

(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) 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.

(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, 2008; and

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

(2) Not later than September 30, 2006, 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 VIII, §806, Aug. 9, 2004, 118 Stat. 1082; Pub. L. 109-241, title IX, §901(m), July 11, 2006, 120 Stat. 565.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsecs. (d)(2) and (g)(1), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2006—Subsec. (b)(5). Pub. L. 109-241 realigned margins.
2004—Subsec. (b)(5). Pub. L. 108-293 added par. (5).

§ 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.)

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.

(D) Any other vessel for which the Secretary decides that an automatic identification system is necessary for the safe navigation of the vessel.

(2) The Secretary may—

(A) exempt a vessel from paragraph (1) if the Secretary finds that an automatic identification system is not necessary for the safe navigation of the vessel on the waters on which the vessel operates; and

(B) waive the application of paragraph (1) with respect to operation of vessels on navigable waters of the United States specified by the Secretary if the Secretary finds that automatic identification systems are not needed for safe navigation on those waters.

(b) REGULATIONS.—The Secretary shall prescribe regulations implementing subsection (a), including requirements for the operation and maintenance of the automatic identification systems required under subsection (a).

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2082.)

EFFECTIVE DATE

Pub. L. 107-295, title I, §102(e), Nov. 25, 2002, 116 Stat. 2084, provided that:

“(1) SCHEDULE.—Section 70114 of title 46, United States Code, as enacted by this Act, shall apply as follows:

“(A) On and after January 1, 2003, to any vessel built after that date.

“(B) On and after July 1, 2003, to any vessel built before the date referred to in subparagraph (A) that is—

“(i) a passenger vessel required to carry a certificate under the International Convention for the Safety of Life at Sea, 1974 (SOLAS) [see 33 U.S.C. 1602 and notes thereunder];

“(ii) a tanker; or

“(iii) a towing vessel engaged in moving a tank vessel.

“(C) On and after December 31, 2004, to all other vessels built before the date referred to in subparagraph (A).

“(2) DEFINITION.—The terms in this subsection have the same meaning as those terms have under section 2101 [now also 115] of title 46, United States Code.”

§ 70115. Long-range vessel tracking system

Not later than April 1, 2007, the Secretary shall, consistent with international treaties, conventions, and agreements to which the United States is a party, develop and implement a long-range automated vessel tracking system for all vessels in United States waters that are equipped with the Global Maritime Distress and Safety System or equivalent satellite technology. The system shall be designed to provide the Secretary the capability of receiving information on vessel positions at interval positions appropriate to deter transportation security incidents. The Secretary may use existing maritime organizations to collect and monitor tracking information under the system.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2083; amended Pub. L. 108-293, title VIII, §803(b), Aug. 9, 2004, 118 Stat. 1080; Pub. L. 109-347, title I, §107(a), Oct. 13, 2006, 120 Stat. 1891.)

AMENDMENTS

2006—Pub. L. 109-347, in first sentence, substituted “Not later than April 1, 2007, the Secretary” for “The Secretary”.

2004—Pub. L. 108-293, in first sentence, substituted “shall, consistent with international treaties, conventions, and agreements to which the United States is a party,” for “may”.

REGULATIONS

Pub. L. 109-347, title I, §107(b), Oct. 13, 2006, 120 Stat. 1891, provided that: “The Secretary [of Homeland Security] may issue regulations to establish a voluntary long-range automated vessel tracking system for vessels described in section 70115 of title 46, United States Code, during the period before regulations are issued under such section.”

LONG-RANGE VESSEL TRACKING SYSTEM

Pub. L. 109-241, title IV, §404, July 11, 2006, 120 Stat. 535, provided that:

“(a) PILOT PROJECT.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a 3-year pilot program for long-range tracking of up to 2,000 vessels using satellite systems with a non-profit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long-range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).”

§ 70116. Secure systems of transportation

(a) IN GENERAL.—The Secretary, in consultation with the Transportation Security Oversight Board, shall establish a program to evaluate and certify secure systems of international intermodal transportation.

(b) ELEMENTS OF PROGRAM.—The program shall include—

(1) establishing standards and procedures for screening and evaluating cargo prior to loading in a foreign port for shipment to the United States either directly or via a foreign port;

(2) establishing standards and procedures for securing cargo and monitoring that security while in transit;

(3) developing performance standards to enhance the physical security of shipping containers, including standards for seals and locks;

(4) establishing standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

(5) any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2083.)

REPORT ON SECURE SYSTEM OF TRANSPORTATION PROGRAM

Pub. L. 107-295, title I, §110(c), Nov. 25, 2002, 116 Stat. 2092, provided that:

“Within 1 year after the secure system of transportation program is implemented under section 70116 of