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WITHDRAWAL SHEET

Ronald Reagan Library

Collection: KRAEMER, SVEN: Files
 OA/Box: Box 90721
 File Folder: CBW- Non-Proliferation - 1985 (1/2)

Archivist: cas
 FOIA ID: F98-057, Cooper
 Date: 11/29/1999

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. notes	for CBW 16 meeting 1 p. D 7/18/00 F98-57/1 #1161 R 1/13/12 F98-057/1	7/23/85	P1, F1 F3 #161 F3
2. talking points	annotated p. 9 only 1 p.	nd	P1, F1
3. talking points	unannotated copy of item #2 1 p.	nd	P1, F1
4. memo	H. Allen Holmes to Kraemer et al. 2 p.	7/19/85	P1, F1
5. options paper	8 p. not including tabs	nd	P1, F1
6. paper	tab A 16 p.	nd	P1, F1
7. paper	tab B 1 p.	nd	P1, F1
8. cable	111519z tab C 3 p.	7/11/85	P1, F1
9. paper	tab D 2 p. D. 4/6/02 NLSF98-057#169	7/9/85	P1, F1 , F3
10. paper	tab E 3 p. D. " " #10	7/10/85	P1, F1 , F3

RESTRICTIONS

P-1 National security classified information [(a)(1) of the PRA].
 P-2 Relating to appointment to Federal office [(a)(2) of the PRA].

P-3 Release would violate a Federal statute [(a)(3) of the PRA].
 P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
 P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
 P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

F-1 National security classified information [(b)(1) of the FOIA].
 F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
 F-3 Release would violate a Federal statute [(b)(3) of the FOIA].
 F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
 F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
 F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
 F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
 F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

Allan Holmes (hm)

NLRR F98-057/1 #161

BY KML NARA DATE 1/13/12

ACDA - Turrentine

Opt 1 - General Approach Letter - universal standard matter of principle rather than single out countries

OSD - Fichtel

- Opt 2 -
- need give some alleviation of B. D's ca
- need be realistic about export controls - 100% possible
- need focus on crisis countries of Iran/Iraq
- Variant 1 high risk or UK area
- Variant 2 - add that will provide not role out assistance to parties good which threat,

Intell

- CIA says not have world-wide resources to monitor
- vs p 3 statement (pro) that some success likely
- CIA believes marginally effective & decreases as proliferation increases
- what about incipient

Finance W

- agencies & business thought only major suppliers for high risk areas had a chance to cooperate - but not all countries & some
- a) believe countries to other

Commerce

- Agrees w OSD
- targeted countries approach - specific
- try replicate controls re Iran/Iraq

Holmes

- if apply non legal standards not allies who now coop in formally, seen likely friction
- also treaty tabled

[Verification Comm Analysis Group (Co-Chair ?)]

Fichtel - sentence (B) - will be ^{opposed} against any weapons prod which would continue to danger of CW war _{increase risk}

Q+A - re "

- dual use problem

- legal
- intelligence

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United States Export Control Legislation

Arms Export Control Act

Section 38 of the Arms Export Control Act (the Act) authorizes the President "to control the import and the export of defense articles and defense services" and to designate as the Munitions List "those items which shall be considered as defense articles and defense services." The International Traffic in Arms Regulations (ITAR), which contain the Munitions List, have been promulgated pursuant to this authority. Violations of the Act or the ITAR can result in imprisonment, criminal fines, and a variety of administrative sanctions.

The President has delegated his export control functions under section 38 of the Arms Export Control Act to the Secretary of State (and his import functions to the Secretary of the Treasury). Within the State Department, the ITAR are administered by the Office of Munitions Control.

Pursuant to the ITAR, a license must be obtained for the export of any item on the Munitions List including technical data (as defined) relating to such items. Export is defined to include disclosing or transferring technical data to a foreign person, whether in the United States or abroad.

Category XIV (attached) of the Munitions List includes chemical agents, biological agents, equipment for the dissemination of these articles, and components, parts, accessories, attachments, and associated equipment specifically designed or modified for these articles. "Chemical agent" is defined in 121.7 of the ITAR as "a substance having military application which by its ordinary and direct chemical action produces a powerful physiological effect."

Exports of chemical agents, equipment for their dissemination, or related technical data are thus clearly subject to USG export control under the Act and the ITAR. Such exports require a license on a case by case basis. With the exception of certain riot control agents, the Office of Munitions Control has not, since at least 1969, and does not license such items to any destination.

guidance, object-locating equipment; displays; and telemetering equipment.

(3) Armored coaxial cable capable of RF, optical, or high voltage power transmission.

(b) Space electronics:

(1) Electronic equipment specifically designed or modified for spacecraft and spaceflight, and

(2) Electronic equipment specifically designed or modified for use with non-military communications satellites.

(c) Electronic systems or equipment specifically designed, modified, configured, used or intended for use in search, reconnaissance, collection, monitoring, direction-finding, display, analysis and production of information from the electromagnetic spectrum for intelligence or security purposes and electronic systems or equipment designed or modified to counteract such surveillance and monitoring.

(d) Very High Speed Integrated Circuit (VHSIC) semiconductor devices that are specifically designed for military applications and which have a high-speed signal and image processing capability with an operational parameter (gate-time-clock-frequency) or greater than 10^{11} gates X hertz for an individual semiconductor device.

(e) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for use or currently used with the equipment in paragraphs (a) through (c) of this category, except for such items as are in normal commercial use.

Category XII—Fire Control, Range Finder, Optical and Guidance and Control Equipment

(a) Fire control systems; gun and missile tracking and guidance systems; military infrared, image intensifier and other night sighting and night viewing equipment; military masers and military lasers; gun laying equipment; range, position and height finders and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, bombing computers, military television sighting and viewing units, inertial platforms, and periscopes for the articles of this section.

(b) Inertial and other weapons or space vehicle guidance and control systems; spacecraft guidance, control and stabilization systems; astro compasses; and star trackers.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (a) and (b) of this category, except for such items as are in normal commercial use.

Category XIII—Auxiliary Military Equipment

(a) Aerial cameras, space cameras, special purpose military cameras, and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment, and components specifically designed or modified therefore.

(b) Speech scramblers, privacy devices, cryptographic devices and software (encoding and decoding), and components specifically designed or modified therefore, ancillary equipment, and protective apparatus specifically designed or modified

for such devices, components, and equipment.

(c) Self-contained diving and underwater breathing apparatus specifically designed or modified for a military purpose and components specifically designed or modified therefore.

(d) Armor plate and structural materials (including but not limited to plate, rolled and extruded shapes, bars and forgings, castings, welding consumables, carbon/carbon and metal matrix composites) specifically designed or modified for defense articles.

(e) Concealment and deception equipment, including but not limited to special paints, decoys, and simulators and components, parts and accessories specifically designed or modified therefor.

(f) Energy conversion devices for producing electrical energy from nuclear, thermal, or solar energy, or from chemical reaction which are specifically designed or modified for military application.

(g) Chemiluminescent compounds and solid state devices specifically designed or modified for military application.

(h) Devices embodying particle beam and electromagnetic pulse technology.

(i) Metal embrittling agents.

Category XIV—Toxicological Agents and Equipment and Radiological Equipment

(a) Chemical agents, including but not limited to lung irritants, vesicants, lachrymators, tear gases (except tear gas formulations containing 1% or less CN or CS), sternutators and irritant smoke, and nerve gases and incapacitating agents. (See § 121.7.)

(b) Biological agents.

(c) Equipment for dissemination, detection, and identification of, and defense against, the articles in paragraphs (a) and (b) of this category.

(d) Nuclear radiation detection and measuring devices, manufactured to military specification.

(e) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (c) and (d) of this category.

Category XV—[Reserved]

Category XVI—Nuclear Weapons Design and Test Equipment

(a) Any article, material, equipment, or device which is specifically designed or modified for use in the design, development, or fabrication of nuclear weapons or nuclear explosive devices. (See § 123.21 and Department of Commerce Export Regulations, 15 CFR Part 378).

(b) Any article, material, equipment, or device which is specifically designed or modified for use in the devising, carrying out, or evaluating of nuclear weapons tests or any other nuclear explosions, except such items as are in normal commercial use for other purposes.

Category XVII—Classified Articles Not Otherwise Enumerated

All articles and technical data (as defined in § 120.21) relating thereto which are classified in the interests of national security

and which are not otherwise enumerated in the U.S. Munitions List.

Category XVIII—Technical Data

Technical data (as defined in § 120.21) relating to the defense articles listed in the other categories of the United States Munitions List. (See § 125.4 for exemptions; see also § 123.21.)

Category XIX—Defense Services

Defense services (as defined in § 120.8) related to the defense articles listed in the other categories of the United States Munitions List.

Category XX—Submersible Vessels, Oceanographic and Associated Equipment

(a) Submersible vessels, manned and unmanned, designed or modified for military purposes or having independent capability to maneuver vertically or horizontally at depths below 1,000 feet or powered by nuclear propulsion plants.

(b) Submersible vessels, manned or unmanned, designed or modified in whole or in part from technology developed by or for the U.S. Armed Forces.

(c) Any of the articles in Categories VI, IX, XI, XIII, and elsewhere in this subchapter, specifically designed or modified for use with submersible vessels, and oceanographic or associated equipment assigned a military designation.

(d) Equipment, components, parts, accessories, and attachments specifically designed or modified for any of the articles in paragraphs (a) and (b) of this category.

Category XXI—Miscellaneous Articles

Any article not specifically enumerated in the other categories of the U.S. Munitions List which has substantial military applicability and which has been specifically designed or modified for military purposes. The decision on whether any article may be included in this category shall be made by the Director of the Office of Munitions Control.

§ 121.2 Interpretations of the United States Munitions List.

The following interpretations (listed alphabetically) explain and amplify the terms used in § 121.1. These interpretations have the same force as if they were a part of the United States Munitions List category to which they refer.

§ 121.3 Aircraft and related articles.

In Category VIII, "aircraft" means aircraft designed, modified, or equipped for a military purpose, including aircraft described as "demilitarized." All aircraft bearing an original military designation are included in Category VIII. However, the following aircraft are not included so long as they have not been specifically equipped, re-equipped, or modified for military operations:

(a) Cargo aircraft bearing "C" designations and numbered C-45 through C-118 inclusive, C-121 through

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