

111TH CONGRESS
1ST 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 introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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,*

3 **SECTION 1. MARITIME TRANSPORTATION SECURITY IN-**
4 **FORMATION.**

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

7 “(d) NONDISCLOSURE OF INFORMATION.—

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

4 “(A) facility security plans, vessel security
5 plans, and port vulnerability assessments; and

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

9 “(2) LIMITATIONS.—Nothing in paragraph (1)
10 shall be construed to authorize the classification of
11 information as sensitive security information (as de-
12 fined in section 1520.5 of title 49, Code of Federal
13 Regulations)—

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

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

18 “(C) to restrain competition; or

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

24 (b) CONFORMING AMENDMENTS.—

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

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

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

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

13 “(C) to restrain competition; or

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

19 (2) Section 40119(b) of title 49, United States
20 Code, is amended by adding at the end thereof the
21 following:

22 “(3) Nothing in paragraph (1) shall be construed to
23 authorize the classification of information as sensitive se-
24 curity information (as defined in section 1520.5 of title
25 49, Code of Federal Regulations)—

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

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

5 “(C) to restrain competition; or

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

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