

THE WHITE HOUSE

WASHINGTON

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September 15, 1965

NATIONAL SECURITY ACTION MEMORANDUM NO. 338

TO: Special Assistant to the President for Telecommunications  
and Director of Telecommunications Management  
Secretary of State  
Secretary of Defense  
Secretary of Commerce  
Administrator, National Aeronautics & Space Administration  
Chairman, Federal Communications Commission

SUBJECT: Policy Concerning U. S. Assistance in the Development  
of Foreign Communications Satellite Capabilities

The President has noted and concurred in the promulgation of the national policy statement concerning U. S. assistance in the development of foreign communications satellite capabilities, transmitted to him by a memorandum dated August 25, 1965, from J. D. O'Connell, Special Assistant to the President for Telecommunications and Director of Telecommunications Management.

The President also noted that the policy will be kept under review by his Special Assistant for Telecommunications in collaboration with the departments and agencies concerned, and will be updated as necessary in the light of changing circumstances.

The President will look to his Special Assistant for Telecommunications to keep him informed of any proposed changes in policy that will require his personal attention and decision.

*McGeorge Bundy*

McGeorge Bundy

Information copies

Director, Bureau of the Budget  
Executive Secretary, NASC  
Special Assistant for Science & Technology  
Communications Satellite Corporation

Declassified/Released on *11/12/92*  
under provisions of *2012-2013*  
by *S. Policy, National Security Council*

*F88-1455*

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[National Security Action Memoranda (NSAMs)]

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THE WHITE HOUSE  
WASHINGTON

July 12, 1967

NATIONAL SECURITY ACTION MEMORANDUM NO. 338 (REVISED)

TO

Special Assistant to the President for Telecommunications and Director  
of Telecommunications Management  
Secretary of State  
Secretary of Defense  
Secretary of Commerce  
Administrator, National Aeronautics & Space Administration  
Chairman, Federal Communications Commission

SUBJECT

Policy Concerning U.S. Assistance in the Development of Foreign  
Communications Satellite Capabilities

The President has noted and concurred in a revision of the subject policy recommended by J.D. O'Connell, Special Assistant to the President for Telecommunications and Director of Telecommunications Management, in a memorandum dated June 28, 1967. (attached)

The President noted that the policy will continue under revision by his Special Assistant for Telecommunications in collaboration with the departments and agencies concerned, and will be updated as necessary in the light of changing circumstances.

The President will look to his Special Assistant for Telecommunications to keep him informed of any proposed changes in policy that will require his personal attention and decision.

W.W. Rostow

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## Attachment

# POLICY CONCERNING U.S. ASSISTANCE IN THE DEVELOPMENT OF FOREIGN COMMUNICATIONS SATELLITE CAPABILITIES

### *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 nations or foreign business entities for the transfer of, or other assistance in the field of, space technology applicable to communication satellite systems.

### *Policy*

1. The United States is committed to the encouragement of international cooperation in the exploration and use of outer space. One important use of space is the improvement of communications. In this regard, it is the policy of the United States to support and promote continuing development of a single global commercial communications satellite system. The United States Government is committed to the use of global commercial communications facilities for general governmental communications purposes wherever satellite circuits are required and commercial circuits of the type and quality needed to meet government requirements can be made available on a timely basis and in accordance with applicable tariff or, in the absence of Federal Communications Commission jurisdiction, at reasonable cost. Separate satellite communications facilities including surface terminals may be established and maintained by the United States Government to meet unique governmental needs or, as may be determined by the President, when otherwise needed in the national interest. The capacity of these separate facilities shall be limited to that essential to meet such unique needs.

2. In view of the above factors, within the limits fixed by national security considerations and other pertinent regulations, the United States may decline to make available space technology to other nations when (a) such technology is critical to the development of a communications satellite capability and (b) it has been determined that this technology will be used in a manner inconsistent with the concept of and commitments to the continuing development of a single global commercial communications satellite system as embodied in the 1964 Agreement establishing interim arrangements for a global commercial communications satellite system and the related Special Agreement (TIAS 5646) or subsequent definitive arrangements or (in the case of military systems) will be used in a manner inconsistent with the concepts of the United States national defense communications satellite systems, as discussed in paragraph 3. The same limitations will apply whenever the United States assists nations to launch communications satellites for either experimental or operational purposes.

3. The United States has established a national defense communications satellite system to accommodate the unique and vital United States National Security requirements that cannot be met by commercial facilities. It is United States policy to encourage selected allied nations to use the United States national defense communications satellite system, rather than to develop independent systems. Costs of such use shall normally be borne by the participating foreign nations. Foreign use of the United States national defense communications satellite system shall, however, like United States use thereof, be restricted to accommodation of the participant's unique and vital national security requirements that cannot be met by commercial facilities.

4. For purposes of this policy statement, the restraints on the transfer of technology and provision of assistance are intended to refer to those of the following which are critical to the development of a communications satellite capability in terms of time, quality, or cost: complete satellites or launch vehicles or components thereof; detailed engineering drawings pertaining to complete satellites or launch vehicles or components thereof; production techniques and equipment, and manufacturing or fabrication processes pertaining to complete satellites or launch vehicles or components thereof; launch services. It is not intended that this policy statement apply to surface terminals and stations or limit dissemination of information concerning systems concepts, description of spacecraft, and normal scientific and technical publications of a professional character. Furthermore, this shall not limit the dissemination of information required to be disclosed by Article 10(f) of the Special Agreement of 1964.

5. Requests for provision of technology or other assistance to a foreign nation will be assessed on a case by case basis in relation to the principles set forth in paragraphs 2 and 4 above. If necessary, government agencies may seek to determine the nature of the intended use of the technology or other assistance and need not rely on the intention stated by the requestor. After a review of each request by interested government agencies, it may be decided, consistent with the principles of paragraph 2, to deny an export license for requested technology or to decline to provide other requested assistance.

6. Implementation of restraints provided for in this policy statement shall be through the Munitions Control licensing procedure for items on the United States Munitions List and through the Department of Commerce's export licensing procedure for items not covered by the Munitions List and within the scope of both established procedures.

7. The foregoing policies shall be kept under review by the Special Assistant to the President for Telecommunications/Director of Telecommunications Management and the agencies and departments concerned.

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Source: Johnson Library, National Security File, Charles E. Johnson Files,