

# *Protecting America's Ports*



*Maritime Transportation  
Security Act of 2002*



**Homeland  
Security**

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# U. S. DEPARTMENT OF HOMELAND SECURITY

## Office of the Press Secretary

FOR IMMEDIATE RELEASE

July 1, 2003

### **Department of Homeland Security issues maritime security regulations**

*Rules mandate security improvements in the nation's seaports*

WASHINGTON, D.C. – The U.S. Department of Homeland Security announced the publication of security regulations today requiring sectors of the maritime industry to implement measures designed to protect America's ports and waterways from a terrorist attack.

“With 95 percent of our nation's international cargo carried by ship, port security is critical to ensuring our Nation's homeland and economic security,” Secretary of Homeland Security Tom Ridge said. “The port security measures we are putting in place, both here at home and abroad, are about expanding our capabilities – strengthening a vitally important system with additional layers of defense.

“This effort is part of a broad international effort to increase global shipping security and one of many steps we are taking to better protect our ports and the ships traveling in our waters.”

The result of intense international and domestic efforts that began in November 2001, these regulations significantly strengthen the security of our ports by requiring preventive security measures and plans to deter threats and provide a framework for response in the event of an attack.

The regulations build on a comprehensive port security strategy and range of enhancements directed by the President following September 11, 2001, and implement significant portions of the Maritime Transportation Security Act of 2002 (MTSA). By requiring completion of security assessments, development of security plans, and implementation of security measures and procedures, these regulations will reduce the risk and mitigate the exposure of our ports and waterways to terrorist activity.

Developed using risk-based methodology, the security regulations focus on those sectors of maritime industry that have a higher risk of involvement in a transportation security incident, including various tank vessels, barges, large passenger vessels, cargo vessels, towing vessels, offshore oil and gas platforms, and port facilities that handle certain kinds of dangerous cargo or service the vessels listed above. An estimated 10,000 vessels, 5,000 facilities, and 40 outer continental shelf facilities will be directly affected

The regulations require security measures that have three scalable security levels. Depending on security needs, measures may include passenger, vehicle and baggage screening procedures; security patrols; establishing restricted areas; personnel identification procedures; access control measures; and/or installation of surveillance equipment.

To promote innovation and flexibility, the Department of Homeland Security is also encouraging the private sector to develop acceptable alternatives to accommodate specific security measures. Alternatives that afford a level of security equal to the original regulation may be presented by individual industry entities.

The regulations published today amend other sections of the Code of Federal Regulations to implement Automatic Identification System (AIS) requirements for certain vessels, as required by MTSA. AIS is a system of equipment and technologies that automatically sends detailed ship information to other ships and shore-based agencies. Installing AIS equipment on certain vessels traveling in our waters will allow comprehensive, virtually instantaneous vessel tracking and monitoring, increasing security and safety in our shipping channels, and our awareness of maritime activity.

The regulations were developed through interagency teamwork within the Department of Homeland Security (the Coast Guard, Transportation Security Administration and the Bureau of Customs and Border Protection) and with the Department of Transportation's Maritime Administration.

The interim final rules are effective as of July 1, 2003. They will be replaced by final rules by October 25, 2003. The Coast Guard is accepting written comments on the regulations for 30-days, and will hold a public meeting to discuss all of the maritime security interim final rules and the AIS interim rule on July 23, 2003, in Washington, D.C., at the Grand Hyatt Hotel on 1000 H Street, N.W.

The regulations and details on submitting comments are published in a series of Federal Register notices that include a request for comment on the further implementation of the AIS, as required by MTSA. The Federal Register Docket can be viewed online at <http://dms.dot.gov>. The docket numbers are as follows.

General	USCG-2003-14792
Ports	USCG-2003-14733
Vessels	USCG-2003-14749
Facilities	USCG-2003-14732
Outer continental shelf facilities	USCG-2003-14745
AIS	USCG-2003-14757
AIS request for comments	USCG-2003-14878

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**U. S. DEPARTMENT OF HOMELAND SECURITY**  
**Office of the Press Secretary**

July 2003 – Fact Sheet

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***IMPLEMENTATION OF THE MARITIME TRANSPORTATION SECURITY ACT***

The Maritime Transportation Security Act of 2002 (MTSA), signed on November 25, 2002, by President Bush, is a landmark piece of legislation that is designed to protect the nation's ports and waterways from a terrorist attack. While the publication of new regulations on July 1 marks a significant milestone in the implementation of MTSA, the Department of Homeland Security has been taking major steps to implement the entire act. Below are the major components of the MTSA, and the actions we have undertaken.

**THREAT & SECURITY ASSESSMENTS**

**Port Threat & Vulnerability Assessments**

Preliminary assessments have been completed and we are now conducting comprehensive assessments at 55 critical ports that will provide local threat profiles and evaluate all aspects of security surrounding each port.

**Vessel and Facility Vulnerability Assessments**

Security plans are required on over 10,000 vessels and 5,000 facilities in the new regulations. The regulations require the individual vessel owner to conduct a self-assessment and develop a security plan. The Transportation Security Administration, in conjunction with the Coast Guard and Information Analysis and Infrastructure Protection directorate, is developing an assessment tool that may be used by ports, vessels, and facilities that are required to conduct these self-assessments.

**Foreign Port Assessments**

Shipping is a global system. The security of the ports in other nations is important to the security of our ports. We will deploy verification and audit teams to ensure that 2,500 foreign ports have effective security programs.

**SECURITY PLANS AND ADVISORY COMMITTEES**

**National Maritime Security Plan and Advisory Committee**

Another element of our layered maritime security strategy is the National Maritime Transportation Security Plan, an interagency initiative to build an overarching national strategy for protecting America's ports. The National Maritime Security Advisory Committee will advise the Secretary on this national strategy.

### **Area Maritime Transportation Security Plans and Committees**

Adding yet another layer to our security strategy are Area Maritime Transportation Security Plans that will detail the response and preventative security policies. In addition, port security committees have already been informally established around the country and the new regulations establish Area Maritime Security Committees that will address the complex and diverse security needs of each of our 361 ports. In addition, the International Maritime Organization now requires all ships and port facilities to have security plans – making this a worldwide standard.

### **Vessel and Facility Security Plans**

The new regulations require the owners/and or operators of over 10,000 vessels and 5,000 facilities to develop and implement security plans that may include passenger, vehicle and baggage screening procedures; security patrols; establishing restricted areas; personnel identification procedures; access control measures; and/or installation of surveillance equipment.

### **Security Incident Response Plans**

The Coast Guard and other agencies have long had a suite of contingency and response plans for domestic incidents and terrorist activities. In addition, the new regulations require that key portions of industry address how they would respond to an incident in security plans that they must develop and submit to the Coast Guard for approval. Finally, we are coordinating security plans with other plans that already exist for other emergencies, such as oil spills and natural disasters.

## **OTHER INITIATIVES AND PROGRAMS**

### **Transportation Security Cards**

The Transportation Security Administration is working on developing the Transportation Worker Identification Credential (TWIC). Over time, the TWIC will be used as a credential for transportation workers from all modes who have undergone, and passed, required background checks. TWIC will introduce a common credential, one that positively ties the person -- to the credential -- to the background check which can be used in conjunction with access control to critical components of the Nation's transportation infrastructure.

### **Maritime Safety and Security Teams**

Maritime Safety and Security Teams are a Coast Guard rapid response force capable of nationwide deployment via air, ground or sea transportation to meet emerging threats and were created in direct response to the terrorist attacks on Sept. 11, 2001. Maritime Safety and Security Teams are already deployed to Seattle; Chesapeake, Virginia; Los Angeles/Long Beach; and Houston/Galveston. More teams will be deployed by the end of this year to St. Mary's, Georgia, and the Port of New York/New Jersey. President Bush has included funds for six additional teams in his fiscal year 2004 budget request to Congress.

### **Grants**

We made available \$170 million in port security grants in June 2003 to 387 ports and facilities. Later this year we will make available an additional \$105 million. This is on top of \$92 million

awarded by the Transportation Security Administration in 2002. In addition, the Office for Domestic Preparedness awarded another \$75 million to 13 critical national seaports.

### **Maritime Intelligence**

Using a variety of current and future operations, including the National Maritime Intelligence Center, and local and regional intelligence centers, we are focusing on gathering, analyzing and disseminating information. The President's fiscal year 2004 budget request to Congress includes \$34 million to increase our intelligence capabilities.

### **Automatic Identification Systems**

Automatic Identification Systems (AIS) immediately sends detailed ship information to other ships and shore-based agencies. The installation of AIS on certain vessels traveling in our waters, as required by the new regulations, will allow comprehensive, virtually instantaneous vessel tracking and monitoring, increasing safety and security in our shipping channels. This is also an international initiative.

### **Secure Systems of Transportation**

Programs such as Operation Safe Commerce, which is led by TSA and the Bureau of Customs and Border Protection (CBP), and CBP's Customs-Trade Partnership Against Terrorism, will help identify ways to better secure cargo containers and add additional layers of security throughout the entire sea transportation system.

### **International Seafarer Identification**

Recently adopted international agreements provide for a program to improve the security of seafarers documents through the use of a biometric indicator, enhanced tamper resistant features, and the establishment of national databases, all of which will create uniform and verifiable credentials for the mariners around the world.

### **Extension of Seaward Jurisdiction**

MTSA extended certain Coast Guard authorities out to 12 nautical miles from the U.S. coast. This measure is part of our strategy to push our borders out – to gain information about what is coming in and deal with it as far away from our shores as possible and have the authority to exercise protective actions and measures.

### **Deepwater Ports**

This provision added natural gas facilities to the Coast Guard's previous authority to regulate other kinds of deepwater ports. We expect to receive two to three applications per year. These facilities will allow for the unloading of natural gas offshore, and will help increase our ability to import natural gas.

### **Sea Marshals**

Since shortly after September 11, 2001, the Coast Guard has been placing armed personnel on key vessels as they transit in and out of port to keep those vessels from being used by terrorists as weapons. Sea Marshals ensure positive control, 24 hours a day, seven days a week of over

21,000 vessels arrivals, departures and inter-port transits in the 55 most critical ports. The President has included funding for 53 Sea Marshals in his fiscal year 2004 budget request to Congress.

**Maritime Security Professional Training**

The publication of these regulations is the beginning of the work begun by the Maritime Administration at the Department of Transportation, in cooperation with the Coast Guard and the Transportation Security Administration, to establish standards for training. We are continuing the cooperative effort of these agencies and the international community to fully leverage existing security training expertise.

**U. S. DEPARTMENT OF HOMELAND SECURITY**  
**Office of the Press Secretary**

July 2003 – Summarized Regulations

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***NEW MARITIME SECURITY REGULATIONS***

**MAKING OUR WATERS SAFER:** The Maritime Transportation Security Act of 2002 (MTSA), the new security amendments to the International Convention for the Safety of Life at Sea 1974 (SOLAS), and its complementary International Ship and Port Facility Security Code (ISPS) strengthen and add additional protective layers of defense to our Nation's port security.

- **MTSA:** Designed to protect the nation's ports and waterways from a terrorist attack. Landmark legislation that requires area maritime security committees, security plans for facilities and vessels that may be involved in a transportation security incident
- **ISPS:** First multilateral ship and port security standard ever created. Implementation scheduled for 2004; requires all nations to develop port and ship security plans.

**Regulations specify requirements for:**

- Security assessments, development of security plans, implementation of measures to address access control, security monitoring, and physical, passenger, personnel, baggage and cargo security.
- Annual exercises and/or drills
- Designation of security personnel for each vessel or facility
- Installation of Automatic Identification System (AIS), equipment that automatically sends detailed ship information to other ships and shore-based agencies

**WHO THE REGULATIONS WILL APPLY TO:** The regulations focus on those entities that may be involved in a transportation security incident, including various tank vessels, barges, large passenger vessels, cargo vessels, towing vessels, offshore oil and gas platforms, and port facilities that handle certain kinds of dangerous cargo or service the vessels listed above.

<b>WHEN:</b> July 1, 2003	Temporary Interim Rules published; Effective date of regulations
July 23, 2003	Public Meeting in Washington, D.C.
July 31, 2003	Deadline for submission of written comments
October 2003	Projected publication of Final Rule
November 2003	Effective date of Final Rules (30 days from publication)
Dec. 31, 2003	Deadline for submission of security plans
July 1, 2004	International and domestic deadline for implementation of MTSA regulations & ISPS requirements.

**WHERE:** Ports of all sizes throughout the country and the world

## ***REGULATORY HIGHLIGHTS***

The new MTSA security regulations cover vessels and facilities operating on or adjacent to waters subject to the jurisdiction of the United States and are split into six separate parts. Following a general section that discusses general requirements and definitions, each of the sections focuses on a specific segment of the marine industry: ports, vessels, facilities, and outer continental shelf facilities. A final regulation addresses the installation of Automatic Identification Systems (AIS). These regulations are part of the new Subchapter H of Title 33 of the Code of Federal Regulations (CFR), except for AIS, which amends several sections of the CFR.

The regulations have common elements, including:

### **Security Officers & Training for all Personnel**

Requires the designation of an individual who will be responsible for the vessel or facility security program, outlines the qualifications for security officers, and requires all personnel to have training so that they are ready and able to implement the security plan.

### **Security Assessments and Plans**

Requires owners and operators to assess the vulnerabilities, and develop plans that may include passenger, vehicle and baggage screening procedures; security patrols; establishing restricted areas; personnel identification procedures; access control measures; and/or installation of surveillance equipment.

## **GENERAL – Parts 101 & 102**

### **Alternative Security Programs/Equivalencies**

Provides flexibility and encourages innovation by allowing industry to submit, for Coast Guard approval, alternative security programs that provide an equal level of security as required in the regulations.

### **Maritime Security Directives**

Gives the Coast Guard the authority to issue supplemental directives that require the implementation of specific security measures within the context of security plans, allowing the government to communicate sensitive security information to industry

### **Increased threat = increased security**

Establishes three levels of security, which align with an international system, and correspond to the Homeland Security Advisory System. These levels allow industry to increase and decrease security measures based on threat conditions, providing reasonable and effective security.

### **Communication of Maritime Security Information**

Requires the Coast Guard to communicate information on threats to the appropriate members of maritime industry and other authorities in the port.

## **PORTS – Part 103**

### **Federal Maritime Security Coordinators**

Designates the Coast Guard Captains of the Port as Federal Maritime Security Coordinators, giving them the authority to oversee and direct the necessary activities of increasing security of our ports.

### **Area Maritime Security Committees (AMS)**

Establishes Area Maritime Security Committees, made up of members of other federal, state and local agencies, industry and others, to assess the specific vulnerabilities in each of our 361 ports and develop plans for very complex and diverse security requirements within the port areas.

### **Risk Assessments and Security Plans**

Requires the AMS Committees to conduct risk assessments, building on preliminary assessments already conducted in 47 key ports, which examine the threats, consequences, and vulnerabilities of the port. Details the elements of Area Maritime Security Plans, including requiring an annual exercise.

## **VESSELS – Part 104**

### **Examples of vessels most directly impacted by the new regulations**

- Small cruise ship traveling from Chicago to Montreal
- SOLAS-certified cargo ship carrying grain traveling from Jacksonville to New York
- Container vessel carrying cargo from New Orleans to San Juan
- Container vessel carrying cargo from Hong Kong to Los Angeles
- Barge carrying auto part containers traveling from Seattle to Vancouver
- Cruise ship on a Caribbean voyage
- Dinner boat on the Chesapeake Bay carrying more than 150 people
- Gaming boat on the Mississippi
- Ferries operating in Puget Sound, Washington
- Barge carrying home heating oil on the Hudson River
- Tanker carrying liquefied natural gas
- Supply vessel heading to an offshore oil rig
- Towing vessel pushing an oil barge on the Mississippi River

## **FACILITIES – Part 105**

### **Examples of maritime facilities most directly impacted by the new regulations**

- Facility that handles dangerous cargo, including oil, chemicals, and explosives
- Facility that services vessels that carry more than 150 passengers
- Facility that receives vessels on international voyages, including vessels solely navigating the Great Lakes.

## **OUTER CONTINENTAL SHELF FACILITIES – Part 106**

### **Examples of offshore oil & gas platforms most directly impacted by the new regulations**

- Oil rig that produces more than 100,000 barrels of oil per day
- Platform that produces more than 200 million cubic feet of natural gas per day
- Platform that is consistently manned by more than 150 people

## **AUTOMATIC IDENTIFICATION SYSTEMS**

The regulations require the installation of Automatic Identification System (AIS) on certain vessels. AIS equipment is a system that automatically sends detailed ship information to other ships and shore-based agencies. Installing AIS equipment on certain vessels traveling in our waters will allow comprehensive, virtually instantaneous vessel tracking and monitoring, increasing security and safety in our shipping channels.

### **Examples of vessels required to install an Automatic Identification System**

- Ships on an international voyage
- Large passenger vessels
- Other commercial vessels operating in a Vessel Traffic System