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WASHINGTON

May 7, 1991

NATIONAL SECURITY DIRECTIVE 57

MEMORANDUM FOR THE VICE PRESIDENT
 THE SECRETARY OF STATE
 THE SECRETARY OF THE TREASURY
 THE SECRETARY OF DEFENSE
 THE ATTORNEY GENERAL
 THE SECRETARY OF COMMERCE
 THE SECRETARY OF TRANSPORTATION
 DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
 CHIEF OF STAFF TO THE PRESIDENT
 ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS
 DIRECTOR OF CENTRAL INTELLIGENCE
 CHAIRMAN OF THE JOINT CHIEFS OF STAFF
 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION
 COMMANDANT, UNITED STATES COAST GUARD

SUBJECT: U.S. Port Security Program (U)

POLICY

National security interests require that measures be taken to control the access of foreign flag vessels to U.S. ports and internal waters. The objectives of this control are as follows:

1. Protect U.S. vessels, ports, harbors, and waterfront facilities from sabotage or other activities intended to hazard their safety. (S)
2. Protect sensitive operations and U.S. defense facilities in waterfront areas from espionage and intelligence collection. (C)
3. Protect U.S. national interests defined in terms of foreign policy considerations: Examples would include limiting port access for countries that sponsor international terrorism or as a reciprocal response to limitations on access for U.S. vessels. (C)

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Declassify on: OADR

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Declassified/Released on 8-20-96
 under provisions of E.O. 12958
 by J. J. Tassel, National Security Council
 F89-191 (5)

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- 4. Protect the exercise of U.S. maritime rights and high seas freedoms from intentional interference by specific vessels. (U)

RESPONSIBILITIES

- 1. To meet the objectives listed above, the Commandant of the Coast Guard shall promulgate and implement a port security program in coordination with the Departments of State, the Treasury, Defense, Justice, and the Intelligence Community. (U)
- 2. A Port Security Committee comprised of a chairman, appointed by the Commandant of the Coast Guard, and representatives of the above departments and agencies will advise the Commandant of the Coast Guard in the administration of the port security program. (U)
- 3. For objectives 1, 2, and 3, the Defense Policy Coordinating Committee (PCC) will be responsible for oversight of the program and resolution of differences that cannot be reconciled by the Port Security Committee. For objective 4, the International Oceans, Environment, and Science Affairs PCC will have that responsibility. (U)

APPLICABILITY

This program is applicable to all foreign flag vessels, except sovereign-immune vessels and vessels under force majeure or distress. (U)

PORT ACCESS

- 1. Unless denied or restricted under this program, access to U.S. ports open to commercial trade shall be on the basis of 24 hours' notice to the appropriate Coast Guard authority. (U)
- 2. Denial of access to all U.S. ports of all vessels flying the flag or under the effective control of a specific country requires a determination that such vessels are a threat to the national security interests outlined above. Such denial shall occur, normally, only as an element of a broader national security program of sanctions against the country. Countries so designated are listed in Annex A. For the purpose of this determination, effective control refers to vessels owned, operated, or chartered by the country in question. (U)

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3. Denial or restriction of access to U.S. ports of an individual vessel which intentionally interferes with the exercise of U.S. maritime rights and high sea freedoms requires a determination by the PCC for International Oceans, Environment, and Science Affairs, and approval by the Assistant to the President for National Security Affairs. (S)

4. Restrictions on access to U.S. ports of vessels or classes of vessels flying the flag or under the effective control of a specified country shall result from a determination that restriction is necessary to meet the objectives of the program. Restrictions shall be the minimum necessary, commensurate with the threat involved, and conducive to the efficient administration of the program. Countries and ports so designated are listed in Annex B. For the purpose of this determination, effective control refers to the composition of the crew, in particular, the nationality of the captain (master) and chief mate. Determinations shall be made in accordance with the following considerations:

- the ability of the vessels or classes of vessels to exploit U.S. national security vulnerabilities;
- the ability of the U.S. to compensate for those vulnerabilities through reasonable measures;
- the effect on the U.S. military's operational capability and defensive posture;
- the ability of the foreign government to defeat the objectives of this program through other means;
- the impact of the restriction on U.S. foreign, economic, and trade policy objectives. (C)

SECURITY MEASURES

Appropriate defensive security measures shall be applied to specified vessels of countries designated in Annex B, including boarding and search by the U.S. Coast Guard at intervals considered appropriate by the Commandant. (C)

UPDATING

The categories specified in Annexes A and B and the ports listed in Annex B may be updated by the Assistant to the President for National Security Affairs on the recommendation of the Defense Policy Coordinating Committee. (U)

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RESCISSION

This statement of policy on U.S. port security supersedes National Security Decision Directive No. 200 dated December 4, 1985. (C)

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ANNEX A

COUNTRIES WHOSE VESSELS ARE NOT ELIGIBLE TO
ENTER U.S. PORTS

Cambodia

Cuba

Iran

Iraq

Libya

North Korea

Syria

Vietnam

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ANNEX B

COUNTRIES WHOSE VESSELS ARE ELIGIBLE
FOR ACCESS TO U.S. PORTS EXCEPT THOSE NOT
AVAILABLE FOR REASONS OF NATIONAL SECURITY

POLAND	ALBANIA	
HUNGARY	BULGARIA	Note 1
CZECHOSLOVAKIA	ROMANIA	
USSR		Note 2

Note 1: The following are controlled ports: Portsmouth, New Hampshire; New London and Groton, Connecticut; Hampton Roads, Virginia; Charleston, South Carolina; Kings Bay, Georgia; Port Canaveral, Panama City, Pensacola, and Port St. Joe, Florida; San Diego and Port Hueneme, California; and Honolulu, Hawaii. Vessels capable of intelligence collection, e.g., research vessels, would normally be considered public vessels. Access of vessels capable of intelligence collection to the controlled ports will be considered on a case-by-case basis through government to government channels. Vessels not considered to be intelligence collection platforms, such as commercial cargo and passenger vessels, may enter all U.S. ports, upon 24 hours' notice.

Note 2: The controlled ports are unavailable to vessels from the USSR. Access to all other U.S. ports will be governed by the 1990 US-USSR Maritime Transport Agreement. These provisions shall apply also to fishing and fishing support vessels, subject to reciprocal treatment of U.S. fishing and fishing support vessels.

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