

**MTSA Regulations found at 33 CFR Subchapter H**  
**Part 104—Vessels.**

**#02-03 DECEMBER 18, 2003---POLICY ADVISORY COUNCIL FAQ**

**Q.** What will be the U.S. Coast Guard's enforcement posture for foreign flagged vessels subject to the Maritime Transportation Security Act (MTSA) regulations but not subject to the International Convention Safety of Life at Sea (SOLAS) Code who trade or expect to trade with the United States after July 1, 2004?

What will be the U. S. Coast Guard's enforcement posture for the above vessels that are boarded by the U.S. Coast Guard prior to July 1, 2004?

**Ans.** All foreign vessels will be treated in the same manner whether or not the vessel is subject to SOLAS. Non-SOLAS vessel boarding(s) should be handled as follows:

- **Prior to July 1, 2004** upon boarding by the U.S. Coast Guard, each foreign flagged vessel will be issued a letter stating that the vessel must comply with the MTSA regulations if the vessel expects to enter a U.S. port after June 30,2004.
- **July 1, 2004 and thereafter**, a vessel that is not in compliance with the MTSA regulations, can be denied entry. If the vessel is found in a U.S. port after June 30, 2004 without a security plan, the vessel can be detained or expelled from port and, in addition, penalty action can be pursued by the COTP/FMSC against the vessel owner and/or operator for failure to have an approved Vessel Security Plan. See 33 CFR Parts 101.410 and 101.415.

**NOTE** For further guidance, a facility owner/operator should contact their local Captain of the Port (COTP/FMSC).