

mestic and foreign commerce of the United States that the United States have a merchant marine—

(1) sufficient to carry the waterborne domestic commerce and a substantial part of the waterborne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of the waterborne domestic and foreign commerce at all times;

(2) capable of serving as a naval and military auxiliary in time of war or national emergency;

(3) owned and operated as vessels of the United States by citizens of the United States;

(4) composed of the best-equipped, safest, and most suitable types of vessels constructed in the United States and manned with a trained and efficient citizen personnel; and

(5) supplemented by efficient facilities for building and repairing vessels.

(b) POLICY.—It is the policy of the United States to encourage and aid the development and maintenance of a merchant marine satisfying the objectives described in subsection (a).

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1556; Pub. L. 111-84, div. C, title XXXV, §3511, Oct. 28, 2009, 123 Stat. 2722.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50101	46 App.:861.	June 5, 1920, ch. 250, §1, 41 Stat. 988; Exec. Order No. 6166, June 10, 1933, §12; June 29, 1936, ch. 858, title II, §204, title IX, §904, 49 Stat. 1987, 2016; Pub. L. 97-31, §12(33), Aug. 6, 1981, 95 Stat. 156.
	46 App.:891.	May 22, 1928, ch. 675, §1, 45 Stat. 689.
	46 App.:1101.	June 29, 1936, ch. 858, title I, §101, 49 Stat. 1985; Pub. L. 91-469, §1, Oct. 21, 1970, 84 Stat. 1018.

This section consolidates the source provisions to eliminate repetition.

AMENDMENTS

2009—Subsec. (a)(4). Pub. L. 111-84 inserted “constructed in the United States” after “vessels”.

§ 50102. Survey of merchant marine

(a) IN GENERAL.—The Secretary of Transportation shall survey the merchant marine of the United States to determine whether replacements and additions are required to carry out the objectives and policy of section 50101 of this title. The Secretary shall study, perfect, and adopt a long-range program for replacements and additions that will result, as soon as practicable, in—

(1) an adequate and well-balanced merchant fleet, including vessels of all types, that will provide shipping service essential for maintaining the flow of foreign commerce by vessels designed to be readily and quickly convertible into transport and supply vessels in a time of national emergency;

(2) ownership and operation of the fleet by citizens of the United States insofar as practicable;

(3) vessels designed to afford the best and most complete protection for passengers and crew against fire and all marine perils; and

(4) an efficient capacity for building and repairing vessels in the United States with an adequate number of skilled personnel to provide an adequate mobilization base.

(b) COOPERATION WITH SECRETARY OF NAVY.—In carrying out subsection (a)(1), the Secretary of Transportation shall cooperate closely with the Secretary of the Navy as to national defense requirements.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1557.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50102	46 App.:1120.	June 29, 1936, ch. 858, title II, §210, 49 Stat. 1989; Pub. L. 91-469, §§3, 35(a), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub.L. 97-31, §12(67) (related to §210), Aug. 6, 1981, 95 Stat. 159.

§ 50103. Determinations of essential services

(a) ESSENTIAL SERVICES, ROUTES, AND LINES.—

(1) IN GENERAL.—The Secretary of Transportation shall investigate, determine, and keep current records of the ocean services, routes, and lines from ports in the United States, or in the territories and possessions of the United States, to foreign markets, which the Secretary determines to be essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States. In making such a determination, the Secretary shall consider and give due weight to—

(A) the cost of maintaining each line;

(B) the probability that a line cannot be maintained except at a heavy loss disproportionate to the benefit to foreign trade;

(C) the number of voyages and types of vessels that should be employed in a line;

(D) the intangible benefit of maintaining a line to the foreign commerce of the United States, the national defense, and other national requirements; and

(E) any other facts and conditions a prudent business person would consider when dealing with the person’s own business.

(2) SAINT LAWRENCE SEAWAY.—For purposes of paragraph (1), the Secretary shall establish services, routes, and lines that reflect the seasonal closing of the Saint Lawrence Seaway and provide for alternate routing of vessels through a different range of ports during that closing to maintain continuity of service on a year-round basis.

(b) BULK CARGO CARRYING SERVICES.—The Secretary shall investigate, determine, and keep current records of the bulk cargo carrying services that should be provided by vessels of the United States (whether or not operating on particular services, routes, or lines) for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and the national defense or other national requirements.

vertible into transport and supply vessels in a time of national emergency;

(2) ownership and operation of the fleet by citizens of the United States insofar as practicable;

(3) vessels designed to afford the best and most complete protection for passengers and crew against fire and all marine perils; and

(4) an efficient capacity for building and repairing vessels in the United States with an adequate number of skilled personnel to provide an adequate mobilization base.

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(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1557.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50102	46 App.:1120.	June 29, 1936, ch. 858, title II, §210, 49 Stat. 1989; Pub. L. 91–469, §§3, 35(a), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub.L. 97–31, §12(67) (related to §210), Aug. 6, 1981, 95 Stat. 159.

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(2) SAINT LAWRENCE SEAWAY.—For purposes of paragraph (1), the Secretary shall establish services, routes, and lines that reflect the seasonal closing of the Saint Lawrence Seaway and provide for alternate routing of vessels through a different range of ports during that closing to maintain continuity of service on a year-round basis.

(b) BULK CARGO CARRYING SERVICES.—The Secretary shall investigate, determine, and keep current records of the bulk cargo carrying services that should be provided by vessels of the United States (whether or not operating on par-

ticular services, routes, or lines) for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and the national defense or other national requirements.

(c) TYPES OF VESSELS.—The Secretary shall investigate, determine, and keep current records of the type, size, speed, method of propulsion, and other requirements of the vessels, including express-liner or super-liner vessels, that should be employed in—

(1) the services, routes, or lines described in subsection (a), and the frequency and regularity of the voyages of the vessels, with a view to furnishing adequate, regular, certain, and permanent service; and

(2) the bulk cargo carrying services described in subsection (b).

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1557.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50103(a)(1) ..	46 App.:1121(a).	June 29, 1936, ch. 858, title II, §211(a)–(c), 49 Stat. 1989; Pub. L. 91–469, §§4, 35(a), (b), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub. L. 97–31, §12(67), Aug. 6, 1981, 95 Stat. 159.
50103(a)(2) ..	46 App.:1213(a) (3d sentence related to 1121(a)).	June 29, 1936, ch. 858, title VIII, §809(a) (3d sentence related to 211(a)), as added Pub. L. 97–35, title XVI, §1604, Aug. 13, 1981, 95 Stat. 751.
50103(b)	46 App.:1121(b).	
50103(c)	46 App.:1121(c).	

§ 50104. Studies of general maritime problems

The Secretary of Transportation shall study all maritime problems arising in carrying out the policy in section 50101 of this title.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1558.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50104	46 App.:1122(a).	June 29, 1936, ch. 858, title II, §212(a), 49 Stat. 1990; Aug. 6, 1981, Pub. L. 97–31, §12(69), 95 Stat. 159.

§ 50105. Studies and cooperation relating to the construction of vessels

(a) RELATIVE COSTS AND NEW DESIGNS.—The Secretary of Transportation shall investigate, determine, and keep current records of—

- (1) the relative cost of construction of comparable vessels in the United States and in foreign countries; and
- (2) new designs, new methods of construction, and new types of equipment for vessels.

(b) RULES, CLASSIFICATIONS, AND RATINGS.—The Secretary shall examine the rules under which vessels are constructed abroad and in the United States and the methods of classifying and rating the vessels.

(c) COLLABORATION WITH OWNERS AND BUILDERS.—The Secretary shall collaborate with vessel owners and shipbuilders in developing plans for the economical construction of vessels and their propelling machinery, of most modern eco-

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THE WHITE HOUSE

WASHINGTON

October 5, 1989

NATIONAL SECURITY DIRECTIVE 28

MEMORANDUM FOR THE VICE PRESIDENT
 THE SECRETARY OF STATE
 THE SECRETARY OF THE TREASURY
 THE SECRETARY OF DEFENSE
 THE ATTORNEY GENERAL
 THE SECRETARY OF AGRICULTURE
 THE SECRETARY OF COMMERCE
 THE SECRETARY OF TRANSPORTATION
 DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
 UNITED STATES TRADE REPRESENTATIVE
 THE 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 FEDERAL EMERGENCY MANAGEMENT AGENCY

SUBJECT: National Security Directive on Sealift (U)

Sealift is essential both to executing this country's forward defense strategy and to maintaining a wartime economy. The United States' national sealift objective is to ensure that sufficient military and civil maritime resources will be available to meet defense deployment, and essential economic requirements in support of our national security strategy. The broad purpose of this directive is to ensure that the US maintains the capability to meet sealift requirements in the event of crisis or war. Toward this end, the following policy guidelines are established:

1. The US-owned commercial ocean carrier industry, to the extent it is capable, will be relied upon to provide sealift in peace, crisis, and war. This capability will be augmented during crisis and war by reserve fleets comprised of ships with national defense features that are not available in sufficient numbers or types in the active US-owned commercial industry. The Department of Transportation is responsible for determining whether adequate manpower is available to support the operation of reserve ships during a crisis. In peacetime, the Department of Defense will

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operate the minimum number of sealift ships, including reserve ships, needed to meet the Joint Chiefs of Staff's exercise requirements and shipping requirements that cannot be accommodated by US-flag commercial ocean carriers. (U)

2. We must be prepared to respond unilaterally to security threats in geographic areas not covered by alliance commitments. Sufficient US-owned sealift resources must be available to meet requirements for such unilateral response. (U)

3. In addition to the US flag fleet we will continue to rely on U.S.-owned (Effective US Controlled (EUSC)) and allied shipping resources to meet strategic commitments to our established alliances. The Department of Transportation is responsible for ensuring that the appropriate legal and procedural mechanisms necessary for exerting effective control over EUSC ships are in place. The Department of Transportation shall also continue to seek commitment of sealift resources from NATO allies to meet alliance requirements through the NATO Planning Board on Ocean Shipping. The Departments of State and Defense shall examine the extent to which formal agreements with other maritime nations should be negotiated to provide additional sealift for strategic commitments. (S)

4. The Department of Defense will determine the requirements for sealift of deploying forces, follow-on supply and sustainment, shipbuilding and ship repair. In coordination with the Department of Defense, the Department of Transportation will determine the capacity of our merchant marine industries to meet these requirements and to provide the sealift required to support essential industrial activity during wartime. Both Departments will promote the incorporation of national defense features in new and existing ships. (U)

5. The Departments of State and Transportation, the Special Trade Representative, and other appropriate agencies shall ensure that international agreements and federal policies governing use of foreign flag carriers protect our national security interests and do not place US industry at an unfair competitive disadvantage in world markets. During peacetime, federal agencies shall promote, through efficient application of laws and regulations, the readiness of the US merchant marine and supporting industries to respond to critical national security requirements. US government policies and programs shall provide for an environment which fosters the competitiveness and industrial preparedness of all industries including the maritime industry. (U)

6. Development and implementation of specific sealift and supporting programs will be made with full consideration of the costs and benefits involved. New programs to enhance our ability to meet national security sealift requirements shall compete for resources with other national security programs. (U)

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Progress towards implementation of this policy will be overseen by the Policy Coordinating Committee (PCC) on Emergency Preparedness and Mobilization. Issues associated with implementation of this policy may be resolved through this structure. (U)

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