

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 30503. Performance assessments

(a) IN GENERAL.—The performance of each division in the Science directorate of the Administration shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) TIMING.—Beginning with the first fiscal year following December 30, 2005, the Administrator shall select at least one division for review under this section. The Administrator shall select divisions so that all disciplines will have received their first review within 6 fiscal years of December 30, 2005.

(c) REPORTS.—Not later than March 1 of each year, beginning with the first fiscal year after December 30, 2005, the Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by the Administration in response to any external review; and

(3) including a summary of findings and recommendations along with any other relevant external reviews of the Administration’s science mission priorities and programs.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3368.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30503, 42 U.S.C. 16651, Pub. L. 109–155, title III, § 301, Dec. 30, 2005, 119 Stat. 2916.

In subsections (b) and (c), the date “December 30, 2005” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155, 119 Stat. 2895).

In subsection (c), the words “Committee on Science and Technology” are substituted for “Committee on Science” on authority of Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 30504. Assessment of science mission extensions

(a) ASSESSMENTS.—

(1) IN GENERAL.—The Administrator shall carry out triennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of

data collection for those missions that exceed their planned missions’ lifetime.

(2) CONSIDERATIONS.—In conducting an assessment under paragraph (1), the Administrator shall consider whether and how extending missions impacts the start of future missions.

(b) CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.—When deciding whether to extend a mission that has an operational component, the Administrator shall—

(1) consult with any affected Federal agency; and

(2) take into account the potential benefits of instruments on missions that are beyond their planned mission lifetime.

(c) REPORTS.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, at the same time as the submission to Congress of the Administration’s annual budget request for each fiscal year, a report detailing any assessment under subsection (a) that was carried out during the previous year.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3369; Pub. L. 115–10, title V, § 513, Mar. 21, 2017, 131 Stat. 52.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30504(a), 42 U.S.C. 16654(a), Pub. L. 109–155, title III, § 304(a) (matter before par. (1)). Row 2: 30504(b), 42 U.S.C. 16654(a)(2).

In subsection (a), the words “In addition—” are omitted as unnecessary.

Editorial Notes

AMENDMENTS

2017—Pub. L. 115–10 amended section generally. Prior to amendment, text read as follows:

“(a) ASSESSMENT.—The Administrator shall carry out biennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that have exceeded their planned mission lifetime.

“(b) CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.—For those missions that have an operational component, the National Oceanic and Atmospheric Administration or any other affected agency shall be consulted and the potential benefits of instruments on missions that are beyond their planned mission lifetime taken into account.”

CHAPTER 307—INTERNATIONAL COOPERATION AND COMPETITION

Table with 2 columns: Sec., Description. Row 1: 30701. Competitiveness and international cooperation. Row 2: 30702. Foreign contract limitation. Row 3: 30703. Foreign launch vehicles. Row 4: 30704. Offshore performance of contracts for the procurement of goods and services.

§ 30701. Competitiveness and international cooperation

(a) LIMITATION.—

(1) SOLICITATION OF COMMENT.—As part of the evaluation of the costs and benefits of entering into an obligation to conduct a space mission in which a foreign entity will participate as a supplier of the spacecraft, spacecraft system, or launch system, the Administrator shall solicit comment on the potential impact of such participation through notice published in Commerce Business Daily at least 45 days before entering into such an obligation.

(2) AGREEMENTS WITH PEOPLE’S REPUBLIC OF CHINA.—The Administrator shall certify to Congress at least 15 days in advance of any cooperative agreement with the People’s Republic of China, or any company owned by the People’s Republic of China or incorporated under the laws of the People’s Republic of China, involving spacecraft, spacecraft systems, launch systems, or scientific or technical information, that—

(A) the agreement is not detrimental to the United States space launch industry; and

(B) the agreement, including any indirect technical benefit that could be derived from the agreement, will not improve the missile or space launch capabilities of the People’s Republic of China.

(3) ANNUAL AUDIT.—The Inspector General of the Administration, in consultation with appropriate agencies, shall conduct an annual audit of the policies and procedures of the Administration with respect to the export of technologies and the transfer of scientific and technical information, to assess the extent to which the Administration is carrying out its activities in compliance with Federal export control laws and with paragraph (2).

(b) NATIONAL INTERESTS.—

(1) DEFINITION OF UNITED STATES COMMERCIAL PROVIDER.—In this subsection, the term “United States commercial provider” means a commercial provider (as defined in section 30308(a) of this title), organized under the laws of the United States or of a State (as defined in section 30308(a) of this title), which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Commerce finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company’s subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph

(A) to participate in Government sponsored research and development similar to that authorized under this section, section 30307, 30308, 30309, or 30702 of this title, or the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106-391, 114 Stat. 1577);

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

(2) IN GENERAL.—Before entering into an obligation described in subsection (a), the Administrator shall consider the national interests of the United States described in paragraph (3) of this subsection.

(3) DESCRIPTION OF NATIONAL INTERESTS.—International cooperation in space exploration and science activities most effectively serves the United States national interest when it—

(A)(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens;

(B) is undertaken in a manner that is sensitive to the desire of United States commercial providers to develop or explore space commercially;

(C) is consistent with the need for Federal agencies to use space to complete their missions; and

(D) is carried out in a manner consistent with United States export control laws.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3369.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30701(a)	42 U.S.C. 2475a(a).	Pub. L. 106-391, title I, § 126, Oct. 30, 2000, 114 Stat. 1585.
30701(b)(1) ..	(no source)	
30701(b)(2) ..	42 U.S.C. 2475a(b).	
30701(b)(3) ..	(no source)	

In subsection (b)(1), the definition of “United States commercial provider” is added to carry forward the appropriate definition from section 3 of the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106-391, 114 Stat. 1580).

In subsection (b)(3), the description of national interests of the United States is added to carry forward the appropriate description of national interests of the United States from section 2(6) of the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106-391, 114 Stat. 1578).

Editorial Notes

REFERENCES IN TEXT

The National Aeronautics and Space Administration Authorization Act of 2000, referred to in subsec. (b)(1)(B)(ii)(I), is Pub. L. 106-391, Oct. 30, 2000, 114 Stat.

1577. For complete classification of this Act to the Code, see Tables.

Statutory Notes and Related Subsidiaries

LIMITATION ON INTERNATIONAL AGREEMENTS CONCERNING OUTER SPACE ACTIVITIES

Pub. L. 112-239, div. A, title IX, §913(a), (b), Jan. 2, 2013, 126 Stat. 1874, provided that:

“(a) **CERTIFICATION REQUIRED.**—If the United States becomes a signatory to a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any similar agreement, at the same time as the United States becomes such a signatory—

“(1) the President shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a certification that such agreement has no legally-binding effect or basis for limiting the activities of the United States in outer space; and

“(2) the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence shall jointly submit to the congressional defense committees a certification that such agreement will be equitable, enhance national security, and have no militarily significant impact on the ability of the United States to conduct military or intelligence activities in space.

“(b) **BRIEFINGS AND NOTIFICATIONS REQUIRED.**—

“(1) **RESTATEMENT OF POLICY FORMULATION UNDER THE ARMS CONTROL AND DISARMAMENT ACT WITH RESPECT TO OUTER SPACE.**—No action shall be taken that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in outer space in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause II of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.

“(2) **BRIEFINGS.**—

“(A) **REQUIREMENT.**—The Secretary of Defense, the Secretary of State, and the Director of National Intelligence shall jointly provide to the covered congressional committees regular, detailed updates on the negotiation of a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any similar agreement.

“(B) **TERMINATION OF REQUIREMENT.**—The requirement to provide regular briefings under subparagraph (A) shall terminate on the date on which the United States becomes a signatory to an agreement referred to in subparagraph (A), or on the date on which the President certifies to Congress that the United States is no longer negotiating an agreement referred to in subparagraph (A), whichever is earlier.

“(3) **NOTIFICATIONS.**—If the United States becomes a signatory to a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any similar agreement, not less than 60 days prior to any action that will obligate the United States to reduce or limit the Armed Forces or armaments or activities of the United States in outer space, the head of each Department or agency of the Federal Government that is affected by such action shall submit to Congress notice of such action and the effect of such action on such Department or agency.

“(4) **DEFINITION.**—In this subsection, the term ‘covered congressional committees’ means—

“(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

“(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.”

§ 30702. Foreign contract limitation

The Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3371.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30702	42 U.S.C. 2475b.	Pub. L. 106-391, title III, §305, Oct. 30, 2000, 114 Stat. 1592.

§ 30703. Foreign launch vehicles

(a) **ACCORD WITH SPACE TRANSPORTATION POLICY.**—The Administration shall not launch a payload on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004. This subsection shall not be construed to prevent the President from waiving the Space Transportation Policy.

(b) **INTERAGENCY COORDINATION.**—The Administration shall not launch a payload on a foreign launch vehicle unless the Administration commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the payload.

(c) **APPLICATION.**—This section shall not apply to any payload for which development has begun prior to December 30, 2005, including the James Webb Space Telescope.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3371.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30703	42 U.S.C. 16614.	Pub. L. 109-155, title I, §105, Dec. 30, 2005, 119 Stat. 2912.

In subsection (c), the date ‘December 30, 2005’ is substituted for ‘the date of enactment of this Act’ to reflect the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2895).

§ 30704. Offshore performance of contracts for the procurement of goods and services

The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by the Administration from foreign entities in that fiscal year. The report shall separately indicate—

- (1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and
- (2) the items and their dollar values for which the Buy American Act (41 U.S.C. 10a et