

Overview of Area Maritime Security Regulations

33 CFR Part 103

U.S. COAST GUARD

October 2003

NOTE: Bold type indicates a change from the interim rules.

Part 103 is composed of five subparts. A brief review of these is below:

Subpart A – Applicability and Definitions

This subpart applies to all vessels and facilities located in, on, under, or adjacent to waters subject to the jurisdiction of the U.S.

Subpart B – Federal Maritime Security Coordinator (FMSC) Designation and Authorities

Subpart B designates the Coast Guard Captain of the Port (COTP) as the Federal Maritime Security Coordinator. This designation, along with a description of the COTP's authority as Federal Maritime Security Coordinator (FMSC) to establish, convene, and direct the Area Maritime Security Committee (AMS), fulfills the MTSA requirement to designate a Coast Guard official as the FMSC.

Subpart C – Area Maritime Security Committee (AMSC)

This section describes the composition and responsibilities of the AMS Committee. The AMS Committee brings appropriately experienced representatives from a variety of sources in the port together to continually assess security risks to the port and determine appropriate risk mitigation strategies, develop, revise, and implement the AMS Plan. The AMS Committee may also be the mechanism by which security threats and changes in Maritime Security (MARSEC) Levels are communicated to port stakeholders. AMS Committee members may include: USCG, Federal, State, and local law enforcement, emergency response, port managers, etc. There must be at least seven members of the Committee.

The AMS Committees will be composed of not less than seven members. At least seven of the total number of members must each have five years or more experience related to maritime or port security operations. The USCG added labor to the list of stakeholders that should be included on the AMS.

In comments submitted to the USCG, the AAPA asked guidance be provided to security committees on how to handle security sensitive information. AAPA also noted that some state laws require full disclosure of public documents and that the Federal government must preempt states laws when it comes to security sensitive information or develop a mechanism that ports can follow to protect their secure documents.

In response the USCG stated that vulnerability assessments and certain parts of the security plan should be protected as security sensitive information in accordance with 49 CFR 1520. Information designated as sensitive security information is generally exempt under FOIA, and the Transportation Security Administration has concluded that State disclosure laws that conflict with 49 CFR part 1520 are preempted by that regulations. 46 USC 70103(d) also provides that the information developed under this regulation is not required to be disclosed to the public.

Subpart D – Area Maritime Security Assessment (AMSA)

Subpart D directs the AMS Committee to ensure development of a risk-based AMS assessment. The AMS assessment is the important first step in developing an AMS Plan. This section includes the essential elements of an assessment, and these provisions are consistent with the elements of a “port facility security assessment” set forth in the ISPS Code. The assessment may be conducted by the AMS Committee members themselves or by persons acting on behalf of the AMS Committee. The skills and knowledge that persons conducting an AMS assessment must have are detailed in this section.

This is a list of the things that should be looked at in an assessment:

- Identification of activities or operations critical to the port area;
- A threat assessment;
- A consequence and vulnerability assessment;
- A categorization of each target/scenario combination; and
- Measures that will be implemented at all MARSEC Levels.

Subpart E – Area Maritime Security Plan (AMS)

The Area Maritime Security Plan (AMS) is primarily a communication and coordination document. The core elements of the plan should include:

- Details of operational and physical measures that must be in place at all MARSEC Levels;
- Expected timeframes for responding to security threats and changes of MARSEC Levels;
- Communications procedures;
- Measures to ensure the security of vessels, facilities, and operations that are not covered by the security requirements in other parts of this subchapter;

- Measures to ensure the security of the information in the AMS Plan;
- Periodic review, audit, and updating procedures;
- Procedures for reporting security incidents;
- **The jurisdiction of Federal, State, Indian Tribal, and local government entities over area security related matters; and**
- **Identification of any facility otherwise subject to part 105 of this subchapter that the COTP has designated as a public access facility within the area, the security measures that must be implemented at the various MARSEC Levels, and who is responsible for implementing those measures.**

Portions of the AMS Plan may contain sensitive security information, and those portions must be marked as such.

The regulations include requirements that the AMS engage in tabletop exercises. **Upon review by the cognizant District Commander, and approval by the cognizant Area Commander, the exercise requirements may be satisfied by:**

- **Participation of the COTP and appropriate AMS Committee members or other appropriate port stakeholders in an emergency response or crisis management exercise conducted by another governmental agency or private sector entity, provided that the exercise addresses components of the AMS Plan;**
- **An actual increase in MARSEC Level; or**
- **Implementation of enhanced security measures enumerated in the AMS Plan during periods of critical port operations or special marine events.**

Link to regulations: http://www.aapa-ports.org/govrelations/uscg_final_regs.htm



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