

MEMORANDUM

~~THE PRESIDENT HAS SEEN....~~

THE WHITE HOUSE

1891

WASHINGTON

~~CONFIDENTIAL~~

ACTION

September 27, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: Brent Scowcroft *BS*

SUBJECT: Revision of US Port Security Program

U.S. policy and procedures with respect to the protection of vessels, harbors, ports and waterfront facilities of this country from threats of espionage, sabotage, intelligence collection operations against sensitive US defense facilities from foreign vessels and related subversive activities are set forth in NSDM 82 "Revision of the US Port Security Program." This directive, signed on September 1, 1970, assigns the Secretary of Transportation responsibility for the promulgation -- in consultation with the Departments of State, Defense, Justice and the Director of Central Intelligence -- of a port security program. NSDM 82 bars the ships of certain communist countries from our ports entirely and sets forth requirements to be met and port security measures to be followed in considering requests for entry by the ships of other communist countries. The basic principle underlying decisions on Communist requests for entry is reciprocity with respect to the admission of US ships to their ports.

Developments in our relations with the People's Republic of China, the German Democratic Republic and in Southeast Asia since 1970 have rendered important aspects of NSDM 82 out of date. Separate authorization has been granted for ships of the PRC to call at US ports, but this earlier exception to the NSDM and the desirability now of also admitting the ships of the GDR under appropriate restrictions and on the basis of reciprocity suggest the merit of issuing new, comprehensive guidance. (As a practical matter, until the claims/assets problem with the PRC is resolved, we would not expect PRC merchant ships to call at US ports.)

The proposed NSDM at Tab A would bring US policy guidance into conformity with current practices and take into account international developments since 1970. Specifically,

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-- The PRC and GDR would be added to the list of those Communist states whose ships may be considered for entry into US ports under certain circumstances. Ships under the effective control of North Korea, Vietnam, Albania, Cuba and Cambodia will continue to be excluded.

-- Ships suspected of being under the effective control of any Communist state would be subject to the restrictions applying to those states. There is no such provision in NSDM 82.

-- The Port Security Committee, chaired by Transportation and including representatives of the Departments of State, Defense, Justice and the DCI (the latter as an observer), is officially recognized. It has assisted the Secretary of Transportation in administering the Port Security program for several years but was not specifically recognized in the earlier NSDM.

Policies and procedures concerning the central role of the Secretary of Transportation in administering the port security program and measures to be applied in response to requests for entry and after entry would remain unchanged in the new NSDM.

The proposed NSDM has the approval of the Departments of State, Defense, Justice, Transportation and the Director of Central Intelligence.

#### RECOMMENDATION

That you approve my signature of the NSDM at Tab A.

APPROVE

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DISAPPROVE \_\_\_\_\_

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