Coast Guard, DHS

to any other officer or petty officer of
the Coast Guard or other designees au-
thorized by the Commandant.

(c) The provisions in this subchapter
do not limit the powers conferred upon
Coast Guard commissioned, warrant, or
petty officers by any other law or regu-
lation, including but not limited to 33
CFR parts 6, 160, and 165.

§ 101.405 Maritime Security (MARSEC)
Directives.

(a)(1) When the Coast Guard deter-
mines that additional security meas-
ures are necessary to respond to a
threat assessment or to a specific
threat against the maritime elements
of the national transportation system,
the Coast Guard may issue a MARSEC
Directive setting forth mandatory
measures. Only the Commandant or
his/her delegate may issue MARSEC Di-
rectives under this section. Prior to
issuing a MARSEC Directive, the Com-
dendant or his/her delegate will consult
with those Federal agencies having an
interest in the subject matter of that
MARSEC Directive. All MARSEC Di-
rectives issued under this section shall
be marked as sensitive security infor-
mation (SSI) in accordance with 49
CFR part 1520.

(2) When a MARSEC Directive is
issued, the Coast Guard will imme-
diately publish a notice in the FEDERAL
REGISTER, and affected owners and op-
erators will need to go to their local
COTP or cognizant District Com-
dander to acquire a copy of the
MARSEC Directive. All MARSEC Di-
rectives issued under this section shall
be marked as sensitive security infor-
mation (SSI) in accordance with 49
CFR part 1520.

(b) Each owner or operator of a vessel
or facility to whom a MARSEC Direc-
tive applies is required to comply with
the relevant instructions contained in
a MARSEC Directive issued under this
section within the time prescribed by
that MARSEC Directive.

(c) Each owner or operator of a vessel
or facility required to have a security
plan under parts 104, 105 or 106 of this
subchapter that receives a MARSEC
Directive must:

(1) Within the time prescribed in the
MARSEC Directive, acknowledge re-
ceipt of the MARSEC Directive to their
local COTP or, if a facility regulated
under part 106 of this subchapter, to
their cognizant District Commander;
and

(2) Within the time prescribed in the
MARSEC Directive, specify the method
by which the measures in the MARSEC
Directive have been implemented (or
will be implemented, if the MARSEC
Directive is not yet effective).

(d) In the event that the owner or op-
erator of a vessel or facility required to
have a security plan under part 104, 105,
or 106 of this subchapter is unable to
implement the measures in the
MARSEC Directive, the owner or oper-
orator must submit proposed equivalent
security measures and the basis for
submitting the equivalent security
measures to the COTP or, if a facility
regulated under part 106 of this sub-
chapter, to their cognizant District
Commander, for approval.

(e) The owner or operator must sub-
mit the proposed equivalent security
measures within the time prescribed in
the MARSEC Directive. The owner or
operator must implement any equiva-
 lent security measures approved by the
COTP, or, if a facility regulated under
part 106 of this subchapter, by their
cognizant District Commander.

§ 101.410 Control and Compliance
Measures.

(a) The COTP may exercise authority
pursuant to 33 CFR parts 6, 160 and 165,
as appropriate, to rectify non-compli-
ance with this subchapter. COTPs or
their designees are the officers duly au-
thorized to exercise control and com-
pliance measures under SOLAS Chap-
ter XI-2, Regulation 9, and the ISPS
Code (Incorporated by reference, see
§101.115).

(b) Control and compliance measures
for vessels not in compliance with this
subchapter may include, but are not
limited to, one or more of the fol-
lowing:

(1) Inspection of the vessel;
(2) Delay of the vessel;