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.

(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.)

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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''.

Statutory Notes and Related Subsidiaries

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 nonprofit 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. Port, harbor, and coastal facility security

(a) GENERAL AUTHORITY.—The Secretary may take actions described in subsection (b) to prevent or respond to an act of terrorism, cyber incidents, transnational organized crime, and foreign state threats against—

(1) an individual, vessel, or public or commercial structure, that is—

(A) subject to the jurisdiction of the United States; and

(B) located within or adjacent to the marine environment; or

(2) a vessel of the United States or an individual on board that vessel.

(b) SPECIFIC AUTHORITY.—Under subsection (a), the Secretary may—

(1) carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism cyber[1] incidents, transnational organized crime, and foreign state threats;

(2) recruit members of the Regular Coast Guard and the Coast Guard Reserve and train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism cyber[1] incidents, transnational organized crime, and foreign state threats; and

(3) dispatch properly trained and qualified, armed (as needed), Coast Guard personnel on vessels and public or commercial structures on or adjacent to waters subject to United States jurisdiction to deter or respond to acts of terrorism, cyber incidents, transnational organized crime, foreign state threats, or transportation security incidents, as defined in section 70101 of title 46, United States Code.

(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70033, 70035, and 70036. When preventing or responding to acts of terrorism, cyber incidents, transnational organized crime, or foreign state threats, the Secretary may carry out this section without regard to chapters 5 and 6 of title 5 or Executive Order Nos. 12866 and 13563.

(Added and amended Pub. L. 115–282, title IV, § 402(b)(1), (2), Dec. 4, 2018, 132 Stat. 4264; Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], § 8341, Jan. 1, 2021, 134 Stat. 4709.)

[1] So in original. Probably should be preceded by a comma.