

_____ **Area Maritime Security Committee**
Charter

The _____ Area Maritime Security Committee is hereby chartered effective January 1, 2004, in accordance with 33 CFR 103.300(b). The Area Maritime Security (AMS) Committee provides a forum for port stakeholders in _____ to evaluate maritime security planning vulnerabilities in order to deter, detect and prevent threats of terrorism and other illegal activities. The Committee will also provide a professional and formal link between law enforcement agencies and maritime industry members to help coordinate security planning and activities.

A. Purpose

The purpose of the AMS Committee is to assist in the development, review and update of the AMS Plan for its area of responsibility.

B. Geographic Area of Responsibility

[Describe the geographic parameters of the Committee's AOR].

C. Rules of Membership

- Rules of Membership are subject to all relevant sections of 46 USCA §§ 70101 et. seq and 33 CFR Subchapter H.
- The Committee shall at all times consist of at least seven members who have 5 years of experience related to maritime or port security operations. Additional members need not meet the experience requirement.
- Membership is open to any interested commercial entity, government agency, or other marine transportation system stakeholder operating on, or along, or having jurisdiction within the Committee's AOR.
- Members may be selected from the:
 - Federal, Territorial or Tribal government;
 - State government and political subdivision thereof;
 - Local public safety, crisis management, and emergency response agencies;
 - Law enforcement and security organizations;
 - Maritime industry;
 - Other port stakeholders having a special competence in maritime security; and
 - Port stakeholders affected by security practices and policies.
- Members shall be formally appointed in writing by the FMSC. In making appointments, the FMSC shall consider the skills required by 33 CFR 103.410.
- Members shall be appointed for a term of not more than five years. *[Additional rules may be added, and the length of individual appointments may vary so long as none exceed the 5 year maximum, which is mandated by 33CFR103.305]*

D. Organizational Structure

Note: FMSCs are encouraged to form executive steering committees to oversee less formal subcommittees. See NVIC 9-02, change 1, encl. 1 for more information. This sample Charter reflects that type of organization. Although strongly recommended, this structure is not mandatory.

1. AMS Committee.

- The AMS Committee shall consist of an Executive Steering Committee, subject to all Rules of Membership outlined in Section C, above.
- The Executive Steering Committee shall *appoint/elect* a Chairperson, and a Vice Chairperson. The Vice Chair Person shall act as the Chairperson in the absence or incapacity of the Chairperson. *(The FMSC may choose to Chair the AMS or Executive Steering Committee, although any qualified individual may Chair the Committee. However, the Committee acts at all times under the direction of the FMSC. In the event that the FMSC chooses not to Chair*

the Committee, the Committee Chair may be designated by the FMSC or elected by the Committee members).

- The FMSC shall designate a member of his/her staff as the Executive Secretary of the Executive Steering Committee.
- The Executive Steering Committee shall identify appropriate subcommittees and oversee and coordinate their functions.

2. Subcommittees.

(Note: The following provisions are only examples of how subcommittees may be structured.)

- Subcommittee members are not subject to the formal Rules of Membership in Section C, above.
- Members will be assigned to serve in Subcommittees on a volunteer basis. Any member of the Steering Committee is eligible for membership in any subcommittee. Members will not be appointed and membership in the subcommittee will be highly informal and based on the member's willingness to serve. *(Note: Subcommittees may be subject to as few or as many of the formal rules as the Steering Committee chooses. However, the purpose of forming subcommittees is to allow more flexibility to subcommittees by relaxing the formal requirements, such as the 5-year maximum tenure, and the need to be formally appointed in writing by the FMSC. Membership on subcommittees need not be limited to 5-year terms or be made pursuant to appointment by the FMSC).*
- Each subcommittee shall be designated by a name and be assigned a specific field of responsibility. *(Some examples include: Intelligence and Law Enforcement Subcommittee; Facilities and Infrastructure Subcommittee; Emergency Response and Incident Management Subcommittee; Vessel Operations Subcommittee, or geographic subcommittees.)*
- Each subcommittee shall elect its own Chairperson, Vice Chairperson, and Secretary. *(This structure is optional).*

E. Procedural Rules of Order.

(This section should cover details such as how meetings shall be conducted and recorded, identifying issues, voting, etc.)

1. Executive Steering Committee

2. Subcommittees

F. Frequency of Meetings.

1. Executive Steering Committee

- The Executive Steering Committee will meet not less than once in a calendar year or when requested by a majority of the AMS Committee members. *(This is the minimum standard established by 33 CFR 103.300 (4); more frequent meetings are permissible and encouraged.)*

2. Subcommittees

- Subcommittees shall meet not less than once in a calendar year, or when requested by the Executive Steering Committee or a majority of the Subcommittee members. *(This schedule serves as an example; there is no minimum requirement for how often a subcommittee must meet. However, as with the Executive Steering Committee, more frequent meetings are recommended.)*

G. Guidelines for Public Access to Committee meetings and records.

- Committee and subcommittee meetings may be open to the public, and records of meetings may be made available to the public upon request. However, FMSCs shall ensure that all material designated as SSI, and all references to SSI material are redacted from records prior to disclosure to the public.

- Only individuals who have been determined by the FMSC as covered persons with a need to know will be allowed access to SSI, including any material or committee records, that pertain to SSI.

H. Rules for Handling and Protecting classified, sensitive security, commercially sensitive, and proprietary information.

1. Sensitive Security Meetings and Information

The following are examples of rules governing the handling and protection of Sensitive Security Meetings and Information:

Rule 1. Authorized Closed Sessions. Subject to the advice of the FMSC and the requirements of 49 CFR 1520, the Executive Steering Committee or individual subcommittees shall call and hold closed sessions when reviewing or discussing SSI; only those members who have been determined by the FMSC to have a “need to know” the particular SSI to be discussed shall be admitted to the closed session:

Rule 2. Calling Closed Sessions. Closed sessions shall be noticed on the agenda. To the greatest extent possible, the standardized agenda descriptions consistent with 49 CFR part 1520.7 shall be used. Prior to holding a closed session, the committee shall convene in open session and provide an opportunity for general membership comment as to the closed session items.

Rule 4. Reports from Closed Session. It is the policy each committee holding a closed session to inform the public to the greatest extent possible of action taken in closed session. However, the need for confidentiality is inherent in closed sessions and revelation of certain matters may be detrimental to the legitimate goals and responsibilities of the committee. Accordingly, only a representative designated by the Executive Steering Committee shall be authorized to make approved reports regarding closed sessions.

Rule 5. Disclosure of Security Sensitive Information. Before any individual or entity is provided SSI, the individual or entity representative shall be required to execute a non-disclosure agreement. The AMS Committee Secretary shall ensure that records containing SSI are appropriately marked SSI and protected from release under the FOIA.

Rule 6. Protection of SSI from FOIA requests. Wherever practical, SSI shall be redacted from records otherwise subject to disclosure under FOIA. If it is impractical to redact SSI from a record otherwise subject to disclosure, the entire record shall be exempt from disclosure.

I. Duties and Responsibilities. *(Note: This is an optional section. The first six bullets follow 33 CFR 103.310. The remaining bullets in italics are additional recommended duties of the AMS Committee.)*

1. Executive Steering Committee. The Executive Steering Committee shall:

- Develop an Area Maritime Security Assessment in accordance with 33 CFR Part 103, subpart D, or review and/or comment upon any existing assessment;
- Identify critical maritime area infrastructure and operations, and identify risks (threats, vulnerabilities, and consequences) in the maritime sector;
- Advise the FMSC on mitigation strategies appropriate to these risks and implementation methods;
- Develop and describe the process for continual evaluation and update of overall port security vulnerabilities and mitigations, how they change over time, and what additional security enhancing strategies can be applied;
- Provide advice to and assist the Federal Maritime Security Coordinator (FMSC) in developing the AMS Plan in accordance with 33 CFR Part 103 Subpart E;
- Serve as the principle link for communicating threats and changes in Maritime Security (MARSEC) levels; and disseminating appropriate security information to the maritime area stakeholders;

- *Design and recommend to the FMSC measures to assure effective security of infrastructure, special events, vessels, passengers, cargo and cargo handling equipment at facilities within the port and not otherwise covered under federally approved Vessel or Facility Security Plans;*
- *Serve as the principle link for communicating the approved AMS Plan, including any requirements for entities operating in the maritime area contained in the Plan;*
- *Assist maritime entities operating in the area with understanding and complying with Federal, State, and Local security regulations and requirements;*
- *Coordinate and conduct an AMS Exercise at least once each calendar year;*
- *Maintain records of AMS Committee operations and decisions.*
- *Ensure that all sensitive information is afforded the appropriate level of protection.*

2. Subcommittees

- *(Should be tailored to fit each particular subcommittee).*