

MTSA Regulations found at 33 CFR Subchapter H
Part 101 Maritime Security--General

"The information in this document is for use as an aid to interpretation. Should anything in this document be in conflict with 33 CFR Subchapter H or CG policy, then Subchapter H and the CG policy determinations control."

Q: What is a Maritime Security (MARSEC) Directive? What is a MARSEC level?

Ans. A Maritime Security (MARSEC) Directive is an instruction issued by the Commandant, USCG, or his/her delegee, mandating specific security measures for vessels and facilities that may be involved in a transportation security incident. MARSEC levels advise the maritime community and the public of the level of risk and are set to reflect the prevailing threat environment to the marine elements of the national transportation system, including ports, vessels, facilities, and critical infrastructure located on or adjacent to waters subject to the jurisdiction of the U.S. See 33 CFR 101.105.

Q. What are the different MARSEC levels? What specific protective measures are required at each level?

Ans: There are three MARSEC levels. **MARSEC Level 1** means that minimum appropriate protective security measures shall be maintained at all times. (Aligns with blue, green, and yellow on the Department of Homeland Security (DHS) system.) **MARSEC Level 2** means that appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a transportation security incident. (Align with orange on the DHS system.) **MARSEC Level 3** means that further specific protective security measures shall be maintained for a limited period of time when a transportation security incident is probable or imminent, although it may not be possible to identify the specific target. (Aligns with red on the DHS system.) See 33 CFR 101.105.

Specific protective measures required at each MARSEC level are detailed in various Sections of the Maritime Security Regulations. See 33 CFR Part 103--Area Maritime Security, 33 CFR Part 104--Vessels, 33 CFR Part 105--Facilities, 33 CFR Part 106--Outer Continental Shelf Facilities.

Q. What is a Transportation Security Incident?

Ans: A transportation security incident means a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. See 33 CFR 101.105.

Q. As an owner or operator of a marine transportation system entity, do I have any special reporting obligations associated with maritime security?

Ans. An owner or operator of a marine transportation system entity, required to have a security plan under part 104, 105, or 106 of 33 CFR Subchapter H, is required without delay, to report activities that may result in a transportation security

incident to the National Response Center at 1-800-424-8802, direct telephone at 202-267-2675, fax at 202-267-2165, TDD at 202-267-4477, or by Email to lst-nrcinfo@comdt.uscg.mil. See 33 CFR 101.305. You are also required to report any breaches of security to the National Response Center and to report a TSI to the local COTP and cognizant District Commander without delay.

Q. What is the effective date(s) of the MTSA security measures?

Ans. The MTSA security measures become effective on 1 July 2004. This is consistent with the entry into force of the changes to SOLAS and the ISPS Code requirements. The regulated vessels and facilities have 6 months from the date of publication of the Temporary Interim Rules to submit security plans to the Coast Guard for approval. Since those rules were published on 1 July 2003, security plans must be submitted by 31 December 2003. See 33 CFR 104.115, 105.115, & 106.110.

Q. What is the penalty for non-compliance with the MTSA security measures?

Ans. Violation of any order or other requirement imposed under section 101-405 of 33 CFR Subchapter H is punishable by the civil and criminal penalties prescribed in 33 U.S.C. 1232 or 50 U.S.C. 192, as appropriate. As provided in 46 U.S.C. 70117, any person who does not comply with any other applicable requirement under this subchapter, including a Maritime Security Directive, shall be liable to the U.S. for a civil penalty of not more than \$25,000 for each violation. See 33 CFR 101.415 Penalties.