecurity and Communications Integration Center; and

“(B) issue voluntary guidance for the management of such cybersecurity risks in each Area Maritime Transportation Security Plan and facility security plan required under section 70103 of title 46, United States Code, approved after the date that the cybersecurity risk assessment model is developed under subsection (a) of this section [set out as a note above].”

### § 70113. Maritime intelligence

(a) **IN GENERAL.**—The Secretary shall implement a system to collect, integrate, and analyze information concerning vessels operating on or bound for waters subject to the jurisdiction of the United States, including information related to crew, passengers, cargo, and intermodal shipments. The system may include a vessel risk profiling component that assigns incoming vessels a terrorism risk rating.

(b) **CONSULTATION.**—In developing the information system under subsection (a), the Secretary shall consult with the Transportation Security Oversight Board and other departments and agencies, as appropriate.

(c) **INFORMATION INTEGRATION.**—To deter a transportation security incident, the Secretary may collect information from public and private entities to the extent that the information is not provided by other Federal departments and agencies.

(Added Pub. L. 107–295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2082; amended Pub. L. 108–293, title VIII, §803(a), Aug. 9, 2004, 118 Stat. 1080.)

### Editorial Notes

#### AMENDMENTS

2004—Subsec. (a). Pub. L. 108–293 inserted at end “The system may include a vessel risk profiling component that assigns incoming vessels a terrorism risk rating.”

### § 70114. Automatic identification systems

(a) **SYSTEM REQUIREMENTS.**—(1) Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate an automatic identification system under regulations prescribed by the Secretary:

(A) A self-propelled commercial vessel of at least 65 feet overall in length.

(B) A vessel carrying more than a number of passengers for hire determined by the Secretary.

(C) A towing vessel of more than 26 feet overall in length and 600 horsepower.