

Calendar No. 708

111TH CONGRESS
2^D SESSION

S. 1274

To amend title 46, United States Code, to ensure that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2009

Mr. ROCKEFELLER (for himself and Mr. BYRD) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 17, 2010

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 46, United States Code, to ensure that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MARITIME TRANSPORTATION SECURITY IN-**
 2 **FORMATION.**

3 (a) IN GENERAL.—Section 70103(d) of title 46,
 4 United States Code, is amended to read as follows:

5 “(d) NONDISCLOSURE OF INFORMATION.—

6 “(1) IN GENERAL.—Information developed
 7 under this chapter is not required to be disclosed to
 8 the public, including—

9 “(A) facility security plans, vessel security
 10 plans, and port vulnerability assessments; and

11 “(B) other information related to security
 12 plans, procedures, or programs for vessels or fa-
 13 cilities authorized under this chapter.

14 “(2) LIMITATIONS.—Nothing in paragraph (1)
 15 shall be construed to authorize the classification of
 16 information as sensitive security information (as de-
 17 fined in section 1520.5 of title 49, Code of Federal
 18 Regulations)—

19 “(A) to conceal a violation of law, ineffi-
 20 ciency, or administrative error;

21 “(B) to prevent embarrassment to a per-
 22 son, organization, or agency;

23 “(C) to restrain competition; or

24 “(D) to prevent or delay the release of in-
 25 formation that does not require protection in
 26 the interest of transportation security, including

1 basic scientific research information not clearly
2 related to transportation security.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 114(s) of title 49, United States
5 Code, is amended by adding at the end thereof the
6 following:

7 “(8) LIMITATIONS.—Nothing in this subsection,
8 or any other provision of law, shall be construed to
9 authorize the classification of information as sen-
10 sitive security information (as defined in section
11 1520.5 of title 49, Code of Federal Regulations)—

12 “(A) to conceal a violation of law, ineffi-
13 ciency, or administrative error;

14 “(B) to prevent embarrassment to a per-
15 son, organization, or agency;

16 “(C) to restrain competition; or

17 “(D) to prevent or delay the release of in-
18 formation that does not require protection in
19 the interest of transportation security, including
20 basic scientific research information not clearly
21 related to transportation security.”.

22 (2) Section 40119(b) of title 49, United States
23 Code, is amended by adding at the end thereof the
24 following:

1 “(3) Nothing in paragraph (1) shall be construed to
 2 authorize the classification of information as sensitive se-
 3 curity information (as defined in section 1520.5 of title
 4 49, Code of Federal Regulations)—

5 “(A) to conceal a violation of law, ineffi-
 6 ciency, or administrative error;

7 “(B) to prevent embarrassment to a per-
 8 son, organization, or agency;

9 “(C) to restrain competition; or

10 “(D) to prevent or delay the release of in-
 11 formation that does not require protection in
 12 the interest of transportation security, including
 13 basic scientific research information not clearly
 14 related to transportation security.”.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “American Communities’*
 17 *Right to Public Information Act”.*

18 **SEC. 2. MARITIME TRANSPORTATION SECURITY INFORMA-**
 19 **TION.**

20 *(a) IN GENERAL.—Section 70103(d) of title 46, United*
 21 *States Code, is amended to read as follows:*

22 “(d) **NONDISCLOSURE OF INFORMATION.**—

23 “(1) **IN GENERAL.**—*Information developed under*
 24 *this chapter is not required to be disclosed to the pub-*
 25 *lic, including—*

1 “(A) facility security plans, vessel security
2 plans, and port vulnerability assessments; and

3 “(B) other information related to security
4 plans, procedures, or programs for vessels or fa-
5 cilities authorized under this chapter.

6 “(2) *LIMITATIONS.*—Nothing in paragraph (1)
7 shall be construed to authorize the designation of in-
8 formation as sensitive security information (as de-
9 fined in section 1520.5 of title 49, Code of Federal
10 Regulations)—

11 “(A) to conceal a violation of law, ineffi-
12 ciency, or administrative error;

13 “(B) to prevent embarrassment to a person,
14 organization, or agency;

15 “(C) to restrain competition; or

16 “(D) to prevent or delay the release of infor-
17 mation that does not require protection in the
18 interest of transportation security, including
19 basic scientific research information not clearly
20 related to transportation security.”.

21 (b) *CONFORMING AMENDMENTS.*—

22 (1) Section 114(r) of title 49, United States
23 Code, is amended by adding at the end thereof the fol-
24 lowing:

1 “(4) *LIMITATIONS.—Nothing in this subsection,*
 2 *or any other provision of law, shall be construed to*
 3 *authorize the designation of information as sensitive*
 4 *security information (as defined in section 1520.5 of*
 5 *title 49, Code of Federal Regulations)—*

6 “(A) *to conceal a violation of law, ineffi-*
 7 *ciency, or administrative error;*

8 “(B) *to prevent embarrassment to a person,*
 9 *organization, or agency;*

10 “(C) *to restrain competition; or*

11 “(D) *to prevent or delay the release of infor-*
 12 *mation that does not require protection in the*
 13 *interest of transportation security, including*
 14 *basic scientific research information not clearly*
 15 *related to transportation security.”.*

16 (2) *Section 40119(b) of title 49, United States*
 17 *Code, is amended by adding at the end thereof the fol-*
 18 *lowing:*

19 “(3) *Nothing in paragraph (1) shall be construed to*
 20 *authorize the designation of information as sensitive secu-*
 21 *rity information (as defined in section 15.5 of title 49, Code*
 22 *of Federal Regulations)—*

23 “(A) *to conceal a violation of law, inefficiency,*
 24 *or administrative error;*

1 “(B) to prevent embarrassment to a person, or-
2 ganization, or agency;

3 “(C) to restrain competition; or

4 “(D) to prevent or delay the release of informa-
5 tion that does not require protection in the interest of
6 transportation security, including basic scientific re-
7 search information not clearly related to transpor-
8 tation security.”.

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