



# Port Security Advisory (5-09) (Rev 1)

**SUBJECT: MINIMUM GUIDELINES FOR CONTRACTED SECURITY SERVICES IN HIGH RISK WATERS (Highlighted areas in paragraphs 1a and 1b are new in Revision 1)**

For U.S. vessels subject to 33 CFR Part 104 and MARSEC Directive 104-6, contracted security services supplementing ship's crew shall meet or exceed the following standards to demonstrate competency and adequacy to perform the assigned task:

1. Security personnel operating on U.S. vessels subject to 33 CFR Part 104 must possess a Transportation Worker Identification Credential (TWIC).
  - a. Individuals who do not possess a TWIC due to ineligibility under the immigration and nationality requirements of 49 C.F.R. § 1572.105<sup>i</sup> will be allowed to perform security duties on these U.S. vessels only if:
    - the individual's security duties are strictly limited to operations in high risk waters designated by MARSEC Directive 104-6 ;
    - the individual possesses personal identification that meets the requirements of 33 CFR 101.515;<sup>ii</sup> and
    - the individual has undergone a terrorism check (Terrorist Screening Data Base) by the U.S. Government in accordance with Port Security Advisory 6-09.
  - b. Individuals who meet the immigration and nationality requirements of 49 C.F.R. § 1572.105<sup>iii</sup> but are currently deployed in a contract security position, will be allowed to continue to perform security duties without a TWIC on U.S. vessels only if:
    - the individual's security duties are strictly limited to operations in high risk waters designated by MARSEC Directive 104-6;
    - the individual possesses personal identification that meets the requirements of 33 CFR 101.515;<sup>iv</sup>
    - the individual was already working in this capacity on June 18, 2009;
    - the individual has undergone a terrorism check (Terrorist Screening Data Base) by the U.S. Government in accordance with Port Security Advisory 6-09; and
    - The individual possesses a valid TWIC 120 days from the date of this advisory.
2. If required by the MARSEC Directive, security personnel shall be embarked at all times while underway in the applicable High Risk Waters (HRW), in accordance with the vessel's approved Vessel Security Plan (VSP). They should be embarked in sufficient time for them to familiarize themselves with the vessel prior to entering HRW.
3. The intent of contracted security services is to provide point protection of the vessel and crew upon which embarked against attack, unauthorized boarding, or both. These security personnel should not be assigned any additional duties which would conflict with their security mission.
4. Contracted security personnel may employ force in self-defense or in the defense of others, or in defense of the vessel or property. For additional guidance on self-defense or defense of others or defense of the vessel or property, see U.S. Coast Guard Port Security Advisory 3-09 "Guidance for Self-Defense and Defense of Others."



5. If unauthorized individuals attempt to or successfully embark the vessel, the vessel's master, designated crewmember (if one is designated by the ship), or security personnel should immediately contact the appropriate regional liaison/operations center providing number of attackers, description of arms, status and location of crew, and other pertinent facts. Contacts include UKMTO (for Horn of Africa), MARLO (for Horn of Africa, Arabian Sea, Gulf of Oman, and the Persian Gulf), ReCAAP (for Asia), or the appropriate coastal state response organization.
6. If contracted security personnel are to be armed with firearms, U.S. citizens must meet the requirements of 18 U.S.C. § 922(g)<sup>v</sup> and foreign citizens must meet a substantially equivalent standard and the requirements of all port states visited while the armed security remains onboard. The contracted security company must be appropriately licensed and bonded in a state and meet any requirements imposed by all foreign countries visited. Security personnel must meet the minimal licensing and training requirement for the state or foreign country in which they are licensed. All armed security personnel must have undergone training on the firearms they are carrying, weapons safety, and the employment of force in self-defense, and the defense of others.
7. All contracted security personnel shall meet the training requirements for security personnel in 33 CFR 104.220<sup>vi</sup>. Contracted security personnel shall also possess the training, understanding, and capability to effectively defend the vessel and crew while in HRW, and in accordance with the approved VSP.
8. Contracted security personnel shall display proper identification at all times, such as a laminated badge with a photograph that clearly identifies them as part of the contracted security service.
9. Security services shall have a communications plan that provides contracted security personnel with a means for effective and continuous communication among themselves, with the crew, and with the appropriate regional liaison/operations center.
10. The security services' means of continuous communication shall be intrinsically safe where required by the vessel's cargo or operations.
11. Security personnel shall be fluent in English and be capable of properly communicating with the vessel operators, crew and authorities and be capable of understanding the VSP.
12. Contracted security personnel shall be provided with sufficient shelter and accommodations to protect against severe weather conditions such as high heat, oppressive sunshine, and extreme cold, and for appropriate rest.
13. Contracted security personnel may not stand a scheduled watch for more than 12 hours in a 24-hour period.

**The conditions of entry applicable to vessels outlined in Port Security Advisory 1-09 remain in effect.**

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<sup>i</sup> 49 CFR 1572.105 - Immigration status.(a) An applicant applying for a security threat assessment for an HME must be— (1) A citizen of the United States who has not renounced or lost his or her United States' citizenship; or (2) A lawful permanent resident of the United States, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101); or (3) An individual who is— (i) In lawful nonimmigrant status and possesses valid evidence of unrestricted employment authorization; or (ii) A refugee admitted under 8 U.S.C. 1157 and possesses valid evidence of unrestricted employment authorization; or (iii) An alien granted asylum under 8 U.S.C. 1158, and possesses valid evidence of unrestricted employment authorization. (b) To determine an applicant's immigration status, TSA checks relevant Federal databases and may perform other checks, including verifying the validity of the applicant's social security number or alien registration number.

<sup>ii</sup> 33 CFR 101.515 – Requirements include “this personal identification must, at a minimum, meet the following requirements: (1) Be laminated or otherwise secure against tampering; (2) Contain the individual's full name (full first and last names, middle initial is acceptable); (3) Contain a photo that accurately depicts that individual's current facial appearance; and (4) Bear the name of the issuing authority. (b) The issuing authority in paragraph (a)(4) of this section must be: (1) A government



authority, or an organization authorized to act of behalf of a government authority; or (2) The individual's employer, union, or trade association.”

<sup>iii</sup> 49 CFR 1572.105 - Immigration status.(a) An applicant applying for a security threat assessment for an HME must be— (1) A citizen of the United States who has not renounced or lost his or her United States’ citizenship; or (2) A lawful permanent resident of the United States, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101); or (3) An individual who is— (i) In lawful nonimmigrant status and possesses valid evidence of unrestricted employment authorization; or (ii) A refugee admitted under 8 U.S.C. 1157 and possesses valid evidence of unrestricted employment authorization; or (iii) An alien granted asylum under 8 U.S.C. 1158, and possesses valid evidence of unrestricted employment authorization. (b) To determine an applicant’s immigration status, TSA checks relevant Federal databases and may perform other checks, including verifying the validity of the applicant’s social security number or alien registration number.

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<sup>v</sup> 18 USC 922(g) - It shall be unlawful for any person—

- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
  - (2) who is a fugitive from justice;
  - (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
  - (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
  - (5) who, being an alien— (A) is illegally or unlawfully in the United States; or (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
  - (6) who has been discharged from the Armed Forces under dishonorable conditions;
  - (7) who, having been a citizen of the United States, has renounced his citizenship;
  - (8) who is subject to a court order that— (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
  - (9) who has been convicted in any court of a misdemeanor crime of domestic violence;
- to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

<sup>vi</sup> 33 CFR 104.220- Training requirements include “knowledge, through training or equivalent job experience, in the following, as appropriate: (a) Knowledge of current security threats and patterns; (b) Recognition and detection of dangerous substances and devices; (c) Recognition of characteristics and behavioral patterns of persons who are likely to threaten security; (d) Techniques used to circumvent security measures; (e) Crowd management and control techniques; (f) Security related communications; (g) Knowledge of emergency procedures and contingency plans; (h) Operation of security equipment and systems; (i) Testing and calibration of security equipment and systems, and their maintenance while at sea; (j) Inspection, control, and monitoring techniques; (k) Relevant provisions of the Vessel Security Plan (VSP); (l) Methods of physical screening of persons, personal effects, baggage, cargo, and vessel stores; and (m) The meaning and the consequential requirements of the different Maritime Security (MARSEC) Levels. (n) Relevant aspects of the TWIC program and how to carry them out.”