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E.O. 12958, as amended, Sect 3.5
NSC/Soubers to Smith 09/06/2002
By WJ Date 02/17/07

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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September 1, 1970

National Security Decision Memorandum 82

TO: The Vice President
The Secretary of State
The Secretary of Defense
The Attorney General
The Secretary of the Treasury
The Secretary of Commerce
The Secretary of Transportation
The Director of Central Intelligence
The Chairman, Joint Chiefs of Staff
The Director, Office of Emergency Preparedness
The Chairman, Atomic Energy Commission

SUBJECT: Revision of the U. S. Port Security Program

The President has approved the following statement of policy on U. S. port security, which supersedes National Security Action Memorandum No. 203 dated November 7, 1962, and previous issuances of national security policy statements on the subject.

U. S. Port Security Policy

National security interests require that measures be taken for the protection of vessels, harbors, ports and waterfront facilities of the United States from threats of espionage; sabotage; intelligence collection operations directed against sensitive U. S. defense facilities from foreign vessels; and, related subversive activities including the introduction into the United States of persons or materials in the pursuance of such activities. It is also in our national interest to insist that entries of Soviet and East European vessels into U. S. ports be permitted only in direct reciprocity for the admissions of U. S. vessels to ports of the Soviet bloc countries. With a view to fulfilling these national requirements, the Secretary of Transportation is hereby assigned the responsibility for the promulgation -- in consultation with the Departments of State, Defense, and

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Justice, and the Director of Central Intelligence -- of a U. S. port security program meeting the following objectives:

1. The exclusion from U. S. ports of vessels known to be under the effective control of or bearing the flag of Communist China, North Korea, North Vietnam, Albania, East Germany, and Cuba.
2. The requirement that requests for entry into U. S. ports by merchant vessels known to be under the effective control of or bearing the flag of the USSR, Czechoslovakia, Hungary, Romania, Bulgaria and Poland are to be considered on the basis of direct reciprocity for actions taken by the Governments of those countries with respect to requests for the admissions of U. S. vessels to their ports. (In exercising primary responsibility for obtaining an understanding with the Soviet Union and East European Governments regarding this requirement, the Department of State will limit reciprocal arrangements to such non-security matters as the designation of accessible ports, advance notice of arrivals, and frequency of port calls. The U. S. port security measures prescribed in Paragraphs 3-b and 3-c of this policy statement are not subject to modification through reciprocal agreement and are therefore to be excluded from discussions of understandings reached with the USSR on the reciprocity issue.)
3. Application of the following port security measures in the case of requests for entry into U. S. ports on the part of vessels known to be under the effective control of or bearing the flag of the USSR, Czechoslovakia, Hungary, Romania, Bulgaria and Poland:
 - a. Each such vessel must submit an advance request for entry into a U. S. port and notification as to scheduled time of arrival.
 - b. The Secretary of Transportation -- in consultation with the Departments of State, Defense and Justice, and the Director of Central Intelligence -- shall determine the action to be taken with respect to each such vessel seeking admission to a U. S. port, including Great Lakes ports, as follows:
 - denial of entry, if information indicates that the presence of a particular vessel in a U. S. port would constitute an unacceptable risk to the national defense and security; or

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- depending upon the degree of security threat judged to be present, admission of the vessel subject to continuing dockside and seaside surveillance, or admission without the requirement for surveillance;
- when a vessel is admitted, timely notification to other U. S. Government departments and agencies having internal security responsibilities and programs associated with the arrivals of such vessels admitted to U. S. ports.

c. Each such vessel shall be boarded and searched by the United States Coast Guard prior to admission to a U. S. port.


Henry A. Kissinger

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