

and extends out to and includes geo-synchronous orbit.

(8) NOAA

The term “NOAA” means the National Oceanic and Atmospheric Administration.

(9) OSTP

The term “OSTP” means the Office of Science and Technology Policy.

(10) Space Launch System

The term “Space Launch System” means the follow-on government-owned civil launch system developed, managed, and operated by NASA to serve as a key component to expand human presence beyond low-Earth orbit.

(Pub. L. 111–267, §3, Oct. 11, 2010, 124 Stat. 2808.)

SUBCHAPTER I—POLICY, GOALS, AND OBJECTIVES FOR HUMAN SPACE FLIGHT AND EXPLORATION

§ 18311. United States human space flight policy

(a) Use of non-United States human space flight transportation services

(1) In general

The Federal Government may not acquire human space flight transportation services from a foreign entity unless—

- (A) no United States Government-operated human space flight capability is available;
- (B) no United States commercial provider is available; and
- (C) it is a qualified foreign entity.

(2) Definitions

In this subsection:

(A) Commercial provider

The term “commercial provider” means any person providing human space flight transportation services, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(B) Qualified foreign entity

The term “qualified foreign entity” means a foreign entity that is in compliance with all applicable safety standards and is not prohibited from providing space transportation services under other law.

(C) United States commercial provider

The term “United States commercial provider” means a commercial provider, organized under the laws of the United States or of a State, that is more than 50 percent owned by United States nationals.

(3) Arrangements with foreign entities

Nothing in this subsection shall prevent the Administrator from negotiating or entering into human space flight transportation arrangements with foreign entities to ensure safety of flight and continued ISS operations.

(b) United States human space flight capabilities

Congress reaffirms the policy stated in section 70501(a) of title 51, that the United States shall maintain an uninterrupted capability for human space flight and operations in low-Earth orbit,

and beyond, as an essential instrument of national security and of the capacity to ensure continued United States participation and leadership in the exploration and utilization of space.

(Pub. L. 111–267, title II, §201, Oct. 11, 2010, 124 Stat. 2811; Pub. L. 115–10, title III, §302(d), Mar. 21, 2017, 131 Stat. 25.)

CODIFICATION

In subsec. (b), “section 70501(a) of title 51” substituted for “section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16761(a))” on authority of Pub. L. 111–314, §5(e), Dec. 18, 2010, 124 Stat. 3443, which Act enacted Title 51, National and Commercial Space Programs.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115–10 amended subsec. (a) generally. Prior to amendment, text read as follows: “It is the policy of the United States that reliance upon and use of non-United States human space flight capabilities shall be undertaken only as a contingency in circumstances where no United States-owned and operated human space flight capability is available, operational, and certified for flight by appropriate Federal agencies.”

§ 18312. Goals and objectives

(a) Long-term goals

The long-term goals of the human space flight and exploration efforts of NASA shall be—

- (1) to expand permanent human presence beyond low-Earth orbit and to do so, where practical, in a manner involving international, academic, and industry partners;
- (2) crewed missions and progress toward achieving the goal in paragraph (1) to enable the potential for subsequent human exploration and the extension of human presence throughout the solar system; and
- (3) to enable a capability to extend human presence, including potential human habitation on another celestial body and a thriving space economy in the 21st Century.¹

(b) Key objectives

The key objectives of the United States for human expansion into space shall be—

- (1) to sustain the capability for long-duration presence in low-Earth orbit, initially through continuation of the ISS and full utilization of the United States segment of the ISS as a National Laboratory, and through assisting and enabling an expanded commercial presence in, and access to, low-Earth orbit, as elements of a low-Earth orbit infrastructure;
- (2) to determine if humans can live in an extended manner in space with decreasing reliance on Earth, starting with utilization of low-Earth orbit infrastructure, to identify potential roles that space resources such as energy and materials may play, to meet national and global needs and challenges, such as potential cataclysmic threats, and to explore the viability of and lay the foundation for sustainable economic activities in space;
- (3) to maximize the role that human exploration of space can play in advancing overall knowledge of the universe, supporting United

¹ So in original. Probably should be “century.”

States national and economic security and the United States global competitive posture, and inspiring young people in their educational pursuits;

(4) to build upon the cooperative and mutually beneficial framework established by the ISS partnership agreements and experience in developing and undertaking programs and meeting objectives designed to realize the goal of human space flight set forth in subsection (a); and

(5) to achieve human exploration of Mars and beyond through the prioritization of those technologies and capabilities best suited for such a mission in accordance with the stepping stone approach to exploration under section 70504 of title 51.

(Pub. L. 111-267, title II, §202, Oct. 11, 2010, 124 Stat. 2812; Pub. L. 115-10, title IV, §§411, 412, Mar. 21, 2017, 131 Stat. 33.)

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-10, §411, amended subsec. (a) generally. Prior to amendment, text read as follows: “The long term goal of the human space flight and exploration efforts of NASA shall be to expand permanent human presence beyond low-Earth orbit and to do so, where practical, in a manner involving international partners.”

Subsec. (b)(5). Pub. L. 115-10, §412, added par. (5).

§ 18313. Assurance of core capabilities

(a) Sense of Congress

It is the sense of Congress that—

(1) the ISS, technology developments, the current Space Shuttle program, and follow-on transportation systems authorized by this chapter form the foundation of initial capabilities for missions beyond low-Earth orbit to a variety of lunar and Lagrangian orbital locations; and

(2) these initial missions and related capabilities should be utilized to provide operational experience, technology development, and the placement and assured use of in-space infrastructure and in-space servicing of existing and future assets.

(b) Sense of Congress regarding human space flight capability assurance

It is the sense of Congress that the Administrator shall proceed with the utilization of the ISS, technology development, and follow-on transportation systems (including the Space Launch System, multi-purpose crew vehicle, and commercial crew and cargo transportation capabilities) under subchapters II and III of this chapter in a manner that ensures—

(1) that these capabilities remain inherently complementary and interrelated;

(2) a balance of the development, sustainment, and use of each of these capabilities, which are of critical importance to the viability and sustainability of the U.S. space program; and

(3) that resources required to support the timely and sustainable development of these capabilities authorized in either subchapter II or subchapter III of this chapter are not derived from a reduction in resources for the capabilities authorized in the other subchapter.

(c) Limitation

Nothing in subsection (b) shall apply to or affect any capability authorized by any other subchapter of this chapter¹

(Pub. L. 111-267, title II, §203, Oct. 11, 2010, 124 Stat. 2812; Pub. L. 112-273, §2, Jan. 14, 2013, 126 Stat. 2454; Pub. L. 115-10, title IV, §416(a), Mar. 21, 2017, 131 Stat. 34.)

AMENDMENTS

2017—Subsec. (b). Pub. L. 115-10, §416(a)(1), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows:

“(1) DEVELOPMENT OF FOLLOW-ON SPACE TRANSPORTATION SYSTEMS.—The Administrator shall proceed with the development of follow-on space transportation systems in a manner that ensures that the national capability to restart and fly Space Shuttle missions can be initiated if required by the Congress, in an Act enacted after October 11, 2010, or by a Presidential determination transmitted to the Congress, before the last Space Shuttle mission authorized by this chapter is completed.

“(2) REQUIRED ACTIONS.—In carrying out the requirement in paragraph (1), the Administrator shall authorize refurbishment of the manufactured external tank of the Space Shuttle, designated as ET-94, and take all actions necessary to enable its readiness for use in the Space Launch System development as a critical skills and capability retention effort or for test purposes, while preserving the ability to use this tank if needed for an ISS contingency if deemed necessary under paragraph (1).”

Subsecs. (c), (d). Pub. L. 115-10, §416(a)(2), (3), substituted “subsection (b)” for “subsection (c)” in subsec. (d) and redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

2013—Subsecs. (c), (d). Pub. L. 112-273 added subsecs. (c) and (d).

REFERENCES IN TEXT

Any other subchapter of this chapter, referred to in subsec. (d), was in the original “any other title of this Act”, meaning any other title of Pub.L. 111-267, Oct. 11, 2010, 124 Stat. 2805. In addition to title II which is classified generally to this subchapter, Pub. L. 111-267 contains titles III to XII which are classified generally to subchapters II to XI, respectively, of this chapter and titles I and XIII, 126 Stat. 2809, 2846, which are not classified to the Code.

SUBCHAPTER II—EXPANSION OF HUMAN SPACE FLIGHT BEYOND THE INTERNATIONAL SPACE STATION AND LOW-EARTH ORBIT

§ 18321. Human space flight beyond low-Earth orbit

(a) Findings

Congress makes the following findings:

(1) The extension of the human presence from low-Earth orbit to other regions of space beyond low-Earth orbit will enable missions to the surface of the Moon and missions to deep space destinations such as near-Earth asteroids and Mars.

(2) The regions of cis-lunar space are accessible to other national and commercial launch capabilities, and such access raises a host of national security concerns and economic implications that international human space endeavors can help to address.

¹ So in original. Probably should be followed by a period.