THE WHITE HOUSE

WASHINGTON

August 5, 1994

PRESIDENTIAL DECISION DIRECTIVE/NSTC-4

TO: THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE UNITED STATES TRADE REPRESENTATIVE
THE ASSISTANT TO THE PRESIDENT FOR ECONOMIC POLICY
THE ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS
THE ASSISTANT TO THE PRESIDENT FOR SCIENCE AND TECHNOLOGY
THE CHAIRMAN OF THE COUNCIL OF ECONOMIC ADVISORS
THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF
THE DIRECTOR OF THE ARMS CONTROL AND DISARMAMENT AGENCY
THE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
THE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION

SUBJECT: National Space Transportation Policy

This directive establishes national policy, guidelines, and implementing actions for the conduct of National space transportation programs that will sustain and revitalize U.S. space transportation capabilities. This directive supersedes portions of previous National Space Policy Directives that pertain, in whole or in part, to U.S. space transportation policy and programs. Relevant portions of National Space Policy, National Security, and Presidential Decision Directives dealing with technology transfer guidelines and definition of terms are unaffected by this policy and remain in force.

The United States space program is critical to achieving U.S. national security, scientific, technical, commercial, and foreign policy goals. Assuring reliable and affordable access to space through U.S. space transportation capabilities is a fundamental goal of the U.S. space program. In support of this goal, the U.S. Government will:

(1) Balance efforts to sustain and modernize existing space transportation capabilities with the need to invest in the development of improved future capabilities;

(2) Maintain a strong space transportation capability and technology base, including launch systems, infrastructure, and support facilities, to meet the national needs for space transport of personnel and payloads;

(3) Promote the reduction in the cost of current space transportation systems while improving their reliability, operability, responsiveness, and safety;

(4) Foster technology development and demonstration to support future decisions on the development of next generation reusable space transportation systems that greatly reduce the cost of access to space;

(5) Encourage the cost-effective use of commercially provided U.S. produets and services, to the fullest extent feasible, that meet mission requirements; and

(6) Foster the international competitiveness of the U.S. commercial space transportation industry, actively considering commercial needs and factoring them into decisions on improvements in launch facilities and launch vehicles.

This policy will be implemented within the overall resource and policy guidance provided by the President.

I. Implementation Guidelines

To ensure successful implementation of this policy, U.S. Government agencies will cooperate to take advantage of the unique capabilities and resources of each agency.

This policy shall be implemented as follows:

(1) The Department of Defense (DoD) will be the lead agency for improvement and evolution of the current U.S. expendable launch vehicle (ELV) fleet, including appropriate technology development.

(2) The National Aeronautics and Space Administration (NASA) will provide for the improvement of the Space Shuttle system, focusing on reliability, safety, and cost-effectiveness.

(3) The National Aeronautics and Space Administration will be the lead agency for technology development and demonstration for next generation reusable space transportation systems, such as the single-stage-to-orbit concept.

(4) The Departments of Transportation and Commerce will be responsible for identifying and promoting innovative types of arrangements between the U.S. Government and the private sector, as well as State and local governments, that may be used to implement applicable portions of this policy. U.S. Government agencies will consider, where appropriate, commitments to the private sector, such as anchor tenancy or termination liability, commensurate with the benefits of such arrangements.

(5) The Department of Defense and the National Aeronautics and Space Administration will plan for the transition between space programs and future launch systems in a manner that ensures continuity of mission capability and accommodates transition costs.

(6) The Department of Defense and the National Aeronautics and Space Administration will combine their expendable launch service requirements into single procurements when such procurements would result in cost savings or are otherwise advantageous to the Government. A Memorandum of Agreement will be developed by the Agencies to carry out this policy.

II. National Security Space Transportation Guidelines

(1) The Department of Defense will be the launch agent for the national security sector and will maintain the capability to evolve and operate those space transportation systems, infrastructure, and support activities necessary to meet national security requirements.

(2) The Department of Defense will be the lead agency for improvement and evolution of the current expendable launch vehicle fleet, including appropriate technology development. All significant ELV technology-related development associated with medium and heavy-lift ELVs will be accomplished through the DoD. In coordination with the DoD, NASA will continue to be responsible for implementing changes necessary to meet its mission-unique requirements.

(3) The objective of DoD's effort to improve and evolve current ELVs is to reduce costs while improving reliability, operability, responsiveness, and safety. Consistent with mission requirements, the DoD, in cooperation with the civil and commercial sectors, should evolve satellite, payload, and launch vehicle designs to achieve the most cost-effective and affordable integrated satellite, payload, and launch vehicle combination.

(a) ELV improvements and evolution plans will be implemented in cooperation with the Intelligence Community, the National Aeronautics and Space Administration and the Departments of Transportation and

Commerce, taking into account, as appropriate, the needs of the commercial space launch sector.

(b) The Department of Defense will maintain the Titan IV launch system until a replacement is available.

(4) The Department of Defense, in cooperation with NASA, may use the Space Shuttle to meet national security needs. Launch priority will be provided for national security missions as governed by appropriate NASA/DoD agreements. Launches necessary to preserve and protect human life in space shall have the highest priority except in times of national emergency.

(5) Protection of space transportation capabilities employed for national security purposes will be pursued commensurate with their planned use in crisis and conflict and the threat. Civil and commercial space transportation capabilities identified as critical to national security may be modified at the expense of the requesting agency or department. To the maximum extent possible, these systems, when modified, should retain their normal operational utility.

III. Civil Space Transportation Guidelines

(1) The National Aeronautics and Space Administration will conduct human space flight to exploit the unique capabilities and attributes of human access to space. NASA will continue to maintain the capability to operate the Space Shuttle fleet and associated facilities.

(a) The Space Shuttle will be used only for missions that require human presence or other unique Shuttle capabilities, or where use of the Shuttle is determined to be important for national security, foreign policy or other compelling purposes.

(b) The National Aeronautics and Space Administration will maintain the Space Shuttle system until a replacement is available.

(c) As future development of a new reusable launch system is anticipated, procurement of additional Space Shuttle orbiters is not planned at this time.

(2) The National Aeronautics and Space Administration will be the lead agency for technology development and demonstration of next generation reusable space transportation systems.

(a) The objective of NASA's technology development and demonstration effort is to support government and private sector decisions by the end of this decade on development of an operational next-generation reusable launch system.

(b) Research shall be focused on technologies to support a decision no later than December 1996 to proceed with a sub-scale flight demonstration which would prove the concept of single-stage-to-orbit.

(c) Technology development and demonstration, including operational concepts, will be implemented in cooperation with related activities in the Department of Defense.

(d) It is envisioned that the private sector could have a significant role in managing the development and operation of a new reusable space transportation system. In anticipation of this role, NASA shall actively involve the private sector in planning and evaluating its launch technology activities.

IV. Commercial Space Transportation Guidelines

(1) The United States Government is committed to encouraging a viable commercial U.S. space transportation industry.

(a) The Departments of Transportation and Commerce will be responsible for identifying and promoting innovative types of arrangements between the U.S. Government and the private sector, as well as State and local governments, that may be used to implement applicable portions of this policy.

(b) The Department of Transportation will license, facilitate, and promote commercial launch operations as set forth in the Commercial Space Launch Act, as amended, and Executive Order 12465. The Department of Transportation will coordinate with the Department of Commerce where appropriate.

(c) U.S. Government agencies shall purchase commercially available U.S. space transportation products and services to the fullest extent feasible that meet mission requirements and shall not conduct activities with commercial applications that preclude or deter commercial space activities, except for national security or public safety reasons.

(d) The U.S. Government will provide for the timely transfer to the private sector of unclassified Government-developed space transportation technologies in such a manner as to protect their commercial value.

(e) The U.S. Government will make all reasonable efforts to provide stable and predictable access to appropriate space transportation-related hardware, facilities, and services; these will be on a reimbursable basis. The U.S. Government reserves the right to use such facilities and services on a priority basis to meet national security and critical civil sector mission requirements.

(f) U.S. Government agencies shall work with the U.S. commercial space sector to promote the establishment of technical standards for commercial space products and services.

(2) U.S. Government agencies, in acquiring space launch-related capabilities, will, to the extent feasible and consistent with mission requirements:

(a) Involve the private sector in the design and development of space transportation capabilities and encourage private sector financing, as appropriate.

(b) Emphasize procurement strategies that are based on the use of commercial U.S. space transportation products and services.

(c) Provide for private sector retention of technical data rights, limited only to the extent necessary to meet government needs.

(d) Encourage private sector and State and local government investment and participation in the development and improvement of U.S. launch systems and infrastructure.

V. Trade in Commercial Space Launch Services

(1) A long term goal of the United States is to achieve free and fair trade. In pursuit of this goal, the U.S. Government will seek to negotiate and implement agreements with other nations that define principles of free and fair trade for commercial space launch services, limit certain government supports and unfair practices in the international market, and establish criteria regarding participation by space launch industries in countries in transition from a non-market to a market economy.

(a) International space launch trade agreements in which the U.S. is a party must allow for effective means of enforcement. The range of options available to the U.S. must be sufficient to deter and, if necessary, respond to non-compliance and provide effective relief to the U.S. commercial space launch industry. Agreements must not constrain the ability of the United States to take any action consistent with U.S. laws and regulations.

(b) International space launch trade agreements in which the U.S. is a party must be in conformity with U.S. obligations under arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, and U.S. policies regarding observance of the Guidelines and Annex of the Missile Technology Control Regime (MTCR).

VI. Use of Foreign Launch Vehicles, Components, and Technologies

(1) For the foreseeable future, United States Government payloads will be launched on space launch vehicles manufactured in the United States, unless exempted by the President or his designated representative.

(a) 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. Such use will be subject to interagency coordination procedures.

(2) The U.S. Government will seek to take advantage of foreign components or technologies in upgrading U.S. space transportation systems or developing next generation space transportation systems. Such activities will be consistent with U.S. nonproliferation, national security, and foreign policy goals and commitments as well as the commercial sector guidelines contained in this policy. They will also be conducted in a manner consistent with U.S. obligations under the MTCR and with due consideration given to dependence on foreign sources and national security.

VII. Use of U.S. Excess Ballistic Missile Assets

(1) U.S. excess ballistic missile assets that will be eliminated under the START agreements shall either be retained for government use or be destroyed. These assets may be used within the U.S. Government in accordance with established DoD procedures, for any purpose except to launch payloads into orbit. Requests from within the Department of Defense or from other U.S.

Government agencies to use these assets for launching payloads into orbit will be considered by the DoD on a case-by-case basis and require approval by the Secretary of Defense.

Mindful of the policy's guidance that U.S. Government agencies shall purchase commercially available U.S. space transportation products and services to the fullest extent feasible, use of excess ballistic missile assets may be permitted for launching payloads into orbit when the following conditions are met:

(a) The payload supports the sponsoring agency's mission.

(b) The use of excess ballistic missile assets is consistent with international obligations, including the MTCR guidelines and the START agreements.

(c) The sponsoring agency must certify the use of excess ballistic missile assets results in a cost savings to the U.S. Government relative to the use of available commercial launch services that would also meet mission requirements, including performance, schedule, and risk.

VIII. Implementing Actions

(1) Within 90 days of approval of this directive, United States Government agencies are directed to prepare the following for submission to the Assistant to the President for Science and Technology and the Assistant to the President for National Security Affairs:

(a) The Secretaries of Defense, Commerce, Transportation, and the Administrator of the National Aeronautics and Space Administration, with appropriate input from the Director of Central Intelligence, will provide a report that will include a common set of requirements and a coordinated technology plan that addresses the needs of the national security, civilian, and commercial space launch sectors.

(b) The Secretary of Defense, with the support of other agencies as required, will provide an implementation plan that includes schedule and funding for improvement and evolution of the current U.S. ELV fleet.

(c) The Administrator of the National Aeronautics and Space Administration, with the support of other agencies as required, will provide an implementation plan that includes schedule and funding for improvements of the Space Shuttle system and technology development

and demonstration for next generation reusable space transportation systems.

(d) The Secretaries of Transportation and Commerce, with the support of other agencies as required and U.S. industry, will provide an implementation plan that will focus on measures to foster an internationally competitive U.S. launch capability. In addition, the Secretaries will provide recommendations to the Department of Defense and the National Aeronautics and Space Administration that promote the full involvement of the commercial sector in the NASA and DoD plans.

William J. Clinton

THE WHITE HOUSE

Office of Science and Technology Policy

For Immediate Release August 5, 1994

STATEMENT ON

NATIONAL SPACE TRANSPORTATION POLICY

The White House today released a new National Space Transportation Policy document, as developed by the National Science and Technology Council and approved by President Clinton. The policy sets a clear course for the nation's space program, providing a coherent strategy for supporting and strengthening U.S. space launch capability to meet the growing needs of the civilian, national security and commercial sectors.

The policy commits the nation to a two-track strategy of: (1) maintaining and improving the current fleet of expendable launch vehicles as necessary to meet civil, commercial, and national security requirements; and (2) investing R&D resources in developing and demonstrating next generation reusable space transportation systems with the potential to greatly reduce the cost of access to space.

The new policy accomplishes four fundamental objectives:

1) Establishes new national policy for federal space transportation spending, consistent with current budget constraints and the opportunities presented by emerging technologies. Under the new policy, DoD will assume the lead responsibility for modernization of the current expendable launch vehicle fleet. NASA will assume the lead responsibility for research and development of next generation reusable systems. NASA will focus their investments on technologies to support a decision no later than December 1996 on whether to proceed with a flight demonstration program. This program would, in turn, provide the basis for deciding by the end of the decade whether to proceed with a new launch system to replace the aging Shuttle fleet.

2) Establishes policy on federal agencies' use of foreign launch systems and components. With the end of the Cold War, it is important for the U.S. to be in a position to capitalize on foreign technologies – including Russian technologies – without, at the same time, becoming dependent on them. The policy allows the use of foreign components, technologies and (under certain conditions) foreign launch services, consistent with U.S. national security, foreign policy and commercial space guidelines in the policy.

(Continued)

3) Establishes policy on federal agencies' use of excess U.S. ballistic missile assets for space launch, to prevent adverse impacts on the U.S. commercial space launch industry. Under START, these assets may be used in certain circumstances for civilian space launch. A serious concern in developing the policy was the possible impact that widespread government use of these assets could have on U.S. commercial launch companies. The policy obliges the government to fully consider commercial services as part of the decision making process and imposes specific criteria on the use of excess assets.

4) Provides for an expanded private sector role in the federal space transportation R&D decision making processes. In contrast with previous national policy on space transportation, this policy specifically directs the Departments of Transportation and Commerce to identify opportunities for government-industry cooperation and to factor these into NASA's and DoD's implementation plans.

These steps will help keep America at the forefront of space transportation technology, while ensuring that we have a robust and reliable expendable launch vehicle fleet.

Attachment:

National Space Transportation Policy fact sheet

THE WHITE HOUSE

Office of Science and Technology Policy

For Immediate Release
August 5, 1994

FACT SHEET

NATIONAL SPACE TRANSPORTATION POLICY

Introduction

The United States space program is critical to achieving U.S. national security, scientific, technical, commercial, and foreign policy goals. Assuring reliable and affordable access to space through U.S. space transportation capabilities is a fundamental goal of the U.S. space program. In support of this goal, the U.S. Government will:

1. Balance efforts to sustain and modernize existing space transportation capabilities with the need to invest in the development of improved future capabilities;
2. Maintain a strong space transportation capability and technology base, including launch systems, infrastructure, and support facilities, to meet the national needs for space transport of personnel and payloads;
3. Promote the reduction in the cost of current space transportation systems while improving their reliability, operability, responsiveness, and safety;
4. Foster technology development and demonstration to support future decisions on the development of next generation reusable space transportation systems that greatly reduce the cost of access to space;
5. Encourage the cost-effective use of commercially provided U.S. products and services, to the fullest extent feasible, that meet mission requirements; and
6. Foster the international competitiveness of the U.S. commercial space transportation industry, actively considering commercial needs and factoring them into decisions on improvements in launch facilities and launch vehicles.

This policy will be implementing within the overall resource and policy guidance provided by the President.

I. Implementation Guidelines

To ensure successful implementation of this policy, U.S. government agencies will cooperate to take advantage of the unique capabilities and resources of each agency.

This policy shall be implemented as follows:

1. The Department of Defense (DoD) will be the lead agency for improvement and evolution of the current U.S. expendable launch vehicle (ELV) fleet, including appropriate technology development.
2. The National Aeronautics and Space Administration (NASA) will provide for the improvement of the Space Shuttle system, focusing on reliability, safety, and cost-effectiveness.
3. The National Aeronautics and Space Administration will be the lead agency for technology development and demonstration for next generation reusable space transportation systems, such as the single-stage-to-orbit concept.
4. The Departments of Transportation and Commerce will be responsible for identifying and promoting innovative types of arrangements between the U.S. Government and the private sector, as well as State and local governments, that may be used to implement applicable portions of this policy. U.S. Government agencies will consider, where appropriate, commitments to the private sector, such as anchor tenancy or termination liability, commensurate with the benefits of such arrangements.
5. The Department of Defense and the National Aeronautics and Space Administration will plan for the transition between space programs and future launch systems in a manner that ensures continuity of mission capability and accommodates transition costs.
6. The Department of Defense and the National Aeronautics and Space Administration will combine their expendable launch service requirements into single procurements when such procurements would result in cost savings or are otherwise advantageous to the Government. A Memorandum of Agreement will be developed by the Agencies to carry out this policy.

II. National Security Space Transportation Guidelines

1. The Department of Defense will be the launch agent for the national security sector and will maintain the capability to evolve and operate those space transportation systems, infrastructure, and support activities necessary to meet national security requirements.
2. The Department of Defense will be the lead agency for improvement and evolution of the current expendable launch vehicle fleet, including appropriate technology development. All significant ELV technology-related development associated with medium and heavy-left ELVs will be accomplished through the DoD. In coordination with the DoD, NASA will continue to be responsible for implementing changes necessary to meet its mission-unique requirements.
3. The objective of DoDs effort to improve and evolve current ELVs is to reduce costs while improving reliability, operability, responsiveness, and safety. Consistent with mission requirements, the DoD, in cooperation with the civil and commercial sectors, should evolve satellite, payload, and launch vehicle designs to achieve the most cost-effective and affordable integrated satellite, payload, and launch vehicle combination.

    (a) ELV improvements and evolution plans will be implemented in cooperation with the Intelligence Community, the National Aeronautics and Space Administration and the Departments of Transportation and Commerce, taking into account, as appropriate, the needs of the commercial space launch sector.

    (b) The Department of Defense will maintain the Titan IV launch system until a replacement is available.

4. The Department of Defense, in cooperation with NASA, may use the Space Shuttle to meet national security needs. Launch priority will be provided for national security missions as

governed by appropriate NASA/DoD agreements. Launches necessary to preserve and protect human life in space shall have the highest priority except in times of national emergency.

5. Protection of space transportation capabilities employed for national security purposes will be pursued commensurate with their planned use in crisis and conflict and the threat. Civil and commercial space transportation capabilities identified as critical to national security may be modified at the expense of the requesting agency or department. To the maximum extent possible, these systems, when modified, should retain their normal operational utility.

III. Civil Space Transportation Guidelines

1. The National Aeronautics and Space Administration will conduct human space flight to exploit the unique capabilities and attributes of human access to space. NASA will continue to maintain the capability to operate the Space Shuttle fleet and associated facilities.

   (a) The Space Shuttle will be used only for missions that require human presence or other unique Shuttle capabilities, or where use of the Shuttle is determined to be important for national security, foreign policy or other compelling purposes.

   (b) The National Aeronautics and Space Administration will maintain the Space Shuttle system until a replacement is available.

   (c) As future development of a new reusable launch system is anticipated, procurement of additional Space Shuttle orbiters is not planned at this time.

2. The National Aeronautics and Space Administration will be the lead agency for technology development and demonstration of next generation reusable space transportation systems.

   (a) The objective of NASAs technology development and demonstration effort is to support government and private sector decisions by the end of this decade on development of an operational next-generation reusable launch system.

   (b) Research shall be focused on technologies to support a decision no later than December 1996 to proceed with a sub-scale flight demonstration which would prove the concept of single-stage-to-orbit.

   (c) Technology development and demonstration, including operational concepts, will be implemented in cooperation with related activities in the Department of Defense.

   (d) It is envisioned that the private sector could have a significant role in managing the development and operation of a new reusable space transportation system. In anticipation of this role, NASA shall actively involve the private sector in planning and evaluating its launch technology activities.

IV. Commercial Space Transportation Guidelines

1. The United States Government is committed to encouraging a viable commercial U.S. space transportation industry.

(a) The Departments of Transportation and Commerce will be responsible for identifying and promoting innovative types of arrangements between the U.S. Government and the private sector, as well as State and local governments, that may be used to implement applicable portions of this policy.

(b) The Department of Transportation will license, facilitate, and promote commercial launch operations as set forth in the Commercial Space Launch Act, as amended, and Executive Order 12465. The Department of Transportation will coordinate with the Department of Commerce where appropriate.

(c) U.S. Government agencies shall purchase commercially available U.S. space transportation products and services to the fullest extent feasible that meet mission requirements and shall not conduct activities with commercial applications that preclude or deter commercial space activities, except for national security or public safety reasons.

(d) The U.S. Government will provide for the timely transfer to the private sector of unclassified Government-developed space transportation technologies in such a manner as to protect their commercial value.

(e) The U.S. Government will make all reasonable efforts to provide stable and predictable access to appropriate space transportation-related hardware, facilities, and services; these will be on a reimbursable basis. The U.S. Government reserves the right to use such facilities and services on a priority basis to meet national security and critical civil sector mission requirements.

(f) U.S. Government agencies shall work with the U.S. commercial space sector to promote the establishment of technical standards for commercial space products and services.

2. U.S. Government agencies, in acquiring space launch-related capabilities, will, to the extent feasible and consistent with mission requirements:

(a) Involve the private sector in the design and development of space transportation capabilities and encourage private sector financing, as appropriate.

(b) Emphasize procurement strategies that are based on the use of commercial U.S. space transportation products and services.

(c) Provide for private sector retention of technical data rights, limited only to the extent necessary to meet government needs.

(d) Encourage private sector and State and local government investment and participation in the development and improvement of U.S. launch systems and infrastructure.

V. Trade in Commercial Space Launch Services

1. A long term goal of the United States is to achieve free and fair trade. In pursuit of this goal, the U.S. Government will seek to negotiate and implement agreements with other nations that define principles of free and fair trade for commercial space launch services, limit certain government supports and unfair practices in the international market, and establish criteria regarding participation by space launch industries in countries in transition from a non-market to a market economy.

    (a) International space launch trade agreements in which the U.S. is a party must allow for effective means of enforcement. The range of options available to the U.S. must be sufficient to deter and, if necessary, respond to non-compliance and provide effective relief to the U.S. commercial space launch industry. Agreements must not constrain the ability of the United States to take any action consistent with U.S. laws and regulations.

    (b) International space launch trade agreements in which the U.S. is a party must be in conformity with U.S. obligations under arms control agreements, U.S. nonproliferation policies, U.S. technology transfer policies, and U.S. policies regarding observance of the Guidelines and Annex of the Missile Technology Control Regime (MTCR).

VI. Use of Foreign Launch Vehicles, Components, and Technologies

1. For the foreseeable future, United States Government payloads will be launched on space launchvehicles manufactured in the United States, unless exempted by the President or his designated representative.

    (a) 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. Such use will be subject to interagency coordination procedures.

2. The U.S. Government will seek to take advantage of foreign components or technologies in upgrading U.S. space transportation systems or developing next generation space transportation systems. Such activities will be consistent with U.S. nonproliferation, national security, and foreign policy goals and commitments as well as the commercial sector guidelines contained in this policy. They will also be conducted in a manner consistent with U.S. obligations under the MTCR and with due consideration given to dependence on foreign sources and national security.

VII. Use of U.S. Excess Ballistic Missile Assets

1. U.S. excess ballistic missile assets that will be eliminated under the START agreements shall either be retained for government use or be destroyed. These assets may be used within the U.S. Government in accordance with established DoD procedures, for any purpose except to launch payloads into orbit. Requests from within the Department of Defense or from other U.S. Government agencies to use these assets for launching payloads into orbit will be considered by the DoD on a case-by-case basis and require approval by the Secretary of Defense.

Mindful of the policy's guidance that U.S. Government agencies shall purchase commercially available U.S. space transportation products and services to the fullest extent feasible, use of excess ballistic missile assets may be permitted for launching payloads into orbit when the following conditions are met:

(a) The payload supports the sponsoring agency's mission.

(b) The use of excess ballistic missile assets is consistent with international obligations, including the MTCR guidelines and the START agreements.

(c) The sponsoring agency must certify the use of excess ballistic missile assets results in a cost savings to the U.S. Government relative to the use of available commercial launch services that would also meet mission requirements, including performance, schedule, and risk.

VIII. Implementing Actions

1. Within 90 days of approval of this directive, United States Government agencies are directed to prepare the following for submission to the Assistant to the President for Science and Technology and the Assistant to the President for National Security Affairs:

(a) The Secretaries of Defense, Commerce, Transportation, and the Administrator of the National Aeronautics and Space Administration, with appropriate input from the Director of Central Intelligence, will provide a report that will include a common set of requirements and a coordinated technology plan that addresses the needs of the national security, civilian, and commercial space launch sectors.

(b) The Secretary of Defense, with the support of other agencies as required, will provide an implementation plan that includes schedule and funding for improvement and evolution of the current U.S. ELV fleet.

(c) The Administrator of the National Aeronautics and Space Administration, with the support of other agencies as required, will provide an implementation plan that includes schedule and funding for improvements of the Space Shuttle system and technology development and demonstration for next generation reusable space transportation systems.

(d) The Secretaries of Transportation and Commerce, with the support of other agencies as required and U.S. industry, will provide an implementation plan that will focus on measures to foster an internationally competitive U.S. launch capability. In addition, the Secretaries will provide recommendations to the Department of Defense and the National Aeronautics and Space Administration that promote the full involvement of the commercial sector in the NASA and DoD plans.

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