

# Charter

of the  
JMTX Port Security Committee  
and  
Port Canaveral Security Committee

This document charters the Jacksonville Maritime Transportation Exchange (JMTX) Jacksonville/Fernandina Port Security Committee and the Port Canaveral Security Committee, in accordance with Title 33 Code of Federal Regulations Section 103.300(b). Together, these port security committees fulfill the requirements of that regulation regarding Area Maritime Security Committees. This charter is organized as follows:

- Organization
- Rules Governing the Port Security Committees
- Rules Governing the Working Subcommittees
- Rules Governing the Executive Subcommittee
- Handling and Protection of Information
- Amending the Charter

## Organization

This section outlines the organization of the JMTX Jacksonville/Fernandina Port Security Committee (PSC) and the Port Canaveral Security Committee (PCSC) in accordance with Title 33 Code of Federal Regulations Section 103.305(a). This section is organized as follows:

- JMTX Jacksonville/Fernandina Port Security Committee
- Port Canaveral Security Committee
- Standing Committees
- Ad-Hoc Committees

## The JMTX Jacksonville/Fernandina Port Security Committee

The Jacksonville Marine Transportation Exchange (JMTX) is Jacksonville's maritime trade organization created to work for the success of its membership and coordinate the safe, secure and environmentally responsible management of the marine transportation system within the port of Jacksonville. JMTX's goal is to work in partnership with the port stakeholders to make Jacksonville the port of choice.

Somewhat unique as a maritime association, JMTX has been established to provide a stable coordinating structure for port-wide planning, coordination and infrastructure recommendations. JMTX serves as an information clearinghouse for port critical information, provides a forum for stakeholder issues and serves as a stakeholder advocate to local, regional and national agencies.

JMTX is a growing organization with more than 55 member companies and agencies. JMTX is structured around seven critical committees including: Port Security, Harbor Safety, Information Sharing, Maritime Infrastructure, Agents and Operators, Community Outreach and Environmental Protection. Port stakeholder involvement in these committees is wide spread and has not been limited to JMTX members.

JMTX has been accepted by the U. S. Coast Guard as the coordinating organization for the port's official Port Security Committee, and the Harbor Safety Committee. Since 9/11, JMTX has played a major role in coordinating security issues including assessments, intelligence sharing and compliance with security requirements.

The JMTX Jacksonville/Fernandina Port Security Committee brings together the resources and experience of law enforcement, regulatory agencies and port stakeholders to develop strategies and procedures to support the goals of port security.

The committee is jointly chaired by the Coast Guard Captain of the Port along with an industry leader.

## **The Port Canaveral Security Committee**

The Port Canaveral Security Committee is a standing body of industry leaders, Department of Defense representatives, Port Authority representatives, NASA representatives port law enforcement agencies, and emergency response contractors and governmental agencies. For many years, this informal body has worked with the Coast Guard Captain of the Port in Jacksonville and the Marine Safety Detachment in Port Canaveral to coordinate the safe, secure and environmentally responsible management of the marine transportation system in Port Canaveral and the surrounding area.

The Port Canaveral Security Committee has been accepted by the U. S. Coast Guard as the port's official Port Security Committee. Since 9/11, the Port Security Committee has played a major role in coordinating security issues including assessments, intelligence sharing and compliance with security requirements.

The Port Canaveral Security Committee brings together the resources and experience of law enforcement, regulatory agencies and port stakeholders to develop strategies and procedures to support the goals of port security.

The committee is jointly chaired by the Coast Guard Captain of the Port's representative along with an industry leader.

## **Standing Committees**

The JMTX Jacksonville/Fernandina Port Security Committee and the Port Canaveral Security Committee standing subcommittees shall generally be established/disestablished on the direction of the Co-Chairs to address long term issues or goals of either PSC. Any PSC Member may volunteer to serve on any standing subcommittee (except the Executive Subcommittee, see section 1514 below). An appointed member of the Executive Subcommittee shall chair each subcommittee. Co-Chairs of the PSC cannot service as Subcommittee Chairpersons. Chairpersons are responsible for the general supervision and coordination of the subcommittee, including scheduling meetings and recording results. Standing Subcommittees include:

- The Executive Subcommittee
- Subcommittee One: Regulatory Compliance and Membership
- Subcommittee Two: Port Security Planning
- Subcommittee Three: Security Exercise Planning and Evaluation
- Subcommittee Four: Special Events Planning
- Maritime Joint Task Force

## Ad-Hoc Subcommittees

The JMTX Jacksonville/Fernandina Port Security Committee and the Port Canaveral Security Committee Ad Hoc Subcommittees shall be chartered by the Co-Chairs to address specific issues or functions that are expected to be short term. Ad Hoc Subcommittees shall not normally remain active for more than one year.

## Rules Governing the Port Security Committees

This section outlines the rules governing the JMTX Jacksonville/Fernandina Port Security Committee (PSC) and the Port Canaveral Security Committee (PCSC) in accordance with Title 33 Code of Federal Regulations Section 103. This section is organized as follows:

- Purpose and Scope of the Committees
- Membership in the Committees
- Officers of the Committee
- Meetings of the Committees
- Procedural Rules

## Purpose and Scope of the Committees

**JMTX Jacksonville/Fernandina Port Security Committee.** The JMTX Jacksonville/Fernandina Port Security Committee exists to accomplish the following three goals:

- 1) The Port Security Committee will assist agencies and organizations with meeting the statutory requirements from both state and federal Seaport Security measures.
- 2) The Port Security Committee will support and assist the Federal Maritime Security Coordinator (USCG Captain of the Port), state and local agencies, and maritime stakeholders with assessment, planning and exercising of port security issues.
- 3) The Port Security Committee will serve as a forum for the exchange of intelligence, experience and ideas relating to maritime security issues.

**Port Canaveral Security Committee.** The Port Canaveral Security Committee provides a forum for port stakeholders in and near Port Canaveral to evaluate maritime vulnerabilities to terrorism and criminal activities and works to assist in the formulation of protection strategies and plans. The Committee also provides a link between law enforcement agencies and port industry members to help coordinate planning and activities.

## Membership in the Committees

**JMTX Jacksonville/Fernandina Port Security Committee.** Persons, firms, associations, agencies, and corporations of good standing in the community are eligible for membership in the Jacksonville Maritime Transportation Exchange and are free to join the Port Security Committee.

**Port Canaveral Security Committee.** Persons, firms, associations and corporations of good standing in the community are eligible for membership in the Port Security Committee. Membership is open to any interested commercial entity, government agency, or other marine transportation system stakeholder operating on, or along, or having jurisdiction over Port Canaveral and surrounding navigable waterways.

## Rules Governing the Working Subcommittees

This section outlines the rules governing working subcommittees of the JMTX Jacksonville/Fernandina Port Security Committee (PSC) and the Port Canaveral Security Committee (PCSC) in accordance with Title 33 Code of Federal Regulations Section 103. This section is organized as follows:

- Purpose and Scope of the Subcommittees
- Membership in the Subcommittees
- Officers of the Subcommittee
- Meetings of the Subcommittees
- Procedural Rules

### Purpose and Scope of the Working Subcommittees

The purpose of the Port Security Committee's Working Subcommittees is to form a small, balanced nucleus of port stakeholders that meet the goals and objectives of the Port Security Committee. Specific objectives of the working subcommittees are:

#### **Subcommittee One: Regulatory Compliance and Membership**

- Serve as the Port Security Committee for the Ports of Jacksonville and Fernandina
- Provide a regular forum for discussion of information relative to state and federal legislation and rulemaking.
- Provide a unified response to state and federal legislators to effect common rules for implementation.
- Assist stakeholders in the implementation of federal and state regulations.
- Sponsor Maritime Domain Awareness infrastructure for the port.

#### **Subcommittee Two: Port Security Planning**

- **Area Maritime Security Plan:** Develop and execute a whole-port security coordination plan (similar to the Area Contingency Plan for pollution response) for all commercial and private stakeholders, and federal, state, and local government agencies with responsibilities in the port or on the waterways of Jacksonville.
- **“One-Method” Consensus Risk Assessment Methodology:** Develop and deploy a consensus Risk (consequence \* vulnerability) assessment methodology to be used by all government and private entities in the port.
- **“One-Format” Consensus vessel and Security Plan Templates:** Develop and deploy consensus vessel and security plan templates/formats which are based on the “one-method” risk assessments and which incorporate all government agency requirements.
- **Develop Expertise:** Provide a support system in form of training, review, and comment to private companies and government agencies as they begin using the “one-method” Risk Assessment Methodology and “one-format” vessel and security plan templates.

#### **Subcommittee Three: Security Exercise Planning and Evaluation**

- **Annual Port Security Drills.** Design and execute Area Maritime Security Drills in the port at least once per year to exercise and improve the Area Maritime Security Plan for the port.
- **Stakeholder Drills.** Assist port stakeholders with the design and execution of their security drills and exercises as required by federal, state, and local regulation.
- **Collect and Share Best Practices.** Capture and share the lessons learned during exercises and develop best practices to share with all port stakeholders.

#### **Subcommittee Four: Special Events Planning**

- Synthesize special event security plans in coordination with the Maritime Joint Task Force and Subcommittee Two.

#### **Maritime Joint Task Force (Government)**

- Provide an intelligence briefing at the quarterly JMTX General Membership meeting. The briefings will be in accordance with applicable state and federal laws related to classified information.
- Provide a two-way communication mechanism to provide critical port security information among law enforcement agencies and port stakeholders.
- Assist security incident prevention and response agencies to coordinate and cooperate.
- Through a series of Memoranda of Agreement between federal, state, and local government agencies, establish a systematic, standing joint agency security activity/patrol/mission planning and de-conflicting (JMP/D) process. The systematic process must assure the agencies: (1) jointly plan and conduct overlapping operations; (2) fully leverage each other's independent operations for mutual benefit; and (3) avoid unintentionally infringing upon each other's operations or unintentionally imposing redundant burdens on our customers.

## **Membership in the Subcommittees**

Members will be assigned to serve in Subcommittees on a volunteer basis. Any general member of the Port Security Committee is eligible for membership in any subcommittee, except the Maritime Joint Task Force, which is composed solely of government agency representatives. Members will not be appointed and membership in the subcommittee will be highly informal and based on the member's willingness to serve.

Subcommittee members will not be required to submit to a security background examination.

## **Officers of the Subcommittees**

The Chair of the each Subcommittee for each Port Security Committee will be a designated member of the Executive Subcommittee only. No other subcommittee officers need be appointed in order to maintain the open and informal working environment.

## **Meetings of the Subcommittees**

Each Executive Subcommittee shall meet as needed and called by the chair, and any case not less than once during each calendar year and preferably once each quarter. The Chair shall determine the time and venue of the meetings. The Chair shall make arrangements for these meetings, preferably with a revolving "host" from amongst the subcommittee members. Meetings shall be open to the Port Security Committee and shall not cover Security Sensitive, Classified, Proprietary, or Commercially Sensitive Information. The Executive Subcommittee Chair shall schedule meetings to cover Security Sensitive, Classified, Proprietary, or Commercially Sensitive Information restricted to the appointed members and select expert invitees separately; rules governing those sessions are described in section 1515 below.

## Working Subcommittee Procedural Rules

**Rule 1. Subcommittee Policy.** It is the policy of the Subcommittees that Port Security Committee members shall have the opportunity to speak to any Subcommittee meeting agenda item before final action.

**Rule 2. Scheduling of Closed Session.** Bearing in mind section 1515 of this charter (below), special closed sessions shall be scheduled to the extent possible and appropriate prior to Port Security Committee membership meetings. Any closed session may be scheduled during or after a general Port Security Committee meeting.

**Rule 3. Meeting Adjourned to Date Certain.** When a Subcommittee meeting is adjourned, it must in all cases be adjourned to another scheduled meeting date. All unfinished items will be listed in their original order after roll call on the agenda of such scheduled meeting.

**Rule 4. Agenda Matters.** The principle procedure for holding Subcommittee meetings will be an agenda. All meetings shall have an agenda.

**Rule 5. Quorum.** Subcommittees shall have no quorum and shall meet with any number of members present.

**Rule 6. Minutes.** The Subcommittees shall not be required to prepare and distribute minutes of its meetings. The Chair shall take notes; these notes need not be verbatim but shall reflect the sense of the discussion and any recommendation made with respect to each subject considered in subcommittee. A report of the subcommittee shall be delivered to the Port Security Committee during its quarterly meetings and to the Federal Maritime Security Coordinator upon request.

**Rule 7. Conduct of Subcommittee Meetings.** The chair of the Subcommittee may conduct meetings with as much informality as is consistent with these charter procedural rules. The views of interested private citizens may be heard in certain subcommittee meetings, but in no case shall a subcommittee meeting be used as a substitute for the Port Security Committee meetings.

## Rules Governing the Executive Subcommittee

This section outlines the rules governing the executive subcommittee of the JMTX Jacksonville/Fernandina Port Security Committee (PSC) and the Port Canaveral Security Committee (PCSC) in accordance with Title 33 Code of Federal Regulations Section 103. This section is organized as follows:

- Purpose and Scope of the Executive Subcommittee
- Membership in the Executive Subcommittee
- Nomination and Appointment Process
- Acceptance and Pledge
- Officers of the Subcommittee
- Meetings of the Subcommittee
- Procedural Rules

## Purpose and Scope of the Executive Subcommittee

The purpose of the Port Security Committee's Executive Subcommittee is to form a small, balanced nucleus of port stakeholders that steer the work of the Port Security Committee and meet the requirements for an Area Maritime Security Committee (AMSC), consistent with Title 33

Code of Federal Regulations Section 103.310. Responsibilities of the Executive Steering Subcommittee are:

- To chair the working subcommittees;
- To identify critical port infrastructure and operations;
- To identify risks (threats, vulnerabilities, and consequences) in the maritime sector;
- To complete an Area Maritime Security Assessment in accordance with 33 CFR Part 103, subpart D;
- To determine mitigation strategies appropriate to these risks and implementation methods;
- To develop and describe the process for continually evaluation the overall port security by considering consequences and vulnerabilities, how they change over time, and what additional mitigation strategies can be applied;
- To provide advice to and assist the Federal Maritime Security Coordinator in developing the Area Maritime Security Plan in accordance with 33 CFR Part 103 Subpart E;
- To design and recommend to the Federal Maritime Security Coordinator 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;
- To serve as the principle link for communicating the Area Maritime Security Plan once approved, including any requirements for entities operating in the port contained in the Plan;
- To serve as the principle link for communicating threats and changes in Maritime Security Condition (MARSEC) levels;
- To serve as the principle link for disseminating appropriate security information to the Port Stakeholders;
- To serve to assist entities operating in the port in understanding and complying with Federal, State, and Local security regulations and requirements;
- To coordinate governmental security incident command-and-response through one of the AMSC subcommittees;
- To audit and revise the Area Maritime Security Plan on a regular basis and following experiences offering lessons learned;
- To coordinate the conduct of an Area Maritime Security Exercise at least once each calendar year;
- To maintain records of Port Security Committee operations and decisions.

## **Membership in the Executive Subcommittee**

In accordance with Title 33 Code of Federal Regulations Section 103.305 (Composition of an Area Maritime Security Committee), the Executive Subcommittee must have not less than seven and no more than 50 (total) members appointed by the Federal Maritime Security Coordinator, each having at least five years experience related to maritime or port security operations (including broad state or local counter-terrorism responsibilities). The Executive Subcommittee members serve as the core or steering group for the JMTX Jacksonville/Fernandina Port Security Committee and the Port Canaveral Security Committee. Members will be assigned to serve on the JMTX Jacksonville/Fernandina Port Security Committee or the Port Canaveral Security Committee, but not both, in their Appointment Letter from the Federal Maritime Security Coordinator. Appointments will typically be for a five year period; members may be reappointed where warranted and furthering the purposes of the Executive Subcommittee.

Prior to appointment, nominated members will be required to submit to appropriate security background examinations to verify the identity and suitability of the nominee.

To be considered for appointment, nominees must be members in good standing of one of the following:

- Federal Governmental Agencies with Authority, Jurisdiction, or Interest in Maritime Homeland Security in Northeast Florida;
- State Governmental Agencies or Political Officials with Authority, Jurisdiction, or Interest in Maritime Homeland Security in Northeast Florida;
- Local public safety, crisis management, and emergency response agencies in Northeast Florida;
- Law enforcement agencies in Northeast Florida;
- Security organizations in Northeast Florida;
- Maritime industry;
- Other port entities or individuals having special competence in maritime security; or
- Other port entities or individuals likely to be affected by security practices and policies.

## **Nomination and Appointment Process**

The Federal Maritime Security Coordinator will, at his sole discretion, solicit the Port Security Committees for nominations for appointment to the Executive Subcommittee. Nominations will typically be made in writing to the Port Security Committee Co-Chairs. Nominations must detail how the nominee meets the requirements of section 1514.2 of this charter, and must explicitly state the willingness of the individual both to serve and to submit to the required security background examinations. Nominations may be submitted by the nominee him or herself, or by other persons. When a nomination is for another person, it must explicitly state whether the individual is aware of the nomination and is willing to serve.

Once the announced period for submitting nominations to the Executive Subcommittee elapses, the Port Security Committee Co-Chairs will compile lists and background information on all nominees and consult with the Executive Subcommittee on these nominees. Based on a majority vote, the Executive Subcommittee will forward a list of nominees recommended for appointment to the Federal Maritime Security Coordinator for final evaluation. When the nominations are deemed insufficient for the purposes of the Executive Subcommittee, the Subcommittee may take action to recruit nominations from individuals who had not considered appointment, and may reconvene to consider these additional nominations. In no case shall this process extend more than 30 days after the close of the announced period.

In consultation with the Port Security Committee Co-Chairs, the Federal Maritime Security Committee will review the Executive Subcommittee's recommendations for appointment and make such appointments as are consistent with 33 CFR 103.305, this charter, and the purpose of the Subcommittee. The Federal Maritime Security Coordinator will then conduct the required security background checks and extend letters of appointment to selected members.

Appointed members must indicate their intention to accept or decline the appointment and abide by the appointment as outlined in section 1514.4 of this charter, below. Members not accepting this appointment will return to general Port Security Committee membership status.

The Federal Maritime Security Coordinator will revoke any appointment at any time whenever he or she concludes such action is necessary for the efficient or effective functioning of the Executive Subcommittee, or when he or she concludes that the appointed member is not participating sufficiently to accomplish purposes of the Port Security Committees or the work of the Executive Subcommittee.

## **Acceptance and Pledge**

Once nominated, qualified candidates accepted by the Federal Maritime Security Coordinator will be accepted as appointed members of the Executive Subcommittee by pledging to abide by the rules of this charter and to act in good faith and to the best of their ability in the application of the policies and procedures established by the Executive Subcommittee. Executive Subcommittee members shall indicate their adoption of this pledge by affixing to their appointment letter or a copy thereof the signature of both the member and his or her supervisor (where appropriate). The Subcommittee Member shall return a signed copy of the appointment letter to the Port Security Committee Co-Chairs. Subsequent intent by a member to withdraw from the Executive Subcommittee shall be conveyed to Co-Chairs through written notification. Appointed members are not authorized to deputize assistance or others to attend Port Security Meetings or Executive Subcommittee Meetings on their behalf; continuity of participation and fluency in the issues at hand will not permit this practice.

The Port Security Committee Co-Chairs shall periodically request the Executive Subcommittee review, and if necessary revise, the total numbers and composition of the Subcommittee. When changes are approved, the Co-Chairs will request nominations and make appointments as outlined in Section 1514.3 above.

## **Officers of the Executive Subcommittee**

The Chair of the each Executive Subcommittee for each Port Security Committee shall be elected by that Executive Subcommittee only, not by the body of the whole Port Security Committee, and shall be an appointed member of that Executive Subcommittee. The Chair shall appoint, with the consent of the Executive Subcommittee, a Secretary and a Chair for each of that PSC's Working Subcommittees from among the appointed members. The policies and procedures of the Port Security Committee, either by consensus or vote, shall be recorded and publicized by the Secretary. The Secretary shall also record and publish minutes of each Port Security Committee meeting and maintain a list of active PSC members. The Secretary shall also maintain a list of the Executive Subcommittee members. Officers shall retain voting privileges during their terms of service.

## **Schedule of Meetings**

Each Executive Subcommittee shall meet at least once during each calendar year and preferably once each quarter. The time and venue of the meetings shall be determined by the Executive Subcommittee Chair and members. Arrangements for these meetings shall be made by the Executive Subcommittee Chair. Annual and Quarterly meetings shall be open to the Port Security Committee and shall not cover Security Sensitive, Classified, Proprietary, or Commercially Sensitive Information. The Executive Subcommittee Chair shall schedule meetings to cover Security Sensitive, Classified, Proprietary, or Commercially Sensitive Information restricted to the appointed members and select expert invitees separately; rules governing those sessions are described in section 1515 below.

# Executive Subcommittee Procedural Rules

**Rule 1. Executive Subcommittee Policy.** It is the policy of the Executive Subcommittee that Port Security Committee members shall have the opportunity to speak to any Executive Subcommittee meeting agenda item before final action.

**Rule 2. Spokesperson for a Group of Persons.** When any group of persons wishes to address the Executive Subcommittee on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Subcommittee.

**Rule 3. Scheduling of Closed Session.** Bearing in mind section 1515 of this charter (below), special closed sessions shall be scheduled to the extent possible and appropriate prior to Port Security Committee membership meetings. Any closed session may be scheduled during or after a general Port Security Committee meeting.

**Rule 4. Meeting Adjourned to Date Certain.** When an Executive Subcommittee meeting is adjourned, it must in all cases be adjourned to another scheduled meeting date. All unfinished items will be listed in their original order after roll call on the agenda of such scheduled meeting.

**Rule 6. Agenda Matters.** The principle procedure for holding Executive Subcommittee meetings will be an agenda. All meetings shall have an agenda.

**Rule 7. Presiding officer to state issue.** The presiding officer shall assure that all issues are clearly stated before allowing discussion to begin. The presiding officer may also restate the issue before allowing discussion to continue or prior to voting.

**Rule 8. Presiding officer may discuss and vote.** The presiding officer may move, second and discuss from the chair, subject only to such limitations of debate as are by these rules imposed on all Executive Subcommittee members. The presiding officer shall not be deprived of any of the rights and privileges of a Subcommittee member.

**Rule 9. Quorum.** A majority of the committee membership shall constitute a quorum.

**Rule 10. Referrals.** Referrals to the working subcommittees shall be made by the Executive Subcommittee. Items may be withdrawn from the working subcommittee and taken up for consideration by the Executive Subcommittee at any meeting with the consent of a majority of the Executive Subcommittee members.

**Rule 11. Minutes.** The Executive Subcommittee shall not be required to prepare and distribute minutes of its meetings. Notes shall be taken by the Chair; these notes need not be verbatim but shall reflect the sense of the discussion and any recommendation made with respect to each subject considered in subcommittee. Votes shall be formally recorded including the item voted upon and the total votes for and against. A report of the subcommittee shall be delivered to the Port Security Committee during its quarterly meetings and to the Federal Maritime Security Coordinator upon request.

**Rule 12. Conduct of Executive Subcommittee Meetings.** The chair of the Executive Subcommittee may conduct meetings with as much informality as is consistent with these charter procedural rules. The views of interested private citizens may be heard in certain subcommittee meetings, but in no case shall a subcommittee meeting be used as a substitute for the Port Security Committee meetings.

**Rule 13. Authorization to Vote.** Each appointed member of the Executive Subcommittee may have one vote; votes will not be apportioned according to agency, jurisdiction, or other criterion. With the prior approval of the Federal Maritime Security Coordinator and only in limited exceptional circumstances, a designated alternate may vote in place of an appointed member.

**Rule 14. Manner of Voting.** On the passage of every motion or recommendation to the Federal Maritime Security Coordinator, the vote shall be taken and a formal record of both the motion and votes for and against recorded.

**Rule 15. Silence constitutes affirmative vote.** Executive Subcommittee members who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual appointed members have stated in advance that they will not be voting.

**Rule 16. Failure to vote.** It is the responsibility of every appointed Executive Subcommittee member to vote unless disqualified for cause. No appointed AMSC member can be compelled to vote.

**Rule 17. Abstaining from vote.** The abstainer chooses not to vote and, in effect, "consents" that a majority of the quorum of the executive subcommittee members present may act for him or her.

**Rule 18. Not participating.** An Executive Subcommittee member who disqualifies him or herself because of any financial or other interest in the issue at hand shall disclose the nature of the conflict and may not participate in the discussion or the vote. A member may otherwise disqualify him or herself due to personal bias or the appearance of impropriety.

**Rule 19. Tie votes.** Tie votes may be reconsidered on motion by any member of the Executive Subcommittee voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the Executive Subcommittee may make a motion to continue the matter to another date. Nothing herein shall be construed to prevent any member from agendaing a matter which resulted in a tie vote for a subsequent meeting.

## Handling and Protecting Information

Pursuant to Title 49 Code of Federal Regulations Part 1520, this part governs the release, by the Port Security Committee membership, and by other persons, of records and information that has been obtained or developed during security activities.

For purposes of this section, **Record** includes any writing, drawing, map, tape, film, photograph, or other means by which information is preserved, irrespective of format. **Vulnerability assessment** means any examination of a transportation system, vehicle, or facility to determine its vulnerability to unlawful interference.

Port Security Committee members must restrict disclosure of and access to sensitive security information described in this section to persons with a need to know and must refer requests by other persons for such information to Coast Guard Federal Maritime Security Coordinator.

**Need to know.** For some specific sensitive security information, the Federal Maritime Security Coordinator may make a finding that only specific persons or classes of persons have a need to know. Otherwise, a person has a need to know sensitive security information in each of the following circumstances:

- (1) When the person needs the information to carry out approved, accepted, or directed security duties.

- (2) When the person is in training to carry out approved, accepted, or directed security duties.
- (3) When the information is necessary for the person to supervise or otherwise manage the individuals carrying out approved, accepted, or directed security duties.
- (4) When the person needs the information to advise persons regarding any DOT security-related requirements.
- (5) When the person needs the information to represent the persons listed in paragraph (a) of this section in connection with any judicial or administrative proceeding regarding those requirements.

**Release of sensitive security information.** When sensitive security information is released to unauthorized persons, any Port Security Committee member or individual with knowledge of the release, must inform the Coast Guard Federal maritime Security Coordinator.

**Violation.** Violation of these rules is grounds for a civil penalty and other enforcement or corrective action.

**These rules will be followed to protect all Security Sensitive Information, Commercial Sensitive Information, and Proprietary Information. Classified Material will be protected in accordance with the rules governing it.**

## **Rules for SSI Sessions & SSI Information**

**Rule 1. Authorized Closed Sessions.** Subject to the advice of the Federal Maritime Security Coordinator and the requirements of 49 CFR Part 1520, closed sessions may generally be held to discuss the following subjects:

- (1) Security matters, i.e., matters posing a threat to the public's right of access to public services or public facilities, as outlined in 49 CFR Section 1520.7, including Security Sensitive Information portions of the Area Maritime Security Assessment and AMS Plan.
- (2) Pending litigation and administrative proceedings prosecuted by or against the Federal Maritime Security Coordinator or Port Security Committees, including but not limited to settlement proceedings.
- (3) Other closed sessions authorized by the Federal Maritime Security Coordinator.

**Rule 2. Calling Closed Sessions.** Subject to the advice of the Federal Maritime Security coordinator, a closed session may be called by the Port Security Committee Co-Chairs or by the Executive Subcommittee.

Closed sessions shall be noticed on the agenda. To the greatest extent possible, the Federal Maritime Security Coordinator and PSC Co-chairs shall use standardized agenda descriptions that are consistent with 49 CFR part 1520.7.

The Port Security Committee shall convene in open session and provide an opportunity for general membership comment as to the closed session items before any closed session. The Co-chairs shall be present in the open session to record any statements made. The Co-Chairs shall announce the item or items to be considered in closed session by reference to the appropriate agenda item, or in an alternate form provided by the Federal Maritime Security Coordinator.

**Rule 3. Attendance at Closed Sessions.** The Co-Chairs, or their designees, shall attend closed sessions unless it is necessary to excuse them. Only such additional staff shall attend as are necessary and then only if the legal privileges of confidentiality obtained in an executive session are not waived.

**Rule 4. Reports from Closed Session.** It is the policy of the Port Security Committees to inform the public of action taken in closed session to the greatest extent possible. It is recognized, however, that the need for confidentiality is inherent in closed sessions and that certain matters if revealed may be a detriment to the results desired

Reports from closed sessions, when permissible, shall be made by Co-Chairs or such other representative as designated by the Executive Subcommittee. Such designated person is the only individual authorized to make public statements concerning the closed session.

**Rule 5. Record of Disclosure of Security Sensitive Information.** The Co-Chairs shall assure that appropriate records are retained regarding the disclosure of SSI on a need to know basis, the specific Port Security Committee members to whom the information was disclosed, and the date.

## **Rules for Classified Sessions & Classified Information**

Classified Information must be protected under the rules governing it. Those rules shall be adhered to in all respects during classified sessions of the Port Security Committee. To the extent practicable, the rules outlined in section 1515.1 shall also be adhered to.

## **Rules for Commercially Sensitive Information**

Commercially Sensitive Information must also be protected. In all cases, Commercially Sensitive Information shall be treated in similar fashion to Security Sensitive Information and the rules outlined in section 1515.1 shall be adhered to.

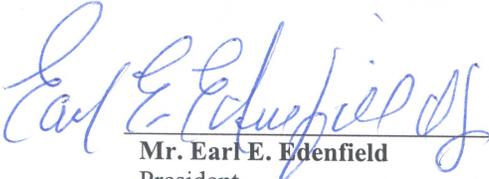
## **Rules for Proprietary Information**

Proprietary Sensitive Information must also be protected. In all cases, Proprietary Sensitive Information shall be treated in similar fashion to Security Sensitive Information and the rules outlined in section 1515.1 shall be adhered to.

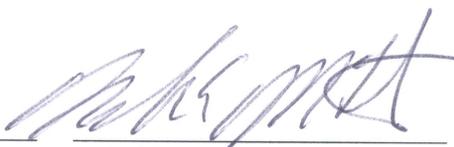
## **Amending The Charter**

This charter may be amended at any time by the Port Security Committee Co-Chairs. Recommendations to the Co-Chairs for changes to this charter may be made only with the approval of two-thirds of the Executive Subcommittee members.

Done, this 21<sup>st</sup> Day of October 2003, at the City of Jacksonville, Florida.

  
**Mr. Earl E. Edenfield**  
President,  
Jacksonville Marine  
Transportation Exchange

  
**Mr. Val Schwec**  
General Manager,  
Nassau Terminals

  
**Mr. Malcolm E. McLouth**  
Executive Director,  
Canaveral Port Authority

Accepted by the Federal Maritime Security Coordinator this 21<sup>st</sup> Day of October 2003, at the City of Jacksonville, Florida.

  
**D.L. Lersch**  
Captain, U.S. Coast Guard  
Federal Maritime  
Security Coordinator