



COMDTPUB P16700.4
NVIC 9-02 Change 1

NAVIGATION AND VESSEL INSPECTION CIRCULAR NO. 9-02, Change 1 **DEC 15 2003**

Subj: GUIDELINES FOR DEVELOPMENT OF AREA MARITIME SECURITY
COMMITTEES AND AREA MARITIME SECURITY PLANS REQUIRED FOR
U.S. PORTS

- Ref: (a) MSM Volume VII, Port Security, COMDTINST M16000.12 (series)
(b) Magnuson Act and Executive order 10173, as amended
(c) Ports And Waterways Safety Act (PWSA) of 1972
(d) Risk-Based Decision-Making, COMDTINST M16010.3 (series)
(e) COMDT COGARD Washington DC 172345 DEC 01
(f) PDD-63 Critical Infrastructure Protection
(g) HSPDD – 3 Homeland Security Advisory System
(h) DOT Report to Congress, “An Assessment of the U.S. MTS” dated Sept. 1999
(i) Navigation and Vessel Inspection Circular No. 1-00, Guidance for the Establishment and Development of Harbor Safety Committees Under the Marine Transportation System (MTS) Initiative, COMDTPUB P16700.4
(j) Guidance for Coast Guard Coordination of MTS Improvement Efforts at the Regional and Local Level, COMDTINST M16010.9 (series)
(k) Interagency Commission on Crime and Security in U. S. Seaports, August 2000
(l) COMDT COGARD Washington DC R281216Z MAY 02/ALCOAST 258/02, G-CCS
(m) 49 CFR 1520 TSA Regulations: “Protection of Sensitive Security Information”
(n) CPPM, Volume III; Exercise Policy COMDTINST M3010.13 (series)
(o) Maritime Transportation Security Act, Public Law 107-295; 46 USCA §§ 70101 et. seq.
(p) Final Rules on Maritime Security, 33 CFR Subchapter H, Parts 101 – 106.

DISTRIBUTION – SDL No. 140

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1. PURPOSE. The purpose of this Circular is to 1) provide guidance to field commanders on the development of Area Maritime Security Committees and Area Maritime Security (AMS) Plans; 2) provide guidance on the responsibilities of the Captain of the Port (COTP) acting as the Federal Maritime Security Coordinator (FMSC); 3) provide a common template for the development of AMS Plans; and 4) address port security issues that are the shared responsibility of the port stakeholders and AMS Committees.
2. ACTION. Commanding Officers of Activities, Marine Safety Offices, and COTPs will give the guidance in this circular the widest dissemination to the maritime community and AMS Committee members. Formation of the AMS Committees and development of AMS Plans should follow the guidance provided in enclosures (1) through (3). This circular will be distributed by electronic means only. It is available on the World Wide Web at <http://www.uscg.mil/hq/g-m/nvic/index.htm>. Distribution by COTPs may be made by any practical method.
3. DIRECTIVES AFFECTED. NVIC 9-02 is revised to provide guidance on the Final Rules on Maritime Security, 33 CFR Subchapter H, and the Maritime Transportation Security Act (MTSA) of 2002. Enclosures (1) and (2) are replaced in their entirety. Enclosure (3), the Port Security Risk Assessment Tool, is unchanged and should continue to guide the FMSC in the development of AMS Assessments.
4. BACKGROUND.
 - a. The terrorist attacks of September 11, 2001, re-awakened the Nation to the reality that it is not isolated from world events and it is vulnerable to terrorist attacks. Since then, numerous reports and studies, including "The Interagency Commission on Crime and Security in U.S. Seaports," have identified the ports, waterways and coastal areas as being particularly vulnerable. The Coast Guard has responded by re-evaluating and strengthening its abilities to protect the Nation's ports, waterways, and coastal areas from possible attack.
 - b. International trading partners are an integral part of U.S. security solutions. In November 2001, the Commandant of the Coast Guard addressed the International Maritime Organization (IMO) General Assembly urging that body to consider an international scheme for port and shipping security. As a result, a new international security code, the International Ship and Port Facility Security Code (ISPS), was developed at the Maritime Safety Committee's 75th session in May 2002. In December 2002, the IMO Diplomatic Conference adopted the ISPS Code and a new Chapter XI-2, entitled Special Measures to Enhance Maritime Security.
 - c. On November 25, 2002, the President signed into effect Public Law 107-295, the Maritime Transportation Security Act of 2002 (MTSA), that mandated the development of a new regulatory scheme for maritime security. The Coast Guard conducted extensive public outreach, including seven public meetings to request comment on the development of interim rules to implement the MTSA. More than

2,000 people representing a cross-section of the maritime community attended these meetings and provided extensive comments. The Coast Guard incorporated the public comment into the development of Six Temporary Interim Rules (TIR) that were published in the Federal Register on July 1, 2003. Following another public meeting and the receipt of 1,600 comments from the public, the TIRs were published as Final Rules on October 22, 2003.

5. DISCUSSION.

- a. This revised circular provides guidance to FMSCs, on how to bring existing Port Security Committees (PSC) and Port Security Plans (PSP) into compliance with 33 CFR Subchapter H, pertaining to the establishment of AMS Committees and AMS Plans. For the purpose of this guidance, the term "area" is defined as a COTP zone. The term "FMSC" is used to designate the COTP when implementing the provisions of 33 CFR Subchapter H.
- b. The FMSCs are responsible for establishing AMS Committees that will advise on the development of an AMS Plan for each COTP zone. The AMS Committees will also develop methods to identify risks, communicate threats to affected stakeholders, coordinate resources, and mitigate threats and consequences. Enclosure (1) provides guidelines for the development of AMS Committees.
- c. The AMS Plans and Committees will be the cornerstone in developing the first lines of defense of our Nation's ports. Their importance cannot be over emphasized. Enclosure (2) provides guidelines for FMSCs in the development of AMS Plans and introduces a standard plan template. The use of this template is mandatory, as the FMSC and AMS Committees will be contributing to the establishment of a Maritime Common Operating Picture (MCOP) that will permit critical decision makers to have access to vital information. The AMS Plan is essential to the development of the MCOP as a joint venture between many departments of the government and civilian community.
- d. The first stage of the AMS Plan process begins with a security assessment of the port area conducted by the FMSC and AMS Committee. Enclosure (3) includes the risk assessment tool that should be used. Further information on risk-based decision-making is available in reference (d). The AMS Plan should provide for coordinated scalable actions to detect, deter, prevent and respond to threats at varying threat levels.
- e. AMS Plans will contain sensitive security information (SSI) and it is anticipated that AMS Committees will need to access or produce information that is designated as SSI. Once portions of the Plan or its annexes are designated as SSI, the entire Plan should be considered SSI and marked accordingly. However, FMSCs are encouraged to redact SSI information from the Plan so that they may broadly share with the port community those portions of the AMS Plan that are not SSI, e.g., the Communications Section. The SSI program is authorized by

Transportation Security Administration (TSA) regulation (reference (m)). Additional guidance is provided in enclosure (2) on the handling, dissemination, and protection of SSI portions of the AMS Plan and AMS Committee minutes.

- f. While the guidance contained in this document may assist the industry, public, Coast Guard and other federal and state regulators in applying statutory and regulatory requirements, the guidance is not a substitute for applicable legal requirements, nor is it a regulation itself; thus, it is not intended to, nor does it, impose legally-binding requirements on any party.

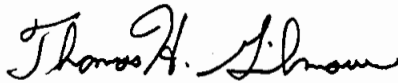
6. IMPLEMENTATION.

- a. Coast Guard Area and District Commanders will work with FMSCs to establish scalable port security measures based upon the input received from the AMS Committees. These measures may include Regulated Navigation Areas with a port security component, security zones activated only during heightened threat conditions, or other combinations of field regulations issued under 33 CFR Part 165. Ultimately, these preplanned port security measures will allow for quick implementation when MARSEC levels are raised. At no time, however, will these security measures prevent a FMSC from taking more extensive measures, pursuant to existing authority, within their port in times of national emergency or imminent attack.
- b. FMSC Responsibility
 - (1) FMSCs will use the enclosed guidelines to develop AMS Committees that conform to 33 CFR Subchapter H for Area Maritime Security and the MTSA. Confirmation that these committees have been chartered and established will be provided to Districts, Areas, and G-MP no later than January 31, 2004.
 - (2) Each FMSC will use the enclosed guidelines to develop an AMS Plan. These plans may include geographic sub-plans as annexes so long as the entire COTP zone is covered. Since the U.S. intends to rely on the approval of AMS Plans as the basis for its compliance with the Port Facility section of the ISPS Code, adherence to the AMS Plan submission schedule is essential in order to provide timely notification to IMO.
 - (3) AMS Plans will be submitted by the FMSC in an electronic format to their District Commander for review no later than April 1, 2004.
- c. District Responsibility
 - (1) District Commanders will engage with MSO planners well before March 1, 2004, to ensure timelines are met. In doing so, they will provide any technical or drafting assistance needed at the field level.

- (2) District Commanders will review all AMS Plans within their District based on the criteria found in enclosure (2), and forward the plans to their Area Commander no later than May 1, 2004.

d. Area Responsibility

- (1) Area Commanders will review and approve all AMS Plans in accordance with the criteria found herein, and forward approved AMS Plans to G-MP no later than June 1, 2004.



THOMAS H. GILMOUR
Assistant Commandant for Marine Safety,
Security and Environmental Protection



DAVID S. BELZ
Assistant Commandant for Operations

- Encl: (1) Guidance for Development and Management of AMS Committees
(2) Guidance for Development and Management of AMS Plans
(3) Port Level AMS Assessments (PSRAT)

ENCLOSURE (1) TO NVIC 9-02 CHANGE 1

**GUIDANCE FOR DEVELOPMENT AND MANAGEMENT OF
AREA MARITIME SECURITY (AMS) COMMITTEES**

1. PURPOSE.

- a. The guidance provided in this enclosure is intended to assist the Federal Maritime Security Coordinators (FMSC) in establishing Area Maritime Security (AMS) Committees, and in transforming existing Port Security Committees (PSC) into AMS Committees by providing information and guidance on the purpose, structure, and conduct of AMS Committees.

2. BACKGROUND.

- a. Over the last decade, the Captains of the Ports (COTP) have established a broad spectrum of port committees, including Port Readiness Committees, Harbor Safety Committees, Area Committees for Oil and Hazardous Materials Response, Heavy Weather Committees, and other Federal, State, and local committees, to facilitate response to, and promote awareness of, specific incidents within the maritime domain.
- b. COTPs were directed to establish PSCs pursuant to COMDT COGARD Washington DC 172345Z Dec 01. Guidance on the establishment of the PSC was provided in the original NVIC 9-02, dated September 30, 2002. Since that time, the Maritime Transportation Security Act (MTSA) was signed into law, and the Coast Guard issued implementing regulations on area maritime security in 33 CFR Subchapter H. The regulations also implemented a change in terminology from “Port Security” to “Area Maritime Security” for both plans and committees.
- c. Although the MTSA specifically waives the application of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. Sec. 14, to the formation of AMS Committees, each AMS Committee is required to conform to certain provisions in the MTSA, and the procedures established in 33 CFR 103.300. In particular, 103.300 mandates a written charter for the formation of AMS Committees. Therefore, FMSCs who wish to transform existing PSCs into AMS Committees must ensure that they develop charters for those existing PSC that conform to 33 CFR 103.300.

3. DISCUSSION.

- a. Establishment of AMS Committees
 - (1) The Coast Guard’s Ports, Waterways and Coastal Security (PWCS) mission is to deter, detect, prevent and respond to attacks against U. S. territory, population, and critical maritime infrastructure. The mission can best be accomplished through interagency, intergovernmental, and public/private sector cooperative efforts. As the Lead Federal Agency for PWCS, the Coast Guard will accomplish its mission in part through AMS Committees that provide a framework to communicate threats, identify risks, and coordinate resources to mitigate threats and vulnerabilities.
 - (2) Although the MTSA makes the establishment of AMS Committees optional, the Commandant has determined that AMS Committees are both necessary and desired as a means to develop meaningful security assessments and broad-based security plans that incorporate input from port stakeholders. Reflecting

the Commandant's findings, and to facilitate the creation of AMS Committees, 33 CFR 103.300 provides that PSCs established prior to July 1, 2003, may be considered as AMS Committees if they conform to the procedures established by 33 CFR 103.300.

- (3) Many ports have multiple PSCs, with some having as many as seven separate committees. Particularly in those COTP zones that encompass several existing geographically separate PSCs, or when one existing PSCs has a significantly large membership, FMSCs are encouraged to form executive steering committees to oversee existing PSCs. Those existing PSCs, in turn, may be viewed as subcommittees of the AMS Committee if the FMSC so chooses. This practice is intended to simplify membership requirements, as the more formal rules mandated by 33 CFR Part 103 would apply only to the executive steering committee. The use of, or option to use, executive steering committees will give the FMSC flexibility in issuing, or not issuing, designation letters to members of subcommittees. Additionally, members of subcommittees, unlike members of AMS Committees, may serve more than five-year terms. Some committees, such as the Harbor Safety Committees (HSC), already have subcommittees or ad hoc committees in place working on port security issues, and FMSCs may also choose to expand these HSCs to form AMS Committees so long as the Committees adhere to 33 CFR Part 103.

b. Purpose and responsibilities of the AMS Committees.

- (1) The purpose of the AMS Committee is to assist and advise the FMSC in the development, review and update of an AMS Plan for its COTP zone. It is essential that the Committee, working with the FMSC, develop a plan that contemplates attacks upon its particular infrastructure that would most likely create a Transportation Security Incident (TSI) within its zone. In doing so, the AMS Committee should consider the MTS infrastructure defined in "An Assessment of the U. S. Marine Transportation System," and in Presidential Decision Directive 63, "Critical Infrastructure Protection."
- (2) 33 CFR 103.310 directs the Committees to act as a link in communicating threats and changes in MARSEC levels, a measure meant to address concerns voiced by industry and the boating public about how security and threat information will be communicated and protected. The Communications Section of the AMS Plan template in enclosure (2) is intended to serve as a guide to the FMSCs in the development of communications plans that address those concerns, and in identifying the role of the AMS Committee in the communications process.
- (3) PWCS encompasses national security objectives pertaining to the MTS, including the need to support military operations conducted through the ports by the Department of Defense. The AMS Committee is responsible for planning and coordinating security procedures, and is not to be considered a response entity for the purposes of crisis management. However, the links between the AMS Committee and other response-driven entities, such as the DOD, the Area Committee for Oil And Hazardous

Materials Response and other existing port committees, are crucial to improving overall preparedness. Just as jurisdictions in the ports are overlapping, some committee responsibilities may overlap. The need for coordination has been directly addressed by the Port Readiness Committees (PRCs) and the National Port Readiness Network (NPRN).

c. Organization of AMS Committees.

- (1) When developing the local membership and organization of the AMS Committees, just as was the case for PSCs, FMSCs should take into account all aspects of the MTS in each port area and its adjacent waterways and coastal areas. The AMS Committees should be comprised of Federal, State, and local agencies, law enforcement and security agencies, and port stakeholders. Representatives for each aspect of MTS and those charged with its regulation or enforcement should be encouraged to participate. For example, AMS Committee membership could include, but is not limited to, representatives from the following agencies:

- (i) Federal Agencies:

- US Coast Guard (e.g., Groups, Air Stations , Small Boat Stations, VTS, MSSTs, Auxiliaries);
- Department of Defense (DOD);
- Nuclear Regulatory Commission (NRC);
- US Department of Agriculture (USDA);
- Environmental Protection Agency (EPA);
- Occupational Safety and Health Agency (OSHA);
- Federal Bureau of Investigation;
- Federal Emergency Management Agency (FEMA);
- Bureau of Customs and Border Protection (BCBP);
- Bureau of Immigration and Customs Enforcement (BICE);
- Transportation Security Administration (TSA);
- Army Corps of Engineers (ACOE);
- US Transportation Command (TRANSCOM);
- Military Sealift Command (MSC);
- Military Traffic Management Command;(MTMC);
- Animal and Plant Health Inspection Service (APHIS);
- Maritime Administration (MARAD);
- Research and Special Programs Administration (RSPA);
- Federal Railway Administration (FRA);
- Federal Highway Administration (FHWA);
- Federal Transit Administration (FTA);
- Other government representatives, where appropriate.

- (ii) State and local agencies:

- National Guard;
- Marine Police;
- Port Authority Police and/or security forces;

- Fire Departments;
 - Civil Defense;
 - City Government officials;
 - Transportation agencies;
 - Fish and Wildlife marine units;
 - Health agencies;
 - Occupational safety agencies;
 - Terminal/facility security forces;
 - Pilot associations;
 - Other State, local and City Government representatives;
 - State Department of Natural or Environmental Resources marine units;
 - Other environmental agencies;
 - Regional development agencies/metropolitan planning organizations;
- (iii) Industry related agencies:
- Facility owners/operators;
 - Terminal owners/operators;
 - Trade organizations;
 - Recreational boating organizations (Yacht Clubs, rowing clubs);
 - Railroad companies;
 - Trucking companies;
 - Shipyards;
 - Tow-boat operators;
 - Marine exchanges;
 - Industry organizations;
 - Organized labor;
 - Commercial fishing industry;
 - Waterborne vendors & service providers (Harbor Tugs, Launch Services, Line Handlers, small ferry operators, water taxis);
 - Other facilities within the port having waterside access, e.g., refineries, chemical plants, power plants.
- (2) The MTSA, at 46 USCA 70112(3), requires that before appointing a member to a position on the AMS Committee, notice soliciting nominations for membership on that Committee shall be published in the Federal Register. Accordingly, Coast Guard Headquarters will publish notice each December. Interested parties will be directed to the nearest FMSC to apply. FMSCs shall ensure membership elections and appointments are timed in accordance with the Federal Register Notice each year. It is not expected that every AMS Committee will have a vacancy in every year. If, after the solicitation/application process is complete, a FMSC becomes aware of other individuals or sectors of the port industry that he/she believes should be part of the AMS Committee, it is up to the FMSC to solicit representation

from those individuals or sectors. This may be done without any further requirement to publish a notice in the Federal Register. For example, it may be appropriate for the FMSC to solicit Federal Agency representatives outside the Federal Register process to ensure strong agency representation on the Committee. Also, for those members who may have already been designated in writing by the FMSC as members of AMS Committees, it is not necessary for these members to reapply for their positions.

- (3) 33 CFR 103.305(b) requires that at least seven of the members of the AMS Committee each have five years of experience related to maritime or port security operations within the area. During the initial stand up of the AMS Committee, the FMSC shall use his/her best judgment in selecting individuals that are best suited as members of the AMS Committee, and in determining if each member's qualifications meet the intent of the regulations.
- (4) In accordance with 33 CFR 103.305, each member of the AMS committee shall be appointed for a term of not more than five years. For the initial start up of the AMS Committee, the FMSC shall designate membership terms to ensure that all memberships do not expire within the same year. As such, when establishing the AMS Committee, some members may be designated for only three years, vice five, to provide for continuity of AMS Committee operations. Appointment as a Committee member should be made by formal written document. A sample Invitation, Designation and Acceptance letter is provided at TAB A, B, and C respectively of this enclosure.
- (5) The FMSC may designate a representative on the Committee to participate as an observer. Additionally, the head of any other Federal agency may request that the FMSC designate a member of their agency as an observer to the AMS Committee.
- (6) Each AMS Committee shall elect one of its members as the Chairperson and one of its members as the Vice Chairperson. The Vice Chairperson shall act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson. Because the AMS Committee is established and maintained under the FMSCs direction, the FMSC may chair the Committee. Nevertheless, some ports may find that, under their existing committee structure, it is more effective for industry representatives to chair the AMS Committee. Either method of chairing the AMS Committee is acceptable under the provisions of 33 CFR Part 103.
- (7) The FMSC shall designate a member of his/her staff as the Executive Secretary of the AMS Committee. The Executive Secretary shall be responsible for the administrative duties of the Committee, such as maintaining current designation letters, publishing meeting agendas, recording meeting minutes, and maintaining current editions of the AMS Plan, including digital versions. It is also the responsibility of the Executive Secretary to ensure that all committee records are properly maintained and designated as Sensitive Security Information (SSI) where appropriate.

- (8) 46 USCA 70112(f) states that a member of a committee established under this section, when attending meetings of the committee or when otherwise engaged in the business of the committee (including AMS Committees and the National Maritime Security Advisory Committee) is entitled to receive compensation and travel or transportation expenses. The Department of Homeland Security has determined that persons serving on advisory committees within the Department shall not receive compensation. Historically, this is consistent with other Coast Guard Federal Advisory Committees; and as such, does not represent a change in policy. Accordingly, compensation for participation on AMS Committees shall be set at zero. For travel and transportation costs, the Coast Guard has determined that a rate of \$1 will apply to members of AMS Committees, as the Committees will meet locally. FMSCs may include in the Committee charter a statement that members will forego transportation, travel and compensation costs associated with participation on the AMS Committee, and all members shall sign the charter to acknowledge the waiver of travel fees and compensation. If the FMSC determines that, due to unusual circumstances, it is necessary to pay travel for a designated AMS Committee member, the FMSC may authorize travel expenses from within current operating budgets.
- (9) Until the AMS Plan is finalized, reviewed, and approved, it is expected that most AMS Committees will meet more frequently than required by the regulations. At a minimum, 33 CFR 103.300(4) requires that AMS Committees meet at least once in a calendar year, or when requested by a majority of the AMS Committee members. Meetings need not take place in person, and FMSCs may take advantage of telephone and video conferencing when in-person meetings are impractical.

d. Sensitive Security Information.

- (1) Much of the work of the AMS Committee will involve handling Sensitive Security Information (SSI). The Coast Guard's procedures for handling SSI are published in COMDTINST 5510.5, Security Classification and Designation Policy for Port Security Assessments (PSA), Critical Infrastructure (CI) Listings, and Port Security Assessment Tools (PSRAT). Additionally, the Department of Homeland Security (DHS) is expected to release a rulemaking on SSI in the very near future. Policy guidance on designation and handling of SSI for the AMS Plan and AMS Committee is provided in enclosure (2). It was developed based on the rulemaking and COMDTINST 5510.5. The FMSC, in conjunction with the AMS Committee, is responsible for developing procedures to protect both SSI and classified information that is developed and used by the Committees.
- (2) The handling of SSI does not require a background investigation. However, the FMSC must determine that, prior to discussing or distributing SSI with AMS Committee members, those members are "Covered Persons" with a "need to know." Guidance on "Covered Persons" and "need to know" is

provided in enclosure (2). After being designated as a Covered Person with a “need to know,” the individual receiving the SSI must sign a non-disclosure statement before the FMSC shares the SSI with the individual. A standard non-disclosure form is provided in enclosure (2).

- (3) The MSTA explicitly states in 46 USCA 70103 (d) that, “notwithstanding any other provision of law, information developed under this chapter is not required to be disclosed to the public, including - - (1) facility security plans, vessel security plans, and port vulnerability assessments; and (2) other information related to security plans, procedures, or programs for vessels or facilities authorized under this chapter.” Therefore, facility and vessel security plans developed under 33 CFR Parts 104, 105, and 106 for COTP zones that are under the control of the FMSC are designated as SSI, and restricted from public access. General information dealing with the port or infrastructure topics should be made available to all members of the AMS Committee with a “need to know.” However, FMSCs are instructed to discuss proprietary information, and other sensitive information, such as vulnerabilities and protective strategies included in security assessments and plans, only with designated law enforcement AMS Subcommittees so as to ensure proper safeguarding of the information, and to instill confidence in maritime stakeholders that sensitive information relating to their individual facilities will be afforded the utmost protection from unnecessary disclosure.
- (4) AMS Committee meeting minutes and records that are not designated as SSI may be made available to the public pursuant to the Freedom of Information Act. However, FMSCs shall ensure that all material designated as SSI, and all records of discussions of material designated as SSI, are protected from disclosure to the public. Enclosure (2) of this circular provides additional guidance on the handling of SSI materials.
- (5) It is not anticipated that AMS Committees or Plans will discuss or contain information classified above the SSI designation. Classified materials incorporated into the AMS Plan should be prepared as separate documents, referenced in the unclassified plan, and handled and stored in accordance with proper security procedures. However, if the need arises to discuss information classified as Secret with members of the AMS Committee, the FMSC may request security clearances for those Committee members with whom the FMSC intends to share the information. By using the definition of employee under Executive Order 12968, the Coast Guard is permitted to sponsor and grant clearances for a select number of AMS Committee members. All requests of this nature should be forwarded to G-MPS and describe the number of clearances requested, and the specific reason why they are necessary.



16601

Dear _____:

It is a great pleasure to invite you to serve as a member on the Area Maritime Security (AMS) Committee *[or Executive Steering Committee, or relevant committee]* for *[insert name of AMS Committee or other committee as appropriate, e.g., USCG 8th District]*. You were chosen based upon your skills, experience and expertise in the maritime field, and the vital service your participation will contribute to the safety and security of the Nation's ports and waterways.

Although I hope you will consider it an honor to be chosen, the appointment will demand a significant commitment of your time. Furthermore, this appointment is not funded and, therefore, you will receive no monetary compensation for your participation. Before accepting, I encourage you to review the Code of Federal Regulations, Title 33, Part 103, particularly Sections 300, 305, and 310, which describe the establishment, composition and responsibilities of all AMS Committees, and which will provide the foundation for the *[name of Committee]* upon which you will serve if you accept the appointment.

By accepting the appointment, you will be committing to abide by the rules in Title 33 of the Code of Federal Regulations, Parts 101 and 103, by the Committee's charter, and to act in good faith and to the best of your abilities in the application of the policies and procedures established by the *[name of the Committee]*. If you choose to accept this invitation, your appointment to the _____ Committee will be for *[# of years]*.

To accept this appointment, please complete and return to me at your earliest convenience *[or some specific period of time]* the enclosed Acceptance of Appointment letter with your signature indicating that you understand and accept your commitment and responsibilities as a member of the *[Name]* AMS Committee. Upon receipt of your acceptance letter, you will be sent a Letter of Appointment and further information regarding your future participation.

I look forward to hearing from you and serving with you on the AMS Committee in the immediate future.

Sincerely,

Captain, U.S. Coast Guard
Federal Maritime Security Coordinator

Enclosure: Acceptance of Appointment Letter

Copy: _____ Committee
Commander, _____ Coast Guard District (m)

Acceptance of Appointment

to the

_____ **Committee**

I hereby accept an appointment to serve on the _____ Committee, for a period to be designated by the Federal Maritime Security Coordinator, and pledge to be bound by the Code of Federal Regulations, Title 33, Parts 101 and 103, and the _____ Committee Charter, and to act in good faith and to the best of my abilities in the application of the policies and procedures established by the _____ Committee in accordance with all applicable laws and regulations.

I understand that I am not authorized to deputize others to attend meetings in my place. I further understand that the Federal Maritime Security Coordinator may revoke my appointment at any time he or she determines it is necessary for the efficient and effective functioning of the Committee. By signing below, I further acknowledge that I will not be entitled to any compensation or reimbursement of expenses connected with my participation on the _____ Committee.

This ____ day of _____, 20__.

[Appointee's Name]

U.S. Department of
Homeland Security

United States
Coast Guard



Command
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: G-
Phone: (202) 267
Fax: (202) 267
Email:

16601

Letter of Appointment to the _____ AMS Committee

Dear _____

It is my pleasure to appoint you as a member of the Area Maritime Security (AMS) Committee *[or Executive Steering Committee, or relevant committee]* for *[insert name of AMS Committee or other committee as appropriate]*. This appointment is effective *[insert date]* and shall expire on *[insert date]*.

I have enclosed a copy of the *[name, e.g., USCG 8th District]* AMS Committee Charter. It describes in detail the Committee's purpose, membership rules, and other important information essential to your service on the Committee. Please contact _____ of my staff at your earliest convenience regarding the upcoming schedule of *[AMS/Executive Subcommittee]* meetings.

Thank you for your service to your community and the Nation. I look forward to seeing you at our next Committee meeting.

Sincerely,

Captain, U.S. Coast Guard
Federal Maritime Security Coordinator

Enclosure: Committee Charter

Copy: _____ Committee Chair
Commander, _____ Coast Guard District (m)

ENCLOSURE (2) TO NVIC 9-02 CHANGE 1

**GUIDANCE FOR DEVELOPMENT OF
AREA MARITIME SECURITY PLANS**

1. PURPOSE.

- a. This enclosure provides guidance to Federal Maritime Security Coordinators (FMSC) by focusing on the preparation of Area Maritime Security (AMS) Plans. The AMS Committee is charged with advising the FMSC on maritime security matters, including the initial development and review of the AMS Plan. The Committee's input is considered vital to the planning process as the Coast Guard seeks to build on AMS Assessments to develop protection strategies, and heighten the level of security in the Nation's ports and coastal waterways.

2. BACKGROUND.

- a. The first step in developing an AMS Plan was the completion by the FMSCs of the AMS Assessment using the Port Security Risk Assessment Tool (PSRAT), which was designed to internally assess vulnerabilities based on national security priorities. In creating its AMS Plan, each AMS Committee should review and comment upon the PSRAT, and any other relevant assessments that may have been done. Building upon those nationally focused assessments, the AMS Committee's assessment for its particular COTP zone should maintain a local emphasis and focus on priorities set by the community. Each FMSC should consider the PSRAT results when developing strategies for deploying resources within his or her zone. Future security assessments will allow for adjustments to the AMS Plan based on changing security needs and threats.
- b. The primary composition of the AMS Plan involves a tiered planning structure based on the Maritime Security (MARSEC) Threat levels. The Plans must include strategies for each MARSEC level, including pre-determined security measures to be implemented at each MARSEC Level by both Coast Guard and other members of the AMS Committee. This may include deployment of a variety of response teams that are pre-approved and triggered by changes in the MARSEC level, including Boarding Teams (in a Sea Marshaling function), and Maritime Safety and Security Teams. It may also include development and implementation of regulated navigation areas, security zones, Naval Vessel Protection Zones, and U.S. Army Corps of Engineers (ACOE) restricted areas. The Ports, Waterways and Coastal Security (PWCS) Mission is an all hands evolution. No single entity has adequate resources to completely protect port areas and the associated MTS; thus, it is essential that DOD, other Federal, State and local agencies, and private industry voluntarily contribute resources to plan and implement strategies.
- c. The MTSA defines the term "facility" as any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States. This broad definition was carried forward in 33 CFR 101.105. 33 CFR Part 105 was drafted to capture and regulate under the MTSA those facilities determined by the Secretary of DHS most likely to be involved in a TSI (excluding DOD facilities). For facilities within his or her COTP zone that do not fit the description provided in Part 105, the FMSC is directed to evaluate the risks and vulnerabilities to those excluded facilities. The results of the evaluation should be reflected in the

AMS Plan. This requirement has raised many valid questions concerning the role of the FMSC in establishing protective measures for non-105 regulated facilities.

- d. The MTSA does not provide COTPs the authority to impose additional requirements on vessels or facilities. Implementation of the MTSA effected a change in COTP authority only to the degree that it imposes additional enforcement authority and responsibilities on the COTP, in addition to existing marine safety and environmental protection enforcement responsibilities. If the COTP determines it necessary to impose additional requirements on vessels or facilities in his or her COTP zone, the COTPs may do so only if the authority arises pursuant to either the Magnuson Act or the PWSA, which provide that, in order to require additional security measures, the COTP must find the measures to be “necessary” in order to prevent damage. Moreover, the COTP may not issue COTP orders to require non-105 facilities to comply with portions of 33 CFR Subchapter H, or make categorical decisions about any particular type of facility, e.g., a nuclear power plant or a railroad bridge, without a specific or individual finding of necessity. The use of a COTP order without such a finding would not comply with the Administrative Procedure Act, and would likely be viewed as an illegal regulation. Accordingly, COTPs must avoid issuing orders that are not linked to specific information and findings that the orders are “necessary” to prevent damage. For example, if the Commandant raised the threat level to MARSEC Level two and the information that led to that elevation was based on a threat to bridges, it may be determined that a COTP order for security patrols on and around bridges over shipping channels is found necessary.
- e. FMSCs, in collaboration with the AMS Committees, will identify security measures to be implemented in the AMS Plan. The benefit of this approach cannot be overstated. It is through the sharing of information regarding security policies and procedures that gaps in security will best be identified and corrected. Furthermore, once identified, gaps in security should provide the basis for implementing security measures linked to MARSEC Levels. Additionally, FMSCs and the AMS Committee should coordinate with other Federal, State and local agencies that are simultaneously developing security standards for other critical infrastructure identified in the AMS Assessment. A good example is the work of the Nuclear Regulatory Commission in its development of security measures for nuclear power plants and RSPA’s security regulations.
- f. The final stage in the planning cycle is the training, exercising and evaluation phase. In order for a Plan to be useful, it must be practical. Each entity with assigned Plan responsibilities must understand its role and how to communicate effectively with other members of the team. The evaluation and exercise phase is part of a repetitive process aimed at familiarizing participants with their roles and responsibilities, and continuously improving and updating the AMS Plan.

3. DISCUSSION

- a. The AMS Plan developed by the FMSC and the AMS Committee must address the entire COTP zone, but the FMSC has discretion on how to present the geographic area covered within the Plan. This flexibility is necessary since it may be that different geographic areas within the COTP zone have significantly disparate security

concerns and protection strategies. In those cases, the FMSC may elect to complete the template provided in enclosure (2) for each geographic region within the zone. If the COTP chooses to compile multiple plans, the standard template and numbering system will still apply, and multiple geographic plans will be brought under the cover of a single AMS Plan. Conversely, some FMSCs may determine that certain areas within his or her COTP zone have such similar security concerns and protection strategies, e.g., Western Rivers, that he or she elects to combine different areas under one regional AMS plan.

- b. The AMS Plan is a coordination tool for the port community; as such, certain sections of the Plan must remain available to all law enforcement and port agencies with port security responsibilities. Accordingly, FMSCs must remain cognizant of the methods by which SSI and other sensitive information in the Plan will be protected from unauthorized or unnecessary disclosure.
- c. The AMS Plan template provided herein introduces a standard format for the development of the Plan, and is intended to assist FMSCs in ensuring that all requirements of the MTSA are addressed in their completed Plans. It builds on the template that was provided in the Navigation and Vessel Inspection Circular 9-02, Guidelines for Port Security Committees and Port Security Plans required for U.S. Ports. Additional sections were added to the template to address the requirements of 33 CFR Subchapter H on Area Maritime Security, specifically 33 CFR 103.505. Policy guidance is provided throughout the template to assist in the development of the Plan. Bracketed text within the template indicates the information that should be provided in each section. FMSCs are allowed the unrestricted use of appendices as addendums to the Plan, which is intended to afford flexibility in its development.
- d. The consistent use of the template will allow for consolidation of MARSEC strategies on a regional, coastal and national level. The standardized template will also ensure that certain sections of the Plan, for example MARSEC level 2 strategies, can easily be located in all Plans. Ultimately, the AMS Plans will be a fundamental part of the Maritime Domain Awareness Program's Maritime Common Operating Picture (MCOP).
- e. The AMS Plan is primarily considered an awareness, preparedness, and prevention plan. While it does contain some response planning elements, it is not considered a response plan. Where overlaps occur with other existing crisis management plans, linkages and references should be made in the AMS Plan.
- f. The regulations requires the AMS Committee to identify three Transportation Security Incidents (TSI) most likely to occur within its zone, and to develop response scenarios. The level of response planning in the AMS Plan should be very general in nature, focusing on the following three elements: 1) who has jurisdiction over the response; 2) how the command and control structure will be assembled including a determination of roles; and 3) what security resources will be brought to bear.
- g. As the lead Federal Agency for maritime homeland security, the Coast Guard is responsible to accomplish the effective management and dissemination of critical security data. Accordingly, all efforts to compile security plan data in an electronic format should be made.

h. The areas of the AMS Plan that are deemed most critical are:

- (1) The Area Maritime Security Committee Charter;
- (2) Area Maritime Security Assessments;
- (3) Communications Plan;
- (4) MARSEC Levels and Implementation Directives;
- (5) Control and Dissemination of Security Sensitive Information; and
- (6) Preparedness for Response.

i. Best (Recommended) Practices:

- (1) Terminology: Use the glossary found in the AMS Plan Template as much as possible when referring to maritime specific types of practices, equipment and people.
- (2) Measurements: Use Standard English units of measurement for:
 - Weight: Ounces, Pounds, Tons;
 - Liquids: Ounces, Pints, Quarts, Gallons;
 - Speed: Miles per hour, knots;
 - Distance: Feet, Yards, Miles, Nautical Miles;
 - Time: Seconds, Minutes, Hours (24 hour time system).
- (3) Locations: Always include the Map/DNC Name, Series, Sheet, Number, DATUM, manufacturer and year published. If using a GPS, take the coordinate at the main entrance to the physical structure (front door of a building regardless of cardinal direction), and always state what model/make and what DATUM the GPS is using. Use only geo-coordinates in Latitude and Longitude.
- (4) Data Format and Medium: Utilize standard word processing programs and, if at all possible, save and format into Adobe and PDF files. Digital and electronic formatting will simplify updating and dissemination.
- (5) Photography: If photographs are used with the Plan, use digital photography or digitize (scan) standard film photographs. Save them as JPEG files to use less digital space;
- (6) Imagery: If imagery is used in the AMS Plan, it is best to use ortho-rectified (direct overhead) photos. This will permit the introduction of Geographic Information System (GIS) data as overlays in the future.

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1000 AREA MARITIME SECURITY

1100 Purpose

[No additional comments required.]

(a) The Area Maritime Security (AMS) Committee for [Blank] has created this AMS Plan. It is designed to deter, to the maximum extent possible, a transportation security incident (TSI). This Plan will define Federal State and local governments' obligations, and the contributions and responsibilities of other port stakeholders, to the Maritime Homeland Security (MHS) mission.

(b) A primary purpose of the AMS Plan is to provide a framework for communication and coordination amongst port stakeholders and law enforcement officials, and to identify and reduce vulnerabilities to security threats in and near the Maritime Transportation System (MTS). It is designed to capture the information necessary to coordinate and communicate security procedures at each MARSEC Level, complement and encompass facility and vessel security plans within its particular COTP zone, and ultimately be integrated into the National Maritime Security Plan. Pursuant to the AMS Plan, MTS stakeholders will take certain actions contingent upon changes in MARSEC Levels and develop unified preparedness strategies to deter and respond to security incidents.

(c) A TSI is defined in the MTSA as "a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. Examples of a TSI may include:

(1) An incident affecting a particular mode of transportation or inter-modal structure that significantly disrupts normal operations or may result in closure for a significant time period of a key terminal, waterway, or part of the MTS;

(2) An actual incident, such as an explosion, MTS blockage, release of a Weapon of Mass Destruction (WMD), hijacking, etc.

(d) Not every threat or incident that violates a security plan, process or perimeter, will necessarily result in a TSI. In creating an AMS Plan, efforts will focus on identifying and implementing measures designed to prevent the occurrence of Transportation Security Incidents (TSI). Threats and violations need to be evaluated on a case-by-case basis and responded to accordingly. It is the FMSC's responsibility to determine if and when an incident occurring in his or her zone is severe enough to warrant designation as a TSI.

1200 Captain of the Port (COTP) Letter of Promulgation

1210 Record of Changes

1300 Authority

[No additional comments required.]

(a) Section 102 of the Maritime Transportation Security Act of 2002 (MTSA), P.L. 107-295, codified at 46 USC §§ 70101 –70117, mandates the development

of a National Maritime Transportation Security Plan, Area Maritime Security Plans, and Facility and Vessel Security Plans. The Coast Guard is designated as the Lead Federal Agency (LFA) responsible for implementation of the MTSA. The COTPs, acting as Federal Maritime Security Coordinators (FMSC), are responsible for developing AMS Plans with advice from AMS Committees.

1310 Federal Maritime Security Coordinator (FMSC)

[No additional comments required.]

(a) The COTP (*List USCG unit and area/zone for this Plan*) is designated as the FMSC, charged with the responsibility of establishing an AMS Committee and developing an AMS Plan. These security responsibilities are in addition to key responsibilities for traditional Coast Guard missions and are fundamental to the success of the maritime homeland security program. To accomplish the goals outlined in the Coast Guard's Maritime Strategy for Homeland Security, the FMSC must rely on fellow Federal, State and local representatives, and other maritime area partners to assist whenever possible.

1400 Scope

[No additional comments required.]

(a) The AMS Plan by its nature is very broad in scope, encompassing the whole of the maritime domain within a given COTP zone, and absorbing the individual assessments and planning efforts of facilities and vessels operating within that zone. The scope of each AMS Plan will be determined by evaluating the waterways, facilities, vessels, and adjacent areas that may be involved in, or affected by, a TSI in its zone.

(b) The plans required by 33 CFR Parts 104, 105, and 106 will provide the foundation of the overarching AMS Plan. However, the AMS Plan must extend beyond the required facility and vessel security plans, and develop strategies to reduce the vulnerabilities of the weakest elements of the port, including those vessels, facilities and infrastructure that are not regulated under 33 CFR Parts 104, 105 and 106.

1500 Suppositions

[No additional comments required.]

(a) The following suppositions provide the foundation for the Coast Guard's approach to its MHS mission and successful implementation of the MTSA:

- (1) Ports are very open and may be susceptible to a TSI, which may occur at any time with little or no warning.
- (2) Protection of human life and health are the most important considerations in AMS Plan development and execution.
- (3) Maintaining continuity of operations and facilitating commerce in the port area is a critical consideration.

- (4) Security must be maintained during response and crisis management incidents.
- (5) It is in the best interest of the United States to increase port security by establishing and improving communications among law enforcement officials responsible for port security.
- (6) Each entity directly or indirectly involved with the MTS will participate with the AMS Committee to increase awareness and enhance prevention of illegal acts.
- (7) The National Oil and Hazardous Material Contingency Plan, National Response Plan, and other response plans will be activated for the purpose of response and crisis management due to a TSI.
- (8) All port areas are susceptible to air attack.
- (9) There will be a competition for security resources as threat levels increase.
- (10) *(List other assumptions, if any)*

1600 Situation

[No additional comments required.]

- (a) The complexity, scope, and potential consequences of a terrorist threat or TSI occurring within the Maritime Transportation System (MTS) requires that there be a coordinated effort between all MTS users and law enforcement agencies. This effort will require open communication, enhanced awareness of potential threats and coordinated procedures for prevention, preparedness, response and recovery. It will require those involved to fully understand their roles in enhancing security. An essential tool for achieving optimum coordination are the MARSEC Levels developed by the Coast Guard, more fully discussed in this template at section 3440.

1610 Physical Characteristics

- (a) Describe the boundaries of the COTP zone, or Area, that the AMS Plan covers, including a:
 - (1) Description of identifiable bodies of water, surrounding waterfronts and significant navigable waterways in the port areas
 - (2) Description of the MTS infrastructure, both physical features (piers, docks, wharves) and information systems;
 - (3) Description of the vessel, cargo and facility interfaces and associated waterfront areas;
 - (4) Description of vessel traffic in the port (type and volume);
 - (5) Description of any secondary ports within the COTP zone;
 - (6) Description of port operations critical to other non-maritime related

functions.

- (b) Descriptions may be graphically depicted on maps and included in the Plan as appendices.

1620 Economic Characteristics

- (a) Briefly describe major economic elements of the relevant COTP zone, including port activities, stadiums, national icons, large conference centers, population densities, industries, and products for the port:

- (1) Types of industry:
- (2) Major inter-modal connectors:
- (3) Major cargos:
- (4) Recent economic data:

1630 Ports, Charts and Maps

[Port charts and maps will be included in the appendices.]

2000 AREA MARITIME SECURITY COMMITTEE

2100 Introduction

[No additional comments required.]

- (a) The Commandant has determined that AMS Committees are essential tools for the development and execution of AMS Plans, and for achieving an enhanced level of security within the maritime domain. As such, the FMSC has established and convened an AMS Committee to advise the Coast Guard on maritime security matters.

2200 Purpose and Objectives

[No additional comments required.]

- (a) The AMS Committee brings together appropriately experienced representatives from a variety of sources in its zone to continually assess security risks to the ports, determine appropriate risk mitigation strategies, and develop, revise, and implement the AMS Plans. The AMS Committees also serves as a mechanism by which security threats and changes in MARSEC Levels are communicated to port stakeholders.
- (b) The objectives of the AMS Committee include:
 - (1) Assisting in the development, review, and update of the AMS Plan, aimed at maintaining acceptable risk levels during normal operations and during times of heightened threats. The AMS Plan will outline scalable security procedures to be taken by regulated entities at each MARSEC Level. The procedures will meet consolidated requirements of all agencies having jurisdiction.
 - (2) Assisting with a comprehensive AMS Assessment. These assessments

must detail the threats, vulnerabilities, and consequences associated with each port area within a COTP zone. This requirement may be met using the Risk-Based Decision-Making methodologies developed by the Coast Guard or other appropriate Risk Based Decision Making Tools.

- (3) Integrating and/or amending existing security assessments of maritime facilities using agreed upon criteria.
- (4) Developing information sharing procedures for threat warnings, response, intelligence gathering, and threat assessment among public and private entities.
- (5) Soliciting stakeholder recommendations for continuing improvements of AMS measures.
- (6) Promoting effective security measures that maintain or enhance operational efficiencies and minimize impact to legitimate trade.
- (7) Advising, consulting with, and reporting to the FMSC on matters relating to maritime security.
- (8) Assisting the FMSC with the communication of security information to the port and waterway stakeholders.

2300 Charter

[Insert copy of AMS Committee Official Charter here]

- (a) Each AMS Committee must be established under the terms of a written charter in accordance with 33 CFR 103.300(b).

2310 Committee Structure and Procedural Rules

[This section describes AMS Committee structures and procedures. Standing procedures, such as requirement for a quorum, raising motions, record keeping, voting, terms of office, duties and responsibilities and parliamentary procedures should be documented in this section.]

- (a) Each AMS Committee will elect one of its members as the Chairperson and one of its members as the Vice Chairperson. The Vice Chairperson will act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson.
- (b) The FMSC will designate a member of his/her staff as the Executive Secretary of the AMS Committee. The Executive Secretary will be responsible for the administrative duties of the Committee, such as the designation of members, publishing meeting agendas, taking of meeting minutes, and maintaining current editions of the AMS Plan, including digital versions. The Executive Secretary is also responsible for ensuring that all committee records are properly maintained and designated as SSI as appropriate.
- (c) Standing Committees will be designated in the charter and ad hoc committees may be developed on an as-needed basis.

(d) The AMS Committee will meet at least once in a calendar year or when requested by the FMSC or a majority of AMS Committee members. Records of these meetings may be made available to the public upon request. However, FMSCs will ensure that all material designated as SSI will be protected from disclosure to the public.

(e) Only those members who have been determined by the FMSC to be “Covered Persons” with a “need to know” will be given AMS Committee records that contain SSI material. Section 3500 of this Plan provides additional guidance on the handling of SSI materials.

2320 Relationship to Other Committees

(a) The AMS Committee may be related to other committees, such as:

- (1) Port Readiness Committees (PRC) *[include a brief description of PRC activities/charters and their relationship to AMS Committees];*
- (2) Harbor Safety Committee (HSC) *[include a brief description of HSC activities/charters and their relationship to AMS Committees];*
- (3) MTS Committees *[include a brief description of MTS activities/charters and their relationship to AMS Committees];*
- (4) Other committees as appropriate.

3000 AWARENESS

3100 Introduction

[Include an explanation of “maritime situational awareness.”]

(a) The AMS Plan is intended to be the fundamental element in building vigilant situational awareness, and is key to the successful development of a maritime domain awareness program. It will serve to assist the United States Department of Homeland Security (DHS) in producing a common operational picture (COP) of the maritime environment. The AMS Plan will afford critical decision makers within each COTP zone rapid access to vital information during routine and crisis maritime situations.

3200 Federal, State & Local Security & Law Enforcement Agency Jurisdiction

[The AMS Plan will show the jurisdictional boundaries of Federal, State, & local security and law enforcement agencies within its COTP zone. A table format is recommended with map and coordinate locations.]

(a) When depicting Federal, State and local security and law enforcement jurisdictional boundaries and areas of responsibility, first, second and third tier response agencies will be addressed separately in the AMS Plan. A description of each agency’s individual location and capability will greatly enhance the Committee’s ability to determine which resources with what capacities, and how many of each, may respond to a TSI.

(b) Agencies are tiered as follows:

- (1) First level agencies are those such as police, fire and emergency medical units who are normally dispatched thru the emergency 911-call system.
- (2) Second level agencies are those with special recovery and containment capabilities for dealing with hazardous materials, rough terrain or underwater search and recovery, and other agencies having excavation or heavy equipment capabilities.
- (3) Third level agencies are the National Guard, military reserve, and other national level response elements.

(c) Where a geographic information system (GIS) already exists, it is recommended that separate agency jurisdictional boundaries be portrayed on maps or charts in an overlay fashion. If possible, the portrayal will extend outside the AMS Committee's COTP zone to reveal other neighboring agencies or elements that may be involved both routine and crisis situations.

3300 Area Maritime Security (AMS) Assessment

[Identify the assessment methodology information as: Who, Where, When and Results.]

(a) This AMS Plan is prepared based on an AMS Assessment, which is a risk-based analysis of the port or ports. The Coast Guard has developed a process that consists of five steps more fully outlined in enclosure (3).

(b) The steps are:

- 1) Identify critical operations and infrastructure;
- 2) Develop attack scenarios;
- 3) Conduct consequence and vulnerability assessments for each scenario;
- 4) Categorize and prioritize scenarios; and
- 5) Develop mitigation strategies.

3310 Maritime Security Assessment Report

[This section references the COTP zone Maritime Security Assessment, and briefly summarizes the findings in the assessment report. Suggested wording is: A maritime security assessment was conducted by _____, in January 2002 using the Coast Guard's PSRAT tool. Vulnerabilities included: _____, _____, _____, and _____. Risk reduction strategies were: _____, _____, _____, and _____.]

3400 Communications

[No additional comments required]

(a) Effective communication is vital to pre- and post incident response. An understanding of communication methodology, programs, processes, and physical

attributes is essential to all personnel involved in the security process.

- (b) The AMS Plan must identify how and when the Committee will meet if called upon to advise and assist the FMSC in the communication of security information, what kind of assistance it will provide, and how it will provide it.
- (c) The AMS Plan must also identify redundant methods for communicating vital information to ensure all appropriate facilities, vessels, maritime stakeholders, and recreational boaters are notified.
- (d) The AMS Plan should address the benefits of communicating with the public, and the value of establishing programs similar to neighborhood watch programs. Programs of this nature have been found to be very beneficial in raising public awareness and involving the community in enhancing security. Further guidance is under development to assist FMSCs in developing community awareness programs that will encourage community reporting of suspicious activities and behavior.

3410 Communication of Security Information

[The AMS Committee will use the list in TAB A as a resource to identify area specific methods that can be used to ensure efficient communication of security related information.]

3410.1 Communication With the Public

[The Plan will document what means of communications will be used in emergency and non-emergency situations to communicate security information related to the maritime environment with the general public.]

- (a) The public as a whole must be notified of possible actions or operations that might affect it. There are a variety of systems that may be used to communicate information on restrictions, closures, and activities that are exclusionary or restrictive in nature, including the Emergency Broadcast System, Community Awareness and Emergency Response (CAER) network, and State and local emergency management offices. The AMS Committee will designate a sub-committee or working group to develop this communication process and facilitate the exchange of security information.
- (b) An important element of communicating to a variety of contacts is the “community unit.” The AMS Committee may designate several representatives to respond as public relations officers who are charged with developing and communicating security information to the public. These representatives should develop and maintain a comprehensive list of community leaders, emergency managers, and individuals assigned as points of contact who will implement communication protocols.
- (c) FMSCs must appropriately disseminate cleared threat information directly to State, local, or private sector officials in accordance with DHS and Coast Guard policy. That policy requires organizations within the

DHS to communicate threats outside of DHS through the Information Analysis and Infrastructure Protection (IAIP) Directorate. As such, the Secretary of DHS, or his approved designee, will approve all analytical conclusions involving threats of terrorism or WMD prior to dissemination to State, local, or private sector officials. The policy permits direct communication if the Commandant or his designees (COTPs) determine that exigent circumstances require communication to prevent, preempt, or disrupt an imminent threat.

(d) COMDINST 3820.14, entitled “Policy for Dissemination and Use of Intelligence Information,” provides internal guidance for dissemination and use of intelligence information in support of Coast Guard objectives. It bars the COTP from using classified intelligence as a basis for a COTP order or regulatory enforcement action (including Maritime Security Directives) without authorization from COMDT (G-M).

3410.2 Communications With Waterway Users

[The Plan will document what means of communications will be used to provide security information to waterway users in emergency and non-emergency situations and how notifications will be made.]

(a) Communicating security information to waterway users will include many of the processes currently used to identify hazards to navigation or safety related concerns of the MTS. The specific methods that could be used to communicate to waterway users include Notice to Mariners, navigation publications, marine exchanges, vessel traffic services, and State and local threat warning systems.

3410.3 Communications With Commercial Vessels

[The Plan will document what means of communication will be used to communicate security information to commercial vessels and Vessel Security Officers (VSO). This will include how the FMSC will ensure that all inbound and outbound vessels are identified at any given time, and what role the facilities and shipping agents will play in ensuring that all vessels are notified of relevant security information. The Plan will also document how receipt of security information will be verified and documented. TAB B provides a list of potential means of communication with vessels.]

(a) Communicating with commercial vessels will require a number of systems that will provide linkages to the large variety of vessels operating within the MTS. The following are examples of existing and proposed systems:

- (1) Rescue 21. Rescue 21 will ensure continuous, enhanced radio coverage out to 20 nautical miles from shore. Rescue 21 is powerful enough to capture the low-powered (1-watt) marine radios transmitting from 20 nautical miles offshore. Higher-powered radios may be

captured even farther offshore.

(2) The Global Maritime Distress and Safety System (GMDSS). The GMDSS is an internationally established distress and safety system, which provides automatic identification of a caller and the location of a vessel in distress.

(3) Automatic Identification System (AIS). The version of AIS required by 33 CFR Parts 26, 161, 164, and 165 automatically broadcasts vessel and voyage related information that is received by other AIS-equipped vessels and shore stations. In the ship-to-shore mode, AIS enhances maritime domain awareness and allows for the efficient exchange of vessel traffic information that previously was only available via voice communications with a Vessel Traffic Service. In the ship-to-ship mode, AIS provides essential information to other vessels, such as name, position, course, and speed that is not otherwise readily available on board vessels. In either mode, an AIS enhances mariners' situational awareness, makes possible the accurate exchange of navigational information, mitigates the risk of collision through the use of reliable passing arrangements, and facilitates vessel traffic management while simultaneously reducing voice radio telephone transmissions.

(4) Ship Security Alert System. SOLAS Regulation XI-2/6 requires certain vessels to be outfitted with a ship security alert system (SSAS), which allows the vessel to covertly signal a competent authority that the security of the ship is under threat or has been compromised. Contracting Governments of foreign flagged vessels are required to immediately forward all SSAS transmissions from vessels within, or bound for, U.S. waters to the U.S. Coast Guard. Notification and response procedures to a SSAS alert shall be included within AMS plans. Notifications to Federal, State and local law enforcement agencies may be the primary response to a ship security alert. Field guidance on SSAS applicability, and technical guidance on the implementation of SOLAS Regulation XI-2/6, is under development.

3410.4 Communications With Facilities

[The AMS Plan shall include a list of Facility Security Officers (FSO) located within its designated area, including 24-hr contact information for each FSO. The AMS Plan will also identify what means of communications will be used to pass general and emergency security information to FSOs, including the passage of SSI. In addition, the AMS Plan will identify what means of communication will be used to verify the receipt of the passed information.]

(a) Communication of security information with regulated and non-regulated facilities within the AMS Committee's zone will be undertaken using prearranged methods that incorporate communication procedures

and methods identified in individual facility security plans approved by the FMSC. The AMS Committee must design a procedure that will efficiently communicate security information pertinent to a single facility, a class of facilities, or all facilities within a geographic area.

3410.5 Communicating with Companies

[The AMS Plan will contain a list of Company Security Officers (CSO) responsible for the regulated vessels that normally operate at or within its facility, including 24-hour contact information for each officer, and will identify what means of communication will be used to pass security information to CSOs.]

3420 Security Reporting

[The AMS Plan must include measures to ensure that all individuals making reports are informed of their responsibility to contact the National Response Center and local authorities to ensure the appropriate response to a security threat.]

(a) The National Response Center (NRC) will act as the fusion center for all security information required by 33 CFR 101.305, and serve as a conduit of information to and from consequence mitigation and law enforcement organizations. This includes reports of suspicious activity and actual security breaches that do not result in a TSI, which normally will require simultaneous notification to local law enforcement authorities. In addition, facilities or individuals may contact the FMSC directly with such information. The reports and information garnered as a result of follow-on investigations will formulate intelligence and threat information that can be used to adjust security conditions throughout the country. TAB C identifies methods that can be used for security reports of suspicious behavior and breaches of security.

3420.1 Procedures for reporting suspicious activity

[The AMS Plan will document the procedures for reporting suspicious activity within the maritime domain.]

(a) Quick Response Cards (QRC) may be used as an effective and efficient tool to collect important information, including reports of suspicious activities, during periods of heightened awareness, security breaches, and potential or actual TSIs. When used properly, the QRC eliminates confusion and ensures all necessary information is captured. The subject matter covered, or title, may be kept general, but specificity should be included in the body of the document. The QRC should be tailored to fit the needs of the user, but at a minimum, must include a brief introduction or instructions, ample space to collect all appropriate information, and important points of contact, incident follow up procedures, and applicable references. Several examples are provided in TAB C.

3420.2 Procedure for reporting breaches in security

[The AMS Plan will identify methods for communicating breaches in security. The AMS Assessment will determine what methods of communication are available at all MARSEC Levels and build redundancies into the system. The Plan will also document the procedures FSOs and VSOs will use to report breaches in security.]

3430 MARSEC Directives

- (a) MARSEC Directives permit the Coast Guard to provide sensitive security information to the maritime industry while protecting it from full public disclosure. As provided in 33 CFR 101.405, the Coast Guard may issue MARSEC Directives that provide vessels and facilities nationwide with mandatory security measures in the form of objective performance standards related to such security concerns as access control and handling of cargo. By designating MARSEC Directives as SSI, the Coast Guard may communicate objective performance standards to specific individuals or entities without subjecting the information to full public disclosure.
- (b) MARSEC Directives also allow the Commandant to ensure consistency among FMSCs as they enforce the provisions of the MTSA in their individual zones. Additionally, MARSEC Directives allow the Coast Guard flexibility in tailoring objective performance standards to the prevailing threat environment or industry segment.
- (c) MARSEC Directives will not impose new requirements, but will provide direction to the industry on how to meet the performance standards already required by the MTSA. The directives will only be issued by Commandant, and only after consultation with other interested Federal agencies within the Department of Homeland Security.

3430.1 Procedures for communicating MARSEC Directives

[The AMS Plan will include detailed procedures on the dissemination of MARSEC Directives, including who will grant access to MARSEC Directives, to whom MARSEC Directives will be issued, and a means for tracking which persons have been given access to what MARSEC Directives.]

- (a) When a new MARSEC Directive is issued, the Coast Guard will publish a notice in the Federal Register and announce through other means (e.g., local Notices to Mariners, and press releases) that it has issued a new MARSEC Directive.
- (b) The MARSEC Directives will be individually numbered, and will be assigned to a series that corresponds with the Part of 33 CFR subchapter H to which the MARSEC Directive refers. For example, the first MARSEC Directive addressing a new requirement for vessels regulated under Part 104 of 33 CFR subchapter H would be identified as “MARSEC Directive 104-01.”

(c) Upon receiving notice that a new MARSEC Directive has been issued, affected entities must contact or be contacted by their local FMSC (or, if appropriate, their District Commander) to receive a copy of the MARSEC Directive. The FMSC or District Commander will confirm, prior to distributing the MARSEC Directive, that the requesting entity is a “Covered Person” with a “need to know.” The requesting entity must confirm to the FMSC through the use of a standard non-disclosure form that it will safeguard the MARSEC Directive as SSI. A standard non-disclosure form is provided in TAB D.

3430.2 Procedures for responding to MARSEC Directives

[The AMS Plan will identify procedures for receiving notice of compliance with MARSEC Directives, and for verifying that all entities affected by the MARSEC Directives are in compliance. Additionally, the Plan will include general procedures for dealing with entities that request equivalent security measures or waivers.]

(a) Once a MARSEC Directive has been issued, it is the responsibility of the affected entities to confirm compliance with the Directive to the local FMSC or District Commander, as appropriate, and specify the methods by which the mandatory measures in the directive have been, or will be, met. In some cases, recipients may elect to submit proposed equivalent security measures to the local FMSC or District Commander, as appropriate.

3430.3 Role of the Area Maritime Security (AMS) Committee

[The Plan will identify the role of the AMS Committee in communicating MARSEC Directives.]

(a) 33 CFR 103.310 directs the AMS Committee to serve as a link for communicating threats and changes in MARSEC Levels, and disseminating appropriate security information to port stakeholders. Accordingly, the FSMC may from time to time and to different degrees, require the AMS Committee to assist in the distribution of MARSEC Directives.

(b) In anticipation of providing assistance in the distribution of MARSEC Directives, the AMS Committee should develop protocols and procedures addressing how it will ensure that Directives are received in a timely manner, and the means by which it will document compliance with all MARSEC Directives.

3440 MARSEC Levels

[AMS Plans must make clear the link between the MARSEC Levels and the HSAS Threat Conditions, and who sets MARSEC Level.]

- (a) The Coast Guard has developed a three tiered system of MARSEC Levels consistent with the Department of Homeland Security's HSAS. The international community is also using a three-tiered alert system that is consistent with the MARSEC levels used by the Coast Guard.
- (b) MARSEC Levels were designed to provide a means to easily communicate pre-planned scalable responses to increased threat levels. MARSEC Levels will be set commensurate with the Homeland Security Alert System (HSAS). Because of the unique nature of the maritime industry, the HSAS threat conditions and MARSEC Levels will align closely, though they will not directly correlate:
- (1) MARSEC Level 1 applies when HSAS Threat Conditions Green, Blue, and Yellow are set.
 - (2) MARSEC Level 2 corresponds to HSAS Threat Condition Orange.
 - (3) MARSEC Level 3 corresponds to HSAS Threat Condition Red.
- (c) The Secretary of the DHS sets the HSAS threat condition and only the Commandant will have the authority to change MARSEC Levels to match the HSAS. An exception is provided, which allows an FMSC to temporarily raise the MARSEC Level in his/her COTP zone to address a threat to the MTS when the immediacy of the threat or incident does not allow time to notify the Commandant.
- (d) FMSCs will only exercise this authority under the most urgent circumstances. Such circumstances would include an incident where immediate action to save lives or mitigate great property or environmental damage that would result in a TSI is required, and timely prior notification to the Commandant is not possible. If such a circumstance does arise, the FMSC must inform the Commandant via the chain of command as soon as notification is possible. The heightened MARSEC Level will continue only as long as necessary to address the threat which prompted raising the level.
- (e) MARSEC changes will be triggered under limited circumstances and usually in conjunction with elevation of HSAS levels, such as when the threat that prompted a change in the HSAS Threat Condition also imperils a component of the MTS. However, there will also be instances where the HSAS Threat Condition is elevated for threats unrelated to the MTS, or where, after the HSAS Threat Condition is elevated, it becomes clear that the MTS is not a target. In these instances, the Commandant may set MARSEC Levels below the equivalent HSAS Threat Condition. Furthermore, the Commandant may choose to raise the MARSEC Level at only specific ports in response to the elevated HSAS Threat Condition instead of requiring all ports nationwide or on a particular coast to elevate their protective measures. An example of where this might occur includes ports where military load-outs occur or at ports that are considered strategically important.

3440.1 Procedures to Communicate Changes in MARSEC Levels

[Procedures for providing notification of changes in MARSEC Levels will include details, such as expected timeframes for responding to security threats and measures to ensure that vessels, facilities, and operations that are not covered by 33 CFR parts 104, 105, and 106 are informed of changes in MARSEC Levels.]

(a) Because of the uniqueness of ports and their operations, the AMS Committee may choose a particular means of communication or a combination of means to inform all port users that there has been a change in the MARSEC Level. Changes in MARSEC Levels are not considered SSI and can be disseminated by any means available.

(b) Changes in MARSEC Levels will be announced and obtained in the most expeditious means possible, preferably through a Broadcast Notice to Mariners or other existing mechanisms of communications (e.g., maritime exchanges, VTS, VTIS programs). Whatever means used, it will be sufficient to provide timely and adequate notice to vessels and facilities regulated under 33 CFR Part 104, 105, and 106.

3440.2 Notification of MARSEC Level Attainment

[Plans must provide detailed procedures for confirming compliance with changes in MARSEC Level, and the corresponding prescribed security measures. Additionally, the Plan will include general procedures for dealing with entities that cannot, or do not, comply with their security plans when a change in MARSEC Level occurs.]

(a) 33 CFR Part 104, 105, and 106 require that regulated entities confirm receipt of notice of changes in MARSEC Level, and that they have implemented the corresponding measures in accordance with their individual plans, as well as the AMS Plan. This can place a large burden on the communication systems of most FMSCs. Careful consideration should be given to determining which communication method the FMSCs will use to receive notifications, including the use of facsimile or email.

3440.3 Role of Area Maritime Security (AMS) Committee

[The AMS Plan will include details of how AMS Committee members shall assist in communicating changes in MARSEC Levels.]

3500 Sensitive Security Information

[This section governs the maintenance, safeguarding, and disclosure of AMS Plan information, and other records and information, that have been designated as Sensitive Security Information (SSI), as defined in paragraph 3510 of this template. This section does not apply to the maintenance, safeguarding, or disclosure of classified national security information, as defined by Executive Order 12968, or to other sensitive unclassified information that is exempt from

public disclosure under the Freedom of Information Act, or other applicable law and regulations.]

3510 Information Designated as Sensitive Security Information

[No additional comments required.]

(a) In general. In accordance with 49 CFR 1520.3, SSI is information obtained or developed while conducting security activities, including research and development, when it has been determined that disclosure would:

- (1) Constitute an unwarranted invasion of privacy (including, but not limited to information contained in any personnel, medical, or similar file);
- (2) Reveal trade secrets or privileged or confidential information obtained from any person; or
- (3) Be detrimental to the to the safety of persons traveling in transportation.

(b) Information constituting SSI. Except as otherwise provided, in the interest of public safety or in furtherance of transportation security, the following information and records containing such information constitute SSI:

(1) Security programs and contingency plans. Any security program or security contingency plan issued, established, required, received, or approved by DHS, including:

- (i) Any vessel, maritime facility, or port area security plan required or directed under Federal law;
- (ii) Any national or area security plan prepared under 46 U.S.C. 70103; or
- (iii) Any security incident response plan established under 46 U.S.C. 70104.

(2) Security Directives. Any Security Directive or order:

- (i) Issued by TSA under 49 CFR §§ 1542.303 or 1544.305, or other authority;
- (ii) Issued by the Coast Guard under the Maritime Transportation Security Act, 33 CFR Part 6, or 33 U.S.C. 1221 et seq. related to maritime security; or
- (iii) Any comments, instructions, and implementing guidance pertaining thereto.

(3) Information Circulars. Any notice issued by DHS regarding a threat to maritime transportation, including:

- (i) Any Information Circular issued by TSA under 49 CFR §§ 1542.303, § 1544.305, or other authority; or