

development of commercially developed launch and delivery systems to the ISS for crew and cargo missions. Congress reaffirms that NASA shall make use of United States commercially provided ISS crew transfer and crew rescue services to the maximum extent practicable.

(11) It is critical to identify an appropriate combination of NASA and related United States Government programs, while providing a framework that allows partnering, leveraging and stimulation of the existing and emerging commercial and international efforts in both near Earth space and the regions beyond.

(12) The designation of the United States segment of the ISS as a National Laboratory, as provided by the National Aeronautics and Space Administration Authorization Act of 2005¹ and the National Aeronautics and Space Administration Authorization Act of 2008,¹ provides an opportunity for multiple United States Government agencies, university-based researchers, research organizations, and others to utilize the unique environment of microgravity for fundamental scientific research and potential economic development.

(13) For some potential replacement elements necessary for ISS sustainability, the Space Shuttle may represent the only vehicle, existing or planned, capable of carrying those elements to the ISS in the near term. Additional or alternative transportation capabilities must be identified as contingency delivery options, and accompanied by an independent analysis of projected availability of such capabilities.

(14) The United States must develop, as rapidly as possible, replacement vehicles capable of providing both human and cargo launch capability to low-Earth orbit and to destinations beyond low-Earth orbit.

(15) There is a need for national space and export control policies that protect the national security of the United States while also enabling the United States and its aerospace industry to undertake cooperative programs in science and human space flight in an effective and efficient manner and to compete effectively in the global market place.

(Pub. L. 111-267, § 2, Oct. 11, 2010, 124 Stat. 2807.)

Editorial Notes

REFERENCES IN TEXT

The National Aeronautics and Space Administration Authorization Act of 2005, referred to in pars. (10) and (12), is Pub. L. 109-155, Dec. 30, 2005, 119 Stat. 2895, which was classified principally to chapter 150 (§16601 et seq.) of this title, and was substantially repealed and restated in chapters 305 (§30501 et seq.), 401 (§40101 et seq.), 603 (§60301 et seq.) and 707 (§70701 et seq.) and sections 20301, 20302, 30103(a), (b), 30104, 30306, 30703, 30704, 30902, 31301, 31501, 40701, 40904 to 40909, 50505, 50116, 60505, 70501 to 70503, and 70902 to 70905 of Title 51, National and Commercial Space Programs, by Pub. L. 111-314, §§ 3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444. For complete classification of this Act to the Code, see Short Title of 2005 Act note set out under section 10101 of Title 51 and Tables.

The National Aeronautics and Space Administration Authorization Act of 2008, referred to in pars. (10) and

(12), is Pub. L. 110-422, Oct. 15, 2008, 122 Stat. 4779, which was classified principally to chapter 155 (§17701 et seq.) of this title, and was substantially repealed and restated as chapters 711 (§71101 et seq.) and 713 (§71301 et seq.) and sections 20305, 30305, 30310, 31302, 31502 to 31505, 40104, 40311, 40702 to 40704, 40903(d), 50111(b), 60501 to 60504, 60506, 70504 to 70508, 70906, and 70907 of Title 51, National and Commercial Space Programs, by Pub. L. 111-314, §§ 3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444. For complete classification of this Act to the Code, see Short Title of 2008 Act note set out under section 10101 of Title 51 and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 111-267, §1(a), Oct. 11, 2010, 124 Stat. 2805, provided that: “This Act [enacting this chapter] may be cited as the ‘National Aeronautics and Space Administration Authorization Act of 2010’.”

§ 18302. Definitions

In this chapter:

(1) Administrator

The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

(2) Appropriate committees of Congress

The term “appropriate committees of Congress” means—

- (A) the Committee on Commerce, Science, and Transportation of the Senate; and
- (B) the Committee on Science¹ of the House of Representatives.

(3) Cis-lunar space

The term “cis-lunar space” means the region of space from the Earth out to and including the region around the surface of the Moon.

(4) Deep space

The term “deep space” means the region of space beyond cis-lunar space.

(5) ISS

The term “ISS” means the International Space Station.

(6) NASA

The term “NASA” means the National Aeronautics and Space Administration.

(7) Near-Earth space

The term “near-Earth space” means the region of space that includes low-Earth orbit 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

¹So in original. Probably should be followed by “and Technology”.

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.)

Editorial Notes

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 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

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