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By	MW NARA Date 12/20/06

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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August 30, 1972

National Security Decision Memorandum 187

TO: The Secretary of State
 The Secretary of Defense
 The Administrator, National Aeronautics
 and Space Administration
 The Secretary of Commerce
 The Director, Office of Telecommunications Policy

SUBJECT: International Space Cooperation - Technology
and Launch Assistance

The President has reviewed the third study prepared in response to NSSM 72 as forwarded by the Chairman of the NSC Under Secretaries Committee on June 12, 1972. The President has approved:

- The statement of objectives at Attachment 1 as the basis for international cooperation in space activities.
- The directive on technology transfer at Attachment 2, which, insofar as it applies to communications satellite technology, will become effective only upon the entry into force of the definitive Intelsat agreements.

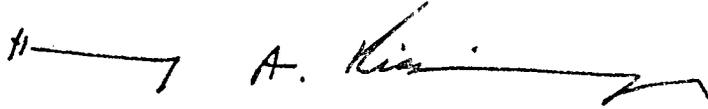
The President has also decided that the U.S. will extend to all friendly countries and international organizations the position on launch assistance adopted in the case of member countries of the European Space Conference (Attachment 3).

Effective upon entry into force of the definitive Intelsat agreements, NSAM 354 and paragraphs 2, 4, 5 and 6 of NSAM 338 are hereby rescinded.

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An ad hoc committee is hereby established to review the implementation of these decisions. This committee will be chaired by the Executive Secretary of the National Aeronautics and Space Council, and will include members from the staffs of the National Security Council, the Office of Science and Technology, and the Council on International Economic Policy.



Henry A. Kissinger

- cc: The Director, Office of Science and Technology
- The Executive Secretary, National Aeronautics and Space Council
- The Chairman, Federal Communications Commission
- The Chairman, Atomic Energy Commission
- The Director, Arms Control and Disarmament Agency

Attachment



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Objectives of International Cooperation
in Space Activities

The broad objectives of the United States in international cooperation in space activities may be stated in terms of four areas of national interest -- (1) advancement in science and technology, (2) foreign policy, (3) national security and (4) avoiding long term economic disadvantage, including domestic considerations. They are interdependent and, therefore, no relative priority can be established among them. Further, the suitability of each cooperative space activity must be judged within the framework of all the objectives.

These broad objectives will be sought through arrangements consistent with the President's directive of June 1, 1972, that future joint programs should stress joint payload and utilization activities and that joint development and production in the non-payload area not be undertaken.

Since successful cooperative space activity clearly requires the engagement of significant interests on both sides -- whether scientific, technical, commercial or political -- it must be recognized that all these objectives may not be fully achieved in any given cooperative effort. We must expect to give as well as gain advantages to achieve real cooperation of mutual interest.

1. Scientific and technological objectives:

- a. To foster cooperation in basic scientific research.
- b. To develop precedents and experience in substantial cooperative undertakings which will lend themselves to other international scientific and technological activities.
- c. To obtain support and assistance in the development of our national program through (1) acquisition of scientific and technical input from areas of excellence abroad and (2) use of facilities abroad that are necessary for mission support -- tracking stations, overflights, contingency recovery, etc..

2. Foreign policy objectives:

- a. To encourage other countries to associate their interests with our space program.
- b. To enhance U.S. prestige and our image abroad as the world's leader in science and technology.

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- c. To seek maximum U. S. influence over the development and use of space capabilities by other countries through foreign participation in U. S. space activities and U. S. participation in space activities abroad.
- d. To assist in the achievement of broader foreign policy objectives through:
- (1) Strengthening our allies and improving our working relationships with them.
 - (2) Promoting multilateral cooperation with, and among, other nations. In particular, to encourage continued development of European multilateral space organizations through suitable cooperation with their programs, on a commercial or joint-program basis, in the event they desire such cooperation.
 - (3) Contributing to East-West detente.
 - (4) Enlarging economic and social benefits.
 - (5) Enhancing the sense of world community.

3. National security objectives:

- a. To maintain the U. S. margin of advantage in technology of significance to our national security, and to avoid release of space hardware and technology which is considered to involve a disproportionate risk to our national security.
- b. To avoid proliferation of foreign capabilities to develop and deploy advanced weapons systems.

4. Economic objectives:

- a. To avoid economic disadvantage by appropriately weighing
 - the implications of releasing technology which involves commercial "know-how";
 - implications for the competitive position of the U. S. aerospace industry;
 - the need for a reasonable return on the American investment in space technology; and

-- possible effects on domestic employment and our
balance of payments.

- b. To promote economic benefits for the U.S. through increased exports and trade, through foreign purchases of goods and services, and through increased utilization of space and space technology.
- c. To seek opportunities to enhance our overall competitive position in space technology.
- d. To seek more productive aggregate use of American and foreign resources and skills.
- e. To seek foreign financial participation in our space payload.
- f. To enhance the cost-effectiveness of space systems through increased and more effective use.

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U. S. Policy Governing
the Transfer of Space Hardware and Technology

Purpose

The purpose of this directive is to provide comprehensive policy guidance for various elements of the United States Government in dealing with requests from foreign nations or foreign business entities for the transfer of, or other assistance in the field of, space hardware and technology.

Policy

1. It is the policy of the United States to encourage international cooperation in space activities, including making unclassified U.S. space hardware and technology available for use in joint or foreign space projects which are for peaceful purposes, are consistent with relevant international agreements and arrangements, and serve our objectives for international cooperation in space activities (see enclosure).

2. For the purpose of this policy, the following distinctions are recognized:

a. Hardware and related technical information, including:

- (1) Equipment in the form of launch vehicle components and satellites, including subsystems and components thereof, and directly associated support equipment.
- (2) General physical and performance specifications, and operating and maintenance information on the above equipment.

b. Technical assistance (technology, data and know-how) necessary for design, development and production of space hardware, including pertinent laboratory and test equipment or performance of functions and/or the conveyance of oral, visual or documentary information involving the disclosure of information relating to:

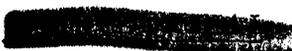
- (1) Development and testing activities, detailed design drawings and specifications, managerial and engineering know-how, and problem-solving techniques.
- (2) Production activities in the form of licenses, detailed production drawings, process specifications, and identification of requirements for production equipment.

NOTE: For this purpose "technical assistance" does not include.....
general sales brochures and publishable information.

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3. The purpose of drawing the distinction between hardware and technical assistance is to permit accommodating the objective of avoiding economic disadvantage. This can best be done by selling hardware, the product of our technology, rather than by selling the technology itself which, once gone, is irretrievable. In those cases in which technical assistance is provided, it should be done under adequate safeguards to prevent economic disadvantage as well as to satisfy security requirements.
 4. All requests for the export or exchange of either space "hardware and related technical information" or "technical assistance" as defined above must specify the end use for which it is sought.
 5. All such requests shall be examined on a case-by-case basis in accordance with applicable U.S. laws and regulations to determine the net advantage to the U.S. The determination shall take into account relevant international agreements and arrangements and our objectives for international cooperation in space activities (see enclosure).
 6. No U.S. space "hardware and related technical information" or "technical assistance" as defined above shall be made available by a recipient country (or countries in the case of a recipient multinational space organization) to a third country without the express prior agreement of the U.S.
 7. The policy promulgated in National Security Action Memorandum No. 294 is overriding with respect to any space "hardware and related technical information" or "technical assistance" as defined above within its purview. Such "hardware and related technical information" or "technical assistance" shall not be released without governmental assurance that it will not be used contrary to the purposes of NSAM 294.
 8. In view of the sensitivity of space technology (e. g. : the fact that all space technology is included in the U.S. Munitions List and its export is controlled by International Traffic in Arms Regulations) the following distinctions shall be applied in reaching decisions as to its export. These distinctions shall apply both to transfer abroad by federal agencies and to commercial export.
 - a. Proposals or requests for the export of space hardware and technology should be met through the provision of "hardware and related technical information" rather than "technical assistance", as defined above, whenever possible and reasonable to do so.
 - b. "Technical assistance" as defined above shall be exported only under adequate safeguards providing for its use and protection.
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9. In instances where space hardware and technology are intended specifically for use in operational communication satellite projects to provide public international telecommunications services, its export shall be governed by the following conditions:

- a. When requested, the U. S. will provide appropriate space hardware or technology for those satellite systems on which Intelsat makes a favorable recommendation in accordance with Article XIV of its definitive arrangements.
- b. If space hardware or technology is requested in the absence of a favorable recommendation by Intelsat, the U. S. will provide technology for those systems which the U. S. had supported within Intelsat so long as the country or international entity requesting the technology considers in good faith that it has met its relevant obligations under Article XIV of the definitive arrangements.
- c. In those cases where requests for space hardware or technology are maintained in the absence of a favorable Intelsat recommendation and the U. S. had not supported the proposed system, the United States will reach a decision on such requests after taking into account the degree to which the proposed system would be modified in the light of the factors which were the basis for the lack of support within Intelsat.

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U. S. Policy Governing
the Provision of Launch Assistance

Purpose

The purpose of this directive is to provide policy guidance for various elements of the United States Government in dealing with requests from foreign governments and international organizations for assistance in launching foreign satellites.

Policy

1. US launch assistance will be available to interested countries and international organizations for those satellite projects which are for peaceful purposes and are consistent with obligations under relevant international agreements and arrangements, subject only to the following:

- a. With respect to satellites intended to provide international public telecommunications services:
 - (1) The US will provide appropriate launch assistance for those satellite systems on which Intelsat makes a favorable recommendation in accordance with Article XIV of its definitive arrangements.
 - (2) If launch assistance is requested in the absence of a favorable recommendation by Intelsat, the US will provide launch assistance for those systems which the US had supported within Intelsat so long as the country or international entity requesting the assistance considers in good faith that it has met its relevant obligations under Article XIV of the definitive arrangements.
 - (3) In those cases where requests for launch assistance are maintained in the absence of a favorable Intelsat recommendation and the US had not supported the proposed system, the United States will reach a

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Decision on such a request after taking into account the degree to which the proposed system would be modified in the light of the factors which were the basis for the lack of support within Intelsat.

- b. With respect to future operational satellite applications which do not have broad international acceptance, the US will favorably consider requests for launch assistance when broad international acceptance has been obtained.

2. Such launch assistance will be available, consistent with US laws, either from US launch sites (through the acquisition of US launch services on a cooperative or reimbursable basis) or from foreign launch sites (by purchase of an appropriate US launch vehicle). In the case of launchings from foreign sites the US will require assurance that the launch vehicles will not be made available to third parties without prior agreement of the US.

3. With respect to the financial conditions for reimbursable launch services from US launch sites, foreign users will be charged on the same basis as comparable non-US Government domestic users.

4. With respect to the priority and scheduling for launching foreign payloads at US launch sites, such launchings will be dealt with on the same basis as US launchings. Each launching will be treated in terms of its own requirements and as an individual case. When it becomes known when a payload will become available and what its launch window requirements will be, the launching will be scheduled for that time. Should a conflict arise, the US will consult with all interested parties in order to arrive at an equitable solution.