

# **TWIC/MTSA POLICY ADVISORY COUNCIL**

**November 21, 2007**

Policy

**Escorting aboard U.S. Flagged Vessels Operating in Foreign Waters**

02-07

**Issue (02-07)** – What are the acceptable escorting standards for U.S. vessels operating in foreign waters?

**Background** – 33 CFR 104.265 requires that individuals who do not have a TWIC be escorted, as defined in 33 CFR 101.105, at all times while inside a secure area of the vessel. 33 CFR 101.105 defines “escorting” as “ensuring that the escorted individual is continuously accompanied while in a secure area in a manner sufficient to observe whether the escorted individual is engaged in activities other than those for which escorted access was granted.” The definition elaborates that this can be accomplished through side-by-side accompaniment or via monitoring, depending upon where the escorted individual is granted access.

**Discussion** – U.S. vessels operating in foreign waters face considerable challenges when implementing the TWIC program. Foreign port workers will likely not have TWICs, and as a result, they would need to be escorted every time they step aboard the vessel. This presents operational difficulties, as there are not likely to be sufficient vessel personnel onboard to escort the port workers in the ratios described in NVIC 03-07.

These vessels are required, under 33 CFR 104.265, to control access to the vessel (in a general fashion, in addition to requiring TWICs). These access control methods should already be included in the vessel’s security plan, and they should include methods and/or security measures for ensuring, for example, that foreign port workers do not access restricted areas unless absolutely necessary (33 CFR 104.270(a)), and that foreign port workers are not able to introduce dangerous substances or devices onboard the vessel(33 CFR 104.265(a)). Thus, U.S. vessels operating in foreign waters shall be deemed to be properly “escorting” individuals who do not hold a TWIC when operating in accordance with the U.S. Coast Guard approved vessel security plan. This interpretation ONLY applies, however, when the vessel is operating in foreign waters.