

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Executive Secretariat, NSC: National Security
Decision Directives (NSDD): Records

Folder Title: NSDD 70 [Nuclear Capable Missile Technology
Transfer Policy]

Box: RAC Box 4

To see more digitized collections visit:

<https://www.reaganlibrary.gov/archives/digitized-textual-material>

To see all Ronald Reagan Presidential Library inventories visit:

<https://www.reaganlibrary.gov/archives/white-house-inventories>

Contact a reference archivist at: **reagan.library@nara.gov**

Citation Guidelines: <https://reaganlibrary.gov/archives/research-support/citation-guide>

National Archives Catalogue: <https://catalog.archives.gov/>

WITHDRAWAL SHEET

Ronald Reagan Library

Collection: *Executive Secretariat NSC: NSDDs*
 NSC STAFF & OFFICE FILES: OFFICE OF THE
 SECRETARIAT

Archivist: js/srj

File Folder: NSDD #70 *91287*

Date: 7/6/98

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo 91287	Clark to President re: NSDD 10-82. 1p. R, 6/9/00 NLSF96-126 #1	11/27/82	P1
2. memo	Clark to President re: NSDD on technology transfer. 1p. " " " #2	11/23/82	P1
3. memo	NSAM 294. 2p. " " " #3	4/20/64	P1
4. memo	Manfredi to Clark re: draft NSDD. 1p. " " " #4	11/10/82	P1
5. draft	draft NSDD. 3p. " " " #5	n.d.	P1
6. draft	draft NSDD. 3p. " " " #6	n.d.	P1
7. memo	transmittal fir 7a, 1p -	10/18/65	P1
7a. report	NSAM 294 (including 1p. cover sheet). 2p.	10/18/65	P1
8. memo	re: NSAM 294. 6p. R, 6/9/00 NLSF96-126 #9	n.d.	P1
9. memo	Bundy to Sec. State, et. al. re: NSAM 294. 2p. " " " #10	4/20/64	P1

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- 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.

Freedom of Information Act - [5 U.S.C. 552(b)]

- 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].

~~SECRET~~

CHRON FILE 90744

No. NSDD 70

COPY #1

NATIONAL SECURITY COUNCIL INFORMATION

Notice

The attached document contains classified National Security Council Information. It is to be read and discussed only by persons authorized by law.

Your signature acknowledges you are such a person and you promise you will show or discuss information contained in the document only with persons who are authorized by law to have access to this document.

Persons handling this document acknowledge he or she knows and understands the security law relating thereto and will cooperate fully with any lawful investigation by the United States Government into any unauthorized disclosure of classified information contained herein.

Access List

DATE	NAME	DATE	NAME
NOV 30 1982	<i>Amexent</i>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

UNCLASSIFIED UPON REMOVAL OF CLASSIFIED ENCLOSURE(S)

JAS 6/23/98

~~SECRET~~

~~SECRET~~

SYSTEM II
90744

THE WHITE HOUSE
WASHINGTON

CHRON FILE

November 30, 1982

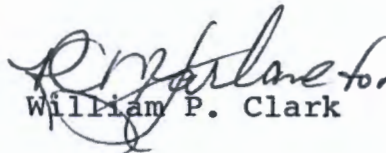
UNCLASSIFIED
WITH SECRET ATTACHMENT

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE SECRETARY OF COMMERCE
THE DIRECTOR OF CENTRAL INTELLIGENCE
CHAIRMAN, JOINT CHIEFS OF STAFF
DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY
ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

SUBJECT: Nuclear Capable Missile Technology Transfer
Policy (U)

The President has approved the attached National Security
Decision Directive on nuclear capable missile technology
transfer. (U)

FOR THE PRESIDENT:


William P. Clark

Attachment
NSDD 70

UNCLASSIFIED
WITH SECRET ATTACHMENT

UNCLASSIFIED UPON REMOVAL OF
CLASSIFIED ENCLOSURE(S)

JAS 6/23/98

~~SECRET~~

cy 1 of 8 copies

~~SECRET~~

SYSTEM II
90744

THE WHITE HOUSE
WASHINGTON

CHRON FILE

November 30, 1982

~~SECRET~~

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 70

NUCLEAR CAPABLE MISSILE TECHNOLOGY
TRANSFER POLICY (U)

I. INTRODUCTION (U)

I have reviewed NSAM 294 of April 20, 1964 and its specific guidance on the transfer of strategic missile hardware and technology. Since the missile-related portion of NSAM 294 is updated in the following paragraphs, and the nuclear weapon section is governed by the Atomic Energy Act, NSAM 294 is rescinded. This directive provides policy guidance with respect to the transfer of nuclear capable missile delivery systems' hardware and technology. It should be considered in conjunction with applicable civil space launch vehicle directives with respect to the transfer of dual use space hardware and technology, as well as with NSDD 5 and other directives governing the export of conventional missiles and technology. Specific guidelines will be prepared to implement this policy statement. (S)

For purposes of this directive, a nuclear capable missile delivery system is defined as:

(a) an unmanned rocket-powered or air-breathing vehicle that has been equipped to deliver a nuclear warhead, or

(b) an unmanned rocket-powered or air-breathing vehicle that could reasonably be modified to carry a nuclear warhead a significant distance, i.e., beyond an immediate tactical area. Conventionally armed short-range air-to-air, air-to-ground, and surface-to-air missiles and conventionally armed anti-shiping and artillery rockets shall not be subject to this directive, unless they embody technologies important for the development of a longer range surface-to-surface missile. (C)

DECLASSIFIED

Authority E.E.O. 12356, Dec. Van Tassel, NSC,
BY _____, NARA, Date 7/5/95

~~SECRET~~

Declassify on: OADR

cy 1 of 8 copies

~~SECRET~~

II. POLICY GOVERNING NUCLEAR CAPABLE MISSILE TECHNOLOGY (S)

An increasing number of states are developing both the technical option to produce nuclear explosives and the means to deliver them. Foreign acquisition of technology for ballistic missiles and cruise missiles is growing. Development of nuclear-capable missiles is possible through a dedicated military program or an ostensibly civil space launch vehicle program. Recognizing that such a development could provoke regional instability or ultimately threaten the United States or its allies, it is the policy of the United States to hinder the proliferation of foreign military missile systems capable of delivering nuclear weapons except as exempted below. (S)

The United States will:

-- Prohibit exports of equipment and/or technology that would make a contribution to a foreign country's strategic military missile program. (S)

-- Exempt on a case-by-case basis certain U.S. friends and allies from this policy, subject to appropriate non-transfer assurances and a Presidential approval that such transfers promote U.S. foreign policy and national security objectives. (S)

-- Control dual use items and technology when considered likely to contribute to an identified nuclear capable missile program in a non-exempt country. (S)

To provide the basis for further action and decision, I hereby direct that the United States Government:

-- Maintain an intelligence watch on countries suspected of having intentions of developing indigenous strategic missile programs which could pose a threat to the U.S. or its foreign policy interests. (S)

-- Seek cooperation with supplier nations in limiting the export of strategic missile related hardware and technology by:

(a) identifying the range of commodities and technology available abroad, and

(b) consulting on items to be restricted, with special attention to the retransfer, modification, and control of these items. (S)

III. IMPLEMENTATION OF POLICY (U)

All Executive Branch agencies having responsibilities or authorizations for export controls, including missile-related commodities, will adopt stringent export controls on technology and equipment which could make a direct or significant

contribution to the design, development, production, inspection, testing or use of nuclear capable missile delivery systems and related components. At a minimum this will include guidance sub-systems and related software, propellants, propulsion systems, rocket nozzles and related control sub-systems, re-entry sub-systems, missile structure, and unique support equipment. (S)

The United States will, within the scope of current export authorities:

-- Deny approval of export of technology and related knowledge on the design, development, production, inspection, and testing of missile systems and related components that can benefit a recipient's strategic military missile program. (S)

-- Generally approve, after case-by-case review, export of dual use equipment that can be judged clearly to be for a valid civil use or clearly to apply to a recipient's peaceful program and clearly is of no more than marginal benefit to a potential recipient's strategic missile program, when consistent with the applicable legislation and U.S. policy. (S)

The Departments of State, Defense, and Commerce shall ensure that adequate procedures are developed to identify critical export items falling under this directive. (U)

In making case-by-case decisions, the agencies and departments will consider:

1. The strategic, technical, economic, qualitative, political and time-dependent nature of the item to a foreign nuclear capable program.

2. Alternative non-U.S. sources for the technology or end-item or comparable and adequate substitutes, with a view towards bilateral discussions with alternate sources to preclude foreign availability.

3. The end use of the item. (S)

An interagency group chaired by the Department of State, and including representatives from DOD, ACDA, NASA, NSC, OSTP, Commerce and CIA, shall be established to monitor transfer of strategic military missile technology. (S)

When, and if, any non-exempt nation is assessed by the interagency group as pursuing a nuclear weapon delivery capability, the interagency group shall determine whether exemption status is to be granted to it and shall make a recommendation to the NSC for a decision. An exemption shall be accorded to states such as the United Kingdom, in light of existing U.S. cooperation in the strategic and nuclear fields. (C)

~~SECRET~~

4

~~SECRET~~

With regard to nations not granted exemptions and to cases outside the specific exempted categories, the United States will:

-- Apply stringent export controls to prevent the transfer of any missile-related U.S. controlled technology and hardware from reaching that nation, either directly or through intermediaries.

-- Institute measures to reduce, insofar as possible, the assistance of other supplier nations to the country(s) in question. (S)

Ronald Reagan

~~SECRET~~

~~SECRET~~

cy 1 of 8 copies

CHRON FILE

~~TOP SECRET~~

SYSTEM II
90929

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

CHRON FILE

November 27, 1982

~~TOP SECRET~~

ACTION

MEMORANDUM FOR THE PRESIDENT

SIGNED

FROM: WILLIAM P. CLARK *wpc*
SUBJECT: Draft NSDD in Response to NSSD 10-82

ISSUE: We have two versions of a new NSDD which will implement our post-Falklands policy toward Latin America. Your decision is required on which version we should implement.

FACTS: NSSD 10-82 (Tab A) calls for us to commence repairs to our strained Latin American relations which sustained damage during the Falklands conflict. The NSSD recommends that we prioritize our policy initiatives and take positive steps to achieve certain fundamental goals and objectives.

A State chaired IG produced an initial draft NSDD which the NSC staff reviewed, revised and recirculated for concurrence (Tab B). State's response to our draft is at Tab C.

DISCUSSION. While State's response to our draft proffers several positive changes which we have incorporated, it also calls for a considerable softening in our proposed position regarding Soviet/surrogate presence and influence in the region. In order that you may compare the alternatives, I have prepared two versions of the Draft NSDD -- an NSC draft at Tab I and a State version at Tab II. The substantive difference between the two is indicated by the arrows on page two of each copy.

RECOMMENDATION

That you sign the version of the new NSDD (Tab I or Tab II) that best reflects your views on restraining Soviet influence/presence in the region.

Approved _____ Disapproved _____

Attachments

- Tab I - NSC Version, Draft NSDD
- Tab II - State Department Version, Draft NSDD
 - Tab A - NSSD 10-82
 - Tab B - Circulated Draft of November 18, 1982
 - Tab C - State Department comments on November 18, 1982, Draft

DECLASSIFIED

NLS F96-126 #1

~~TOP SECRET~~

Declassify on: OADR

~~TOP SECRET~~

BY *dlb*, NARA, DATE 6/13/00

~~SECRET~~

SYSTEM II
90744

MEMORANDUM

CHRON FILE

THE WHITE HOUSE

WASHINGTON

~~SECRET~~

November 23, 1982

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: WILLIAM P. CLARK *WPC*

SIGNED

SUBJECT: NSDD on Nuclear Capable Missile Technology Transfer

Issue

Should we issue a National Security Decision Directive on the transfer of nuclear capable missile technology?

Facts

The spread of missile technology is becoming more of a problem. An increasing number of Third World countries are developing technology which gives them the potential to develop nuclear weapons and the means to deliver them. Present US controls and policies are not entirely sufficient to control the transfer of nuclear capable missile-related technology to Third World countries.

Discussion

Issuance of an NSDD would establish for the relevant regulatory and other agencies a clear national policy regarding transfer of US nuclear capable missile-related technology. It would build on NSDD-50, Space Assistance and Cooperation Policy, which set forth policy and procedures to control space-related technology. A new NSDD with similar policy and procedures to control nuclear capable missile-related technology is an appropriate adjunct to round out our policy in these related areas.

RECOMMENDATION

OK NO

WPC — That you sign the NSDD at Tab A.

Attachment

Tab A NSDD on Nuclear Capable Missile Technology Transfer
Tab B NSAM 294

Prepared by:
Arthur F. Manfredi, Jr.

~~SECRET~~

DECLASSIFY ON: OADR

DECLASSIFIED

NLS F96-126 #2

~~SECRET~~

BY dlb NARA, DATE 6/13/00

*Downgraded
to SECRET per
WH memo of 4-28-64
see of SA 6302
pw
Dist Made*

THE WHITE HOUSE
WASHINGTON

April 20, 1964

~~SECRET~~

NATIONAL SECURITY ACTION MEMORANDUM 294

TO: The Secretary of State
 The Secretary of Defense
 The Secretary of Commerce
 The Director of Central Intelligence
 The Administrator, National Aeronautics and
 Space Administration
 The Chairman, Atomic Energy Commission
 The Director, Office of Science and Technology

SUBJECT: U.S. Nuclear and Strategic Delivery System
 Assistance to France

It is the policy of this government to oppose the development of nuclear forces by additional states, other than those whose forces would be assigned as part of a NATO nuclear force, targeted in accordance with NATO plans and, except when supreme national interests were at stake, used only for the defense purposes of the Alliance.

Given current French policy, it continues to be in this government's interest not to contribute to or assist in the development of a French nuclear warhead capability or a French national strategic nuclear delivery capacity. This includes exchanges of information and technology between the governments, sale of equipment, joint research and development activities, and exchanges between industrial and commercial organizations, either directly or through third parties, which would be reasonably likely to facilitate these efforts by significantly affecting timing, quality or costs or would identify the U.S. as a major supplier or collaborator. However, this directive is not intended to restrict unduly full and useful cooperation in non-strategic programs and activities.

~~SECRET~~

DECLASSIFIED

NLS F96-126 #3

BY ellb NARA, DATE 6/13/00

~~SECRET~~

Therefore, the President has directed that effective controls be established immediately to assure that, to the extent feasible, the assistance referred to above is not extended either intentionally or unintentionally.

To this end, specific technical guidance is to be developed and issued at the earliest possible time for the use of the agencies that control the export of equipment and technology, including data exchange arrangements. Responsibility for the development of such guidance, and when necessary the revision of these guidances, will be vested in the Departments of State and Defense, in consultation as appropriate with the Department of Commerce, the Central Intelligence Agency, the National Aeronautics and Space Administration, the Atomic Energy Commission, and the Office of Science and Technology, and under the leadership of the Department of State. The approved guidance documents will be cleared at the White House and issued as technical appendices to this National Security Action Memorandum. Necessary guidance will be requested before specific commitments are made by any agency.

McGeorge Bundy

McGeorge Bundy

~~SECRET~~

National Security Council The White House

VED

System II
Package # 90744

02 NOV 19 9:31

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	_____	_____	_____
Bud McFarlane	_____	_____	_____
Jacque Hill	_____	_____	_____
Judge Clark	_____	_____	_____
John Poindexter	1	<i>[Signature]</i>	_____
Staff Secretary	_____	_____	_____
Sit Room	_____	_____	_____
<u>MANFREDI</u>	2	<i>[Signature]</i>	A

I-Information A-Action R-Retain D-Dispatch N-No further Action

DISTRIBUTION

cc: VP Meese Baker Deaver Other _____

COMMENTS

Art,

On page 2 of NSDD I think we should refer to Presidential approval vice interagency finding. Presidential Finding has a special meaning.

Also return with copy of NSAM 294.
Done *[Signature]*

National Security Council
The White House

431

Package # 90744

NOV 18 P 4: 05

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	<u>1</u>	<u>[Signature]</u>	<u>A</u>
Bud McFarlane	<u>2</u>	<u>M</u>	
Jacque Hill	<u>3</u>		
Judge Clark	<u>4</u>	<u>[Signature]</u>	<u>A</u>
John Poindexter	<u>5</u>		
Staff Secretary	<u>6</u>		<u>D</u>
Sit Room			

I-Information A-Action R-Retain D-Dispatch N-No further Action

DISTRIBUTION

cc: VP Meese Baker Deaver Other _____

COMMENTS

Bud,
See Blair's note.
[Signature] [Signature]

National Security Council
The White House

420

Package # 90744

02 NOV 10 P 4: 07

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	<u>1</u>	<u>[initials]</u>	<u>A</u>
Bud McFarlane	_____	<u>[initials]</u>	_____
Jacque Hill	_____	_____	_____
Judge Clark	_____	_____	_____
John Poindexter	_____	_____	_____
Staff Secretary	<u>2</u>	_____	_____
Sit Room	_____	_____	_____
<u>BLAIR</u>	<u>3</u>	_____	<u>A</u>

I-Information A-Action R-Retain D-Dispatch N-No further Action

DISTRIBUTION

cc: VP Meese Baker Deaver Other _____

COMMENTS

Send this to Blair for comment

~~SECRET~~

SYSTEM II
90744

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~SECRET~~

November 10, 1982

SIGNED

ACTION

MEMORANDUM FOR WILLIAM P. CLARK

FROM: ARTHUR F. MANFREDI, JR. *Art Manfredi*

SUBJECT: Draft NSDD on Nuclear Capable Missile
Technology Transfer

The Department of State has recommended that the attached NSDD be issued over the President's signature (Tab I).

State's recommendation is based on a review of National Security Action Memorandum 294 of April 20, 1964, which was directed mainly at controlling transfer of nuclear and delivery system technology to France. The proposed NSDD would extend controls to cover countries which are potential nuclear proliferators. State chaired the interagency working group which conducted the review and drafted the new NSDD. State obtained the approvals of Defense, Commerce, ACDA, JCS, and NASA before submitting the draft NSDD to us.

We have been supportive of the NSDD from the start. After some verbal and written clarification, we are satisfied that the NSDD as drafted will provide the policy guidelines and mechanisms to control the transfer of US missile-related technology on a global basis. Messrs. Boverie, Kraemer, Linhard, Rye and Weiss concur. *Blair concurs*

Russell,

RECOMMENDATION

That you present the attached draft NSDD to the President for his signature and, assuming his approval, that you sign the attached memorandum (Tab I) notifying the appropriate heads of Departments and Agencies.

Approve Disapprove

Attachments

- Tab I Memo for the President
- Tab A NSDD Draft

~~SECRET~~

DECLASSIFY ON: OADR

DECLASSIFIED

NLS F96-126#4

BY dlb, NARA, DATE 6/13/00

~~SECRET~~

~~SECRET~~

CHRON FILE

No. 90744
COPY # 2

NATIONAL SECURITY COUNCIL INFORMATION

Notice

The attached document contains classified National Security Council information. It is to be read and discussed only by persons authorized by law.

Your signature acknowledges you are such a person and you promise you will show or discuss information contained in the document only with persons who are authorized by law to have access to this document.

Persons handling this document acknowledge he or she knows and understands the security law relating thereto and will cooperate fully with any lawful investigation by the United States Government into any unauthorized disclosure of classified information contained herein.

Access List

DATE	NAME	DATE	NAME
SEP 24 1982	<i>Amendment</i>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

~~SECRET~~

UNCLASSIFIED UPON REMOVAL OF
CLASSIFIED ENCLOSURE(S)

JAS 6/23/95

Subject: DRAFT NSDD POLICY RE ASSISTANCE IN DEVELOPMENT OF FOREIGN MILITARY MISSILE SYSTEMS (S)

CLASSIFICATION: [] TOP SECRET [X] SECRET [] CONFIDENTIAL [] UNCLASSIFIED (check one)

INTERNAL DISTRIBUTION

- Internal distribution list including Judge Clark, Mr. Guhin, Ltc. Myer, Capt. Sims, Mr. McFarlane, Mr. Helm, Mr. North, Mr. Teicher, Adm. Poindexter, Mr. Kemp, Mr. Nau, Mr. Tyson, 2a MR MANFREDI, Mr. Kimmitt, Mr. Pipes, Mr. Weiss, Mr. Bailey, Mr. Kraemer, Mr. Reed, Mr. Wettering, Cmdr. Blair, Mr. Levine, Ms. Reger, 2b Col. Wheeler, Mr. Boverie, Col. Lilac, Mr. Rentschler, Mr. Yorke, Ltc. Childress, Ltc. Linhard, Mr. Robinson, NSC Secretariat, Mr. De Graffenreid, Mr. Lord, Col. Russell, NSC MSG Center, Ms. Dobriansky, Mr. Martin, Col. Rye, Sit Room, Mr. Fontaine, Mr. McGaffigan, Mr. Sapia-Bosch, Admin. Office, Mr. Gregg, Mr. Morris, Mr. Sigur

EXTERNAL DISTRIBUTION:

cys Date Time Received/Signed For By:

Table with columns for recipient, number of copies, date, time, and signature. Includes entries for THE VICE PRESIDENT, THE SECRETARY OF STATE, THE SECRETARY OF DEFENSE, etc. Includes handwritten 'ORIGINAL' and signature 'x Debra Ingram'.

DATE, TIME & SIGN THIS RECEIPT & RETURN TO: BT MERCHANT SITUATION ROOM

~~SECRET~~

CHRON FILE

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

SYSTEM II
90744

SECRET

September 24, 1982

MEMORANDUM FOR L. PAUL BREMER, III
Executive Secretary
Department of State

SUBJECT: Draft NSDD, "Policy Regarding Assistance in
the Development of Foreign Military Missile
Systems Capable of Nuclear Warhead Delivery" (S)
(Refs: S/S 8223027 and 8226143)

After circulating the draft NSDD among our staff, having received your response to our memorandum of August 31, 1982, we believe that the draft has some ambiguous wording and extraneous sentences. This causes the draft to come across as being somewhat weak, a tone inconsistent, we believe, with the intention. We also suggest a more succinct title. (U)

Attached is a suggested redraft incorporating some editorial changes which strengthen the overall tone. Please have your interagency working group review the new draft and resecure approvals from State, Defense, Commerce, ACDA, JCS and NASA. (U)

We would appreciate a response by Friday, October 1, 1982. (U)

Michael O. Wheeler
Michael O. Wheeler
Staff Secretary

Attachment

SECRET
DECLASSIFY ON: OADR

cy 2 of 2 copies
NSC

DECLASSIFIED
White House Guidelines, August 28, 1997
By JAS NSC Date 6/23/98

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

CHRON FILE

~~SECRET~~

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER

MILITARY MISSILE TECHNOLOGY TRANSFER POLICY (S)

I. INTRODUCTION (U)

I have reviewed NSAM 294 of April 20, 1964 and its specific guidance on the transfer of military missile hardware and technology. Since the missile-related portion of NSAM 294 is updated in the following paragraphs, and the nuclear weapon section is governed by the Atomic Energy Act, NSAM 294 is rescinded. This directive provides policy guidance with respect to the transfer of military missile hardware and technology. It should be considered in conjunction with applicable civil space launch vehicle directives with respect to the transfer of dual use space hardware and technology. (S)

For purposes of this directive, a military missile system is defined as:

(a) an unmanned rocket-powered or air-breathing vehicle that has been equipped to deliver a nuclear warhead, or

(b) an unmanned rocket-powered or air-breathing vehicle that could reasonably be modified to carry a nuclear warhead a significant distance; i.e., beyond an immediate tactical area. Conventionally armed short-range air-to-air, air-to-ground, and surface-to-air missiles, and conventionally armed anti-shiping and artillery rockets shall not be subject to this directive. (C)

II. POLICY GOVERNING MILITARY MISSILE TECHNOLOGY (S)

An increasing number of states are developing both the technical option to produce nuclear explosives and the means to deliver them. Foreign acquisition of technology for ballistic missiles and cruise missiles is growing. Development of nuclear-capable missiles is possible through a dedicated military program or an ostensibly civil space launch vehicle program. Recognizing that such a development could provoke regional instability or ultimately threaten the United States, it is the policy of the United States to hinder the proliferation of foreign military missile systems except as exempted below. (S)

~~SECRET~~

DECLASSIFICATION: OADR

NLS F96-126 #5

cy 2 of 2 copies

NSC

BY dlb NARA, DATE 6/12/00

The United States will:

-- Prohibit exports of equipment and/or technology that would make a contribution to a foreign country's military missile program. (S)

-- Exempt on a case-by-case basis certain U.S. friends and allies from this policy, subject to appropriate non-transfer assurances and an interagency finding that such transfers promote U.S. foreign policy and national security objectives. (S)

To provide the basis for further action and decision, I hereby direct that the United States Government:

-- Maintain an intelligence watch on countries suspected of intending to develop indigenous military missile programs which could pose a threat to the U.S. or its foreign policy interests. (S)

-- Seek cooperation with supplier nations in limiting the export of military missile related hardware and technology by:

(a) identifying the range of commodities and technology available abroad, and

(b) consulting on items to be restricted, with special attention to the retransfer, modification, and control of these items. (S)

III. IMPLEMENTATION OF POLICY (U)

All Executive Branch agencies having responsibilities or authorizations for export controls, including missile-related commodities, will adopt stringent export controls on technology and equipment which could make a contribution to the design, development, production, inspection, testing or use of military missile systems and related components. At a minimum this will include guidance sub-systems and related software, propulsion systems, rocket nozzles and related control sub-systems, re-entry sub-systems, missile structure, and unique support equipment. (S)

The United States will, within the scope of current export authorities:

-- Deny approval of export of technology and related know how on the design, development, production, inspection, and testing of missile systems and related components that can benefit a recipient's military missile program. (S)

SECRET

3

~~SECRET~~

-- Generally approve, after case-by-case review, export of dual use equipment that can be judged clearly to apply to a recipient's peaceful program and clearly is of no more than marginal benefit to a potential recipient's military program, when consistent with the applicable legislation and U.S. policy. (S)

The Departments of State, Defense, and Commerce shall ensure that adequate procedures exist to identify critical export items falling under this directive. (U)

In making case-by-case decisions, the agencies and departments will consider:

1. The strategic, technical, economic, quality, and scheduling importance of the item to a foreign military missile program.
2. The end use of the item.
3. Alternative non-U.S. sources for the item or a comparable and adequate substitute, with a view towards bilateral discussions with alternate sources to preclude foreign availability. (S)

An interagency group chaired by the Department of State, and including representatives from DOD, ACDA, NASA, NSC, OSTP, Commerce and CIA, shall be established to monitor transfer of military missile technology. (S)

When, and if, any non-exempt nation is assessed by the interagency group as pursuing a military missile capability, the interagency group shall determine whether exemption status is to be granted to it and shall make a recommendation to the NSC for a decision. An exemption shall be accorded to states such as the United Kingdom, in light of existing U.S. cooperation in the strategic and nuclear fields. With regard to nations not granted exemptions and to cases outside the specific exempted categories, the United States will:

-- Apply stringent export controls to prevent the transfer of any missile-related U.S. controlled technology and hardware from reaching that nation, either directly or through intermediaries.

-- Institute measures to reduce, insofar as possible, the assistance of other supplier nations to the country in question. (S)

~~SECRET~~

SECRET

cy 2 of 2 copies
NSC
CHRON FILE

National Security Council
The White House

353

Package # 90744

22 P10:21

	SEQUENCE TO	HAS SEEN	ACTION
John Poindexter	_____	_____	_____
Bud McFarlane	_____	_____	_____
Jacque Hill	_____	_____	_____
Judge Clark	_____	_____	_____
John Poindexter	<u>1</u>	<u>[Signature]</u>	_____
Staff Secretary	<u>2</u>	<u>NW</u>	<u>A</u>
Sit Room	_____	_____	_____

I-Information ~~A-Action~~ R-Retain D-Dispatch N-No further Action

DISTRIBUTION

cc: VP Meese Baker Deaver Other _____

COMMENTS

OK.
To Brian for dispatch.

~~SECRET~~

MEMORANDUM

SYSTEM II
90744

NATIONAL SECURITY COUNCIL

SECRET ATTACHMENT

ACTION

September 22, 1982

MEMORANDUM FOR MICHAEL O. WHEELER

FROM:

ARTHUR ^{F.} MANFREDI, JR.

Art Manfredi

SIGNED

SUBJECT:

Draft NSDD, "Policy Regarding Assistance in the Development of Foreign Military Missile Systems Capable of Nuclear Warhead Delivery"

After receiving a response to our memorandum of August 27, 1982, I circulated the draft NSDD to interested staff members. Horace Russell raised a concern about the weak tone of State's draft, a concern with which I agree. I have, therefore, redrafted the NSDD to strengthen the tone.

Attached at Tab I is a memorandum transmitting my rewrite to State for review by the working group which prepared the original draft.

RECOMMENDATION

That you sign the memorandum to Paul Bremer at Tab I.

Approve

MW₂₄

Disapprove _____

Attachments

Tab I Memo to Bremer
 A Draft NSDD

SECRET ATTACHMENT

DECLASSIFIED

White House Guidelines, August 28, 1997

By JAS

NARA, Date

6/23/98

~~SECRET~~

~~SECRET~~

CHRON FILE

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

SYSTEM II
90744

~~SECRET~~

September 24, 1982

MEMORANDUM FOR L. PAUL BREMER, III
Executive Secretary
Department of State

SUBJECT: Draft NSDD, "Policy Regarding Assistance in
the Development of Foreign Military Missile
Systems Capable of Nuclear Warhead Delivery" (S)
(Refs: S/S 8223027 and 8226143)

After circulating the draft NSDD among our staff, having received your response to our memorandum of August 31, 1982, we believe that the draft has some ambiguous wording and extraneous sentences. This causes the draft to come across as being somewhat weak, a tone inconsistent, we believe, with the intention. We also suggest a more succinct title. (U)

Attached is a suggested redraft incorporating some editorial changes which strengthen the overall tone. Please have your interagency working group review the new draft and resecure approvals from State, Defense, Commerce, ACDA, JCS and NASA. (U)

We would appreciate a response by Friday, October 1, 1982. (U)

Michael O. Wheeler
Michael O. Wheeler
Staff Secretary

Attachment

~~SECRET~~

DECLASSIFY ON: OADR

cy 1 of 2 copies

CHRON FILE

DECLASSIFIED
White House Guidelines, August 28, 1997
By JAS NARA, Date 6/23/99

~~SECRET~~

~~SECRET~~

SYSTEM II
90744

THE WHITE HOUSE
WASHINGTON

~~SECRET~~

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER

MILITARY MISSILE TECHNOLOGY TRANSFER POLICY (S)

I. INTRODUCTION (U)

I have reviewed NSAM 294 of April 20, 1964 and its specific guidance on the transfer of military missile hardware and technology. Since the missile-related portion of NSAM 294 is updated in the following paragraphs, and the nuclear weapon section is governed by the Atomic Energy Act, NSAM 294 is rescinded. This directive provides policy guidance with respect to the transfer of military missile hardware and technology. It should be considered in conjunction with applicable civil space launch vehicle directives with respect to the transfer of dual use space hardware and technology. (S)

For purposes of this directive, a military missile system is defined as:

(a) an unmanned rocket-powered or air-breathing vehicle that has been equipped to deliver a nuclear warhead, or

(b) an unmanned rocket-powered or air-breathing vehicle that could reasonably be modified to carry a nuclear warhead a significant distance; i.e., beyond an immediate tactical area. Conventionally armed short-range air-to-air, air-to-ground, and surface-to-air missiles, and conventionally armed anti-shiping and artillery rockets shall not be subject to this directive. (C)

II. POLICY GOVERNING MILITARY MISSILE TECHNOLOGY (S)

An increasing number of states are developing both the technical option to produce nuclear explosives and the means to deliver them. Foreign acquisition of technology for ballistic missiles and cruise missiles is growing. Development of nuclear-capable missiles is possible through a dedicated military program or an ostensibly civil space launch vehicle program. Recognizing that such a development could provoke regional instability or ultimately threaten the United States, it is the policy of the United States to hinder the proliferation of foreign military missile systems except as exempted below. (S)

~~SECRET~~

DECLASSIFY ON: OADR

DECLASSIFIED
NLS Feb-12-86 #6
BY alb NARA, DATE 10/13/01 of 2 copies
cy

~~SECRET~~

CHRON FILE

~~SECRET~~

2

~~SECRET~~

The United States will:

-- Prohibit exports of equipment and/or technology that would make a contribution to a foreign country's military missile program. (S)

-- Exempt on a case-by-case basis certain U.S. friends and allies from this policy, subject to appropriate non-transfer assurances and an interagency finding that such transfers promote U.S. foreign policy and national security objectives. (S)

To provide the basis for further action and decision, I hereby direct that the United States Government:

-- Maintain an intelligence watch on countries suspected of intending to develop indigenous military missile programs which could pose a threat to the U.S. or its foreign policy interests. (S)

-- Seek cooperation with supplier nations in limiting the export of military missile related hardware and technology by:

(a) identifying the range of commodities and technology available abroad, and

(b) consulting on items to be restricted, with special attention to the retransfer, modification, and control of these items. (S)

III. IMPLEMENTATION OF POLICY (U)

All Executive Branch agencies having responsibilities or authorizations for export controls, including missile-related commodities, will adopt stringent export controls on technology and equipment which could make a contribution to the design, development, production, inspection, testing or use of military missile systems and related components. At a minimum this will include guidance sub-systems and related software, propulsion systems, rocket nozzles and related control sub-systems, re-entry sub-systems, missile structure, and unique support equipment. (S)

The United States will, within the scope of current export authorities:

-- Deny approval of export of technology and related know how on the design, development, production, inspection, and testing of missile systems and related components that can benefit a recipient's military missile program. (S)

~~SECRET~~

cy 1 of 2 copies

~~SECRET~~

~~SECRET~~
CHRON FILE

~~SECRET~~

3

~~SECRET~~

-- Generally approve, after case-by-case review, export of dual use equipment that can be judged clearly to apply to a recipient's peaceful program and clearly is of no more than marginal benefit to a potential recipient's military program, when consistent with the applicable legislation and U.S. policy. (S)

The Departments of State, Defense, and Commerce shall ensure that adequate procedures exist to identify critical export items falling under this directive. (U)

In making case-by-case decisions, the agencies and departments will consider:

1. The strategic, technical, economic, quality, and scheduling importance of the item to a foreign military missile program.

2. The end use of the item.

3. Alternative non-U.S. sources for the item or a comparable and adequate substitute, with a view towards bilateral discussions with alternate sources to preclude foreign availability. (S)

An interagency group chaired by the Department of State, and including representatives from DOD, ACDA, NASA, NSC, OSTP, Commerce and CIA, shall be established to monitor transfer of military missile technology. (S)

When, and if, any non-exempt nation is assessed by the interagency group as pursuing a military missile capability, the interagency group shall determine whether exemption status is to be granted to it and shall make a recommendation to the NSC for a decision. An exemption shall be accorded to states such as the United Kingdom, in light of existing U.S. cooperation in the strategic and nuclear fields. With regard to nations not granted exemptions and to cases outside the specific exempted categories, the United States will:

-- Apply stringent export controls to prevent the transfer of any missile-related U.S. controlled technology and hardware from reaching that nation, either directly or through intermediaries.

-- Institute measures to reduce, insofar as possible, the assistance of other supplier nations to the country in question. (S)

~~SECRET~~

~~SECRET~~

cy 1 of 2 copies

~~SECRET~~
CHRON FILE

~~SECRET~~

MEMORANDUM

SYSTEM II
90744

NATIONAL SECURITY COUNCIL

SECRET ATTACHMENT

ACTION

September 22, 1982

MEMORANDUM FOR MICHAEL O. WHEELER

FROM:

ARTHUR ^{F.}~~B.~~ MANFREDI, JR.

Art Manfredi

SIGNED

SUBJECT:

Draft NSDD, "Policy Regarding Assistance in the Development of Foreign Military Missile Systems Capable of Nuclear Warhead Delivery"

After receiving a response to our memorandum of August 27, 1982, I circulated the draft NSDD to interested staff members. Horace Russell raised a concern about the weak tone of State's draft, a concern with which I agree. I have, therefore, redrafted the NSDD to strengthen the tone.

Attached at Tab I is a memorandum transmitting my rewrite to State for review by the working group which prepared the original draft.

RECOMMENDATION

That you sign the memorandum to Paul Bremer at Tab I.

Approve MW₂₄

Disapprove _____

Attachments

Tab I Memo to Bremer
 A Draft NSDD

SECRET ATTACHMENT

UNCLASSIFIED UPON REMOVAL OF
CLASSIFIED ENCLOSURE(S)

JAS 6/23/98

~~SECRET~~

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 7 LISTED ON THE
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

United States Department of State

CHRON FILE

Washington, D.C. 20520

September 8, 1982

82 SEP 8 P10: 15

~~SECRET - EXDIS~~MEMORANDUM TO MR. WILLIAM P. CLARK
THE WHITE HOUSE

Subject: Draft NSDD, "Policy Regarding Assistance in the Development of Foreign Military Missile Systems Capable of Nuclear Warhead Delivery" (Ref. S/S#8223027)

In reference to the questions stated in your memorandum of August 31, 1982, we are submitting the following reply.

NSAM 294 of April 20, 1964 is the only overall national policy directive currently in force that governs exports of equipment and technologies related to nuclear strategic delivery systems. NSAM 294 was directed mainly at cooperation with France, and the White House on March 9, 1965 approved additional guidelines (attached) which clearly have universal application for strategic delivery vehicles. These guidelines are insufficient to deal with today's proliferation of missile technology to developing as well as industrial nations, especially since there is a growing availability of items manufactured abroad. We recommend that NSAM 294 be rescinded, and that the proposed NSDD be adopted in its place.

Much missile-related technology is multi-purpose. A given piece of technology often can be used in the development and production of space launch vehicles, missiles, or aircraft. Authorizing the transfer of this technology for an allegedly peaceful program might well result in irretrievably handing over part of a capability to produce long range missiles. It is thus essential to control adequately those items which might not at first glance be identified as directed toward a military missile program.

Present U.S. controls and policies are not entirely sufficient to control missile related technology. Technology related to items on the U.S. munitions list is already adequately controlled under the Arms Export Control Act and the International Traffic in Arms Regulations administered by the Office of Munitions Control in the Department of State. Certain commodities and technologies that are important for missile development, however, are under the jurisdiction of the Commerce Department and not currently controlled for missile non-proliferation purposes.

~~SECRET - EXDIS~~

DECL: 09-02-88

JAS 6/23/94

Pursuant to the Export Administration Act (EAA) of 1979, as amended, these missile-related dual use items are controlled for national security purposes in order to restrict exports or re-exports to the Communist countries. The controls are not directed at the developing nations showing an interest in missile development. There are also controls on items for the production of nuclear explosives or for nuclear-related facilities, but in most cases they do not apply to missile technology. There are no legal provisions concerning missiles comparable to those for nuclear-related items in the EAA or the Nuclear Non-Proliferation Act.

Issuance of the new NSDD would establish for the relevant regulatory and other agencies a clear national policy regarding transfers of U.S. missile-related technology and equipment, and would lead to the kind of regulatory changes necessary to halt the uncoordinated spread of technology. To control further dual use missile-related items subject to Commerce jurisdiction, new foreign policy controls may have to be proposed under the existing authority in the EAA. The proposed NSDD would provide policy guidance for the imposition of a new control for items of concern. The following types of equipment, which are essential to a missile program, could then be further defined and placed under missile-related restrictions:

- Equipment for the production of solid propellants
- Filament winding, tape laying, and interlacing machines
- Wind tunnels
- Vibration test equipment
- Compasses, gyroscopes, accelerometers, and inertial guidance equipment
- artificial graphite
- telemetering and telecontrol equipment
- polybutadiene and other solid fuels

Establishment of an interagency group by the proposed NSDD would greatly facilitate the case-by-case judging of specific transfers to countries of concern. Decisions to approve or deny exports could be based upon interagency determinations regarding the degree to which a recipient country was actively pursuing a long range missile system and the applicability of the technologies in question to a missile program.

SECRET

3

With respect to the types of equipment and technologies to be proscribed under the proposed new policy, the United States should be flexible until we obtain a clearer impression of the export controls of other supplier countries. We are planning consultations with the Europeans this fall. While we must expect some differences between our export controls and those of our major European competitors, we should keep these at a minimum, to avoid unilateral measures that would put U.S. firms at a commercial disadvantage. The proposed NSDD provides a basis for harmonizing U.S. controls with those of foreign suppliers.


L. Paul Bremer, III
Executive Secretary

SECRET

S/S

8226
143

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

ACTION PM:

DIST:

S
T
L

SECRET

August 31, 1982

S/S
S/S-S
S/S-S:IA
TMC

RF:WEB MEMORANDUM FOR L. PAUL BREMER, III
Executive Secretary
Department of State

SUBJECT: Draft NSDD, "Policy Regarding Assistance in
the Development of Foreign Military Missile
Systems Capable of Nuclear Warhead Delivery" (S)
(Ref: s/s 8223027)

After reviewing the draft NSDD, we have found two things that
need to be resolved.

It is not clear why NSAM 294 is associated with the substance
of the draft NSDD. A separate action rescinding 294 would
appear appropriate; we solicit State Department views on
this point. (S)

As we told Mr. Warren, we are supportive of the NSDD. On several
occasions we asked for a list of the types of equipment or
know-how other than those mentioned on page 4 likely to be
proscribed under the NSDD, along with the authority under which
they could be denied. In other words, where are the gaps in the
present authority? This information has thus far not been
provided, so we ask your assistance in this matter. (S)

We would appreciate a response by Friday, September 3, 1982. (U)

Carolyn E. Cleveland
Michael O. Wheeler for
Staff Secretary

SECRET

DECLASSIFY ON: 8/18/88

JAS 6/23/98

Received in S/S-I
8/31 at 12:55 pm (cm)

NSAM
294

mu

~~SECRET~~

MEMORANDUM

System II
90672

NATIONAL SECURITY COUNCIL

SECRET ATTACHMENT

ACTION

August 27, 1982

MEMORANDUM FOR MICHAEL O. WHEELER

FROM: GUS WEISS *Gus Weiss*

SUBJECT: Draft NSDD, "Policy Regarding Assistance^{mu} the
Development of Foreign Military Missile Systems
Capable of Nuclear Warhead Delivery"

The Department of State has recommended that the NSDD on the
above subject be issued over the President's signature (Tab II).

Attached at Tab I is our response to this recommendation.

RECOMMENDATION

That you sign the memorandum to Paul Bremer at Tab I.

Approve
SIGNED

Disapprove

Attachments

Tab I Memo to State
 II Memo fr State, Aug 23, 82, w/atc

SECRET ATTACHMENT

UNCLASSIFIED UPON REMOVAL OF
CLASSIFIED ENCLOSURE(S)

JAS 4/23/98

~~SECRET~~



August 23, 1982

01 03 01 03

82 10 24 AIO: 12
SECRET

MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

Subject: National Security Decision Directive
Regarding Assistance in the Development
of Foreign Military Missile Systems
Capable of Nuclear Warhead Delivery

A review of the proliferation of nuclear capable missile technology and existing export controls on this technology and related hardware has recently been completed. After reviewing the now outdated National Security Action Memorandum 294 of April 20, 1964, (attached) an interagency working group drafted a new NSDD on missile technology transfer. The attached NSDD has been approved by the Departments of State, Defense, and Commerce, ACDA, the JCS, and NASA.

The spread of military missile technology has become a significant problem since an increasing number of states are developing technology which gives them the option to produce nuclear explosives and the means to deliver them. The problem is particularly important with respect to some of the industrialized Third World countries. For example: Israel has ballistic missiles; India's present satellite launch system capability could be modified to a ballistic missile program, and Brazil's ambitious space program has a clear military potential. Taiwan and South Korea have embarked on shorter range missile programs. Pakistan, Libya, and Argentina have rudimentary missile programs that might eventually become nuclear capable. Continued foreign acquisition of technology for ballistic missiles and cruise missiles may become a source of regional instability, or even ultimately threaten the United States.

The NSDD would provide the basis for approaching foreign suppliers to obtain more effective controls than presently exist on missile technology transfers to potential nuclear weapon states. At present, there are no common guidelines, and controls

~~SECRET~~

DECL: 08-18-88

JAS 6/23/88

~~SECRET~~

-2-

vary greatly from country to country. In June 1982, we held preliminary discussions with the United Kingdom, France, the German Federal Republic, and Italy. Working level technical consultations with the European suppliers are tentatively scheduled for this autumn.

If we are to prevent or delay acquisition of a missile delivery capability by potential nuclear weapon states, we must have adequate controls and an interagency mechanism for reviewing individual missile-related technology transfer cases and for controlling transfers of production and design technology. The NSDD establishes a review group consisting of representatives of the Departments of State, Defense, Commerce, CIA, OSTP, NASA, ACDA, and other government agencies involved in technology licensing decisions. The group is similar in purpose to the group to be established by NSDD 50. It will meet from time to time as required to ensure the consistent application of export controls, concentrating on those countries which are developing the technical capability to produce nuclear delivery systems. The formation of such a group is essential, since in the past both U.S. and foreign companies have taken advantage of inconsistencies among the control of various agencies.

It is recommended that the attached NSDD be issued over the President's signature at the earliest opportunity.

L. Paul Bremer, III
L. Paul Bremer, III
Executive Secretary

Attachment:

As stated

~~SECRET~~

~~SECRET~~

NATIONAL SECURITY DECISION DIRECTIVE

MEMORANDUM TO: The Secretary of State
The Secretary of Defense
The Secretary of Commerce
The Director of Central Intelligence
The Director, Arms Control and Disarmament Agency
The Chairman of the Joint Chiefs of Staff
The Administrator, National Aeronautics and
Space Administration
The Director, Office of Science and Technology
Policy

SUBJECT: Policy Regarding Assistance in the Development
of Foreign Military Missile Systems Capable of
Nuclear Warhead Delivery

I. INTRODUCTION

I have reviewed NSAM 294 of April 20, 1964 and its specific guidance on the transfer of military missile hardware and technology. Since the missile-related portion of NSAM 294 is updated in the following paragraphs, and the nuclear weapon section is governed by the Atomic Energy Act, NSAM 294 is rescinded. This directive provides policy guidance with respect to the transfer of military missile hardware and technology. It should be considered in conjunction with applicable civil space launch vehicle directives with respect to the transfer of dual use space hardware and technology.

For purposes of this directive, a military missile system is defined as:

(a) an unmanned rocket-powered or air-breathing vehicle that has been equipped to deliver a nuclear warhead, or

DECLASSIFIED

~~SECRET~~

NLS

F96-126 #9

BY

dlb NARA, DATE 6/13/00

~~SECRET~~

-2-

(b) an unmanned rocket-powered or air-breathing vehicle that could reasonably be modified to carry a nuclear warhead a significant distance; i.e. beyond an immediate tactical area. Conventionally armed short-range air-to-air, air-to-ground, and surface-to-air missiles, and conventionally armed anti-shiping and artillery rockets shall not be subject to this directive.

II. POLICY GOVERNING MILITARY MISSILE TECHNOLOGY

An increasing number of states are developing both the technical option to produce nuclear explosives and the means to deliver them. Foreign acquisition of technology for ballistic missiles and cruise missiles is growing. Development of nuclear-capable missiles is possible through a dedicated military program or an ostensibly civil space launch vehicle program. Recognizing that such a development could provoke regional instability or ultimately threaten the United States, it is the policy of the United States to hinder the proliferation of foreign military missile systems except as exempted below.

The United States will:

-- Prohibit exports of equipment and/or technology that would make a significant contribution to a foreign country's military missile program, unless such exports are specifically authorized by existing international agreements.

~~SECRET~~

~~SECRET~~

-3-

-- Exempt on a case-by-case basis certain U.S. friends and allies from this policy, subject to appropriate non-transfer assurances and an interagency finding that such transfers promote U.S. foreign policy and national security objectives.

To provide the basis for further action and decision, I hereby direct that the United States Government:

-- Offer U.S. assistance for foreign space projects which are for peaceful purposes and are consistent with relevant international agreements and arrangements, with the aim of minimizing incentives for others to develop indigenous space capabilities.

-- Support select foreign indigenous scientific and commercial space programs, in accordance with applicable U.S. space policy directives, with a view to maintaining the peaceful orientation of the foreign programs and ensuring restraint on technology transfers to third parties.

-- Maintain an intelligence watch on countries suspected of intending to develop indigenous military missile programs which could pose a threat to the U.S. or its foreign policy interests.

-- Seek cooperation with supplier nations in limiting the export of military missile related hardware and technology by:

- (a) identifying the range of commodities and technology available abroad, and
- (b) consulting on items to be restricted, with special attention to the retransfer, modification, and control of these items.

SECRET

SECRET

-4-

III. IMPLEMENTATION OF POLICY

All Executive Branch agencies having responsibilities or authorizations for export controls, including missile related commodities, will adopt stringent export controls on technology and equipment which could make a significant contribution to the design, development, production, inspection, testing and use of military missile systems and related components. At a minimum this will include guidance sub-systems and related software, propulsion systems, rocket nozzles and related control sub-systems, re-entry sub-systems, missile structures, and unique support equipment.

The United States will, within the scope of current export authorities:

-- Deny approval of export of equipment that is destined for a non-exempt military missile program and could be judged to benefit the recipient's program significantly in terms of timing, quality, or cost.

-- Generally approve, after case-by-case review, export of dual use equipment that can be judged clearly to apply to a recipient's peaceful program and clearly is of no more than marginal benefit to a potential recipient's military program, when consistent with the applicable legislation and U.S. policy.

-- Deny approval of export of technology and related know how on the design, development, production, inspection, and testing of missile systems and related components that can materially benefit a recipient's military missile program.

SECRET

~~SECRET~~

-5-

The Departments of State, Defense, and Commerce shall ensure that adequate procedures exist to identify critical export items falling under this directive.

In making case-by-case decisions, the agencies and departments will consider:

1. The strategic, technical, economic, quality, and scheduling importance of the item to a foreign military missile program.
2. The end use of the item.
3. Alternative non-U.S. sources for the item or a comparable and adequate substitute, with a view towards bilateral discussions with alternate sources to preclude foreign availability.

An interagency group chaired by the Department of State, and including representatives from DOD, ACDA, NASA, NSC, OSTP, Commerce and CIA, shall be established to monitor transfer of military missile technology. The authority and responsibility of this body will be narrowly defined and will not infringe upon existing interagency groups administering export controls, including the Advisory Committee on Export Policy and the Economic Defense Advisory Committee structures.

When, and if, any non-exempt nation is assessed by the interagency group as pursuing a military missile capability, the interagency group shall determine whether exemption status is to be granted to it and shall make a recommendation to the NSC for a decision. An exemption shall be accorded to states such

~~SECRET~~

~~SECRET~~

-6-

as the United Kingdom, in light of existing U.S. cooperation in the strategic and nuclear fields and when required by any international agreement. With regard to nations not granted exemptions and to cases outside the specific exempted categories, the United States will:

-- Apply stringent export controls to prevent the transfer of any missile-related U.S. controlled technology and hardware from reaching that nation, either directly or through intermediaries.

-- Institute measures to reduce, insofar as possible, the assistance of other supplier nations to the country in question.

~~SECRET~~

*Downgraded
to SECRET per
WH memo of 4-28-64
see 5/18/6302
Dist. Made
pw*

THE WHITE HOUSE
WASHINGTON

April 20, 1964

~~SECRET~~ SECRET

NATIONAL SECURITY ACTION MEMORANDUM 294

TO: The Secretary of State
The Secretary of Defense
The Secretary of Commerce
The Director of Central Intelligence
The Administrator, National Aeronautics and
Space Administration
The Chairman, Atomic Energy Commission
The Director, Office of Science and Technology

SUBJECT: U.S. Nuclear and Strategic Delivery System
Assistance to France

It is the policy of this government to oppose the development of nuclear forces by additional states, other than those whose forces would be assigned as part of a NATO nuclear force, targeted in accordance with NATO plans and, except when supreme national interests were at stake, used only for the defense purposes of the Alliance.

Given current French policy, it continues to be in this government's interest not to contribute to or assist in the development of a French nuclear warhead capability or a French national strategic nuclear delivery capacity. This includes exchanges of information and technology between the governments, sale of equipment, joint research and development activities, and exchanges between industrial and commercial organizations, either directly or through third parties, which would be reasonably likely to facilitate these efforts by significantly affecting timing, quality or costs or would identify the U.S. as a major supplier or collaborator. However, this directive is not intended to restrict unduly full and useful cooperation in non-strategic programs and activities.

~~SECRET~~

DECLASSIFIED

NLS F96-126#10

BY alb NARA, DATE 6/13/00

~~SECRET~~

Therefore, the President has directed that effective controls be established immediately to assure that, to the extent feasible, the assistance referred to above is not extended either intentionally or unintentionally.

To this end, specific technical guidance is to be developed and issued at the earliest possible time for the use of the agencies that control the export of equipment and technology, including data exchange arrangements. Responsibility for the development of such guidance, and when necessary the revision of these guidances, will be vested in the Departments of State and Defense, in consultation as appropriate with the Department of Commerce, the Central Intelligence Agency, the National Aeronautics and Space Administration, the Atomic Energy Commission, and the Office of Science and Technology, and under the leadership of the Department of State. The approved guidance documents will be cleared at the White House and issued as technical appendices to this National Security Action Memorandum. Necessary guidance will be requested before specific commitments are made by any agency.

McGeorge Bundy

McGeorge Bundy

~~SECRET~~