



LOUISIANA MARITIME ASSOCIATION

10 December 2020

Subject: Contract Guards on Vessels

- References:
- (a) The COAST GUARD JOURNAL OF SAFETY & SECURITY AT SEA
PROCEEDINGS OF THE MARINE SAFETY AND SECURITY COUNCIL,
Spring, 2006 Issue
 - (b) U.S. Customs and Border Protection (USCBP) Area of Port of New Orleans
Southern Currents No. 21-005 Subj: Vessel Crew Inspection, dated October 18, 2020
 - (c) Board of Examiners, New Orleans and Baton Rouge Steamship Pilots – Standard of
Care – High Interest Vessels

Vessels arriving to destinations on the Lower Mississippi River (LMR) are sometimes required by the U.S. Customs and Border Protection and/or the U.S. Coast Guard to hire private security guards to ensure crewmembers don't depart the vessel while in port. The reasons for such requirement vary. Common reasons are:

- National Security
- Condition of Entry Vessels
- Lack of Crewmember Documentation

National Security. Guards required on board vessels for National Security reasons is based on a complex, national multi-agency vetting process. The results of the vetting process will (most likely) be confidential. This measure is not common. Common sense dictates that any vessel or crewmember that presents a threat to the national security will not be allowed to enter the U.S.

Condition of Entry Vessels. The Maritime Transportation Security Act of 2002 (MTSA) has mandated that the United States Coast Guard evaluate the effectiveness of anti-terrorism measures in foreign ports and provides for the imposition of conditions of entry on vessels arriving to the United States from countries that do not maintain effective anti-terrorism measures (MTSA, 46 U.S.C. §§ 70108 - 70110). The USCG issues a Port Security Advisory (PSA) that provides a list of countries that do not meet the minimum-security standards. The PSA also lists the security actions vessels must implement while visiting any of the listed countries. Vessels that cannot show evidence that the security actions were implemented may be required to hire guards while in U.S. ports. The current PSA is attached.



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Subject: Contract Guards on Vessels (Continued)

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Lack of Crewmember Documentation. This is the most common reason for the requirement for guards on vessels on the LMR. Guards are typically required on the vessel via a U.S. Coast Guard Captain of the Port (COTP) Order initiated by a request from the U.S. Customs and Border Protection as outlined by a December 2004 “Memorandum of Agreement Regarding the Detention of Certain High-Risk Crewmembers” (MOA).

Under the terms of the MOA, CBP will order the master to Detain on Board (DOB) any crewmember that is:

1. An alien from an Annex VI country and has not been permitted to land in the U.S. (i.e., Detained on Board); or
2. Is an individual that intelligence suggests is a risk to security and has not been permitted to land in the U.S. (i.e., Detained on Board); or

In certain circumstances the terms of the SOP and requirements for contracted crew security may be extended to vessels with crewmembers who are not nationals of the countries identified by Annex IV the SOP. These cases usually involve vessel owner/operators who have had significant patterns of absconders from their vessels.

The Coast Guard will provide the necessary enforcement authority (via a COTP Order) to ensure that the vessel master, owner, agent, or operator has established effective security measures to prevent high-risk crewmembers from absconding and damaging or threatening the port.

The U.S. CBP Port Director for the Port of New Orleans has issued a Southern Currents (see reference b) that discusses the importance of crew documentation... “...all nonimmigrant crew members must be in possession of valid documents, i.e., a passport or seaman’s book with a crew visa, to be eligible for conditional landing privileges. Nonimmigrant crew without the required documentation shall be ordered detained on board or removed at carrier expense on CBP Form I-259. In addition, safeguards may be required.” (Emphasis added.)

The requirement to hire security guards is an added expense incurred by the vessel. Adding to that costs, as described in reference (c), the New Orleans and Baton Rouge Steamship Pilots (NOBRA) has issued a policy where the NOBRA Board of Examiners (BOE) can designate ships transiting the Lower Mississippi River (LMR) as a ‘High Interest Vessel’ or HIV. Vessels designated as a HIV by the



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NOBRA BOE will require two pilots and are restricted to daylight operations only. The simple presence of commercial hired armed guards on a vessel triggers the HIV designation by the BOE.

Summary. In order to avoid the added expenses incurred associated with the hiring of contracted security guards, double pilotage, and delays due to daylight only transits; vessel owners and charterers should ensure all crewmembers are in possession of a passport or seaman's book with a crew visa. Especial attention should be given to crewmembers from countries listed in Annex IV of the USCG/USCBP MOU SOP. Decision matrices are attached.

I'd like to thank the USCG Captain of the Port, New Orleans, and the USCBP Port Director, Port of New Orleans for their assistance in the development of this document.


Ron W Branch, CAPT, USCG (Ret.)
President
Louisiana Maritime Association

Attachments:

1. Board of Examiners, New Orleans and Baton Rouge Steamship Pilots – Standard of Care High Interest Vessels
2. The COAST GUARD JOURNAL OF SAFETY & SECURITY AT SEA PROCEEDINGS OF THE MARINE SAFETY AND SECURITY COUNCIL, Spring, 2006 Issue
3. U.S. Customs and Boarder Protection (USCBP) Area of Port of New Orleans Southern Currents No. 21-005 Subj: Vessel Crew Inspection, dated October 18, 2020
4. USCG Port Security Advisory (1-20), Conditions of Entry
5. LAMA Guards on Vessels Decision Matrix

BOARD OF EXAMINERS



NEW ORLEANS AND BATON ROUGE STEAMSHIP PILOTS FOR THE MISSISSIPPI RIVER

STANDARDS OF CARE - HIGH INTEREST VESSELS

The Board of Examiners for New Orleans-Baton Rouge Steamship Pilots for the Mississippi River ("BOE"), is the sole competent pilotage authority statutorily created for the purpose of regulating, supervising and overseeing the New Orleans - Baton Rouge Steamship Pilots Association ("NOBRA" and/or "NOBRA Pilots") as authorized by La. R.S. 34:1041, *et seq.* and Title 46 - Professional and Occupational Standards, Part LXX. River Pilots, Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots, *et seq.*

The following Standards of Care are established by the BOE to inform NOBRA and the NOBRA Pilots of special standards regarding High Interest Vessels ("HIV"). Nothing in these Standards of Care prohibit the BOE from revising, removing and/or implementing additional Standards of Care, rules and regulations, safety restrictions and/or other orders in response to declared emergency situations or in other overriding operational conditions.

Classification of Vessel as HIV

The following controlling entities may designate a vessel as HIV:

- BOE;
- U.S.C.G.;
- Any federal authority(ies); and
- Any state authority(ies).

Establishing or Removing a Classification of HIV

The following non-controlling entities shall petition the BOE to establish or remove an HIV classification:

- NOBRA;
- Any customer of the NOBRA Pilots, docks, berths, moorings or other industry interest; and
- Any vessel agent, owner or owner representative.

Actions by Pilots Aboard a HIV

- All NOBRA Pilots serving as Pilots aboard a HIV will work in a two-pilot (or greater) team;
- Teams of Pilots working aboard a HIV will actively work together with one Pilot serving as the conning Pilot and the others serving as the resource Pilots; and
- Pilots will arrange to rotate the conning Pilot duty to minimize fatigue.

HIV Restricted to Daylight Only Operations

- HIV shall be restricted to daylight only operations.

Vessels Restricted to Daylight Operations

A vessel underway prior to the expiration of daylight encountering the expiration of daylight or other unexpected overriding river condition may continue to its intended destination or a safe alternative destination as determined by the Pilot assigned to the respective vessel. All efforts shall be made by the Pilot to minimize night time vessel transit. *See* Title 46 - Professional and Occupational Standards, Part LXX. River Pilots, Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots, Chapter 63. Standards of Conduct § 6309. Adoption of Navigational Rules.

U.S. Department
of Homeland Security

United States
Coast Guard



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USCG

PORT SECURITY

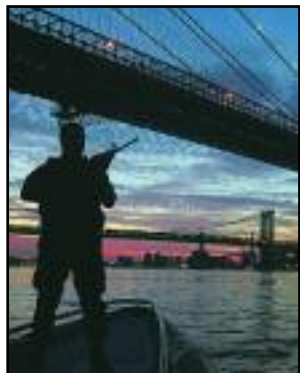
Defending U.S. Waterways, Protecting the Public

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On the Cover

Petty Officer Jason Miele, a member of the Coast Guard Maritime Safety and Security Teams (MSST), stands guard in the East River near the Brooklyn Bridge. The MSSTs were created in direct response to the terrorist acts of Sept. 11, 2001.

U.S. Coast Guard photograph by PA1 Tom Sperduto.

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by RADM R. DENNIS SIROIS
Assistant Commandant for Response

Assistant Commandant's Perspective



by RADM T. H. GILMOUR
Assistant Commandant for Prevention

Throughout our nation's history, the oceans, lakes, and rivers have been vital to our prosperity and to our security. Today, we continue to depend on these maritime highways for a Global Transportation System that delivers goods and materials to factories and stores across our country. The oceans and waterways are also favorite areas for recreation. For most of our history, warfare and perils such as piracy were first on our minds when we thought of threats to maritime security. Today, however, we also face a determined and resourceful terrorist enemy who would turn the vehicles of peaceful transportation—including ships, as well as planes, trains, and trucks—into deadly instruments of destruction.

A government has no higher duty than to protect its citizens. The president has called for a fully coordinated government effort to safeguard our interests in the Global Maritime Domain. Because a robust international effort is essential to achieving this objective, the president required that international outreach be an integral part of the strategy. We are committed to building and sustaining alliances within the community of nations to help achieve the goal of a more secure world. At a time when global terrorism, rogue states, international crime, and weapons of mass destruction threaten the world's oceans and waterways, no one nation can accomplish this goal alone. Success will come through the hard work of a powerful coalition of nations, focused on protecting the world's maritime interests.

To safeguard the maritime domain, the United States must forge cooperative partnerships and alliances with other nations, as well as with public and private stakeholders in the international community. We cannot and should not attempt to patrol every coastline, inspect every ship, screen every passenger, or peer into every container crossing the world's oceans. To foster stronger partnerships within the international community, the United States must have a coordinated and consistent approach to building international support and cooperation to reinforce global maritime security. We will propose ideas, and encourage others to do the same. We will speak frankly. We will also listen carefully. We will work together. Security must be a team effort.

The United States Coast Guard takes a layered and cooperative approach to maritime security, utilizing the expertise of federal, state, and local authorities as well as that of the private sector and of international partners to create a system of security measures to protect one end of a sea-based journey to the other. The goal is to harmonize security measures and economic growth. The layered, often interlocked or interrelated, security measures are designed to make it harder for terrorists or transnational criminal groups to attack the United States or harm our interests. These layered measures seek to protect the American public and the maritime commerce chain.

What follows in this issue of *Proceedings* is an overview of our current maritime security programs and initiatives.

ADM Thomas H. Collins
Commandant
U.S. Coast Guard

**The Marine Safety
& Security Council
of the
United States Coast Guard**

RDML John E. Crowley Jr.
Judge Advocate General
Chairman
U.S. Coast Guard

RADM T. H. Gilmour
Assistant Commandant
for Prevention
Member
U.S. Coast Guard

RADM Dennis Sirois
Assistant Commandant
for Response
Member
U.S. Coast Guard

CDR David L. Nichols
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U.S. Coast Guard

Steven Venckus
Legal Advisor
U.S. Coast Guard

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Editorial Team

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Executive Editor

Albert G. Kirchner Jr.
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Barbara Chiarizia
Managing Editor

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Editorial Contact

email: ARL-DG-NMCPProceedings
@uscg.mil

Editor, *Proceedings* Magazine
U.S. Coast Guard
National Maritime Center
4200 Wilson Blvd., Suite 730
Arlington, VA 22203-1804

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Champion's Point of View



by RDML CRAIG E. BONE

U.S. Coast Guard Director of Inspection & Compliance Directorate

Nationally and internationally there has been a substantial increase in the security of the Global Maritime Transportation System since the terrorist attacks of September 11, 2001. The implementation of the International Port and Facility Security (ISPS) Code in July 2004 and the Maritime Transportation Security Act (MTSA) of 2002 has established a sound foundation of preparedness throughout all segments of the maritime transportation system.

While much has been done, there is no room for complacency. This *Proceedings* issue is meant to acknowledge efforts and challenges to work systematically to address innumerable potential threats. We need to also consider the lessons learned from natural disasters, such as Hurricane Katrina, and modify our planning to account for previously unforeseen obstacles in preventing, responding to, and recovering from devastating incidents.

Many of the articles covered in this issue represent the first public description of the Coast Guard's new capabilities and capacities in port security. There are more than 70 current initiatives that have either been completed, or are in the process of completion, which will strengthen the foundation of MTSA and ISPS. There are significant challenges to solidify security in the global maritime transportation system. Government agencies and industry will need to continually address and share best practices concerning threat and risk models, utilization of new technologies, development of needed standards for identification cards, vessel tracking systems, and training.

In this issue, we solicited a variety of topics and viewpoints from the project leaders in the Coast Guard and other partner stakeholders. I would like to sincerely thank the authors for their time and talent putting together contributions for this edition. We have no choice but to move forward and institutionalize port security practices worldwide, the threat is real and the risk and consequences severe. Terrorists will continue to look for ways to exploit the gaps and vulnerabilities within the Global Maritime Transportation System and parts of our critical infrastructure. We must remain vigilant and tenacious in our efforts, if we are to thwart terrorism.



Asymmetric Migration

Stowaways, absconders, and deserters.

by LCDR MIKE CUNNINGHAM

Legal Advisor, U.S. Coast Guard Inspections and Compliance Directorate

Asymmetric migration—stowaways, absconders, and deserters—is not only an immigration problem, but a port security problem as well. U.S. Customs & Border

Protection (CBP) and the Bureau of Immigration and Customs Enforcement (ICE) are the agencies with primary responsibility for deterring, responding to, and taking remedial action for illegal entry, even in U.S. maritime ports. The Coast Guard has been working in close cooperation with CBP and ICE to combat the problem of asymmetric migration, not only to support other agencies in enforcing U.S. immigration laws and preserve the right of the United States to control its borders, but also to address the port security risk represented by these illegal migrants.

Generally, an absconder is a crewmember who, without legal authority, lands in the United States. A deserter is a crewmember who is permitted to land in the United States but overstays the legal authority to remain. A stowaway is a person who is secreted on a ship without the consent of the ship and who is detected onboard the ship after it has departed from a port.

Some crewmembers are further characterized as a high-risk, detain onboard crewmember or high-risk crewmember. This is a crewmember who has been denied permission to land in the United States and is a national of a country listed in the Coast Guard/CBP Standard Operating Procedures for responding to high-risk crewmembers.

ANNEX I

Minimum Standards for Contracted Crewmember Security Services

Contracted security guards who are not designated state or local law enforcement officers must provide full name and date of birth to CBP [Customs & Border Protection]. CBP will conduct a background check using CBP automated enforcement systems.

Contracted security services must meet or exceed the following standards to demonstrate competency and adequacy to perform the assigned task:

1. Contracted security guards must be armed with a firearm while on duty, consistent with the requirements and conditions of the facility, and the laws and regulations of local, state, and federal authorities. This includes proper credentialing, licensing, and permitting, as applicable.
2. Contracted security guards must display proper identification at all times, such as a laminated badge with a photograph that clearly identifies them as part of the contracted security service.
3. Contracted security guards must be fully apprised of all applicable use of force requirements and conditions within the particular jurisdiction, including requirements and conditions for use of force imposed by the facility.
4. Contracted security assigned to provide security services are to ensure that only those crewmembers authorized to disembark are allowed to do so. Pursuit of fleeing crewmembers and use of force in such situations must comply with the requirements and conditions of the facility, and the laws and regulations of local, state, and federal authorities.
5. Security services must be contracted before the vessel is given permission to enter port. Contract must ensure the security services are in place before the vessel is allowed to moor or anchor in close proximity to land.
6. Security services must have a copy of the entire crew list, with the names of those who are not authorized to go ashore highlighted. The security services must verify the identity of any subject requesting to come ashore, checking the subject's stated name against that found on the passport and/or seaman's book with proper VISA, and checking the subject's physical appearance against those descriptors found in the document presented and against the photograph on the identity document.
7. Contracted security guards assigned to provide security services at vessels on which CBP has detained crewmembers shall be capable of communicating with the facility security, police, security dispatcher, local CBP, local USCG, and vessel agent. Contracted security guards shall provide their own communications as part of the contractual agreement between the ship's agent and the security company as dictated by the situation. For example, if the terminal has a 24-hour operations center, radio communications may be appropriate; otherwise a cellular telephone or functional equivalent may be required.
8. Contracted security guards must be provided with sufficient shelter to protect against severe weather conditions such as high heat, oppressive sunshine, and extreme cold. The shelter must be in the immediate vicinity of the gangway but should not be so obstructed as to prevent the security guards from performing their assigned duties.
9. Contracted security guards must be provided with periodic breaks to use the restroom and eat meals at intervals not to exceed 4 hours, and no guard may stand watch for more than 12 hours in a 24-hour period.
10. Contracted security guards must have written operating procedures and contact numbers readily available. See Annex II for a sample format.

Stowaways

The Coast Guard takes the presence of a stowaway seriously. The presence of a stowaway indicates a security incident has occurred in which a person has improperly gained access to the vessel, circumventing vessel access control procedures. Clear grounds also exist that the vessel does not comply with Coast Guard maritime security regulations or the maritime security provisions of Chapter XI-2 of the International Convention for the Safety of Life at Sea (SOLAS) and the International Ship & Port Facility Security (ISPS) Code.

Coast Guard units take appropriate action to ensure that the security, rights, and obligations of the United States are protected. This analysis includes an examination of actions taken by the vessel to detect, detain, and report the presence of stowaways prior to port entry, efforts that may reduce the security risk posed by the stowaway.

The Coast Guard stowaway response policy has two aspects: responding to stowaways present on vessels and addressing the security issues in the ports where stowaways originate. Response actions in a stowaway case are based on the facts and circumstances in each case. These actions also include Coast Guard and interagency boardings; regulatory compliance examinations, either for compliance with the ISPS Code or 33 C.F.R. part 104, to determine any deficiencies in the ship security system; support of CBP/ICE criminal investigations; and ensuring adequate security if the stowaway remains on board for repatriation.

With regard to the source of stowaways, the Coast Guard stowaway response policy includes provisions to increase scrutiny for vessels arriving from ports that generate significant numbers of stowaways. It also includes outreach efforts to the governments of source countries, through the Coast Guard International Port Security Program, to improve the security in those ports.

Absconders and High-Risk Crewmembers

To respond to the problem of high-risk crewmembers, the Coast Guard and CBP have entered into "Memorandum of Agreement Regarding the Detention of Certain High-Risk Crewmembers," which came into force December 22, 2004. The purpose of the MOA and its accompanying standard operating procedures (SOP) is to provide consistent, nationwide guidance; it also defines the respective roles of the Coast Guard and CBP regarding preventing high-risk, detain-onboard crewmembers from

ANNEX II

Standard Operating Procedure For Contracted Crewmember Security

1. Security services must be in place before vessel arrives pier-side or onboard as per COTP Order.
2. Security services must have a complete crew list identifying those crewmembers that are not authorized to go ashore.
3. Security services must maintain a detailed log (times, reasons, etc.) of all persons going aboard and going ashore.
4. A muster of all individuals that are not authorized to go ashore shall be conducted every 4 hours.
5. Security services must have a communications plan that allows effective and continuous communications with appropriate security officials, to include the following:
 - a. Facility Security (Contact frequency or telephone number)
(If applicable)
 - b. Police (Local phone number)
 - c. Contract Security (Contact frequency or telephone number)
Dispatcher
 - d. CBP (Local phone number)
 - e. Coast Guard (Local phone number)
 - f. Agent (Local phone number)
 - g. FBI (Local phone number)
 - h. ICE (Local phone number)Consideration should be given to the need for language services to ensure that security personnel can properly communicate with the above officials and crew, especially high-risk crewmembers.
6. Valid crew must present proper documentation and must be cross-checked against the crew list provided by CBP. Only those crewmembers identified as being in D-1 or D-2 status are permitted to disembark the vessel. Questions related to whether a particular crewmember is allowed to disembark shall be forwarded to the ship's agent and, if necessary, CBP.
7. Non-crew, with proper identification, may board and leave the vessel. This may include vendors and service providers contracted to the ship (i.e., stevedores, agents).
8. Any attempt to disembark a vessel by persons not authorized to land (including stowaways) shall be reported immediately to local security services (facility guard posts, facility managers), CBP, USCG, ICE, FBI, local police department(s), and the vessel's agent.
9. If unauthorized individuals successfully disembark the vessel, contracted security services must immediately contact the agencies above, providing name, description, and circumstances surrounding the situation. If possible, contracted security services should coordinate with facility security personnel to locate and retrieve the absconding crewmember within the port facility.

leaving their vessel and illegally entering the United States. Portions of the SOP are designated sensitive security information and are not available for public release.

CBP determines whether a foreign crewmember will be allowed to disembark a vessel upon its arrival into the United States. Foreign crewmembers may be denied temporary permission to land in the United States for a variety of reasons. When a crewmember has been denied temporary permission to land in the United States and poses a high security risk to the port, the Coast Guard may assist CBP by ensuring that the master, owner, agent, and/or operator of the vessel has provided effective security measures to keep the identified high-risk, detain onboard crewmember from gaining illegal entry into the United States.

The SOP provides guidance for coordinating CBP and Coast Guard efforts to identify high-risk crewmembers and ensure that effective security measures are

ANNEX VI

Countries From 68 FR
2363, 16 January 2003

AFGHANISTAN
ALGERIA
BAHRAIN
BANGLADESH
EGYPT
ERITREA
INDONESIA
IRAN
IRAQ
JORDAN
KUWAIT
LEBANON
LIBYA
MOROCCO
NORTH KOREA
OMAN
PAKISTAN
QATAR
SAUDI ARABIA
SOMALIA
SUDAN
SYRIA
TUNISIA
UNITED ARAB EMIRATES
YEMEN

Total: 25 countries

put in place to prevent such crewmembers from gaining illegal entry into the United States. Furthermore, intelligence about a particular vessel, crewmember, or other circumstances may warrant implementation of other procedures, enforcement measures, or requirements similar to those of the SOP.

Annex I to the SOP is the minimum standards for contracted crewmember security services. Annex II to the SOP is the Standard Operating Procedures for Contracted Crewmember Security.

Annex VI of the SOP contains a list of countries from the Federal Register published at 68 FR 2363. Aliens from these countries have been determined to warrant additional monitoring in the interest of national security. Under the terms of the SOP, CBP will order the master to detain onboard any crewmember that is an alien from an Annex VI country—or that intelligence suggests is a risk to security—and that has not been permitted to land in

the United States. The Coast Guard will provide the necessary enforcement authority to ensure that the vessel master, owner, agent, or operator has established effective security measures (Annexes I and II) to prevent high-risk crewmembers from absconding and damaging or threatening the port.

Local or regional plans and procedures implementing the SOP are acceptable as agreed upon in writing by local Captains of the Port (COTPs), CBP Port Directors, and CBP Border Patrol Chief Patrol Agents where assigned. COTPs, Port Directors, and Chief Patrol Agents retain discretion to modify security measures and plans as the situation dictates and may consider alternatives offered by the vessel's master or owner/operator that would provide an equivalent level of security to ensure that high-risk crewmembers are detained onboard. It is expected that security plans will not conflict with applicable laws or regulations.

In certain circumstances the terms of the SOP and requirements for contracted crew security may be extended to vessels with crewmembers who are not nationals of the countries identified by the SOP. These cases usually involve vessel owner/operators who have had significant patterns of absconders from their vessels.

Deserters

Coast Guard policy is that the vessel must report a desertion and update its notice of arrival information to reflect the changed crew. By regulation, 8 C.F.R. § 251.2, the vessel is also required to report deserters to CBP.

Deserters are crewmembers who have a valid visa and are permitted to land in the United States but fail to return to their vessel and depart as required. These crewmembers have gone through a pre-screening process that each crewmember must undergo prior to being permitted to land in the United States. Each crewmember must obtain a travel document such as a passport from his or her country and a visa from the Department of State. Each crewmember's name is compared against numerous criminal databases from the notice of arrival information provided to both CBP and the Coast Guard. Finally, each crewmember must undergo inspection by a CBP officer upon arrival and must be given specific authorization to land. CBP considers the vessel's history—with particular regard to deserters and absconders—in determining if a crewmember is permitted to land. CBP will only permit the crewmember to land if it determines that, in the unlikely event that he deserts, he will still not pose a security risk to the United States.

With regard to crewmembers that CBP has permitted to land in the United States, the Coast Guard generally takes no action. CBP has determined that these crewmembers pose an acceptable risk to the United States and, therefore, permit the crewmembers to land. If the vessel or its owner/operator has a recent history or pattern of deserters, Coast Guard action is normally not warranted, aside from notifying CBP of the pattern. Because the previous deserters were permitted to land and because CBP determined that the crewmember under consideration likewise is permitted to land, the crewmember does not pose a security risk to the United States.

Nevertheless, a significant pattern of desertion does elevate the security risk posed by the vessel, and Coast Guard policy recognizes this by allowing COTPs to require crew security plans for a 12-month period as with elevated risk absconders. A local Coast Guard commander may impose additional requirements in consultation with CBP if, after analyzing the facts and circumstances of a particular case, additional measures are determined to be necessary to ensure the security of the United States or to secure the rights and obligations of the United States.

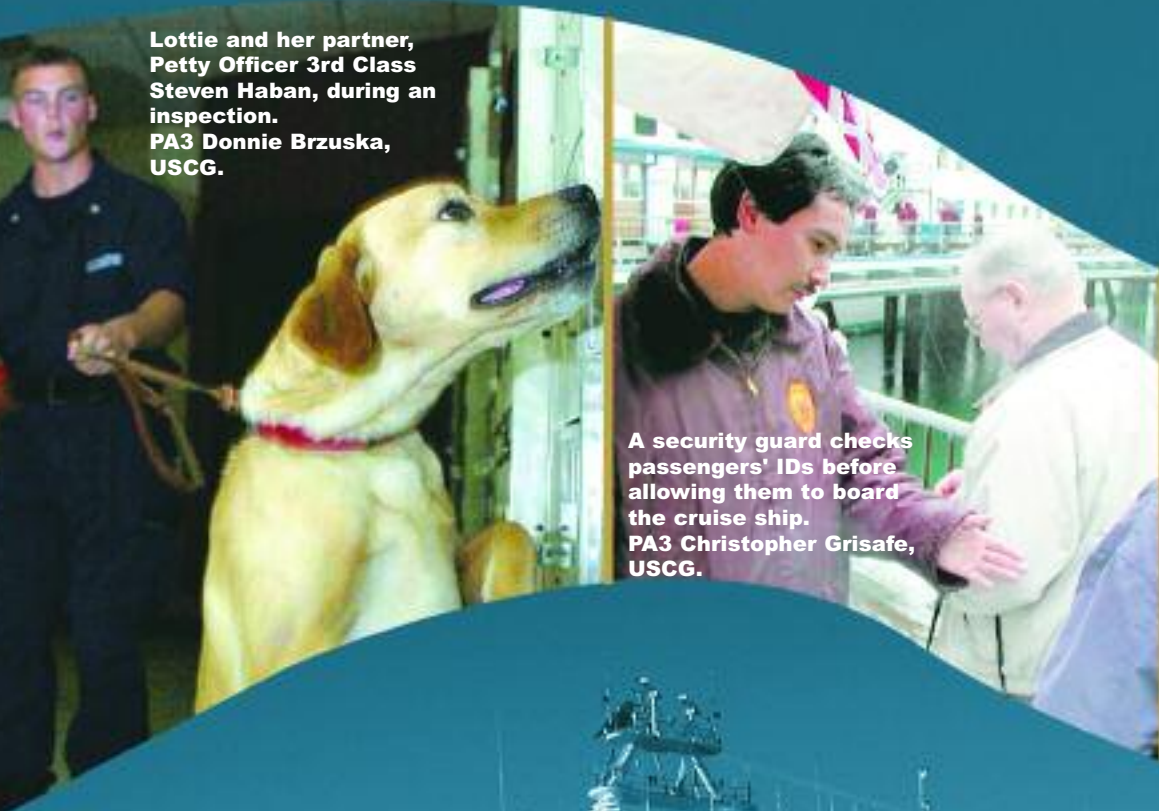
About the author: LCDR Mike Cunningham is a legal advisor with the Coast Guard Inspections and Compliance Directorate.

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United States
Coast Guard

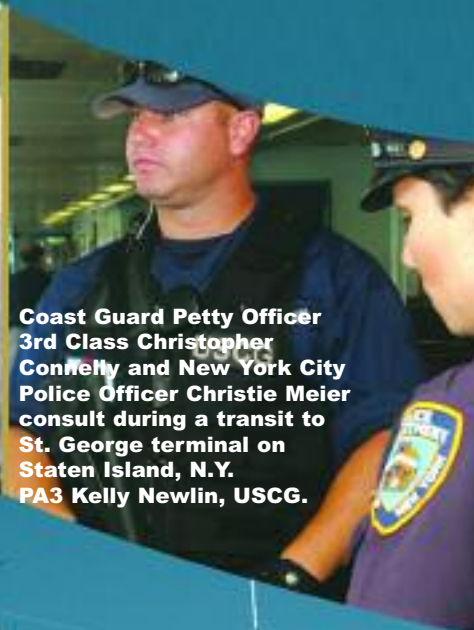


Lottie and her partner,
Petty Officer 3rd Class
Steven Haban, during an
inspection.
PA3 Donnie Brzuska,
USCG.



A security guard checks
passengers' IDs before
allowing them to board
the cruise ship.
PA3 Christopher Grisafe,
USCG.

Coast Guard Petty Officer
3rd Class Christopher
Connelly and New York City
Police Officer Christie Meier
consult during a transit to
St. George terminal on
Staten Island, N.Y.
PA3 Kelly Newlin, USCG.



Coast Guard Station Los Angeles crewmembers
escort a 3,000 passenger cruise ship from the
Port of Los Angeles. PA1 Daniel Tremper, USCG.

Southern Currents



Notice to the Area Port of New Orleans Trade Community

Date October 18, 2020

No.: 21-005

Subject: Vessel Crew Inspection

The purpose of this notice is to provide the local maritime industry guidance on the various regulations and requirements regarding commercial vessel crew members and their inspection.

U.S. Customs and Border Protection has published guidance regarding specific procedures and regulations that must be followed when processing crew and passengers whether arriving or departing from the United States on their publicly accessible web page at the following link.
<https://www.cbp.gov/travel/travel-industry-personnel>

On this page, please note the section highlighting the CBP Vessel Inspection Guide (July 2012) which cover procedures, regulations, and documentation for the processing of crew and passengers arriving the United States.

The direct link follows https://www.cbp.gov/sites/default/files/documents/vessel_guide_4.pdf

One important point that cannot be emphasized enough is all nonimmigrant crew members must be in possession of valid documents, i.e., a passport or seaman's book and a crew visa, to be eligible for conditional landing privileges. Nonimmigrant crew without the required documentation shall be ordered detained onboard or removed at carrier expense on CBP Form I-259. In addition, safeguards may be required. Note page 16 of the Vessel Guide.

Please contact Passenger Branch Chief Officer Kevin Alombro at (504) 670-2250 or via email at kevin.m.alombro@cbp.dhs.gov with questions.

A handwritten signature in black ink, appearing to read "Terri Edwards".

Terri Edwards
Area Port Director
New Orleans, Louisiana



Port Security Advisory (1-20)

A. Background:

The Maritime Transportation Security Act of 2002 (MTSA) has mandated that the United States Coast Guard evaluate the effectiveness of anti-terrorism measures in foreign ports and provides for the imposition of conditions of entry on vessels arriving to the United States from countries that do not maintain effective anti-terrorism measures (MTSA, 46 U.S.C. §§ 70108 - 70110).

In 2009 the Coast Guard determined that the Republic of Madagascar was not maintaining effective anti-terrorism measures in its ports with the exception of the port of Toamasina (also known as Tamatave). This Advisory clarifies the exception and aligns it with the IMO Port Numbers listed in the International Maritime Organization's Global Integrated Shipping Information System (GISIS) database. Actions required as listed in paragraphs C and D of this Port Security Advisory remain in effect for vessels that arrive in the United States after visiting ports in Madagascar, with the exception of Toamasina (also known as Tamatave), Madagascar International Container Terminal Services Ltd (MICTSL), Ambatovy Bulk Jetty Terminal, and Platefore Petrolier GALANA, as one of their last five ports of call.

B. Countries Affected:

The Coast Guard has determined that ports in the following countries are not maintaining effective anti-terrorism measures:

Cambodia

Cameroon

Exceptions	IMO Port Number
Ebome Marine Terminal	CM394-0001
Quai GETMA (LAMNALCO Base) Facility	CMDLA-0005
Société Nationale de Raffinage (SONARA) Terminal (also known as Cap Limboh Terminal)	CMLIT-0001
Kome-Kribi 1	CM234-0001
Douala International Terminal (also known as Douala Containers)	CMDLA-0002
Moudi Terminal	CMMOU-0001

Comoros

-More-



Cote d' Ivoire

Exceptions	IMO Port Number
Terminal A Conteneurs	CIABJ-0015
Carena Shipyard	CIABJ-0004

Djibouti

Exceptions	IMO Port Number
Doraleh Container Terminal	DJJIB - 0002
Doraleh Oil Terminal (Horizon)	DJJIB - 0004

Equatorial Guinea

Exceptions	IMO Port Number
Ceiba	GQ362-0001/0002
K-5 Oil Center	IMO number not listed
Luba	GQLUB-0001
Punta Europa Terminal	GQ368-0001
Zafiro Marine Terminal	GQ370-0001

The Gambia

Guinea-Bissau

Iran

Iraq

Exceptions	IMO Port Number
Al-Basrah Oil Terminal (ABOT)	IMO number not listed
Khor Al Amaya Oil Terminal (KAAOT)	IMO number not listed
Al Maqal Terminal 14, also known as the North America Western Asia Holdings Facility	IQBSR-0001

Liberia

Exceptions	IMO Port Number
Port of Monrovia	LRMLW-0001

Libya

Note: Vessels are also advised to proceed with extreme caution when approaching all Libyan oil terminals, particularly in eastern Libya, due to potential violent and criminal activity based upon recent attempts by armed, non-state actors to engage in illicit export of oil. UN Security Council Resolution 2441 authorizes the UN Sanctions Committee to impose certain measures on vessels attempting to illicitly export crude oil from Libya. This resolution imposes several restrictions regarding loading, transporting, or discharging crude oil from Libya which may include the possible denial of port entry.



Further information regarding the UN Security Council Resolution can be found at:

<https://www.securitycouncilreport.org/un-documents/libya/>

Madagascar

Exceptions	IMO Port Number
Toamasina (also known as Tamatave)	MGTMM-0001
Madagascar International Container Terminal Services Ltd - MICTSL	MGTMM-0005
Ambatovy Bulk Jetty Terminal	MGTMM-0006
Platefore Petrolier GALANA	MGTMM-0007

Micronesia

Nauru

Nigeria

Exceptions	IMO Port Number
APAPA Bulk Terminal, formerly APP Apapa Bulk Terminal	NGLOS-0010
APM Terminal, formerly APP AP Moller Terminal	NGLOS-0008
Bert Operation Platform	NGEKE-0002
Bonny River Terminal, formerly BON Bonny River Terminal	NGBON-0003
Escravos BOP	NGWAR-0027
Federal Lighter Terminal (FLT) Onne, formerly ONN FLT	NGPHC-0055
Federal Ocean Terminal (FOT) Onne, formerly ONN FOT	NGPHC-0056
Five Star Logistics Terminal, formerly TIN FSL	NGLOS-0007
FSO YOHO, formerly CBQ FSO YOHO (Exxon Mobile)	NGEKE-0001
GDNL Terminal, formerly APP Greenview Terminal	NGLOS-0014
Intels Nigeria Limited Terminal	NGCBQ-0041
LPG FSO	NGWAR-0028
MRS Oil Gas Jetty, formerly TIN DANTATA	NGLOS-0013
Nigerdock Jetty	NGLOS-0009
Port and Cargo Handling Terminal, formerly TIN PTML Terminal C	NGLOS-0021
Port and Terminal Multiservices Ltd, formerly TIN PTML Terminal E	NGLOS-0040



Nigeria (continued)

Shell Bonny Oil & Gas Terminal, formerly BON NLGN Bonny Terminal	NGBON-0005
Shell Export Terminal Forcados	NGWAR-0029
Shoreline Logistics Jetty, formerly CBQ Logistics Base Terminal	NGCBQ-0043
Tincan Island Container Terminal, formerly TIN TICT Terminal B	NGLOS-0018

Sao Tome and Principe

Seychelles

Syria

Timor-Leste

Venezuela

Yemen

Exceptions	IMO Port Number
Balhaf LNG Terminal NOTE: The U.S. Coast Guard has separate, more stringent security protocols in place for vessels arriving to the United States from Balhaf. Vessels planning to arrive to the United States from Balhaf should contact the cognizant U.S. Coast Guard Captain of the Port well in advance.	IMO number not listed

C. Actions Required by Vessels Visiting Countries Affected:

All vessels arriving to the United States that visited the countries listed in paragraph B (with exceptions noted) during their last five port calls must take actions 1 through 5 listed below while in the countries listed in paragraph B as a condition of entry into U.S. ports:

1. Implement measures per the ship's security plan equivalent to Security Level 2;
2. Ensure that each access point to the ship is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel. Guards may be:



- provided by the ship's crew, however, additional crewmembers should be placed on the ship if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or
 - provided by outside security forces approved by the ship's master and Company Security Officer.
3. Attempt to execute a Declaration of Security;
 4. Log all security actions in the ship's security records; and
 5. Report actions taken to the cognizant U.S. Coast Guard Captain of the Port prior to arrival in the U.S.

Vessels that visited the countries listed in paragraph B (with exceptions noted) on or after the effective date in paragraph A, during their last five port calls will be boarded or examined by the Coast Guard to ensure the vessel took the required actions. Failure to properly implement the actions listed in paragraph C.1 through C.5 may result in delay or denial of entry into the United States.

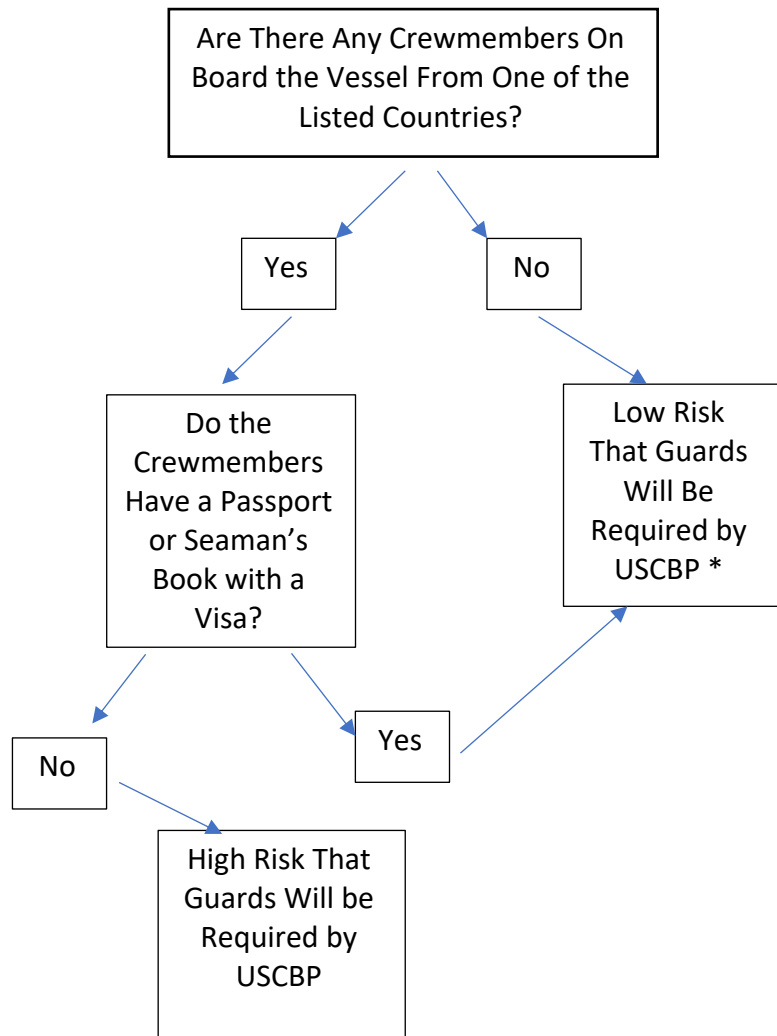
D. Actions Required by Vessels in U.S. Ports:

Based on the findings of the Coast Guard boarding or examination, the vessels that visited the countries listed in paragraph B (with exceptions noted) on or after the effective date in paragraph A **may** be required to ensure that each access point to the ship is guarded by armed security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel while in U.S. ports. The number and location of the guards must be acceptable to the cognizant U.S. Coast Guard Captain of the Port. For those vessels that have demonstrated good security compliance and can document that they took the measures called for in C.1. through C.4. above, the armed security guard requirement will normally be waived.

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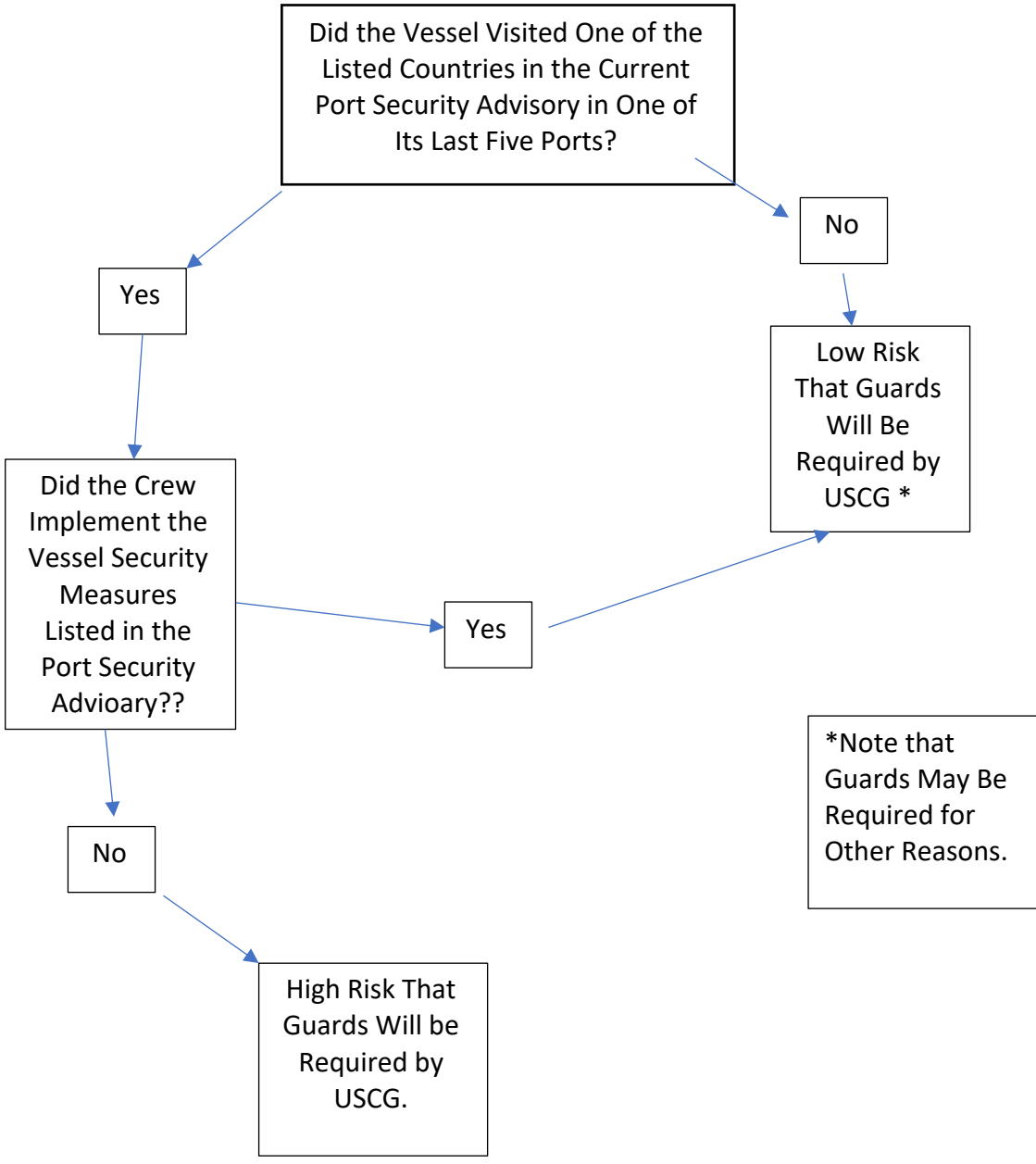
Guards on Vessels Decision Matrix
Crewmember Documentation

- AFGHANISTAN
 - ALGERIA
 - BAHRAIN
 - BANGLADESH
 - EGYPT
 - ERITREA
 - INDONESIA
 - IRAN
 - IRAQ
 - JORDAN
 - KUWAIT
 - LEBANON
 - LIBYA
 - MOROCCO
 - NORTH KOREA
 - OMAN
 - PAKISTAN
 - QATAR
 - SAUDI ARABIA
 - SOMALIA
 - SUDAN
 - SYRIA
 - TUNISIA
 - UNITED ARAB EMIRATES
 - YEMEN
- Total: 25 countries**



*Note that Guards May Be Required for Other Reasons. In addition to the 25 countries listed, guards may be required for vessels with undocumented crewmembers from countries that have a history of absconding in local ports.

Guards on Vessels Decision Matrix
Conditions of Entry Vessels



Did the Vessel Visited One of the Listed Countries in the Current Port Security Advisory in One of Its Last Five Ports?

Yes

No

Did the Crew Implement the Vessel Security Measures Listed in the Port Security Advisory??

Yes

Low Risk That Guards Will Be Required by USCG *

No

High Risk That Guards Will be Required by USCG.

*Note that Guards May Be Required for Other Reasons.