

FOIA Marker

This is not a textual record. This FOIA Marker indicates that material has been removed during FOIA processing by George W. Bush Presidential Library staff.

National Security Council - Records and Access Management

NSPDs

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:
V	22	13	6	1	38288	1000001169

Folder Title:

NSPD-40 [4]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
104	Draft	U.S. Space Transportation Policy	12	N.D.	P5;
105	Email	[Email] - To: William H. Leary & Thomas S. Marsh - From: John W. Ficklin	2	04/30/2003	P1/b1; P5;
106	Draft	U.S. Space Transportation Policy	12	N.D.	P5;
107	Draft	Memorandum for the President - To: POTUS - From: Condoleezza Rice	3	N.D.	P5;
109	Receipt	Distribution Receipt [pg. 5]	1	12/28/2004	P3/b3;

COLLECTION TITLE:

National Security Council - Records and Access Management

SERIES:

NSPDs

FOLDER TITLE:

NSPD-40 [4]

FRC ID:

38288

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM: Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	U.S. Space Transportation Policy	— 12	N.D.	P5;

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COLLECTION:

National Security Council - Records and Access Management

SERIES:

NSPDs

FOLDER TITLE:

NSPD-40 [4]

FRC ID:

38288

OA Num.:

4050

NARA Num.:

FOIA IDs and Segments:

2014-0390-F

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NATIONAL SECURITY COUNCIL INTERNAL DISTRIBUTION RECORD

SUBJECT: NSPD - 40

DATE: January 5, 2005

LOG NUMBER: 0406926

DOCUMENT CLASSIFICATION:

UNCLASSIFIED

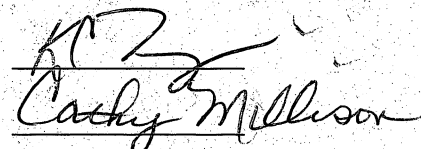
DIRECTORATE

CY PROVIDED

SIGNATURE

NATL SECURITY ADVISOR

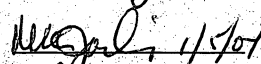
YES / NO



EXECUTIVE SECRETARY

YES / NO

LEGAL ADVISER

☒ YES / NO


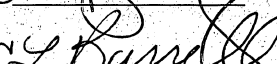
INTELLIGENCE PROGRAMS

☒ YES / NO


EUROPEAN & EURASIAN AFFAIRS

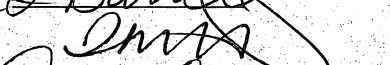
☒ YES / NO


LEGISLATIVE AFFAIRS

☒ YES / NO


NEAR EAST & NORTH AFRICAN AFFAIRS

YES / NO



STRATEGIC PLANNING SW ASIAN AFFAIRS

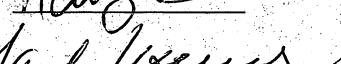
☒ YES / NO


ASIAN AFFAIRS

YES / NO



COMBATING TERRORISM

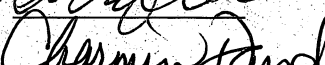
☒ YES / NO


WESTERN HEMISPHERE AFFAIRS

YES / NO



INTL ECONOMIC AFFAIRS

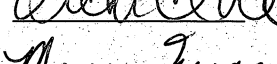
☒ YES / NO


DEFENSE POLICY

☒ YES / NO

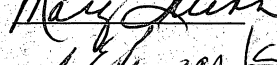

AFRICAN AFFAIRS

YES / NO

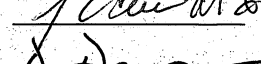


PROLIFERATION STRATEGY

YES / NO

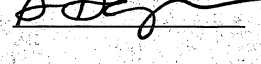


DEMOCRACY / HUMAN RIGHTS

☒ YES / NO


RECORDS MANAGEMENT

YES / NO



ACCESS MANAGEMENT

☒ YES / NO


NSC CHRON

YES



NOTE: ALL NSC STAFF COPIES DELIVERED BY HAND

RETURN TO NSC RECORDS MANAGEMENT, ROOM 377 OE0B

NSPD-40

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Full Name: R CHENEY (VICE PRESIDENT)

Agency Name: OFFICE OF THE VICE PRESIDENT

Address:

State:

Country:

Email:

Date

Time

Signature

1/3/05

6:10P

[Signature]

Print Last Name:

McMahan

Copy: 1

External Distribution:

Full Name: C POWELL (SECRETARY)

Agency Name: DEPARTMENT OF STATE

Address:

State:

Country:

Email:

Date

Time

Signature

1/4/05

[Signature]

Print Last Name:

DAVIS James

Copy: 1

External Distribution:

Full Name: J SNOW (SECRETARY)

Agency Name: DEPARTMENT OF THE TREASURY

Address: 1500 PENNSLYVANIA AVENUE, NW

State: WASHINGTON, DC 20220

Country: Watch office. -622-1825-9 AM
SW. Gate

Email:

Date

Time

Signature

1/4/05

0915

[Signature]

Print Last Name:

ROSAHN

Copy: 1

External Distribution:

Full Name: D RUMSFELD (SECRETARY)

Agency Name: DEPARTMENT OF DEFENSE

Address:

State:

Country:

Email:

Date

Time

Signature

1/4/05

955

[Signature]

Print Last Name:

McDonald

Copy: 1

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Full Name: J ASHCROFT (ATTORNEY GENERAL)

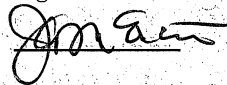
Agency Name: DEPARTMENT OF JUSTICE

Address: Left message 9AM
514-6907

State:

Country: McAtamney

Email:

Date	Time	Signature
1/4/05	1:15	
Print Last Name:		M Atamney
Copy:		1

External Distribution:

Full Name: D EVANS (SECRETARY)

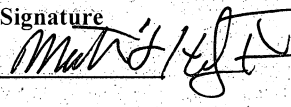
Agency Name: DEPARTMENT OF COMMERCE

Address: macy 482-3934 9:05AM

State:

Country: SW Gate - will come by around 12:20PM

Email:

Date	Time	Signature
1/4/05	12:45	
Print Last Name:		Healy
Copy:		1

External Distribution:

Full Name: N MINETA (SECRETARY)

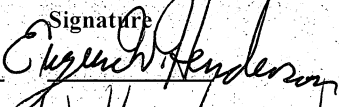
Agency Name: DEPARTMENT OF TRANSPORTATION

Address: Left message 9:05AM

State:

Country: 366-4277

Email: * 11AM will send someone

Date	Time	Signature
1/4/05	11:29	
Print Last Name:		Eugene W. Henderson
Copy:		1

External Distribution:

Full Name: S ABRAHAM (SECRETARY)

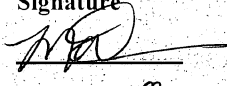
Agency Name: DEPARTMENT OF ENERGY

Address: 586-5230 9:10AM

State:

Country: will send someone

Email: Courier 301 602 0308

Date	Time	Signature
1/4/05	9:35	
Print Last Name:		Hudley M. O'Rourke
Copy:		1

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Full Name: T RIDGE (SECRETARY)

Agency Name: DEPARTMENT OF HOMELAND SECURITY

Address:

State:

Country:

Email:

Dropped off w/ WH
Date _____ Time _____ Signature _____
Mailroom per DHS request
Print Last Name: 1/4/05 10:25AM GMA
Copy: 1

External Distribution:

Full Name: A CARD (CHIEF OF STAFF)

Agency Name: WHITE HOUSE

Address:

State:

Country:

Email:

Date _____ Time _____ Signature _____
Print Last Name: Campbell
Copy: 1

External Distribution:

Full Name: JOSH BOLTEN (DIRECTOR)

Agency Name: OFFICE OF MANAGEMENT & BUDGET

Address:

State:

Country:

Email:

Date 1/3/05 Time 6:10pm Signature J. Bolton
Print Last Name: Altost
Copy: 1

External Distribution:

Full Name: C RICE (NATL SECURITY ADVISER)

Agency Name: NATIONAL SECURITY COUNCIL

Address:

State:

Country:

Email:

Date 01/03/05 Time 5:57 Signature CR
Print Last Name: LANG
Copy: 1

Date, Time, Sign the receipt and return to: NSC RECORDS MGNT, ROOM 377 EEOB

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Full Name: S FRIEDMAN (ASSISTANT FOR ECONOMIC POLI

Date 1/3/05 Time _____ Signature J. Cooper

Agency Name: NATIONAL ECONOMIC COUNCIL

Print Last Name: Cooper

Address:

Copy: 1

State:

Country:

Email:

External Distribution:

Full Name: M SPELLINGS

Date 1/3/05 Time 6:00 Signature Canal

Agency Name:

Print Last Name: Wilson

Address:

Copy: 1

State:

Country:

Email:

External Distribution:

Full Name: FRANCES TOWNSEND (HOMELAND SECURITY

Date 1/3 Time 6:15pm Signature J. Parrish

Agency Name: HOMELAND SECURITY COUNCIL

Print Last Name: Parrish

Address:

Copy: 1

State:

Country:

Email:

External Distribution:

Full Name: J MARBURGER (DIRECTOR)

Date will Time pick up from 377 Signature will

Agency Name: OFFICE OF SCIENCE & TECHNOLOGY POLICY

Print Last Name: _____

Address:

Copy: 1

State:

Country:

Email:

Date, Time, Sign the receipt and return to: NSC RECORDS MGNT, ROOM 377 EEOB

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Document Classification: SECRET

External Distribution:

Full Name: R ZOELICK (TRADE REPRESENTATIVE)

Agency Name: UNITED STATES TRADE REPRESENTATIVE

Address:

State:

Country:

Email:

External Distribution:

Full Name: PORTER GOSS (DIRECTOR)

Agency Name: CENTRAL INTELLIGENCE AGENCY

Address:

State:

Country:

Email:

External Distribution:

Full Name: R MYERS (CHAIRMAN)

Agency Name: JOINT CHIEFS OF STAFF

Address: Collier 203 697-6650

State:

Country:

Email:

External Distribution:

Full Name: S O'KEEFE (ADMINISTRATOR)

Agency Name: NATIONAL AERONAUTICS AND SPACE

Address: called 10:30 AM

State: will send someone

Country:

Email: 358-1010

called Sandler x59537 at 9:40 AM
Date Will print up from 377

Print Last Name:

Copy: 1

Date 1/4/05 Time 11:2

Print Last Name:

Copy: 1

(b)(3), 50 USC 403g, sec. 6

Date 1/4/05 Time 12:05 PM Signature [Signature]
Print Last Name: WHITTED

Copy: 1

Date JAN 4th 2005 Time 11:03 AM Signature [Signature]
Print Last Name: Alonso M/LATO

Copy: 1

359-9518

National Security Council

Date: 28-December-2004

Distribution Receipt

Package Number: 0406926

Subject: NSPD ON SPACE TRANSPORTATION

Document Classification: SECRET

External Distribution:

Full Name: ARDEN BEMENT (DIRECTOR)

Agency Name: NATIONAL SCIENCE FOUNDATION

Address:

State:

Country:

Email:

Date

Time

Signature

1-4-05

11:20

Nacheshia Pierce

Print Last Name: Nacheshia Pierce

Copy: 1

10:00 AM
Call back at 10:30 AM

703 292 8710
Brenda Williams
292-8000
292-8001
292-8004

1/4/05 10:55 AM
Will send account

National Security Council

Date: 28-December-2004

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Package Number: 0406926

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Document Classification: SECRET

External Distribution:

Full Name: T RIDGE (SECRETARY)

Agency Name: DEPARTMENT OF HOMELAND SECURITY

Address:

State:

Country:

Email:

Date

Time

Signature

Print Last Name:

Copy: 1

External Distribution:

Full Name: A CARD (CHIEF OF STAFF)

Agency Name: WHITE HOUSE

Address:

State:

Country:

Email:

Date

Time

Signature

Print Last Name:

Copy: 1

External Distribution:

Full Name: JOSH BOLTEN (DIRECTOR)

Agency Name: OFFICE OF MANAGEMENT & BUDGET

Address:

State:

Country:

Email:

Date

Time

Signature

Print Last Name:

Copy: 1

External Distribution:

Full Name: C RICE (NATL SECURITY ADVISER)

Agency Name: NATIONAL SECURITY COUNCIL

Address:

State:

Country:

Email:

Date

Time

Signature

Print Last Name:

Copy: 1

Date, Time, Sign the receipt and return to: NSC RECORDS MGNT, ROOM 377 EEOB

National Security Council

Date: 28-December-2004

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Document Classification: SECRET

External Distribution:

Full Name: S FRIEDMAN (ASSISTANT FOR ECONOMIC POLI

Agency Name: NATIONAL ECONOMIC COUNCIL

Address:

State:

Country:

Email:

Date

Time

Signature

Print Last Name: _____

Copy: 1

External Distribution:

Full Name: M SPELLINGS

Agency Name:

Address:

State:

Country:

Email:

Date

Time

Signature

Print Last Name: _____

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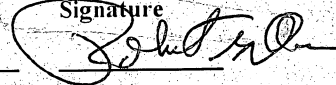
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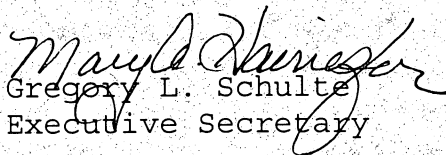
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December 27, 2004

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Attached is your agency's copy of National Security Presidential Directive-40. Although the text of NSPD-40 is unclassified, we ask that the distribution of this document be strictly controlled in order to protect the format (which will be used for subsequent National Security Presidential Directives). Your cooperation is appreciated.


Gregory L. Schulte
Executive Secretary

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NATIONAL SECURITY PRESIDENTIAL DIRECTIVE/NSPD-40

MEMORANDUM FOR THE VICE PRESIDENT
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THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE SECRETARY OF HOMELAND SECURITY
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
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UNITED STATES TRADE REPRESENTATIVE
DIRECTOR OF CENTRAL INTELLIGENCE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
DIRECTOR, NATIONAL SCIENCE FOUNDATION

SUBJECT: U.S. Space Transportation Policy

This directive establishes national policy, guidelines, and implementation actions for United States space transportation programs and activities to ensure the Nation's ability to maintain access to and use space for U.S. national and homeland security, and civil, scientific, and commercial purposes. This directive supersedes Presidential Decision Directive/National Science and Technology Council-4, National Space Transportation Policy, dated August 5, 1994, in whole, and the following portions of Presidential Decision Directive/National Science and Technology Council-8/National Security Council-49, National Space Policy, dated September 14, 1996, that pertain to space transportation programs and activities: Civil Space Guideline 3b, Defense Space Sector Guideline c, Commercial Space Guideline 5, and Intersector Guideline 2.

Background

For over four decades, U.S. space transportation capabilities have helped the Nation secure peace and protect national security, enabled the Nation to lead the exploration of our solar system and beyond, and increased economic prosperity and our knowledge of the Earth and its environment. Today, vital national security, homeland security, and economic interests are increasingly dependent on United States Government and commercial space assets. U.S. space transportation capabilities -- encompassing access to, transport through, and return from space -- are the critical foundation upon which U.S. access to and use of space depends.

In accordance with my direction in National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004, the United States is embarking on a robust space exploration program to advance U.S. scientific, security, and economic interests. A central component of this program is to extend human presence across the solar system, starting with a human return to the Moon by the year 2020, in preparation for human exploration of Mars and other destinations. The Space Shuttle will be returned to flight as soon as practical, based on the recommendations of the Columbia Accident Investigation Board; used to complete assembly of the International Space Station, planned for the end of this decade; and then retired. A new crew exploration vehicle will be developed to provide crew transportation for missions beyond low Earth orbit.

Access to space through U.S. space transportation capabilities is essential to: (1) place critical United States Government assets and capabilities into space; (2) augment space-based capabilities in a timely manner in the event of increased operational needs or minimize disruptions due to on-orbit satellite failures, launch failures, or deliberate actions against U.S. space assets; and (3) support government and commercial human space flight. The United States, therefore, must maintain robust, responsive, and resilient U.S. space transportation capabilities to assure access to space. In doing so, the United States will emphasize safety in flight and on the ground.

Assuring access to space requires maintaining a viable space transportation industrial and technology base. A significant downturn in the market for commercial launch services has undermined for the time being the ability of industry to recoup its significant investment in current launch systems and effectively precludes industry from sustaining a robust

industrial and technology base sufficient to meet all United States Government needs. To assure access to space for United States Government payloads, therefore, the United States Government must provide sufficient and stable funding for acquisition of U.S. space transportation capabilities in order to create a climate in which a robust space transportation industrial and technology base can flourish.

To exploit space to the fullest extent, however, requires a fundamental transformation in U.S. space transportation capabilities and infrastructure. In that regard, the United States Government must capitalize on the entrepreneurial spirit of the U.S. private sector, which offers new approaches and technology innovation in U.S. space transportation, options for enhancing space exploration activities, and opportunities to open new commercial markets, including public space travel. Further, dramatic improvements in the reliability, responsiveness, and cost of space transportation would have a profound impact on the ability to protect the Nation, explore the solar system, improve lives, and use space for commercial purposes. While there are both technical and budgetary obstacles to achieving such capabilities in the near term, a sustained national commitment to developing the necessary technologies can enable a decision in the future to develop such capabilities.

Goal and Objectives

The fundamental goal of this policy is to ensure the capability to access and use space in support of national and homeland security, civil, scientific, and economic interests. To achieve this goal, the United States Government shall:

- 1) Ensure the availability of U.S. space transportation capabilities necessary to provide reliable and affordable space access, including access to, transport through, and return from space;
- 2) Demonstrate an initial capability for operationally responsive access to and use of space -- providing capacity to respond to unexpected loss or degradation of selected capabilities, and/or to provide timely availability of tailored or new capabilities -- to support national security requirements;
- 3) Develop space transportation capabilities to enable human space exploration beyond low Earth orbit, consistent with the

direction contained in National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004;

4) Sustain a focused technology development program for next-generation space transportation capabilities that dramatically improve the reliability, responsiveness, and cost of access to, transport through, and return from space, and enables a decision to acquire these capabilities in the future;

5) Encourage and facilitate the U.S. commercial space transportation industry to enhance the achievement of national security and civil space transportation objectives, benefit the U.S. economy, and increase the industry's international competitiveness; and

6) Sustain and promote a domestic space transportation industrial base, including launch systems, infrastructure, and workforce, necessary to meet ongoing United States Government national security and civil requirements.

Implementation of this directive shall be within the overall policy and resource guidance of the President, the availability of appropriations, and applicable law and regulations.

Implementation Guidelines

To achieve the goals of this directive, departments and agencies shall take the following actions:

I. Assuring Access to Space

- 1) "Assured access" is a requirement for critical national security, homeland security, and civil missions and is defined as a sufficiently robust, responsive, and resilient capability to allow continued space operations, consistent with risk management and affordability. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, as appropriate, are responsible for assuring access to space.
- 2) The Secretary of Defense shall be the launch agent for the national security sector and shall maintain the capability to develop, evolve, operate, and purchase services for those space transportation systems, infrastructure, and support activities necessary to meet national security requirements.

- 3) The Administrator of the National Aeronautics and Space Administration shall be the launch agent for the civil sector and shall maintain the capability to develop, evolve, operate, and purchase services for those space transportation systems, infrastructure, and support activities necessary to meet civil requirements, including the capability to conduct human and robotic space flight for exploration, scientific, and other civil purposes. The National Aeronautics and Space Administration shall engage in development activities only for those requirements that cannot be met by capabilities being used by the national security or commercial sectors.
- 4) For the foreseeable future, the capabilities developed under the Evolved Expendable Launch Vehicle program shall be the foundation for access to space for intermediate and larger payloads for national security, homeland security, and civil purposes to the maximum extent possible consistent with mission, performance, cost, and schedule requirements. New U.S. commercial space transportation capabilities that demonstrate the ability to reliably launch intermediate or larger payloads will be allowed to compete on a level playing field for United States Government missions.
 - a) The Secretary of Defense shall maintain overall management responsibilities for the Evolved Expendable Launch Vehicle program and shall fund the annual fixed costs for both launch services providers unless or until such time as the Secretary of Defense, following coordination with the Director of Central Intelligence and the Administrator of the National Aeronautics and Space Administration, certifies to the President that a capability that reliably provides assured access to space can be maintained without two Evolved Expendable Launch Vehicle providers.
 - b) Not later than 2010, the Secretary of Defense, the Director of Central Intelligence, and the Administrator of the National Aeronautics and Space Administration shall evaluate the long-term requirements, funding, and management responsibilities for the Evolved Expendable Launch Vehicle system(s) and infrastructure. That evaluation shall include recommending a proportionate shift of the existing funding responsibility of the Secretary of Defense to reflect any change to the balance between national security and civil missions employing an Evolved Expendable Launch Vehicle.

- c) Any department or agency seeking to significantly modify or develop new launch systems derived from the Evolved Expendable Launch Vehicles or its major components, including human rating, shall be responsible for any necessary funding arrangements and shall coordinate with the Secretary of Defense and, as appropriate, the Secretaries of Commerce and Transportation and the Administrator of the National Aeronautics and Space Administration.
- 5) Before 2010, the United States shall demonstrate an initial capability for operationally responsive access to and use of space to support national security requirements. In that regard, the Secretary of Defense, in coordination with the Director of Central Intelligence, shall:
- a) Develop the requirements and concept of operations for launch vehicles, infrastructure, and spacecraft to provide operationally responsive access to and use of space to support national security, including the ability to provide critical space capabilities in the event of a failure of launch or on-orbit capabilities; and
 - b) Identify the key modifications to space launch, spacecraft, or ground operations capabilities that will be required to implement an operationally responsive space launch capability.
- 6) The Federal space launch bases and ranges are vital components of the U.S. space transportation infrastructure and are national assets upon which access to space depends for national security, civil, and commercial purposes. The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall operate the Federal launch bases and ranges in a manner so as to accommodate users from all sectors; and shall transfer these capabilities to a predominantly space-based range architecture to accommodate, among others, operationally responsive space launch systems and new users.

II. Space Exploration

- 1) The space transportation capabilities necessary to carry out space exploration will be developed consistent with National Security Presidential Directive-31, U.S. Space Exploration Policy, dated January 14, 2004.

2) Consistent with that direction, the Administrator of the National Aeronautics and Space Administration shall develop, in cooperation with the Secretary of Defense as appropriate, options to meet potential exploration-unique requirements for heavy lift beyond the capabilities of the existing Evolved Expendable Launch Vehicles.

- a) These options will emphasize the potential for using derivatives of the Evolved Expendable Launch Vehicles to meet space exploration requirements. In addition, the Administrator shall evaluate the comparative costs and benefits of a new dedicated heavy-lift launch vehicle or options based on the use of Shuttle-derived systems.
- b) The Administrator and the Secretary shall jointly submit to me a recommendation regarding the preferred option to meet future heavy-lift requirements. This recommendation will include an assessment of the impact on national security, civil, and commercial launch activities and the space transportation industrial base.

III. Transformation of Space Transportation Capabilities

- 1) The United States shall sustain a focused technology development program for next-generation space transportation capabilities to transform U.S. access to and use of space. In that regard, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, in cooperation with industry as appropriate, shall:
 - a) Within two years of the date of this directive develop the requirements, concept of operations, technology roadmaps, and investment strategy for next-generation space transportation capabilities with the objective of dramatically improving the reliability, responsiveness, and cost of Earth-to-orbit space transportation for deployment of spacecraft and other payloads in Earth orbit; exclusive of human space flight; and
 - b) Pursue research and development of in-space transportation capabilities to enable responsive space transportation capabilities and the transformation of the Nation's ability to navigate in space. These efforts shall include, but not be limited to: automated rendezvous and docking, and the ability to deploy, service, and retrieve payloads or spacecraft in Earth orbit. The Administrator of the National Aeronautics and

Space Administration, in cooperation with the Secretary of Energy and other departments and agencies as appropriate, shall pursue research and development of space nuclear power and advanced propulsion technologies to more quickly, affordably, and safely expand the reach of exploration into the solar system and beyond.

IV. Commercial Space Transportation

- 1) The United States Government is committed to encouraging and facilitating a viable U.S. commercial space transportation industry that supports U.S. space transportation goals, benefits the U.S. economy, and is internationally competitive. Toward that end, United States Government departments and agencies shall:
 - a) Purchase commercially available U.S. space transportation products and services to the maximum extent possible, consistent with mission requirements and applicable law;
 - b) Provide a timely and responsive regulatory environment for licensing commercial space launch and reentry activities;
 - c) Maintain, subject to periodic review and the competitiveness of U.S. industry, the liability risk-sharing regime for U.S. commercial space transportation activities set forth in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701), including provisions for indemnification by the United States Government;
 - d) Refrain from conducting activities with commercial applications that preclude, deter, or compete with U.S. commercial space transportation activities, unless required by national security;
 - e) Involve the U.S. private sector in the design and development of space transportation capabilities to meet United States Government needs;
 - f) Provide stable and predictable access to the Federal space launch bases and ranges, and other government facilities and services, as appropriate, for commercial purposes on a direct-cost basis, as defined in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701). The United States Government reserves the right to use such facilities and services on a

priority basis to meet national security and critical civil mission requirements;

- g) Encourage private sector and state and local government investment and participation in the development and improvement of space infrastructure, including non-Federal launch and reentry sites; and
 - h) Provide for the private sector retention of technical data rights in acquiring space transportation capabilities, limited only to the extent necessary to meet United States Government needs.
- 2) The Secretary of Transportation shall license and have safety oversight responsibility for commercial launch and reentry operations and for operation of non-Federal launch and reentry sites, as set forth in the Commercial Space Launch Act, as amended (49 USC, Subtitle IX, Chapter 701), and Executive Order 12465. The Secretary of Transportation shall coordinate with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and other United States Government departments and agencies, as appropriate.
- a) The Secretaries of Transportation and Defense shall establish common public safety requirements and other common standards, as appropriate, taking into account launch vehicle type and concept of operation, for launches from Federal and non-Federal launch sites. The Secretaries of Transportation and Defense shall coordinate these requirements with the Administrator of the National Aeronautics and Space Administration and other departments and agencies as appropriate.
- 3) The Secretaries of Commerce and Transportation shall encourage, facilitate, and promote U.S. commercial space transportation activities, including commercial human space flight.

V. U.S. Space Transportation Industrial and Technology Base

- 1) A viable domestic industrial and technology base is the foundation of a successful U.S. space transportation capability and is critical to assuring access to space for national security and civil purposes. To assure access to space and ensure national security and civil space transportation needs will continue to be met in the future:

a) United States Government payloads shall be launched on space launch vehicles manufactured in the United States, unless exempted by the Director of the Office of Science and Technology Policy, in consultation with the Assistant to the President for National Security Affairs.

- This policy does not apply to use of foreign launch vehicles on a no-exchange-of-funds basis to support the following: flight of scientific instruments on foreign spacecraft, international scientific programs, or other cooperative government-to-government programs. This policy also does not apply to the use of foreign launch vehicles to launch United States Government secondary scientific payloads for which no U.S. launch service is available.
- The proposed use of a non-U.S.-manufactured launch vehicle will be subject to interagency coordination as early in the program as possible and prior to the sponsoring department's or agency's request for authority to negotiate and conclude an agreement. Interagency coordination will take into account national security and foreign policy concerns, civil and scientific interests, and the performance, availability, and economic and budgetary considerations associated with use of the proposed launch vehicle.

b) The use of foreign components or technologies, and the participation of foreign governments and entities, in current and future U.S. space transportation systems is permitted consistent with U.S. law and regulations, as well as nonproliferation, national security, and foreign policy goals and commitments and U.S. obligations under the Strategic Arms Reduction Treaty, Intermediate Nuclear Forces Treaty, and the Missile Technology Control Regime. Such use or participation will not be permitted where it could result in critical national security or civil space launches being jeopardized by delays or disruptions in receipt of foreign-produced systems, components, technology, or expertise.

VI. Nonproliferation and Use of Excess Ballistic Missiles

- 1) In order to prevent the proliferation of missile technology and to limit the adverse impact of use of excess ballistic missiles on U.S. space transportation capabilities:

- a) Excess U.S. ballistic missiles shall either be retained for government use or destroyed. United States Government agencies may use such assets to launch payloads into orbit on a case-by-case basis, with the approval of the Secretary of Defense, when the following conditions are met: (1) the payload supports the sponsoring agency's mission; (2) such use is consistent with the obligations of the United States under treaties and other international agreements to which the United States is a party, including the Missile Technology Control Regime guidelines, the Strategic Arms Reduction Treaty, and the Intermediate Nuclear Forces Treaty; and (3) the sponsoring agency certifies that such use results in a cost savings to the United States Government compared to the use of available commercial launch services that would also meet mission requirements, including performance, schedule, and risk, and limits the impact on the U.S. space transportation industry;
- b) The United States Government encourages other nations that possess excess ballistic missiles to limit their use to government purposes only or destroy them. The United States Government will consider on a case-by-case basis requests from U.S. companies to use foreign excess ballistic missiles for space launch purposes. Any such use must be in conformity with arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, and the Missile Technology Control Regime guidelines; and
- c) The United States Government shall consider on a case-by-case basis requests to launch foreign space transportation systems in the United States for commercial purposes, including exhibitions and demonstrations. Any such use shall be subject to interagency coordination and must be in conformity with U.S. national security and foreign policy interests, arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, the Missile Technology Control Regime guidelines, and launch and re-entry licensing regulations.

Implementing Actions

Within 180 days from the date of this directive, the Secretaries of Defense, Commerce, and Transportation, the Director of Central Intelligence, and the Administrator of the National Aeronautics and Space Administration, as appropriate, shall

jointly submit to me a national space transportation strategy that includes requirements, implementation plans, schedules, and resources required for:

- 1) Reliable and affordable space access, including assuring access to space for critical national security and civil missions. The strategy shall address how the Evolved Expendable Launch Vehicle program will be managed through 2009, and efforts to modernize the Federal space launch bases and ranges;
- 2) Demonstration of an initial capability for operationally responsive access to and use of space to support national security requirements;
- 3) Access to, transport through, and return from space for space exploration, including options to meet exploration-unique requirements for heavy lift beyond the capabilities of existing launch vehicles;
- 4) Focused technology development efforts to transform U.S. access to and use of space, including development of next-generation space transportation capabilities for deployment of spacecraft or other payloads in Earth orbit and in-space transportation; and
- 5) Measures to encourage and facilitate the U.S. commercial space transportation industry to enhance the achievement of national security and civil space transportation objectives, benefit the U.S. economy, and increase the industry's international competitiveness. The strategy shall consider the development of markets and plans for commercial human space flight.

A large, stylized handwritten signature in black ink, appearing to read "G. W. Bush".