

Third Time's the Charm: The History, Revival, and Future of the National Space Council

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Introduction

The National Space Council (Council), which was re-established in June 2017 as part of the current administration's renewed focus on space policy, is a unique body in the realm of national space authorities. Originally established in 1958, the Council has undergone several different transformations and revivals since its inception. This paper will examine the Council's history and current structure, including the four Space Policy Directives that have resulted from its recommendations and guidance to date. While it has not historically been utilized to its full potential, the revived Council is well-positioned to facilitate interaction between the civil, commercial, and national security sectors in space.

History of the National Space Council

Two different iterations of the National Space Council have existed prior to the current organization. The first version of what would become the National Space Council was created concurrently with NASA itself, with the enactment of the National Aeronautics and Space Act of 1958 (Space Act).¹ The Act begins by stating, "The Congress hereby declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind,"² and goes on to establish "a civilian agency exercising control over aeronautical and space activities sponsored by the United States,"³ with the exception of defense activities.⁴ This agency,

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1 National Aeronautics and Space Act of 1958, Pub. L. No. 85-568, 72 Stat. 426.

2 Id. at § 102(a).

3 Id. at § 102(b).

NASA, was charged with conducting U.S. aeronautical and space activities, working with the scientific community to conduct experiments and observations in that realm, and ensuring public access to its activities and results.⁵ The Agency was also permitted to “engage in a program of international cooperation in work done pursuant to this Act, and in the peaceful application of the results thereof...” subject to the foreign policy guidance of the President.⁶

The Space Act also created the “National Aeronautics and Space Council” (NASC)—the precursor to today’s National Space Council—to work in coordination with the new Agency.⁷ The NASC was to be chaired by the President, and its members included the Secretaries of State and Defense and the NASA Administrator, in addition to other members which could be appointed by the President.⁸ The NASC’s role was to “advise the President with respect to the performance of [certain] duties,”⁹ which included “develop[ing] a comprehensive program of aeronautical and space activities to be conducted by agencies of the United States;”¹⁰ “provid[ing] for effective cooperation between the National Aeronautics and Space Administration and the Department of Defense in [aeronautical and space activities];”¹¹ and “resolv[ing] differences arising among departments and agencies of the United States with respect to aeronautical and space activities under this Act...”¹²

Despite these auspicious beginnings, the NASC was not utilized to its full potential. President Eisenhower, under whose tenure the NASC had been created, failed to fully staff the Council, never called a meeting, and recommended that it be abolished at the end of his term as President,¹³ although this did not occur. Under President Kennedy, in 1961 the Space Act was amended to place the NASC within the Executive Office of the President and appoint the Vice President as chairman.¹⁴ However, the budding

4 Id.

5 Id. at § 203(a).

6 Id. at § 205.

7 Id. at Sec. § 201(a).

8 Id.

9 Id. at § 201(d).

10 Id. at § 201(e)(2).

11 Id. at § 201(e)(4).

12 Id. at § 201(e)(5).

13 See Dwayne A. Day, ‘A New Space Council?’, *The Space Review*, 21 June 2004, <http://www.thespacereview.com/article/163/1>; Marina Koren, ‘The History of the Long-Dead Space Council Trump Wants to Revive,’ *The Atlantic*, 24 March 2017, <https://www.theatlantic.com/science/archive/2017/03/national-space-council-donald-trump/520725/>; John Logsdon, ‘Third Try at a National Space Council,’ *Sky & Telescope*, 11 July 2017, <https://www.skyandtelescope.com/astronomy-news/science-and-space-policy/third-try-national-space-council/>.

14 An Act to amend section 201 of the National Aeronautics and Space Act of 1958 (1961), Pub. L. No. 87-26, 75 Stat. 46.

development of the NASC was overshadowed by cosmonaut Yuri Gagarin's successful orbit around the Earth—a massive achievement that kicked off the subsequent space race and duel for dominance between the U.S. and U.S.S.R. The NASC developed a national space policy statement in 1962, but it never gained traction.¹⁵ The NASC was officially abolished by President Nixon in the Reorganization Plan No. 1 of 1973.¹⁶

The concept of a National Space Council was reborn with Section 501 of the 1989 NASA Authorization Act¹⁷ and codified by President George H.W. Bush in the April 1989 Executive Order 12675, “Establishing the National Space Council.”¹⁸ This Order laid out the composition and functions of the Council, as well as the responsibilities of each individual member. The Vice President would be the Chairman of the Council, and its members included the Secretaries of State, Treasury, Defense, Commerce, and Transportation, as well as the NASA Administrator. The primary role of the Council was to “advise and assist the President on national space policy and strategy,”¹⁹ as well as to:

- (1) review United States government space policy, including long-range goals, and develop a strategy for national space activities;
- (2) develop recommendations for the President on space policy and space-related issues;
- (3) monitor and coordinate implementation of the objectives of the President's national space policy by executive departments and agencies; and
- (4) foster close coordination, cooperation, and technology and information exchange among the civil, national security, and commercial space sectors, and facilitate resolution of differences concerning major space and space-related policy issues.²⁰

In addition to these stated goals, the Order established a “Vice President's Space Policy Advisory Board,” a smaller committee of private citizens appointed by the Vice President and tasked with advising on U.S. space policy.²¹ The Council was required to submit an annual report “setting forth its assessment of and recommendations for the space policy and strategy of the United States Government.”²²

Shortly after the establishment of the new Council, the 1991 NASA Authorization Act provided for the establishment of a Users' Advisory Group

15 Day, 2004, *supra* note 13.

16 5 U.S.C.A. App. 1 Reorg. Plan 1 1973 § 3(a)(4).

17 National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989, Pub. L. No. 100-685, 102 Stat. 4083.

18 Exec. Order No. 12675, 54 Fed. Reg. 17691 (20 April 1989).

19 *Id.* at § 2(a).

20 *Id.* at § 2(b)(1) – (4).

21 *Id.* at § 5.

22 *Id.* at § 8.

(UAG) by the National Space Council, to be composed of “non-Federal representatives of industries and other persons involved in aeronautical and space activities.”²³ The purpose of the UAG was to “ensure that the interests of industries and other non-Federal entities involved in space activities, including in particular commercial entities, are adequately represented by the National Space Council.”²⁴ Thus, this second iteration of the Council provided for representation by both the public and private sector in guiding national space policy, and was indeed explicitly intended to include industry and civilian voices.

This second iteration of the National Space Council came to an end in 1993, after a period of political and administrative upheaval in the U.S. space community. Historical sources suggest an attempt to consolidate control of the U.S. space program under the National Space Council resulted in the ouster of NASA Administrator Richard Truly in early 1992 at the request of President Bush.²⁵ This move was credited as an attempt to streamline the space program and increase flexibility and affordability.²⁶ However, the attempt was undercut just a year later when President Bill Clinton issued Executive Order 12881, “Establishment of the National Science and Technology Council,” in November 1993.²⁷ Chaired by the President and consisting of many of the same members as the Council, the NSTC (which is managed by the Office of Science and Technology Policy)²⁸ was charged with “coordinat[ing] the science and technology policy-making process,” and “integrat[ing] the President’s science and technology policy agenda across the Federal Government,”²⁹ among other roles. The Executive Order explicitly gave the Council’s duties to the newly-created NSTC.³⁰ In a statement issued November 23, 1993, President Clinton extolled the benefits of consolidating the National Space Council and the NSTC to create a unified space, science,

23 National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991, Pub. L. No. 101-611, 104 Stat. 3188, at § 121(a)(1).

24 *Id.* at § 121(a)(4).

25 Warren E. Leary, ‘Quayle’s Influence Seen in NASA Shake-Up,’ *The New York Times*, 15 Feb. 1992, <https://www.nytimes.com/1992/02/15/us/quayle-s-influence-seen-in-nasa-shake-up.html>; Kathy Sawyer, ‘Truly Fired as NASA Chief, Apparently at Quayle Behest,’ *The Washington Post*, 13 Feb. 1992, <https://www.washingtonpost.com/archive/politics/1992/02/13/truly-fired-as-nasa-chief-apparently-at-quayle-behest/bc7cc6cc-1799-4435-8550-e879d81dcff1/>.

26 Leary, 1992; and Sawyer, 1992, *supra* note 25.

27 Exec. Order No. 12881, 58 Fed. Reg. 62491 (23 Nov. 1993).

28 John F. Sargent Jr. & Dana A. Shea, Cong. Research Serv., R43935, Office of Science and Technology Policy (OSTP): History and Overview 3, 7 (2019).

29 Exec. Order No. 12881, *supra* note 27, at § 4(a)(1) and (3).

30 *Id.* at § 5(a).

and technology policy.³¹ However, the focus on industry partners remained: “Private sector involvement with the NSTC will be essential to developing successful science and technology policies that help American businesses achieve sustainable growth and create high quality jobs...”³² Though never formally dissolved, the National Space Council was effectively abandoned for the next twenty years.³³

While both prior iterations of the National Space Council were underutilized, several elements have remained consistent. First, it is apparent that there is a persistent—or at least recurrent—perceived Executive need for an independent space council to advise on policy matters and allow input from outside sources. Additionally, the Council has retained its role as a means of soliciting ideas and opinions from private industry, civilians, and government members alike. These core elements represent the unique position the Council has held, and demonstrate its potential in the modern government structure.

The Revival of the National Space Council

The current Council was born on June 30, 2017, when President Donald Trump signed the “Presidential Executive Order on Reviving the National Space Council.”³⁴ The stated purpose for this resurrection was to “provide a coordinated process for developing and monitoring the implementation of national space policy and strategy.”³⁵ The composition of this Council is largely the same as in the previous iteration, with the Vice President as Chairman and the participation of several significant Department heads. However, this new Council also includes the Secretary of Homeland Security, the Director of the Office of Science and Technology Policy (OSTP), and the Assistant to the President for Homeland Security and Counterterrorism.³⁶ Its stated functions are almost word-for-word identical to those in the 1989 order, but includes a new directive to “advise on participation in international space activities conducted by the United States Government.”³⁷

In addition to the above focus on international interaction, there is also a greater focus on national security in the 2017 Order. In Section 5, “National Space Policy and Strategy Planning Process,” there is a new directive: “(c) On space policy and strategy matters relating primarily to national security, the Council shall coordinate with the National Security Council (NSC) to create policies and procedures for the Council that respect the responsibilities and

31 Statement of the President (Nov. 23, 1993), available at https://aerospace.org/sites/default/files/policy_archives/National%20S%26T%20Council%20press%20release%20Nov93.pdf.

32 Id.

33 See Day, 2004, *supra* note 13.

34 Exec. Order No. 13803, 82 Fed. Reg. 31429 (30 June 2017).

35 Id.

36 Id. at § 2.

37 Id. at § 3.

authorities of the NSC under existing law.”³⁸ These changes in composition and focus reflect an increased interest in global matters and concerns of national defense in the current administration.

The Users’ Advisory Group was also revived with this new iteration of the Council, to be composed of “non-Federal representatives of industries and other persons involved in aeronautical and space activities.”³⁹ The UAG’s current Charter⁴⁰ specifies that “The function of the UAG is solely advisory and shall be to ensure that the interests of industry, other non-Federal entities, and other institutions involved in leading aerospace research, science advancement, technology development, and space operations are represented in a balanced fashion at the national level,”⁴¹ and that it will provide recommendations on a broad range of matters, specifically

- (a) The effect of existing and potential U.S. and foreign government policies, laws, regulations, treaties and other international instruments, programs, and practices on national security, civil, and private sector space activities;
- (b) National security space priorities, including those affecting Homeland Security, the Nation’s defense, and intelligence activities, as they relate to coordination, cooperation, and technology and information exchange among the civil, national security, and commercial space sectors;
- (c) Human and robotic exploration priorities...;
- (d) Strategies to increase innovation, efficiency, and effectiveness in public and private sector space activities that benefit the American people and reduce the burden on the taxpayer;
- (e) Strategies to increase public, academic, commercial, and international support for U.S. space policies and programs, including building the workforce for the Nation’s space interests; and
- (f) Strategies to ensure that U.S. leadership advances the economic development and the benefits derived from the use of outer space.⁴²

The UAG’s current Charter specifies that the Group shall meet with the Council at least once per year.⁴³

The current Council has been very active since its inception, and has to date provided recommendations and input which have led to the establishment of four “Space Policy Directives” in conjunction with President Trump’s “National Space Strategy.” An administration fact sheet on the National

38 Id. at § 5(c).

39 Id. at § 6(a).

40 Charter of the National Space Council Users’ Advisory Group, National Aeronautics and Space Administration (Dec. 4, 2019), available at <https://www.nasa.gov/content/national-space-council-users-advisory-group>.

41 Id. at § 3.

42 Id.

43 Id. at § 9.

Space Strategy, issued March 23, 2018,⁴⁴ is comprised of the following points: “America First Among the Stars;”⁴⁵ “Space Preeminence Through the American Spirit;”⁴⁶ “Peace Through Strength;”⁴⁷ “Four Pillars for a Unified Approach” (specifically, (1) “Transform to more resilient space architectures;” (2) “Strengthen deterrence and warfighting options;” (3) Improve Foundational capabilities, structures, and processes;” and (4) Foster conducive domestic and international environments”)⁴⁸ and “A New Direction for U.S. Space.”⁴⁹ These five foci are reflected in the documents issued by the new Council, and demonstrate the current administration’s desire to streamline and hone space policy on all fronts.

The first Space Policy Directive was signed by President Trump on December 11, 2017. Titled “Reinvigorating America’s Human Space Exploration Program,”⁵⁰ this Directive made a change to the language of the “National Space Policy” issued by President Obama on June 28, 2010.⁵¹ Specifically, the 2010 Policy tasked the NASA Administrator with “Set[ting] far-reaching exploration milestones. By 2025, begin crewed missions beyond the moon, including sending humans to an asteroid. By the mid-2030s, send humans to orbit Mars and return them safely to Earth.”⁵² The 2017 Space Policy Directive deleted that statement, and replaced it with:

44 ‘President Donald J. Trump is Unveiling an America First National Space Strategy,’ *WhiteHouse.gov*, 23 Mar. 2018, <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-unveiling-america-first-national-space-strategy/>.

45 *Id.* The policy goal “America First Among the Stars” includes the statement that “The new strategy emphasizes dynamic and cooperative interplay between the national security, commercial, and civil space sectors...”

46 *Id.* The policy goal “Space Preeminence through the American Spirit” includes the statement that “The National Space Strategy establishes forthrightly that securing the scientific, commercial, and national security benefits of space is a top priority for this Administration...”

47 *Id.* The policy goal “Peace Through Strength” includes the statement that “President Trump’s National Space Strategy recognizes that our competitors and adversaries have turned space into a warfighting domain; While the United States would prefer that the space domain remain free of conflict, we will prepare to meet and overcome any challenges that arise...”

48 *Id.* “Foster conducive domestic and international environments,” is specified as “We will streamline regulatory frameworks, policies, and processes to better leverage and support U.S. commercial industry, and we will pursue bilateral and multilateral engagements to enable human exploration, promote burden sharing and marshal cooperative threat responses.”

49 *Id.* The policy goal “A New Direction for U.S. Space” focuses the desire to return American astronauts to the Moon in cooperation with both international and commercial partners.

50 Space Policy Directive-1, 82 Fed. Reg. 59501 (11 Dec. 2017).

51 National Space Policy of the United States of America (28 June 2010), *available at* https://history.nasa.gov/national_space_policy_6-28-10.pdf.

52 See *id.* at 11.

Lead an innovative and sustainable program of exploration with commercial and international partners to enable human expansion across the solar system and to bring back to Earth new knowledge and opportunities. Beginning with missions beyond low-Earth orbit, the United States will lead the return of humans to the Moon for long-term exploration and utilization, followed by human missions to Mars and other destinations.⁵³

This Directive reflects renewed administrative interest in manned lunar exploration as the first step toward a reinvigorated human space exploration program.

The second meeting of the revived National Space Council, on February 21, 2018, resulted in a number of recommendations focused on reform of regulations governing the U.S. commercial space industry.⁵⁴ The language and focus of these recommendations is reflected in the second Space Policy Directive, “Streamlining Regulations on Commercial Use of Space,”⁵⁵ which was signed by the President on May 24, 2018. Emphasizing a need for prudence in spending taxpayer funds, the document directed the Secretary of Transportation to examine existing Department of Transportation regulations governing licensing of commercial space flight activity, and revise as necessary to streamline the process. Specifically, the Secretary was to “consider” such options as “(i) requiring a single license for all types of commercial space flight launch and re-entry operations; and (ii) replacing prescriptive requirements in the commercial space flight launch and re-entry licensing process with performance-based criteria”⁵⁶ in coordination with the other members of the Council. Additionally, the Secretaries of Defense and Transportation and the NASA Administrator were to

[C]oordinate to examine all existing U.S. Government requirements, standards, and policies associated with commercial space flight launch and re-entry operations from Federal launch ranges and, as appropriate and consistent with applicable law, to minimize those requirements, except those necessary to protect public safety and national security, that would conflict with the efforts of the Secretary of Transportation in implementing the Secretary’s responsibilities under this section.⁵⁷

53 Space Policy Directive-1, *supra* note 50, at § 1.

54 See Statement by Commerce Secretary Wilbur Ross, “A Bright Future for U.S. Leadership of Space Commerce” (21 Feb. 2018), available at <https://www.commerce.gov/news/speeches/2018/02/secretary-ross-bright-future-us-leadership-space-commerce>; “Space Council Focuses on Regulatory Reform,” *Office of Space Commerce*, 21 Feb. 2018, <https://www.space.commerce.gov/space-council-focuses-on-regulatory-reform/>.

55 Space Policy Directive-2, 83 Fed. Reg. 24901 (24 May 2018).

56 *Id.* at § 2(b).

57 *Id.* at § 2(d).

Other changes implemented by this Directive include: review of the regulations governing commercial remote sensing by the Secretary of Commerce;⁵⁸ review of “Federal Government activities related to radio frequency spectrum” by the Secretary of Commerce, the Office of Science and Technology Policy, and the Federal Communications Commission;⁵⁹ and a review of “export licensing regulations affecting commercial space flight activity” by the Executive Secretary of the National Space Council in coordination with other members of the Council.⁶⁰ Each of these directives can be tied into the 2018 National Space Strategy, specifically the goal of “Foster[ing] conducive domestic and international environments” by “streamlin[ing] regulatory frameworks, policies, and processes to better leverage and support U.S. commercial industry...”⁶¹ In a broader view, this directed dismantling of some of the regulatory barriers to commercial space flight reflects an administrative desire to make the United States a desirable forum for commercial activity. The probable intention behind this Directive was to spur domestic engagement with the commercial space sector, as well as foreign investment in burgeoning markets. However, as with any effort to streamline regulatory processes, there is a careful balance between safety and efficiency that needs to be maintained—especially in matters as critical, delicate, and (often) expensive as commercial space activities.

The third Space Policy Directive, “National Space Traffic Management Policy,” was issued on June 18, 2018,⁶² during a National Space Council meeting at the White House.⁶³ The longest of the Directives to date, this document focuses on the concerns that an “increasingly congested and contested” space environment poses a risk to both access to and safety of operations in space. Specifically, the document states that

To maintain U.S. leadership in space, we must develop a new approach to space traffic management (STM) that addresses current and future operational risks. This new approach must set priorities for space situational awareness (SSA) and STM innovation in science and technology (S&T), incorporate national security considerations, encourage growth of the U.S. commercial space sector, establish an updated STM architecture, and promote space safety standards and best practices across the international community.⁶⁴

58 Id. at § 3.

59 Id. at § 5.

60 Id. at § 6.

61 National Space Strategy (2018), *supra* note 44.

62 Space Policy Directive-3, 83 Fed. Reg. 28969 (18 June 2018).

63 ‘President Signs Space Traffic Management Policy,’ *Office of Space Commerce*, 18 June 2018, <https://www.space.commerce.gov/president-signs-space-traffic-management-policy/>.

64 Space Policy Directive-3, *supra* note 62, at § 1.

This is also the first Directive with an international element; in a notable break from the strictly internal concerns of the first two Directives and the mostly-nationalistic focus of the National Space Strategy, the document notes that “The United States recognizes that spaceflight safety is a global challenge and will continue to encourage...the need for international transparency and STM data sharing.”⁶⁵ The goals laid out in this Directive include: “Mitigat[ing] the effect of orbital debris on space activities;” “Provid[ing] U.S. Government-supported basic SSA data and basic STM services to the public;” “Improv[ing] SSA data interoperability and enable greater SSA data sharing;” and “Improv[ing] the U.S. domestic space object registry,” among others.⁶⁶

Notable changes implemented by this Directive include establishing the Department of Commerce (as opposed to the Department of Defense) as the agency responsible for administering an “open architecture” SSA data repository⁶⁷ and an orbital “collision avoidance support service;”⁶⁸ advising an update to the U.S. Governmental Orbital Debris Mitigation Standard Practices to include new classes of satellites and other space operations;⁶⁹ advising the creation of minimum safety standards and best practices for eventual implementation into Federal law;⁷⁰ and advising the creation of standard protocols for mitigating the risk of on-orbit collisions, with the hope that best practices developed by the United States will be adopted globally.⁷¹ Additionally, the Directive notes that

In its role as a major spacefaring nation, the United States should continue to develop and promote a range of norms of behavior, best practices, and standards for safe operations in space to minimize the space debris environment and promote data sharing and coordination of space activities...The United States should encourage the adoption of new norms of behavior and best practices for space operations by the international community through bilateral and multilateral discussions with other spacefaring nations, and through U.S. participation in various organizations such as the Inter-Agency Space Debris Coordination Committee, International Standards Organization, Consultative Committee for Space Data Systems, and UN Committee on the Peaceful Uses of Outer Space.⁷²

This focus on the inherently global problems of managing orbital space debris and establishing universal safety and operations standards offers a

65 Id.

66 Id. at § 4.

67 Id. at § 5(a)(ii).

68 Id. at § 5(b)(ii).

69 Id. At § 5(a)(iii).

70 Id. at § 5(b)(i).

71 Id. at § 5(c)(i).

72 Id. at § 5(c)(iii).

glimpse into the Administration's vision for a multi-pronged approach to future U.S. space policy; one that emphasizes peaceful international cooperation, commercial investment, and national defense as needed. This strategy also suggests the Council's potential to hold a unique role in the constellation of U.S. space policy actors. While this Directive addresses a highly technical problem, the way it structures its proposed solutions highlights the Council's ideal position as the fulcrum of an interlocking network of diverse actors.

The Council's recommendations at their fourth meeting on October 24, 2018 outlined the steps needed to create a U.S. "Space Force" as the sixth branch of the military, which Vice President Mike Pence stated was the solution to a "lack of centralized leadership and accountability" to national security in space.⁷³ This recommendation was captured in the fourth and final Space Policy Directive to date, "Establishment of the United States Space Force," which was signed by the President on February 19, 2019.⁷⁴ Falling in line with the National Space Strategy's focus on national security and defense, this document focuses on the need for U.S. technical superiority in space in order to "deter aggression and protect [U.S.] interests."⁷⁵ To further this goal, the Directive requires the Department of Defense to "develop a legislative proposal to establish a United States Space Force as a sixth branch of the United States Armed Forces within the Department of the Air Force."⁷⁶ An associated Presidential memorandum issued on December 18, 2018 established a "United States Space Command" responsible for all space-related responsibilities that were previously assigned to the Commander of the United States Strategic Command, as well as Joint Force space operations.⁷⁷ The Directive enumerates specific priorities for the prospective Space Force, including "Protecting the Nation's interests in space and the peaceful use of space for all responsible actors, consistent with applicable law, including international law,"⁷⁸ as well as deterring aggression from outside actors, utilizing space for national security purposes, and other related goals.⁷⁹ The document goes on to specify the proposed organization, leadership, and authorities of such a body. This Directive specifically excludes NASA, the National Oceanic and Atmospheric Administration, the National Reconnaissance Office, and "other non-military

73 Sarah Lewin, 'Plans for Space Force Laid out at National Space Council Meeting,' 24 Oct. 2018, <https://www.space.com/42237-national-space-council-space-force-meeting.html>.

74 Space Policy Directive-4, 84 Fed. Reg. 6049 (19 Feb. 2019).

75 *Id.* at § 1.

76 *Id.*

77 Establishment of United States Space Command as a Unified Combatant Command, 83 Fed. Reg. 65483 (18 Dec. 2018).

78 Space Policy Directive 4, *supra* note 74, at § 3(a).

79 *Id.* at §§ 3(a) – (f).

space organizations” from its conception of the Space Force.⁸⁰ This Directive aligns closely with the stated policies in the National Space Strategy which focus on national security and defense.

Taken together, the four Space Policy Directives (to date) published since the 2017 revival of the National Space Council, and developed as a result of its recommendations, suggest a body attempting to fill a unique role in United States Space policy—one which coordinates efforts between commercial, governmental, and private actors, and which seeks to cross divisional borders in order to further the administration’s space policy goals.

Future Possibilities for the National Space Council

It is clear that the current Administration intends for the National Space Council to play an active and significant role in deciding, delegating, and announcing national space policy. While the Council has historically struggled to find its place among conflicting political and practical interests, the current climate offers unique opportunities for both the Council and for the broader U.S. space community. Never before have there been so many actors on both the national and international stages, where space policy and space exploration are concerned. The National Space Council may be uniquely positioned to take on challenges that other government Agencies are barred from managing by either practical or legal constraints.

As a body that is explicitly charged with coordinating and soliciting input from industry and private actors, the Council can use these contributions to hone national space policy goals for the current era. Industry partners can provide valuable insight into economic concerns and possible growth areas, shedding light on which objectives are feasible and which may require further adjustment.

What, then, is the ideal role of the National Space Council in the U.S. government? It is one that recognizes the Council’s potential to bridge the gap between diverse actors and ensure that each of the nation’s space policy needs are addressed by the organizations most qualified to solve them. The difference in perspective between NASA and other federal agencies, industry partners, and political members of the current administration can be holistically addressed by the Council and its Users’ Advisory Group, and compiled into a three-dimensional space policy that is able to anticipate and account for various possible scenarios.

Such network-wide participation could ideally result in mass buy-in by all interested parties for new space policy goals. Industry leaders would know what to expect in terms of future development, and the partnerships cultivated by the advisory groups could result in better communication overall. In the current field of space actors—as government agencies like NASA explore commercial partnerships for future space hardware and

80 Id. at § 4.

technology, as more international parties enter the community, as industry leaders become more numerous and more daring—these kinds of relationships could ensure that all actors are on the same page moving forward within the bounds of U.S. space policy.

Conclusion

The National Space Council is a unique political beast, which has existed in three forms across more than sixty years and several different administrations. While its stated goals, purpose, and scope have remained largely unchanged with each iteration, it has historically not always been utilized to its full capacity. However, the current revival of the Council appears to be the most active—and most administratively supported—version yet, and that momentum represents a unique opportunity for the nation's space actors. The Council can serve a unique role in United States space policy discourse, one that solicits and integrates opinions from civilian, industry, and political actors into a cohesive strategy for the future. The Council can ideally serve as an advocate for space actors within the administration, as well as a valuable forum through which ideas can be disseminated. Taken together, it will be exciting to see how the Council utilizes this potential, and what impact its revived presence will have on national space strategy moving into the new decade.