

**§ 18325. NASA launch support and infrastructure modernization program**

**(a) In general**

The Administrator shall carry out a program the primary purpose of which is to prepare infrastructure at the Kennedy Space Center that is needed to enable processing and launch of the Space Launch System. Vehicle interfaces and other ground processing and payload integration areas should be simplified to minimize overall costs, enhance safety, and complement the purpose of this section.

**(b) Elements**

The program required by this section shall include—

- (1) investments to improve civil and national security operations at the Kennedy Space Center, to enhance the overall capabilities of the Center, and to reduce the long term cost of operations and maintenance;
- (2) measures to provide multi-vehicle support, improvements in payload processing, and partnering at the Kennedy Space Center; and
- (3) such other measures, including investments to improve launch infrastructure at NASA flight facilities scheduled to launch cargo to the ISS under the commercial orbital transportation services program as the Administrator may consider appropriate.

**(c) Report on NASA launch support and infrastructure modernization program**

**(1) Report required**

Not later than 120 days after October 11, 2010, the Administrator shall submit to the appropriate committees of Congress a report on the plan for the implementation of the NASA launch support and infrastructure modernization program.

**(2) Elements**

The report required by this subsection shall include—

- (A) a description of the ground infrastructure plan tied to the Space Launch System and potential ground investment activities at other NASA centers related to supporting the development of the Space Launch System;
- (B) a description of proposed initiatives intended to be conducted jointly or in cooperation with Cape Canaveral Air Force Station, Florida, or other installations or components of the United States Government; and
- (C) a description of plans to use funds authorized to be appropriated by this chapter to improve non-NASA facilities, which plans shall include a business plan outlining the nature and scope of investments planned by other parties.

(Pub. L. 111-267, title III, §305, Oct. 11, 2010, 124 Stat. 2817.)

**§ 18326. Development of technologies and in-space capabilities for beyond near-Earth space missions**

**(a) Development authorized**

The Administrator may initiate activities to develop the following:

- (1) Technologies identified as necessary elements of missions beyond low-Earth orbit.
- (2) In-space capabilities such as refueling and storage technology, orbital transfer stages, innovative in-space propulsion technology, communications, and data management that facilitate a broad range of users (including military and commercial) and applications defining the architecture and design of such missions.
- (3) Spacesuit development and associated life support technology.
- (4) Flagship missions.

**(b) Investments**

In developing technologies and capabilities under subsection (a), the Administrator may make investments—

- (1) in space technologies such as advanced propulsion, propellant depots, in situ resource utilization, and robotic payloads or capabilities that enable human missions beyond low-Earth orbit ultimately leading to Mars;
- (2) in a space-based transfer vehicle including these technologies with an ability to conduct space-based operations that provide capabilities—
  - (A) to integrate with the Space Launch System and other space-based systems;
  - (B) to provide opportunities for in-space servicing of and delivery to multiple space-based platforms; and
  - (C) to facilitate international efforts to expand human presence to deep space destinations;
- (3) in advanced life support technologies and capabilities;
- (4) in technologies and capabilities relating to in-space power, propulsion, and energy systems;
- (5) in technologies and capabilities relating to in-space propellant transfer and storage;
- (6) in technologies and capabilities relating to in situ resource utilization; and
- (7) in expanded research to understand the greatest biological impediments to human deep space missions, especially the radiation challenge.

**(c) Utilization of ISS as testbed**

The Administrator may utilize the ISS as a testbed for any technology or capability developed under subsection (a) in a manner consistent with the provisions of this chapter.

**(d) Coordination**

The Administrator shall coordinate development of technologies and capabilities under this section through an overall agency technology approach, as authorized by section 905 of this Act.

(Pub. L. 111-267, title III, §308, Oct. 11, 2010, 124 Stat. 2818.)

REFERENCES IN TEXT

Section 905 of this Act, referred to in subsec. (d), is Pub. L. 111-267, title IX, §905, Oct. 11, 2010, 124 Stat. 2836, which is not classified to the Code.

**§ 18327. Report requirement**

Within 90 days after October 11, 2010, or upon completion of reference designs for the Space

Launch System and Multi-purpose Crew Vehicle authorized by this chapter, whichever occurs first, the Administrator shall provide a detailed report to the appropriate committees of Congress that provides an overall description of the reference vehicle design, the assumptions, description, data, and analysis of the systems trades and resolution process, justification of trade decisions, the design factors which implement the essential system and vehicle capability requirements established by this chapter, the explanation and justification of any deviations from those requirements, the plan for utilization of existing contracts, civil service and contract workforce, supporting infrastructure utilization and modifications, and procurement strategy to expedite development activities through modification of existing contract vehicles, and the schedule of design and development milestones and related schedules leading to the accomplishment of operational goals established by this chapter. The Administrator shall provide an update of this report as part of the President's annual Budget Request.

(Pub. L. 111-267, title III, §309, Oct. 11, 2010, 124 Stat. 2819.)

#### SUBCHAPTER III—DEVELOPMENT AND USE OF COMMERCIAL CREW AND CARGO TRANSPORTATION CAPABILITIES

##### **§ 18341. Commercial Cargo Development program**

The Administrator shall continue to support the existing Commercial Orbital Transportation Services program, aimed at enabling the commercial space industry in support of NASA to develop reliable means of launching cargo and supplies to the ISS throughout the duration of the facility's operation. The Administrator may apply funds towards the reduction of risk to the timely start of these services, specifically—

- (1) efforts to conduct a flight test;
- (2) accelerate development; and
- (3) develop the ground infrastructure needed for commercial cargo capability.

(Pub. L. 111-267, title IV, §401, Oct. 11, 2010, 124 Stat. 2820.)

##### **§ 18342. Requirements applicable to development of commercial crew transportation capabilities and services**

###### **(a) FY 2011 contracts and procurement agreements**

###### **(1) In general**

Except as provided in paragraph (2), the Administrator may not execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011.

###### **(2) Exception**

Notwithstanding paragraph (1), the Administrator may execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011 if—

- (A) the requirements of paragraphs (1), (2), and (3) of subsection (b) are met; and
- (B) the total amount involved for all such contracts and procurement agreements exe-

cuted during fiscal year 2011 does not exceed \$50,000,000 for fiscal year 2011.

###### **(b) Support**

The Administrator may, beginning in fiscal year 2012 through the duration of the program, support follow-on commercially-developed crew transportation systems dependent upon the completion of each of the following:

###### **(1) Human rating requirements**

Not later than 60 days after October 11, 2010, the Administrator shall develop and make available to the public detailed human rating processes and requirements to guide the design of commercially-developed crew transportation capabilities, which requirements shall be at least equivalent to proven requirements for crew transportation in use as of October 11, 2010.

###### **(2) Commercial market assessment**

Not later than 180 days after October 11, 2010, the Administrator shall submit to the appropriate committees of Congress an assessment, conducted, in coordination with the Federal Aviation Administration's Office of Commercial Space Transportation, for purposes of this paragraph, of the potential non-Government market for commercially-developed crew and cargo transportation systems and capabilities, including an assessment of the activities associated with potential private sector utilization of the ISS research and technology development capabilities and other potential activities in low-Earth orbit.

###### **(3) Procurement system review**

The Administrator shall review current Government procurement and acquisition practices and processes, including agreement authorities under the National Aeronautics and Space Act of 1958,<sup>1</sup> to determine the most cost-effective means of procuring commercial crew transportation capabilities and related services in a manner that ensures appropriate accountability, transparency, and maximum efficiency in the procurement of such capabilities and services, which review shall include an identification of proposed measures to address risk management and means of indemnification of commercial providers of such capabilities and services, and measures for quality control, safety oversight, and the application of Federal oversight processes within the jurisdiction of other Federal agencies. A description of the proposed procurement process and justification of the proposed procurement for its selection shall be included in any proposed initiation of procurement activity for commercially-developed crew transportation capabilities and services and shall be subject to review by the appropriate committees of Congress before the initiation of any competitive process to procure such capabilities or services. In support of the review by such committees, the Comptroller General shall undertake an assessment of the proposed procurement process and provide a report to the appropriate committees of Congress within 90

<sup>1</sup> See References in Text note below.