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THE WHITE HOUSE
WASHINGTON

September 12, 1995

PRESIDENTIAL DECISION DIRECTIVE/NSC-40

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
DIRECTOR OF CENTRAL INTELLIGENCE
ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY
AFFAIRS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION
COMMANDANT, UNITED STATES COAST GUARD

DECLASSIFIED
PER E.O. 13526

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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. (C)
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 include limiting port access for countries that sponsor international terrorism or as a reciprocal response to limitations on access for U.S. vessels. (S)
4. Protect the exercise of U.S. maritime rights and high seas freedoms from intentional interference by specific vessels. (U)

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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 Interagency Working Group (IWG) 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 Global Environmental Affairs IWG 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)
3. Denial or restriction of access to U.S. ports of an individual vessel that intentionally interferes with the exercise of U.S. maritime rights and high sea freedoms requires a determination by the IWG for Global Environmental

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Affairs and approval by the Assistant to the President for National Security Affairs. (C)

4. Restrictions on access to U.S. ports of vessels or classes of vessels flying the flag 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. 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 Interagency Working Group. (U)

RESCISSION

This statement of policy on U.S. port security supersedes National Security Directive No. 57 dated May 7, 1991. (C)

William J. Clinton

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ANNEX A

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

Cuba

Iran

Iraq

Libya

North Korea

Sudan

Syria

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Annex B

The following controlled ports are open to vessels under flags of registry of the newly independent former Soviet republics (see note), Cambodia and Vietnam on request 7 calendar days in advance of the desired entry, subject to concurrence of the naval authority designated by the cognizant Fleet commander.

New London/Groton
Port Canaveral
Kings Bay
Port Hueneme
San Diego

Access to the above five ports will be on request by the shipping agent to the appropriate Coast Guard authority who will query the designated naval authority for the port requested. The naval authority will either concur in the entry or certify that security considerations require that the request be denied for reasons to be provided for the record in the response. The naval authority's decision will be final for each particular entry request.

The following controlled ports are open to such vessels on notice 3 calendar days in advance of the desired entry:

Charleston
Hampton Roads
Honolulu
Fort St. Joe
Panama City
Portsmouth, N.H.
Pensacola

NOTE: Newly Independent Former Soviet Republics:

Armenia	Moldova
Azerbaijan	Russia
Byelarus	Tajikistan
Georgia	Turkmenistan
Kazakhstan	Ukraine
Kyrgyzstan	Uzbekistan