

Background

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How Congress Should Interpret the New Space Policy Directive to Provide for National Security

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President George W. Bush signed a directive on August 31, 2006, regarding the policy of the United States on the exploration, development, and uses of space. The White House released a description of the directive's content on October 6, 2006.¹ While the directive governs all aspects of U.S. space policy, including national security, civil, and commercial issues, it pays special attention to key national security issues.

In the issue areas relevant to national security, the directive serves the national interest. Specifically, the directive recognizes that the United States has a variety of vital interests at stake in the use of space for defense and intelligence purposes and that defending these interests depends on unfettered access to space, protection of systems that include space-based assets, and denying access to space to those with hostile intent. The threats to U.S. space-based assets is made readily apparent by reports of a January 11, 2007, test by China of a kinetic energy anti-satellite weapon, which apparently destroyed the target satellite at an altitude of over 500 miles.² The vital interests at stake include protecting U.S. and allied territories against weapons that are based in space or transit space, projecting U.S. military power around the world, countering space systems controlled by hostile powers, monitoring weapons programs, and eavesdropping on communications. This is why Congress needs to pay close attention to the directive's language.

The policy directive, however, consists mainly of general statements of principle and policy. This means that there is considerable room for interpretation as

Talking Points

Some of the more prominent subjects of proper interpretation of the current space policy directive include:

- Establishing that national security space programs are a necessary part of the U.S. government's constitutional responsibility to "provide for the common defence";
- Accepting the fact that space is already weaponized;
- Linking defense operations in space to those conducted on land, at sea, and in the air;
- Recognizing the need for a broad set of capabilities to counter actions in space that are hostile to U.S. interests; and
- Asserting rights of passage through and in space and developing the capabilities to defend those rights.

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Members of Congress try to determine whether the directive will serve to protect U.S. vital national security interests in space. A wrong interpretation of the language could damage national security almost as severely as could deficient language itself.

The Risks of Misinterpretation

A comparison of the preceding space policy directive, which President Bill Clinton signed in 1996, and the current one reveals the risks of misinterpretation.³ The current directive's language is not radically different from the previous directive's language. For example, the 1996 directive stated that "National security space activities shall contribute to U.S. national security by... assuring that hostile forces cannot prevent our own use of space" and that the U.S. must be prepared to counter "space systems and services used for hostile purposes."⁴ The current directive states that the U.S. must be prepared to "take those actions necessary to protect its space capabilities; respond to interference; and deny, if necessary, adversaries the use of space capabilities hostile to U.S. national interests."⁵

Nevertheless, President Clinton misinterpreted the requirements of his own directive and moved to cancel space programs of critical importance to U.S. national security. Directly contradicting the language of his own space directive, he used a line-item veto to cancel the Clementine II space exploration mission and the Kinetic Energy Anti-Satellite program.⁶ Both programs were necessary to maintain U.S. access to space and counter the use of space by others for hostile purposes.

Congress, using its oversight authority, should work to ensure that such misinterpretations do not occur under the current directive. It should also

work to avoid such misinterpretations on its own part as it drafts legislation relevant to the various space programs managed by the Secretary of Defense and the Director of National Intelligence for the purposes of national security.

Some of the more prominent subjects of proper interpretation of the current space policy directive include:

- Establishing that providing for space security is a necessary part of the U.S. government's constitutional responsibility to "provide for the common defence";
- Accepting the fact that space is already weaponized;
- Linking defense operations in space to those conducted on land, at sea, and in the air;
- Recognizing the need for a broad set of capabilities to counter actions in space that are hostile to U.S. interests; and
- Asserting rights of passage through and in space and developing the capabilities to defend those rights.

These are only the more prominent subjects of interpretation under the new space policy directive. Others also require the attention of Congress and are examined in more detail later in this paper. All of the interpretations found here are consistent with both the language and the intent of the new directive. Thus, Congress can rely on these interpretations to guide its oversight authority and legislative actions in this area. Most of all, Congress needs to avoid adopting alternative interpretations that clearly contradict the directive's language and intent. Doing so will leave U.S. vital interests in space undefended.

1. Office of Science and Technology Policy, "U.S. National Space Policy," October 10, 2006, at www.ostp.gov/html/US%20National%20Space%20Policy.pdf (November 20, 2006).
2. Craig Covault, "Chinese Test Anti-Satellite Weapon," *Aviation Week and Space Technology*, January 17, 2007, at www.spaceref.com/news/viewnews.html?id=1188 (January 18, 2007).
3. The White House, "Fact Sheet: National Space Policy," September 19, 1996, at www.fas.org/spp/military/docops/national/nstc-8.htm (November 21, 2006).
4. *Ibid.*
5. Office of Science and Technology Policy, "U.S. National Space Policy," p. 2.
6. For the text of President Clinton's veto message, see *CQ Almanac 1997*, Vol. 53, 105th Cong., 1st Sess., (Washington, D.C.: Congressional Quarterly Books, 1998), p. D42.

National Security Provisions of the New Space Policy Directive

The prescriptive portions of the new space policy directive are divided into five sections.

- **Section 1** establishes the general principles behind the policy, some of which concern national security.
- **Section 2** establishes general policy goals, some of which concern national security.
- **Section 3** sets general guidelines, which address organizational issues that cut across the issue areas of national security, civilian, and commercial space activities.
- **Section 4** sets guidelines that are specific to national security.
- **Section 5** includes provisions for other specific issue areas (e.g., international cooperation) that may or may not touch on national security.

Principles. The space policy directive establishes seven principles governing overall space policy. All touch on issues related to national security, but some more directly than others.

1. **The U.S. is committed to the exploration and use of outer space for peaceful purposes and expanding the sphere of freedom**, which permits defense and intelligence-related activities in the national interest;
2. **The U.S. rejects claims to sovereignty over outer space** and celestial bodies and limitations on the right of the U.S. to operate in space;
3. **The U.S. seeks to participate in international cooperation in the peaceful uses of outer space**, including ways that promote U.S. values such as free enterprise and free political systems;
4. **The U.S. recognizes rights of passage through space**;
5. **The U.S. seeks to preserve its freedom of action in space**, including for the purposes of protecting its space capabilities and denying adversaries the use of space for purposes hostile to its national interests;
6. **The U.S. opposes new legal regimes that will prohibit or limit its access to or use of space**; and

7. **The U.S. encourages the growth of the commercial space sector.**

Goals. Of the seven goals, five may be fairly described as touching on national security concerns to varying degrees:

1. **Strengthening U.S. leadership in space** by ensuring the timely availability of space capabilities, including for national security purposes;
2. **Enabling unhindered U.S. operations in space** and through space to defend the nation's interests in space;
3. **Enabling a vibrant commercial space sector** that is capable of contributing to national security, among other things;
4. **Maintaining a robust science and technology base** for space operations, including for those serving national security purposes; and
5. **Encouraging international cooperation** in the area of space activities that advance national security.

General Guidelines. The directive contains four general guidelines for achieving progress in the U.S. space program that cut across topic areas of national security, civilian, and commercial space activities:

1. **Developing** a cadre of space professionals;
2. **Improving** space system development and procurement;
3. **Strengthening** the interagency process for directing space policy and programs; and
4. **Strengthening** the U.S. space-related science, technology, and industrial base.

National Security Guidelines. The specific national security guidelines established in the directive fall into three categories. The first category assigns responsibilities that apply to the federal government as a whole. The second category assigns responsibilities to the Secretary of Defense. The final category assigns responsibilities to the Director of National Intelligence.

Federal Government. The guidelines for national security-related activities in space broadly direct the federal government to:

- Support the senior-level officials in the executive branch, including the President and Vice

President, in the performance of their responsibilities to provide for national security;

- Meet the defense and intelligence requirements of the federal government in times of war and peace;
- Develop and deploy space capabilities that sustain the U.S. advantage in space; and
- Fulfill planning, programming, and budgeting activities that lead to an operational force structure for space and space capabilities that support national security.

Secretary of Defense. The national security guidelines specifically direct the Secretary of Defense to:

- Maintain the capabilities necessary to conduct the full array of space missions for national security, including force application missions;
- Establish specific intelligence requirements;
- Provide timely access to space;
- Provide space capabilities to support strategic and tactical warning and missile defense;
- Develop options to ensure freedom of action in space and to deny such access to adversaries;
- Achieve space situational awareness; and
- Establish policies for protecting sensitive information related to space.

Director of National Intelligence. The national security guidelines direct the Director of National Intelligence to:

- Establish objectives, requirements, and guidance for the intelligence community regarding space-related intelligence activities;
- Ensure the furnishing of timely information to support U.S. foreign, defense, and economic policies;
- Support military planning and operations;
- Provide intelligence collection and analysis of space-related capabilities to support space situational awareness;
- Provide a robust foreign space intelligence collection and analysis capability;

- Coordinate radio frequency surveys from space conducted by the U.S. government; and
- Establish policies and procedures for classifying intelligence obtained from space-based assets and the operational details of intelligence activities related to space.

Other Provisions. Toward the end, the description of the directive contains a number of stand-alone provisions regarding a variety of space-related issues. Some touch on national security concerns. The relevant provisions are that:

- The U.S. will pursue international cooperation in space-related activities to advance national security objectives;
- The U.S. government will seek to obtain and protect global access to the radio frequency spectrum to ensure the use of space, including for national security purposes;
- The U.S. government will seek to obtain and protect global access to orbital assignments to ensure access to space, including for national security purposes;
- The U.S. government seeks an international leadership role in efforts to mitigate space debris; and
- The U.S. declares openly that it uses satellites for intelligence purposes.

The 1996 Space Policy Directive

The 1996 space policy directive represents the current baseline policy for Democrats in Congress in this area.⁷ On this basis, it is appropriate to review and summarize the provisions of this earlier directive. As noted earlier, the differences between the two documents are not stark. Nevertheless, the policy differences between the two Administrations on maintaining U.S. national security in space are quite significant, and Democrats in Congress may be drawn to misinterpret the present directive in ways that allowed President Clinton to evade responsibilities imposed by his own directive.

Goals. The 1996 policy established five overarching goals for U.S. space, two of which were

7. The White House, "Fact Sheet: National Space Policy."

directly related to national security. The first declared that a goal of the U.S. space program is to “[s]trengthen and maintain the national security of the United States.” The second stated that the U.S. would promote international cooperation in space, but that such cooperation must further national security interests and be for peaceful purposes. Similar to the current policy, the 1996 directive rejected claims of national sovereignty over space and asserted a right of passage through space. It concluded by stating that interference with U.S. space systems by other states will be viewed as an infringement on the sovereign rights of the United States.

Guidelines. The 1996 directive established seven guidelines governing national security activities in space. These guidelines:

1. **Assigned** to the Secretary of Defense and the Director of Central Intelligence the responsibility for conducting national security activities in space pursuant to the requirements of laws and regulations.
2. **Directed** the Secretary of Defense and the Director of Central Intelligence to use space assets to support military operations, monitor and respond to military threats, and monitor arms control agreements. These stated purposes were to be achieved through integrated and modernized space architectures.
3. **Stated** that space programs would contribute to national security by:
 - a. Supporting the inherent right of the U.S. to self-defense and U.S. commitments to friends and allies;
 - b. Deterring and, if necessary, defending the U.S. and its friends and allies against attack;
 - c. Preventing hostile forces from denying the U.S. use of space;
 - d. Countering space systems and services used for purposes hostile to the U.S.;
 - e. Enhancing the operations of U.S. and allied forces;
 - f. Ensuring the U.S. ability to conduct military and intelligence activities in space;
- g. Meeting U.S. military and intelligence requirements in peace and through all levels of conflict; and
- h. Supporting other national security activities of the federal government.
4. **Established** a requirement for ensuring the capabilities necessary for executing national security space missions.
5. **Directed** the Department of Energy to develop technologies for verifying arms control measures.
6. **Assigned** to the Department of Defense (DOD) the responsibility to:
 - a. Maintain the capability to execute missions in space, including for the purpose of controlling space;
 - b. Protect critical space-related technologies;
 - c. Maintain and improve space launch systems and capabilities;
 - d. Control satellite systems;
 - e. Establish specific DOD requirements for intelligence;
 - f. Pursue, as needed, the development and operation of satellite systems to provide direct intelligence to the DOD;
 - g. Develop and operate space control capabilities to ensure U.S. freedom of action in space and to deny such freedom to adversaries; and
 - h. Pursue enhanced theater ballistic missile defense capabilities and support a strategic ballistic missile defense readiness program.
7. **Assigned** responsibility to the Director of Central Intelligence to:
 - a. Use space for the production of timely intelligence,
 - b. Develop new space technologies to support intelligence,
 - c. Support U.S. military operations, and
 - d. Maintain policies for classifying intelligence data, including data from satellite reconnaissance.

International Cooperation. The Clinton Administration directive committed the U.S. to pursuing international cooperation in space, including for the support of national security objectives. This commitment extended to international agreements governing space activities, supporting arms control and nonproliferation goals, and limiting the transfer of sensitive technology. The limits on technology transfer extended to space launch systems that are subject to limitations under the Missile Technology Control Regime and arms control treaties. The Clinton Administration also envisioned international cooperative measures to limit space debris. In space arms control, the directive stated that the U.S. would consider such treaties, but only if they were “equitable, effectively verifiable and enhance the security of the United States and our allies.”

Space-Based Earth Observation. Finally, the 1996 space policy directive included an extensive provision related to maintaining a U.S. capability to observe the Earth from space. Much of this provision is related to civilian and commercial Earth observation activities. Nevertheless, the provision recognized the vital importance of space-based Earth observation capabilities to intelligence and national security and sought to ensure these capabilities.

Interpreting Specific Provisions

The task for Congress in properly interpreting the text of President Bush’s space policy directive as it applies to national security issues requires more than establishing general interpretations that cut across the various provisions of the directive. Rather, Congress needs to review specific provisions and apply specific corresponding interpretations. This approach will provide direct guidance that ensures that the relevant national security interest is protected. The following are the most important specific interpretations.

Interpretation #1: The space policy directive recognizes that national security–related activities in space are a constitutional priority for the federal government because they serve to “provide for the common defence.”

The first and foremost national security guideline established in the directive is that senior government officials use space capabilities to support the executive functions of, primarily, the President and Vice President. While the document does not say so directly, Congress should understand that these executive functions are carried out under the direct authority established in the preamble to the Constitution. Specifically, this language states that the Constitution was established, among other reasons, to “provide for the common defence” of the people of the United States.

Clearly, the framers of the Constitution placed this phrase in the preamble to make it one of the highest priorities of the federal government. Space capabilities now play a critical role in giving the federal government the means to fulfill this solemn obligation. Congress needs both to ensure that executive branch officials treat these capabilities accordingly and to use the language of the preamble to guide its own decisions regarding space-related national security programs.

Interpretation #2: The directive recognizes that space is already weaponized.

Arms control advocacy groups, even before adoption of the space policy directive by President Bush, have asserted that space is not now weaponized and that the Bush Administration is planning to take unprecedented, provocative, and irresponsible steps to introduce weapons into the space domain.⁸ The fact is that space was weaponized at the outset of the space age, when the German government launched V-2 rockets that traversed space en route to targets in the United Kingdom during World War II.

Today, the U.S. and other countries maintain satellites that are integral components of weapons systems. These satellites provide direct command and control over the weapons that are directed against enemy targets. Thus, a step by the Bush Administration or any future Administration to add to these capabilities would have precedent and is unlikely to be either provocative or irresponsible. Indeed, the space policy directive implicitly recognizes this fact.

8. Jeffrey Lewis, “What If Space Were Weaponized,” Center for Defense Information, July 2004.

What *would* be irresponsible is for Congress to use the erroneous assertions that space is not weaponized to misinterpret the new space policy directive in a way that justifies the adoption of sweeping prohibitions against weaponizing space. For example, Representative Dennis J. Kucinich (D-OH) offered an amendment to the Department of State Authorization Bill on July 20, 2005, requiring President Bush to negotiate a treaty “banning space-based weapons.”⁹

The Kucinich amendment did not even bother to define “space-based weapons.” As a result, the treaty envisioned by the amendment could conceivably require the U.S. to withdraw all navigation, communications, and command and control satellites necessary to identify enemy targets and direct U.S. weapons against those targets. These satellites were critical to the success of U.S. military operations in Operation Desert Storm in 1991, Operation Enduring Freedom in 2001, and Operation Iraqi Freedom in 2003. Thus, it is not surprising that the House of Representatives rejected the Kucinich amendment by a vote of 302 to 124.¹⁰

Interpretation #3: The space policy directive posits that national security activities in space are designed to achieve a decisive advantage in the domains of land, sea, and air.

First and foremost, space is a place. It is part of the geographic constant for which militaries have had to account from the beginning of warfare. On the other hand, space is distinct from the other three geographic domains. Key among these distinctive features is that space is the most remote and inaccessible of the four geographic domains for human activity, including warfare.

The four domains, therefore, are best seen as a hierarchy, starting with land as the most accessible. Sea is the second most accessible. Air is third. In this context, military activities in space should be pursued, first and foremost, to achieve a decisive military advantage in the other domains farther down the hierarchy. There is little military justification for

going to space when the same decisive advantage can be obtained in a more accessible domain.

This understanding of the unique geographic features of space and its proper place in the hierarchy of geographic domains is implicit in the space policy directive because of the military capabilities that it lists as most important to national security. For example, it cites how space systems can be used to defend the homeland against attack. It gives special attention to defending the homeland against ballistic missile attack because ballistic missiles transit space. It also describes how these systems allow precise navigation and timing, which give U.S. military forces operating at sea, in the air, and on land a decisive advantage.

Congress should work to see that the Bush Administration follows this finding of its own directive by encouraging the Administration to use space to achieve a decisive military advantage on the land, at sea, and in the air. Congress should also enact relevant legislation with this goal in mind.

Interpretation #4: The space policy directive envisions pursuing a full slate of counterspace capabilities.

The space policy directive explicitly states that the U.S. will protect its security by “countering, if necessary, space systems and services used for hostile purposes.” Congress should understand that this general mandate for countering enemy space operations envisions a number of specific capabilities. These capabilities include:

- Blocking enemy access to preferential orbital slots by maintaining U.S. satellites in these slots;
- Targeting and destroying enemy satellite ground stations with offensive strike systems;
- Targeting and destroying enemy space and missile launch facilities with offensive strike capabilities;
- Targeting and destroying enemy launchers and missiles in flight with anti-missile defenses;
- Jamming or otherwise interrupting satellite communications with electronic warfare systems.

9. *Congressional Record*, July 20, 2005, p. H6123.

10. *Congressional Record*, July 20, 2005, Roll Call No. 391, pp. H6137–H6138.

tems and blocking enemy access to the radio spectrum through the pursuit of international claims to access;

- Temporarily disabling enemy satellites by various means, including directed energy systems; and
- Destroying enemy satellites with space-based and ground-based anti-satellite (ASAT) weapons.

Interpretation #5: The U.S. will treat enemy attempts to confront the U.S. in the exercise of its right of passage through space as hostile acts.

The space policy directive states: “The United States considers the space systems of any nation to be national property with the right of passage through and operations in space without interference.” In addition, “Purposeful interference with space systems shall be viewed as an infringement on sovereign rights.”

These statements imply that the U.S. will respond to such attempts at interference on the basis that they are hostile acts. Clearly, the U.S. must be prepared to defend its sovereign rights by any means necessary. This does not mean that the U.S. will automatically respond with military action, just that other states should not be surprised if it does and should recognize the right of the U.S. to take military action in this context.

Congress should also make clear that it expects the Bush Administration to use the directive’s findings to justify using strong language to confront any state that attempts such interference. For example, Donald M. Kerr, Director of the National Reconnaissance Office, has acknowledged that China has illuminated a U.S. satellite with a laser.¹¹ What is not clear is whether or not the Bush Administration has lodged a forceful protest with the Chinese government. Congress should insist that the Bush Administration protest this Chinese action and maintain the necessary military options to make the Chinese pause before considering future attempts at such interference.

Interpretation #6: The directive authorizes the military to field defensive interceptors against ballistic missiles even if they have an inherent anti-satellite capability.

The space policy directive assigns to the Secretary of Defense the responsibility to provide space capabilities to support a multi-layered and integrated missile defense system. This assignment is unconditional. Nevertheless, some who make the erroneous argument about preventing the weaponization of space may argue that this mandate for fielding missile defenses is conditional on the specific missile defense concept or system not having an inherent ASAT capability.

In reality, any truly effective defense against medium-range and long-range ballistic missiles is all but certain to have some inherent ASAT capability.¹² The conditional interpretation of the directive on missile defense is designed to limit U.S. military options in space and kill the most promising missile defense technologies, including space-based kinetic energy interceptors. In short, this erroneous interpretation of the directive is a “lose-lose” proposition for U.S. national security.

Interpretation #7: The directive recognizes the importance of defending private assets in space.

The space policy directive not only confirms the U.S. commitment to the use of outer space for peaceful purposes, but also commits the U.S. government to fostering “a dynamic, domestic commercial space sector.” Given that the satellites held by U.S. companies are vulnerable to disruption and attack, under the directive the federal government must assume some responsibility for protecting them.

The federal government’s steps in this area should be paired with a “best practices” standard for the companies themselves to protect their space-based assets. The precise division of labor between the federal government and private companies should be the subject of a study by the federal government that is undertaken in accordance with the space pol-

11. Marc Kaufman, “Bush Sets Defense as Space Priority,” *The Washington Post*, October 18, 2006, p. A1.

12. Michael Krepon with Christopher Clary, *Space Assurance or Space Dominance? The Case Against Weaponizing Space* (Washington, D.C.: Henry L. Stimson Center, 2003), p. 30, at www.stimson.org/pubs.cfm?ID=81 (January 9, 2007).

icy directive. Private industry should be invited to participate in this study.

Interpretation #8: The directive requires the military to establish a cadre of space specialists, which should be represented at the highest levels of its leadership.

The space policy directive is explicit about the need for federal departments and agencies to maintain highly skilled workforces composed of space specialists. However, the specific actions required of each department and agency are left open to interpretation.

The Air Force is the military service most likely to be assigned the responsibility for developing a cadre of military space specialists. This raises the question of whether the Air Force is really the best service to assume this critical responsibility. The Air Force has been much more committed to the achievement of airpower than it has been to the achievement of spacepower, and this priority is reflected in the Air Force's senior leadership. It is also reflected in the Air Force's long-standing pursuit of an aerospace doctrine that unites the geographic domains of air and space while in practice it gives space a lesser priority.¹³

If the Air Force is given responsibility for developing future leaders in military space, it should start by issuing separate doctrines of equal rank governing the distinctly different domains of air and space. It should also ensure that the space specialists in its officer ranks have a fair shot at promotion to the most senior positions in the service, including Air Force Chief of Staff.

Some may argue that Air Force steps in this direction, particularly issuing separate doctrines, will lead inevitably to spinning off its space component as a separate space service. While this may not necessarily happen because these steps could better adapt the Air Force to meet U.S. military requirements in space, it is nonetheless a distinct possibility. If a separate space service is the outcome, a space specialist will serve on the Joint Chiefs of Staff.

Interpretation #9: The directive recognizes the national security benefits of the civilian effort to explore the moon.

This space policy directive is designed to support President Bush's January 2004 vision for space exploration.¹⁴ The vision document commits the U.S. to returning humans to the moon no later than 2020.

The space policy directive also directs the Secretary of Defense to conduct space situational awareness for the U.S. across the national security, civilian, and commercial sectors. The key focus of these situational awareness efforts is the orbital space between the Earth and the moon. An ideal location for monitoring human space and terrestrial activities could be the surface of the moon. For this reason, Congress, consistent with the space policy directive, should direct that sustained human presence on the moon referred to in President Bush's vision statement be used to study the possibility of enhancing space situational awareness.

Interpretation #10: The directive requires the U.S. to pursue a broad array of science and technology programs as part of its pursuit of national security objectives in space.

The space policy is clearly committed to strengthening the science and technology base for space, including for those purposes related to national security. It does not provide an itemized list of the national security components of that base, although many are mentioned at various points in the document. The following items should be among those that the U.S. includes in its science and technology base for national security purposes in space as a reasonable interpretation of the space policy directive:

- Ballistic missile defense,
- Responsive space operations,
- Offensive and defensive counterspace capabilities,
- Achievement of situational awareness in space,
- Integration of space-based components in the global strike complex, and

13. U.S. Air Force, "Air Force Basic Doctrine," Air Force Doctrine Document 1, November 17, 2003, at www.e-publishing.af.mil/pubfiles/af/dd/afdd1/afdd1.pdf (December 12, 2006).

14. The White House, "A Renewed Spirit of Discovery: The President's Vision for U.S. Space Exploration," January 2004.

- Exploration of the moon and establishment of a permanent U.S. presence there.

Interpretation #11: The directive seeks to establish an internationally recognized standard for protecting rights of passage in space, with allied support.

The directive explicitly makes freedom of navigation in space and international recognition of the right of passage through space some of the highest priorities in U.S. space policy. It is certainly consistent with the directive for the Department of State to undertake a public diplomacy effort to convince other states, starting with U.S. allies, to declare their support for an international consensus that recognizes and protects these rights.

Specifically, the U.S. should use its diplomatic strength to convince its allies to support in principle the use of military force to counter attempts to deny any state these rights of passage. However, specific decisions regarding the actual use of force should be made on a case-by-case basis.

Interpretation #12: The directive permits the selective declassification of information about China's military plans for space operations.

The final provision in the description of the space policy directive states that the Secretary of Defense and the Director of National Intelligence are assigned the responsibility of classifying and declassifying information on national security activities in space. The two officials should interpret this authority as permitting them to release the fullest description, consistent with national security, of China's policies and actions regarding space that may pose a threat to the U.S.

This has become a pressing issue because of the press reports that China has illuminated a U.S. satellite with a laser and conducted a test of a kinetic energy anti-satellite weapon.¹⁵ This action was a

clear attempt to deny the U.S. right of passage in space by interfering with the operation of a satellite. This is the case whether or not this specific incident actually disrupted the operation of that satellite.

Both Congress and the public should be made to understand the nature of the Chinese threat regarding space systems. Congress should therefore press the Secretary of Defense and the Director of National Intelligence to share as much information as possible with the public regarding China's activities in space.

Conclusion

Congress has a responsibility to work with President Bush to protect the myriad U.S. security interests in space. The new space policy directive establishes a solid foundation for a unified national position for protecting those interests. Like any such presidential directive, however, it contains sweeping language that is subject to interpretation. Therefore, establishing a truly unified position on a national security policy for space depends on Congress's accepting a common understanding with the Bush Administration on the meaning and intent of the provisions found in the directive.

Given the incredibly high stakes for the United States in these aspects of national security, national disunity would be very damaging. The Founders gave the federal government the key responsibility "to provide for the common defence." If Congress exercises its oversight responsibilities or legislates in manner that is inconsistent with the intent and meaning of the space policy directive, it will fail to fulfill this basic constitutional responsibility.

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15. Kaufman, "Bush Sets Defense as Space Priority," and Covault, "Chinese Test Anti-Satellite Weapon."