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**NAVAL WAR COLLEGE  
Newport, R.I.**

**THE COAST GUARD SHOULD BE THE DESIGNATED LEAD AGENCY  
TO MANAGE AND EXECUTE MARITIME DOMAIN AWARENESS**

by

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**A paper submitted to the Faculty of the Naval War College in partial satisfaction of  
the requirements of the Department of Joint Military Operations.**

**The contents of this paper reflect my own personal views and are not necessarily  
endorsed by the Naval War College or the Department of the Navy.**

**Signature: \_\_\_\_\_**

**23 October 2006**

## **Abstract**

Maritime security is of paramount importance to the United States. The President and the senior leadership of our country have recognized this threat and developed the National Strategy for Maritime Security Plan and its eight supporting plans to counter the threat. However, the National Strategy for Maritime Security Plan and the supporting plans employ a “unity of effort” concept for their execution, and are ambiguous concerning which agency or agencies should be accountable for their success. The ambiguity has already led to turf battles and confusion as to roles and responsibilities between agencies. Such confusion is unacceptable five years after 9/11. This paper suggests, as an illustrative example, the U. S, Coast Guard should be identified as the lead agency for implementation and execution of the National Plan to Achieve Maritime Domain Awareness. It provides arguments for and against the position. It also provides recommendations that are aimed at improving the U.S. Coast Guard’s fulfillment of such a role.

## **INTRODUCTION**

### **The Issue**

If you ask most people who is in charge of maritime security a fair majority would probably say the Coast Guard, and technically they would be correct.<sup>1</sup> However, what that actually means is not clear. Specifically, not everyone necessarily agrees with the Coast Guard's role as lead authority in all cases. For example, in April of 2005, the Coast Guard and the Federal Bureau of Investigation (FBI) participated in a joint week long Department of Homeland Security (DHS) sponsored anti-terrorism exercise called Top Officials Three (TOPOFF 3).<sup>2</sup> The purpose of TOPOFF 3 was to gauge whether or not the nation had the ability to prepare and respond to an attack involving weapons of mass destruction (WMD).<sup>3</sup> A specific maritime component of the exercise involved a mock assault on a ferry off the coast of Connecticut. The Coast Guard intended to utilize its new Enhanced Maritime Safety and Security Team to secure the vessel from terrorists.<sup>4</sup> The FBI had other ideas. The FBI believed that its elite Hostage Rescue Team should be the tool used to conduct such an operation.<sup>5</sup> What ensued was a turf battle that eventually gained the attention and ire of Congress.<sup>6</sup>

The genesis of discord between the Coast Guard and the FBI is not disagreement over which assault unit is a better tactical fit for a specific scenario, but rather confusion as to each other's roles and responsibilities in preparing and responding to homeland security threats. Who is in charge? Who decides roles and responsibilities? Why the confusion? Don't we have a plan for this? Surprisingly enough the confusion stems from the plan. The President's National Strategy for Maritime Security (NSMS) to be specific.<sup>7</sup> The NSMS does not specify lead authority for plan execution.<sup>8</sup> Moreover,

eight additional plans have been developed to support the NSMS.<sup>9</sup> None of the supporting plans identify lead authority.<sup>10</sup> Instead, all of the plans speak in terms of “unity of effort.”<sup>11</sup> The concept of “unity of effort” appears to have become the new buzz phrase for interagency coordination and cooperation. Unfortunately, as TOPOFF3 reveals, for an effort to be unified there must be joint agreement on roles and responsibilities.

The hostility between the Coast Guard and the FBI arose as a result of confusion in regard to who should lead a response effort. Presently, the confusion is being worked out by revising the Maritime Operational Threat Response (MOTR) plan,<sup>12</sup> one of the eight supporting plans. The revisions seek clarify which agency will have the response lead based on the type of threat and agency capability to counter the threat.<sup>13</sup> However, there are seven more supporting plans to NSMS, which raises a fundamental question: Are agency roles clearly identified in each plan? More importantly, since the plans do not identify a lead agency to be responsible for coordinating agency roles and the unity of effort, should one be designated for any of the plans? If there is a lesson to be drawn from TOPOFF it is that these types of command and control decisions must be made before the crisis opposed to during.

### **THESIS**

It is beyond the scope of this paper to examine all the remaining supporting plans to answer the question presented. However, as an illustrative example and basis for further research, this paper will examine the National Plan to Achieve Maritime Domain Awareness (MDA). The thesis of this analysis is that the Coast Guard should lead the execution and management of the MDA plan based on its interagency capability, which

has developed over decades as a result of its legacy missions in the maritime environment. The Coast Guard legacy missions include marine safety, search and rescue, aids to navigation, living marine resources (fisheries law enforcement), marine environmental protection, and ice operations. Of specific importance is the marine safety program, which is the Coast Guard's regulatory oversight function.

The selection criteria for the analysis of this plan and thesis are two fold. First, MDA is a key link between intelligence and response and is inherently an interagency function.<sup>14</sup> Of the eight supporting plans three stand out as prominent: (1) Global Maritime Intelligence Integration Plan (GMII); (2) MDA; and, (3) MOTR. They are prominent because they are in theory sequentially linked. The GMII leverages existing maritime intelligence gathering capabilities and feeds it into the MDA process of developing a common operating picture which in turn is utilized in the MOTR process to determine an appropriate response.<sup>15</sup> As stated above, the MOTR is being refined with regard to lead agency response responsibilities. The GMII, although not specifically designating a lead agency, at least requires the appointment of a Director and Deputy Director to lead the effort.<sup>16</sup> Although, the MDA plan does assign several priorities to certain Departments, it does not task an overall lead agency or assign a C2 structure.<sup>17</sup> In fact, MDA implementation is being led by an MDA Implementation Team (MDA-IT) for the first eighteen months of its existence.<sup>18</sup> However, one of the deliverables of the MDA-IT is to "[r]ecommend leads for specific MDA implementation actions and tasks."<sup>19</sup> One of those recommendations should be who will lead the overall effort to insure unity of effort. Therefore, the issue is timely.

Arguments in support of the thesis will be forwarded by examining the Coast Guard's missions and interagency capabilities and how they relate to MDA. Focus will be on the Coast Guard's legacy missions and service characteristics that evolved over time as a result of working in this maritime space. Specifically, these missions include regulatory oversight and law enforcement. Counter arguments will examine areas of weakness within the Coast Guard that may affect its ability to lead the MDA effort. Such areas include mission saturation and operational knowledge. Although important, new technologies being developed to achieve MDA will not be emphasized in this paper. Based on this analysis recommendations will be offered to address needed improvement areas necessary to enhance the Coast Guard's ability to lead and manage MDA.

## **ANALYSIS**

### **Introduction**

In essence the maritime domain is an international commercial space. Its primary content is cargo and its purpose trade.<sup>20</sup> Therefore, any agency tasked with developing a concept of MDA must have the ability to move within that space and understand its operation. Specifically, such a space requires the ability to work with multiple and often competing interests.<sup>21</sup> The Coast Guard based on its legacy missions has developed the ability at all levels to work cooperatively in the maritime domain. However, before offering arguments to support this position it is important to briefly explain the concept of MDA.

MDA is a primary component of the maritime security mission. Functionally, MDA is an intelligence and information synthesizing process geared towards the understanding of anything contained within the maritime domain that is a threat to the

United States.<sup>22</sup> The goal of MDA is to accurately detect emerging security threats in the maritime domain as early as possible in time and space to ensure a timely response.<sup>23</sup> A necessary objective to achieving that goal is to create a common operating picture (COP) of the maritime domain.<sup>24</sup> Basic to achieving this objective is the ability to monitor vessel movements, crew complements, cargo manifests, and to fuse the information into a usable intelligence piece for the operational commander.<sup>25</sup> It is not enough simply to be able to project intelligence and information gathering abilities, which arguably would fall under the GMII plan. The intelligence gathered must be synthesized with an understanding of the environment from which it is extracted.<sup>26</sup> The MDA plan recognizes this requirement when it identifies as fundamental to success the collaboration and coordination of federal, state, local, private and international organizations having interests in the maritime domain.<sup>27</sup> The MDA defines this grouping of organizations and interests as the Global Maritime Community of Interest (GMOCI).<sup>28</sup> Essentially, this is an interagency process on a global scale. Therefore, any agency tasked with leading this effort must have the ability to work with all the players in the maritime environment.

#### Interagency Process: Hallmark of the Coast Guard

The Coast Guard through its regulatory oversight and law enforcement missions works with members of the GMCOI on a daily basis. The Coast Guard's regulatory oversight of the maritime domain falls within its marine safety program. Under this program, a compendium of statutes and regulations affecting the marine environment and the maritime industry has evolved into specific areas of expertise and knowledge within the maritime domain: Marine Inspection (MI) and Marine Licensing (ML), Port Safety and Security (PSS), Marine Environmental Response (MER), Waterways Management



(WWM), Recreational Boating Safety (RBS), and Bridge Administration (BA).<sup>29</sup> What is often forgotten in the blizzard of new security initiatives and laws is that many of these programs and missions have been administered by the Coast Guard for centuries.<sup>30</sup> Moreover, the Coast Guard's law enforcement missions have been an integral part of organization since its inception in 1792.<sup>31</sup> The range of law enforcement missions encompasses narcotic interdiction, international fisheries, and recreational boating.

Many may be familiar with the more recognizable aspects of the Coast Guard's regulatory functions as they relate to MDA such as advanced notice of arrivals (ANOA) and the automatic identification system (AIS) requirements.<sup>32</sup> However, I would submit that it is the Coast Guard's *historical role* in the maritime regulatory and law enforcement missions that provides a greater benefit to MDA. More specifically, it is not the regulatory programs and law enforcement missions themselves that are most important to MDA, but rather the relationships they create through the interagency process.

A perfect example of how legacy missions come together in an interagency cooperative effort with all members of the GMCOI to enhance MDA is the Coast Guard's role in the International Maritime Organization (IMO), and the implementation of the International Ship and Port Facility Security (ISPS)<sup>33</sup> code and, domestically, the Maritime Transportation Security Act (MTSA).<sup>34</sup> The IMO is a United Nations agency consisting of 166 member states, which is responsible for enhancing the safety and security of international shipping. The Coast Guard is the United States' primary representative to the IMO due to its expertise in maritime safety and security. In this role the Coast Guard led a collaborative effort with member states of IMO to adopt the ISPS. The international regulatory regime was adopted in December 2002 and was

implemented on 1 July 2004. Generally, the ISPS Code requires all ports and vessels of a certain tonnage engaging in international trade to submit detailed security plans to their flag state. In turn, the Coast Guard ensures that all covered vessels entering US ports have complied with ISPS requirements.

To complement the security measures the Coast Guard developed the International Port Security Program (IPSP). This program seeks “bilateral or multilateral discussions with nations around the world in an effort to exchange information and share best practices that align implementation and enforcement requirements of . . . the ISPS Code and other international maritime security standards.”<sup>35</sup> To facilitate the dialogue the Coast Guard has assigned International Port Security Liaison Officers (IPSLO) to three geographical regions (Asia-Pacific, Europe/Africa/Middle East, and Central/South America).<sup>36</sup> Also, an IPSP team has been stood up in Washington D. C. to visit ports and exchange lessons learned and best practices.<sup>37</sup>

Roughly during the same time period Congress passed the MTSA, which is the domestic answer to ISPS. Under MTSA the Coast Guard was charged with drafting and executing the implementing regulations for the MTSA.<sup>38</sup> MTSA requires commercial maritime port areas, facilities and vessels of a certain class to submit security plans to the Coast Guard. The purposes of the plans are to prevent breaches of security and provide a communication link between the private sector and the Coast Guard. The plans have levels of security efforts that are triggered by the corresponding maritime security (MARSEC) levels.<sup>39</sup> The MARSEC levels are communicated to the commercial sector through the Area Maritime Security Committees (AMSC). The AMSCs are comprised of federal, state, local and private sector maritime interests located within a given Captain of

the Port area of responsibility. Some of the participating governmental agencies include the FBI, Customs, Center for Disease Control, and the National Guard. Private sector involvement ranges from international shipping and cruise line representatives to local fuel depot operators. Essentially, MTSA is a reciprocal communications process starting with the private sector passing threat information through the AMSC, which in turn communicates security threats to the District Coast Guard Commander and up the chain as needed. Subsequently, the Coast Guard along with other agencies analyzes the information and determines if a MARSEC shift is required. If a shift is necessary the decision is communicated back down the line where security adjustment will be made in accordance with the interested party's approved security plans.

The ISPS and MTSA are MDA information and intelligence webs that extend globally and domestically in the commercial space of the maritime domain. They incorporate interagency processes and coordination on a massive scale. The success of these programs is predicated on clear lines of communication, responsibilities, and authorities. However, the Coast Guard recognizes that with every web there are spaces and seams that traditional concepts of regulatory oversight cannot reach. In such cases coordination and cooperation with other agencies and the private sector must proceed on a voluntary basis.

A good example of how the Coast Guard coordinates MDA efforts in the more nebulous arena of "voluntary" cooperation is the America's Waterway Watch (AWW) Program. Under the AWW the Coast Guard has teamed up with recreational boaters in a "nationwide initiative similar to the well known and successful Neighborhood Watch program that asks community members to report suspicious activities to local law

enforcement agencies.”<sup>40</sup> Although not as formal as Congressionally mandated regulatory programs or as headline grabbing as elaborate MDA sensors or radars it is working now and it is inexpensive. Furthermore, with an estimated thirteen million registered recreational boaters in the US it is a considerable force multiplier.<sup>41</sup>

### Jack of All Trades and Master of None

The Coast Guard has always prided itself on doing more with less. In the past Congress has been all too happy to perpetuate this creed by treating the Coast Guard as a depository of unrelated and disjointed maritime missions. It appears with the added National Capitol Region Air Intercept mission this practice will continue and even expand beyond the maritime domain.<sup>42</sup> Moreover, the possible impacts of hurricane Katrina on the Coast Guard’s mission set has yet to fully materialize, and may bring even more mission responsibilities. Therefore, it is a fair argument to suggest that mission saturation could impede the Coast Guard’s ability to manage MDA.

In 2003 the Coast Guard transferred from the Department of Transportation (DOT) to the Department of Homeland Security under whose auspices it would take on a larger role in maritime homeland security. However, it did not shed any of its other major responsibilities in the process. Presently, the Coast Guard has six strategic mission categories: (1) Maritime Safety; (2) Maritime Mobility; (3) Protection of Natural Resources; (4) Maritime Security; (5); Interdiction; and, (6) National Defense.<sup>43</sup> Under each strategic mission category are subsets of specific missions such as marine safety or law enforcement. Of these six core mission categories Maritime Security has become the primary mission. Maritime Security has necessitated a total reorganization in the agency<sup>44</sup> and consumes approximately twenty six percent of its budget.<sup>45</sup> Moreover, the

Coast Guard revised its DEEPWATER project in 2005 to fulfill operational requirements created by its new maritime security role.<sup>46</sup> Furthermore, enhanced efforts in maritime security have led Congress to suggest that “Coast Guard mission performance may be expected to fall off due to increased legacy asset unavailability.”<sup>47</sup> If maritime security is going to consume the largest share of the Coast Guard budget and the recapitalization of its assets is focused on this primary mission and overall mission performance may degrade due to mission competition then it would be advisable to let go of ancillary missions that do not necessarily contribute to primary mission success.

A specific mission comes to mind as a good candidate for divestiture: Aids to Navigation (ATON). ATON is a system of “signposts” and “traffic signals” comprised of buoys, lights, day beacons, and other navigational devices that ensure safe movement of vessels. There are three reasons why ATON is a good candidate for divestiture. First, ATON consumes roughly sixteen percent of the Coast Guard operating budget.<sup>48</sup> Second, there is no direct nexus between maritime security and ATON. Although important, having the Coast Guard maintain ATON as opposed to another entity or agency does not contribute to MDA or other aspects of maritime security. Third, ATON is well suited for transfer to another agency or private entity. According to a Congressional oversight hearing report the ATON program was one of only two Coast Guard programs that achieved all of its five year performance goals.<sup>49</sup> The transfer of responsibility and eventually execution has a greater chance of success when the program transferred is functional. Also, ATON is not an overly complex mission, at least not in technical terms. The mission could be characterized as maintenance with some light construction. The Army Corps of Engineers comes to mind as a possible suitor since it

certainly has construction capabilities and waterway management authority and responsibility.<sup>50</sup> States and private ventures may also have the capability to assume responsibility of ATON. Budgeting factors would certainly be an issue with state takeover. However, there has been success with states assuming responsibilities of other Coast Guard programs such as recreational boating safety and registration.<sup>51</sup> Privatization has seen success in conducting limited search and rescue (SAR) missions such as limited towing. ATON is not as operationally complex as SAR nor does it have possible immediate life and death consequences. Considering there are thousands of private contractors in the battle-space in Iraq, it can be argued that given the right incentives the private sector could maintain ATON, with oversight remaining with the Coast Guard.

Another possible impediment to the Coast Guard's ability to effectively manage MDA is the relative "newness" of maritime security as a primary mission. Maritime Security has been a Coast Guard mission throughout its history.<sup>52</sup> However, it has only taken on prominence since 9/11. Prior to 9/11 maritime security was predominately relegated to a Reserve role.<sup>53</sup> Of course after 9/11 all that changed. The Coast Guard shifted mission priority to security by allocating fifty-eight percent of its resources to that mission.<sup>54</sup> It also instituted regulatory changes, such as the MTSA program, to address the immediate perceived threats. Although the MTSA program is an example of the Coast Guard's exceptional ability at interagency coordination, it has substantive faults. The primary weakness of the MTSA program is the regulations were drafted under an environmental framework, which is not surprising since the bulk of Coast Guard regulation drafting is concerned with environmental protection. Basically, the regulations

used applicability standards and definitions already promulgated in environmental regulations. The concepts did not map over well to security and led to a dizzying array of exemptions and waivers to applicability. Such a result could have been avoided if the Coast Guard had a greater ability to apply its legacy knowledge to new security concepts.

A solution to the “application” problem is to create a government learning institution where the Coast Guard and all of the members of GMCOI can develop maritime security doctrine and teach these concepts to their subordinates and peers. Presently, there are private security training centers that teach specific applications of security laws and initiatives.<sup>55</sup> However, these institutions are specifically geared towards the private sector. The goal of such institutions is to provide their client with the know how to comply with international and domestic security regimes. Such institutions are not overly concerned with the development of doctrine to meet emerging threats. Moreover, national security in the maritime environment is a fundamental governmental responsibility. Therefore, its study, development, and application must be executed by appropriate government organizations with input from the private sector.

A government learning institution headed by the Coast Guard could bring to bear the needed governmental focus necessary to pull together the disparate pieces of maritime security including MDA. The focus of a government institution would be on present plans and security concepts. It would also identify emerging threats and develop doctrine to best meet those threats. The structure of the institution would have two tiers: tactical and operational. The tactical tier would be comprised of junior officers and enlisted members of the military and their equivalents from other agencies and the private sector. The operational level would be comprised of senior to mid-grade military officers and

their counterparts in other agencies and the private sector. The benefit of having tactical and operational co-located is that doctrine can be developed with input from those actually accomplishing the mission in the field. Also, the tactical level would have immediate access to newly developed doctrine and concepts to utilize in training exercises. As tactical players progress in seniority they would return to the institute to develop future doctrine.

The inclusion of private sector representatives is crucial to the success of such an institution. The maritime domain is a commercial space and any regulation of that space will have an impact on the commerce that flows through that space. Further, according to the NSMS one of the President's security goals is to maintain the free flow of commerce in the maritime domain. The private sector can provide invaluable insight into cost, effectiveness, and alternatives to proposed regulatory regimes and practices before they are published and put into effect. Having this type of input up front will avoid the need to issue a plethora of waivers and exemptions to published regulations.

### **CONCLUSION**

Maritime security is of paramount importance to the United States. The volume of international and domestic commerce that utilizes the maritime domain in trade with the United States is massive, and is necessary for our economic well being. Unfortunately, such open trade comes with the real possibility that terrorists or other hostiles will seek to exploit the gaps and seams in the maritime domain. The President and the senior leadership of our country have recognized this threat and developed the NSMS and its eight supporting plans to counter the threat. However, the NSMS and the supporting plans employ a "unity of effort" concept for their execution, and are ambiguous



concerning which agency or agencies should be accountable for their success. The ambiguity has already led to turf battles and confusion as to roles and responsibilities between the Coast Guard and the FBI during the TOPOFF3 maritime security response exercise. Such confusion is unacceptable five years after 9/11.

The lesson learned from the TOPFF3 fiasco is that while achieving unity of effort through cooperation is a necessary and effective goal to coordinate all of the interests in the maritime domain there must be clearly established roles, responsibilities, and lines of authority to ensure the plans are executed with success. Invariably this means designating a lead agency to coordinate the successful implementation and execution of the plans. Further, designating a lead agency means assigning accountability for failure as well as success.

As an illustrative example, the Coast Guard should be the agency selected to execute and manage the MDA plan, one of the supporting plans to the NSMS. The Coast Guard's legacy missions give it unique knowledge and insight into what makes up the maritime domain. Specifically, the Coast Guard through its regulatory oversight and law enforcement missions has established international and domestic relationships with all members of the GMCOI. The implementation and oversight of the ISPS code and the MTSA program by the Coast Guard are prime examples of its ability to work with the interagency process on a global scale. The Coast Guard is also very adept at working in the nebulous arena of voluntary initiatives with the private sector. The Coast Guard's AWW program is representative of this effort.

However, there are valid arguments that the Coast Guard may be over extended in missions and lacks the corporate knowledge of security concepts to fully leverage its

legacy mission knowledge. Upon transfer to DHS the Coast Guard was not relieved of any of its legacy missions. In fact the Coast Guard was assigned new missions and reorganized its command and control structure and assets to execute its new primary mission of security. A solution to his problem is to relieve the Coast Guard of the ATON mission. ATON is a resource intensive mission with no direct security impact. The ATON mission is well suited for divestiture because of its relative simplicity and successful functionality.

The Coast Guard has accumulated vast knowledge of the maritime domain through the execution of its legacy missions. However, its knowledge of security concepts needs to improve. For example, the Coast Guard promulgated the MTSA regulations through a template of environmental regulations due to expediency. The resulting final regulations caused confusion among the regulated interests necessitating the need to grant several waivers of application by the Coast Guard. This scenario can be avoided in the future by establishing a Coast Guard security learning institution where the Coast Guard and all members of the GMOCI can learn, develop, and apply security doctrine in an educational setting. Private security education will not suffice because their target audience is predominately the regulated interests, and security is an inherent responsibility of the government.

The Coast Guard is well suited to lead the efforts to achieve MDA, as well as many other efforts in maritime security. However, it is clear that to effectively lead the MDA effort the Coast Guard must be given unambiguous authority and direction to execute the plan. The mission of MDA is too crucial to the overall success of maritime security to decide the issue of “who is in charge” when the crisis is unfolding.

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## ENDNOTES

<sup>1</sup> As part of the Department of Homeland Security (DHS), the Coast Guard has been designated as the lead federal agency for maritime homeland security. Section 888(a)(2) of The Homeland Security Act of 2002 (P.L. 107-296 of November 25, 2002), specifies five homeland security missions for the Coast Guard: (1) ports, waterways, and coastal security, (2) drug interdiction, (3) migrant interdiction, (4) defense readiness, and (5) other law enforcement.

<sup>2</sup> Department of Homeland Security, "Press Room: Press Kit TOPOFF 3 Exercise," [http://www.dhs.gov/dhspublic/interapp/editorial/editorial\\_0588.xml](http://www.dhs.gov/dhspublic/interapp/editorial/editorial_0588.xml) (accessed 14 October 2006). The exercises are called "TOPOFF" because of participation of top officials of the designated agencies. TOPOFF 3 was a full scale international exercise that took place in five different geographic venues and incorporated two different scenarios: (1) biological, and (2) chemical.

<sup>3</sup>. Ibid.

<sup>4</sup>. U.S. Department of Justice, *Audit Report: the Federal Bureau of Investigation's Efforts to Protect the Nation's Seaports* (Washington, DC: Office of the Inspector General Audit Division, March 2006), 41-42.

<sup>5</sup>. Ibid.

<sup>6</sup>. Craig Donner, "Rep. Fossella Calls for End to Coast Guard, FBI Turf Battle in the Event of Terrorist Attack in U.S. Waterways," *US Fed Services, Including US State News* (06 April 2006), under ProQuest Military Collection, Military Module," <http://proquest.umi.com/> (accessed 08 September 2006).

<sup>7</sup>. U.S. President, *The National Strategy for Maritime Security* (hereafter cited as NSMS), (Washington, DC: White House 2005).

<sup>8</sup>. Ibid., 13. The document does identify DHS as the lead agency to protect critical infrastructure and key resources. However, it speaks in terms of cooperative efforts with private, government and international interests to achieve strategic objectives without identifying an agency to lead the process.

<sup>9</sup>. In 2004 the President tasked the Department of Defense (DOD) and DHS to develop a national maritime strategy to address emerging threats in the maritime environment. The effort produced the cornerstone NSMS and its eight supporting plans, which include: National Plan to Achieve Maritime Domain Awareness; Global Maritime Intelligence Integration Plan; Maritime Operational Threat Response Plan; International Outreach and Coordination Strategy; Maritime Infrastructure Recovery Plan; Maritime Transportation System Security Plan; Maritime Commerce Security Plan; Domestic Outreach Plan. See Ibid., ii.

<sup>10</sup>. Calvin Biesecker, "Coast Guard Official Outlines Near-Term Maritime Domain Awareness Plans," *Defense Daily* 229, no. 10 (18 January 2006), 1, <http://proquest.com/> (accessed 17 September 2006).

<sup>11</sup>. Ibid.

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- <sup>12</sup>. U.S. Department of Justice, *Audit Report*, 93.
- <sup>13</sup>. Ibid.
- <sup>14</sup>. U.S. President, National Plan to Achieve Maritime Domain Awareness (hereafter cited as MDA), (Washington, DC: White House 2005).
- <sup>15</sup>. Ibid., i.
- <sup>16</sup>. U.S. President, Global Maritime Intelligence Integration Plan (hereafter cited as GMII), (Washington, DC: White House 2005), 3.
- <sup>17</sup>. Ivan T. Luke, *"D.O.D's Role in Maritime Homeland Defense and Security"* (Newport, RI: Naval War College Press, 2006), 3. *See also* MDA, Appendix B, 1-5.
- <sup>18</sup>. MDA, 18.
- <sup>19</sup>. Ibid.
- <sup>20</sup>. NSMS, 1-2.
- <sup>21</sup>. MDA, 1.
- <sup>22</sup>. The maritime domain is defined as "all areas and things of, on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime related activities, infrastructure, people, cargo, and vessels and other conveyances." Ibid.
- <sup>23</sup>. Ibid., 7.
- <sup>24</sup>. Ibid., 4.
- <sup>25</sup>. Ibid., 3.
- <sup>26</sup>. Ibid., 2.
- <sup>27</sup>. Ibid., 3-4.
- <sup>28</sup>. Ibid., 1.
- <sup>29</sup>. U.S. Coast Guard, Administration and Management, Marine Safety Manual (MSM) 1 (Washington, DC: Headquarters U.S. Coast Guard, 2002), 1.
- <sup>30</sup>. Ibid. The Coast Guard Marine Safety Program has its historical roots in the Steamboat Inspection Service, which was enacted in the mid-1800's. Further, the Coast Guard assumed the responsibility of the Bureau of Marine Inspection in 1942. *See also* Gordon I. Peterson and Scott C. Truver, "The Multi-mission U.S. Coast Guard: Ready, Aware, and Responsive-With Renewed Focus on Mission Execution," *Naval Forces IV* (August 2006): 96.
- <sup>31</sup>. The Coast Guard's initial law enforcement role began in the late 1700's, enforcing trade tariffs. It has developed over the centuries to encompass drug interdiction, living marine resources, and alien migrant interdiction, as well as homeland security efforts. *See* U.S. Coast Guard, "Office of Law Enforcement," <http://www.uscg.mil/hq/g-opl/Welcome.htm> (accessed 5 October 2006).

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<sup>32</sup>. Coast Guard regulations dating back to the 1980s required a 24-hour advance notice of arrival for vessels of a certain class or size entering U.S. ports. On Oct. 4, 2001, three weeks after the Sept. 11, the Coast Guard published a temporary rule that extended the advance notice to 96 hours. It became permanent by the end of 2001. The Automated Identification System (AIS) is a shipboard broadcast system that acts like a transponder, operating in the VHF maritime band. The carriage requirements for AIS are contained in 33 CFR 164.46.

<sup>33</sup>. Generally, “[t]he International Ship and Port Facility Security Code (ISPS Code) is a comprehensive set of measures to enhance the security of ships and port facilities, developed in response to the perceived threats to ships and port facilities in the wake of the 9/11 attacks in the United States. The ISPS Code is implemented through chapter XI-2 Special measures to enhance maritime security in the International Convention for the Safety of Life at Sea (SOLAS). The Code has two parts, one mandatory and one recommendatory.” International Maritime Organization, “What is the ISPS Code,” [http://www.imo.org/Legal/mainframe.asp?topic\\_id=897#what/](http://www.imo.org/Legal/mainframe.asp?topic_id=897#what/) (accessed 1 October 2006).

<sup>34</sup>. Maritime Transportation Security Act of 2002, Pub. L. No.107-295, 116 Stat.

<sup>35</sup>. U.S. Coast Guard, “International Port Security Program,” <http://www.uscg.mil/hq/g-m/mp/ipsp.shtml> (accessed 10 October 2006).

<sup>36</sup>. Ibid.

<sup>37</sup>. Ibid.

<sup>38</sup>. General Maritime Security. Subchapter H of Title 33, §§ 101 & 103-107. Code of Federal Regulations 2006.

<sup>39</sup>. Generally, “[t]he Coast Guard has a three-tiered system of Maritime Security (MARSEC) levels consistent with the Department of Homeland Security’s Homeland Security Advisory System (HSAS). MARSEC Levels are designed to provide a means to easily communicate pre-planned scalable responses to increased threat levels. The Commandant of the U.S. Coast Guard sets MARSEC levels commensurate with the HSAS.” U.S. Coast Guard, “U.S. Coast Guard Maritime Security (MARSEC) Levels,” <http://www.uscg.mil/safetylevels/whatismarsec.html> (accessed 10 October 2006).

<sup>40</sup>. U.S. Coast Guard, “America’s Waterway Watch,” <http://www.americaswaterwaywatch.org/> (accessed 10 October 2006).

<sup>41</sup>. National Marine Manufacturers Association, “Facts and Figures,” <http://www.nmma.org/facts/boatingstats/2005/files/populationstats3.asp> (accessed 14 October 2006).

<sup>42</sup>. U.S. Coast Guard, “Coast Guard News and Information,” <https://www.piersystem.com/go/doc/786/134359/> (accessed 14 October 2006).

<sup>43</sup>. Peterson and Truver, “The Multi-mission U.S. Coast Guard,” 98.

<sup>44</sup>. Joe DiRenzo III and Chris Doane, “Coast Guard Reorganization: Much More is Needed,” *United States Naval Institute. Proceedings* 132, no. 6 (June 2006), 63, <http://proquest.com/> (accessed 17 September 2006).

<sup>45</sup>. House Subcommittee on Transportation and Infrastructure, “Oversight Hearing on Coast Guard Mission Performance,” <http://www.house.gov/transportation/> (accessed 14 October 2006).

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- <sup>46</sup>. Peterson and Truver, “The Multi-mission U.S. Coast Guard,” 101. The Coast Guard’s DEEPWATER project is a recapitalization effort to enhance system interoperability by updating surface, air, logistics, and command and control assets. Initial efforts for the DEEPWATER project began in 1997. Ibid.
- <sup>47</sup>. House Subcommittee, “Oversight Hearing,” 2.
- <sup>48</sup>. Ibid., 4.
- <sup>49</sup>. Ibid., 3.
- <sup>50</sup>. U.S. Army Corps of Engineers, “Missions,” <http://www.usace.army.mil/missions/water.html> (accessed 14 October 2006).
- <sup>51</sup>. On 1 January 2001, Alaska was the last State to assume responsibility of the boater registration program from the Coast Guard.
- <sup>52</sup>. U.S. Coast Guard, “Missions: Fact File,” <http://www.uscg.mil/hq/g-cp/comrel/factfile/index.htm> (accessed 14 October 2006).
- <sup>53</sup>. Global Security, “Military,” <http://www.globalsecurity.org/military/agency/dot/psu.htm> (accessed 14 October 2006).
- <sup>54</sup>. Senate Appropriations Subcommittee on Transportation, *U.S. Coast Guard Budget and Management Issues*, 107<sup>th</sup> Cong., 2<sup>nd</sup> sess., 2002, <http://www.oig.dot.gov/StreamFile?file=/data/pdffdocs/cc2002104.pdf> (accessed 10 October 2006).
- <sup>55</sup>. Maritime Security Institute, “A bout MSI,” <http://www.maritimesecurityinstitute.org/about.html> (accessed 22 September 2006).

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