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Authority EO 12958
By 88 NARA Date 5-1-01TOP SECRET/NODISNational Security Decision Memorandum

TO: The Vice President
 The Secretary of State
 The Secretary of Defense
 The Director, Central Intelligence Agency
 The Director, Arms Control and Disarmament Agency
 The Director, Office of Emergency Preparedness
 The Director, Office of Science and Technology

SUBJECT: United States Policy on Chemical Warfare Program
 and Bacteriological/Biological Research Program

Following consideration by the National Security Council, the President has decided that:

1. The term Chemical and Biological Warfare (CBW) will no longer be used. The reference henceforth should be to the two categories separately--The Chemical Warfare Program and The Biological Research Program.
2. With respect to Bacteriological/Biological programs:
 - a. The United States will renounce the use of lethal methods of bacteriological/biological warfare even in retaliation.
 - b. The United States will similarly renounce the use of all other methods of bacteriological/biological warfare (for example, incapacitating agents, anti-crop agents).
 - c. The United States bacteriological/biological programs will be confined to research and development for defensive purposes (immunization, safety measures, et cetera).

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This does not preclude research into offensive aspects of bacteriological/biological agents necessary to determine what defensive measures are required.

- d. The United States shall associate itself with the principles and objectives of the Draft Convention Prohibiting the Use of Biological Methods of Warfare presented by the United Kingdom at the Eighteen-Nation Disarmament Conference in Geneva, on 26 August 1969. Recommendation as to association with specific provisions of the Draft Convention should be prepared by the Secretary of State and the Director of the Arms Control and Disarmament Agency, in coordination with other interested agencies, for the President's consideration.
- e. The Secretary of Defense in conjunction with the Director of the Office of Science and Technology shall continue to develop controls and safety measures in all bacteriological/biological programs.
- f. The Director of the Central Intelligence Agency shall continue to maintain surveillance of the bacteriological/biological warfare capabilities of other states.

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- g. The Under Secretaries Committee shall conduct an annual review of United States Bacteriological/Biological Research Programs and public information policy, and will report recommendations to the President.
3. With respect to Chemical Warfare:
- a. The renunciation of the first use of lethal chemical weapons is reaffirmed.
- b. This renunciation is hereby applied to incapacitating chemical weapons as well.
- c. This renunciation does not apply to the use of tear gas or herbicides. A special NSDM on the authorization for their use will be issued.
- d. The Administration will submit the Geneva Protocol of 1925, "Protocol for the Prohibition of the use in War of Asphyxiating Poisonous or Other Gases, and of Bacteriological Methods of Warfare," to the Senate for its advice and consent to ratification. An appropriate interpretive statement will be prepared by the Department of State in coordination with the Department of Defense to the effect that the United States does not consider that the Protocol prohibits the use of chemical herbicides or riot control agents, widely used

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domestically, in war. The statement will be unilateral in form and will not be a formal reservation. It will state that the United States will use riot control agents in accordance with the principle of applying the minimum force necessary and where their use can reduce casualties.

- e. Existing overseas stockpiles of chemical weapons can be maintained except in Okinawa without additional consultation.
- f. The Secretary of Defense, in cooperation with the Director of the Office of Science and Technology, shall continue to develop and improve controls and safety measures in all Chemical Warfare programs.
- g. The Director of Central Intelligence shall continue to maintain surveillance of the Chemical Warfare capabilities of other states.
- h. The Under Secretaries Committee shall conduct an annual review of United States Chemical Warfare programs and public information policy, and will report recommendations to the President.

Henry A. Kissinger

cc: Chairman, Joint Chiefs of Staff
The Under Secretary of State

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