

finds, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, vessels, or crew traveling to or from the port or facility.

(c) **STATE DEPARTMENT TO BE NOTIFIED.**—The Secretary immediately shall notify the Secretary of State of a finding that a port or facility does not maintain effective antiterrorism measures.

(d) **ACTION CANCELED.**—An action required under this section is no longer required if the Secretary decides that effective antiterrorism measures are maintained at the port or facility.

(e) **ASSISTANCE FOR FOREIGN PORTS, FACILITIES, AND UNITED STATES TERRITORIES.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, and the Secretary of Energy, shall identify assistance programs that could facilitate implementation of port or facility security antiterrorism measures in foreign countries and territories of the United States. 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 or facility security antiterrorism measures.

(2) **CARIBBEAN BASIN.**—The Secretary, in coordination with the Secretary of State and in consultation with the Organization of American States and the Commandant of the Coast Guard, shall place particular emphasis on utilizing programs to facilitate the implementation 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.)

### Editorial Notes

#### 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).

### Statutory Notes and Related Subsidiaries

#### 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.)

**Editorial Notes**

## REFERENCES IN TEXT

The date of enactment of the SAFE Port Act, referred to in subsecs. (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”.

**Statutory Notes and Related Subsidiaries**

## 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) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established a National Maritime Security Advisory Committee (in this subsection referred to as the “Committee”).

(2) FUNCTION.—The Committee shall advise the Secretary on matters relating to national maritime security, including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and—

- (A) State, local, and tribal governments;
- (B) relevant public safety and emergency response agencies;
- (C) relevant law enforcement and security organizations;
- (D) maritime industry;
- (E) port owners and operators; and
- (F) terminal owners and operators.

## (3) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall consist of at least 8 members, but not more than 21 members, appointed by the Secretary in accordance with this subsection and section 15109 of this title.

(B) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

(C) REPRESENTATION.—Each of the following shall be represented by at least 1 member of the Committee:

- (i) Port authorities.
- (ii) Facilities owners and operators.
- (iii) Terminal owners and operators.
- (iv) Vessel owners and operators.
- (v) Maritime labor organizations.
- (vi) The academic community.
- (vii) State and local governments.
- (viii) The maritime industry.

(D) DISTRIBUTION.—If the Committee consists of at least 8 members who, together, satisfy the minimum representation requirements of subparagraph (C), the Secretary shall, based on the needs of the Coast Guard, determine the number of additional members of the Committee who represent each entity specified in that subparagraph. Neither this subparagraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in subparagraph (C).

(4) ADMINISTRATION.—For purposes of section 15109 of this title, the Committee shall be treated as a committee established under chapter 151 of such title.

## (b) AREA MARITIME SECURITY ADVISORY COMMITTEES.—

## (1) IN GENERAL.—

(A) ESTABLISHMENT.—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) ADDITIONAL FUNCTIONS AND MEETINGS.—A committee established under this subsection 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.

## (2) MEMBERSHIP.—

(A) IN GENERAL.—Each committee established under this subsection shall consist of at least 7 members appointed by the Secretary, each of whom has at least 5 years practical experience in maritime security operations.

(B) TERMS.—The term of each member of a committee established under this subsection shall be for a period of not more than 5 years, specified by the Secretary.