

Appendix A

Post 9/11 Security Regulations:

A. Implementation of National Maritime Security Initiatives (33 CFR 101) [USCG-2003-14792] – These regulations establish the general requirements for Subchapter H, and contains the provisions that pertain to all parts described below. The collections of information within this section are summarized under this section, but are considered in the applicable part. The CFR cites with the collections of information are as follows:

- Alternative Security Programs – 101.120 (addressed in each part, in overall analysis)
- Reporting Security Incidents – 101.305 (addressed in each part)
- Declarations of Security (DoS) – 101.505 (addressed under vessel, facility & OCS security requirements)

B. Port Security or Area Maritime Security (AMS) (33 CFR 103) [USCG-2003-14733] -- These regulations establish US Coast Guard Captains of the Port as Federal Maritime Security Coordinators, and establish requirements for Area Maritime Security Committees. The CFR cites with collections of information are as follows:

- AMS Assessment – 103.400 (a), (c); 103.405
- AMS Plan – 103.500 (a); 103.505
- Submission of AMS Plan for review & approval – 103.510
- Administrative Drills and Management Exercises – 103.515

C. Vessel Security (33 CFR 104) [USCG-2003-14749] -- These regulations provide security measures for certain vessels calling on U.S. ports. They require the owner or operator of a vessel to designate security officers for the vessel, develop security plans based on security assessments and surveys, implement security measures specific to the vessel's operation, and indicate Maritime Security (MARSEC) Levels. The CFR cites with collections of information are as follows:

- Designate the Company Security Officer (CSO) in writing – 104.210 (a) (1)
- Vessel Security Assessment (VSA) – 104.300 (a) and 104.305 (b), (d); 104.310
- Vessel Security Plan (VSP) – 104.400; 104.405; 104.415
- Submission of the VSA Report with the VSP – 104.310 (a)
- Amendment & Audit of VSP – 104.410 (a) (1) & (b)
- Vessel Recordkeeping – 104.235 (a), (b); 104.260 (b)
- Posting for MARSEC Level emergencies – 104.265 (e) (2)
- Security measures for restricted areas – 104.270 (b) (7)
- Requirements for U.S. flag vessels going on international voyages, requiring an International Ship Security Certificate (ISSC) – 104.297 (c).

D. Facility Security (33 CFR 105) [USCG-2003-14732] -- These regulations require port facilities to designate Facility Security Officers and develop security plans for certain facilities. The CFR cites with collections of information are as follows:

- Designate the Facility Security Officer (FSO) in writing – 105.200 (b) (3)

- Conduct, write and submit Facility Security Assessment (FSA) with completed form CG-6025/CG-6025A (Facility Vulnerability and Security Measures Assessment) – 105.200(b)(4); 105.300; 105.305; 105.310; 105.400
- Development and submission of Facility Security Plan (FSP) – 105.200 (b) (5); 105.205 (c) (17); 105.400; 105.410; 105.415
- Facility recordkeeping requirements – 105.225; 105.250 (b)
- DoS – 101.505; 105.245
- Amendment & audit – 105.415
- Posting for MARSEC Level emergencies – 105.205 (c) (14); 105.255 (e) (2)
- Marking for additional security measures – 105.260 (b) (7); 105.295 (a) (3)

E. Outer Continental Shelf Facility Security (33 CFR 106) [USCG-2003-14759] -- These regulations provide security measures for mobile offshore drilling units (MODUs) not subject to the International Convention for the Safety of Life at Sea (SOLAS) and certain fixed and floating facilities on the Outer Continental Shelf (OCS) other than deepwater ports. The CFR cites with collections of information are as follows:

- Designate the CSO and FSO in writing – 106.200
- Conduct, write and submit FSA – 106.200 (b) (3); 106.210 (c) (8) (12); 106.300; 106.305 (d); 106.310
- Development and submission of FSP, and with changes, for review and approval – 106.400; 106.405; 106.410
- OCS Facility recordkeeping requirements (including MARSEC Level changes) – 106.230
- DoS – 106.250
- Amendment and audit – 106.415
- Security measures for restricted areas – 106.265 (b) (6)

Pre 9/11 Existing Security Regulations: In 1985, a U.S. citizen was killed during the seizure of the vessel, ACHILLE LAURO. Since then, the vulnerability of passenger vessels and associated passenger terminals to acts of terrorism became a significant concern for the international community. To address the threat, the President signed into law the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99-399; 100 Stat. 889). Title IX of this law constitutes the International Maritime and Port Security Act (33 USC 1226). This act amended the Ports and Waterways Safety Act (33 USC 1221). This Act provided the Coast Guard authority to "carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism." This law also required a proposed plan of action for implementing security measures at U.S. ports and passenger vessels operating from those ports.

Also in 1986, the IMO published MSC/Circ. 443 "Measures to Prevent Unlawful Acts Against Passengers and Crews On Board Ships." That publication was the basis for much of the U.S. legislation and rulemaking that followed. In April 1987, the Coast Guard published a notice in the *Federal Register* (52 FR 11587) that listed voluntary security measures based upon the IMO's publication. However, the Coast Guard

observed varying degrees of implementation of these voluntary measures aboard passenger ships and at passenger terminals. This inconsistency, coupled with the rising specter of domestic terrorism, indicated that the establishment of minimum mandatory security requirements was necessary. Consequently, the Coast Guard published an interim rule on July 18, 1996 (61 FR 37648), and a final rule on October 6, 1998 (63 FR 53587). Regulations governing the Security of Passenger Vessels are in 33 CFR 120 and regulations on the Security of Passenger Terminals are in 33 CFR 128.