

(3) UNITED STATES CITIZEN.—The term “United States citizen” has the meaning given the term “citizen of the United States” in section 50902.

(Added Pub. L. 114–90, title IV, § 402(a), Nov. 25, 2015, 129 Stat. 721.)

**§ 51302. Commercial exploration and commercial recovery**

(a) IN GENERAL.—The President, acting through appropriate Federal agencies, shall—

(1) facilitate commercial exploration for and commercial recovery of space resources by United States citizens;

(2) discourage government barriers to the development in the United States of economically viable, safe, and stable industries for commercial exploration for and commercial recovery of space resources in manners consistent with the international obligations of the United States; and

(3) promote the right of United States citizens to engage in commercial exploration for and commercial recovery of space resources free from harmful interference, in accordance with the international obligations of the United States and subject to authorization and continuing supervision by the Federal Government.

(b) REPORT.—Not later than 180 days after the date of enactment of this section, the President shall submit to Congress a report on commercial exploration for and commercial recovery of space resources by United States citizens that specifies—

(1) the authorities necessary to meet the international obligations of the United States, including authorization and continuing supervision by the Federal Government; and

(2) recommendations for the allocation of responsibilities among Federal agencies for the activities described in paragraph (1).

(Added Pub. L. 114–90, title IV, § 402(a), Nov. 25, 2015, 129 Stat. 721.)

**Editorial Notes**

**REFERENCES IN TEXT**

The date of enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 114–90, which was approved Nov. 25, 2015.

**Executive Documents**

EX. ORD. NO. 13914. ENCOURAGING INTERNATIONAL SUPPORT FOR THE RECOVERY AND USE OF SPACE RESOURCES

Ex. Ord. No. 13914, Apr. 6, 2020, 85 F.R. 20381, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including title IV of the U.S. Commercial Space Launch Competitiveness Act (Public Law 114–90) [enacting this chapter], it is hereby ordered as follows:

SECTION 1. *Policy.* Space Policy Directive–1 of December 11, 2017 (Reinvigorating America’s Human Space Exploration Program) [82 F.R. 59501], provides that commercial partners will participate in an “innovative and sustainable program” headed by the United States to “lead the return of humans to the Moon for long-term exploration and utilization, followed by human missions to Mars and other destinations.” Successful

long-term exploration and scientific discovery of the Moon, Mars, and other celestial bodies will require partnership with commercial entities to recover and use resources, including water and certain minerals, in outer space.

Uncertainty regarding the right to recover and use space resources, including the extension of the right to commercial recovery and use of lunar resources, however, has discouraged some commercial entities from participating in this enterprise. Questions as to whether the 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (the “Moon Agreement”) establishes the legal framework for nation states concerning the recovery and use of space resources have deepened this uncertainty, particularly because the United States has neither signed nor ratified the Moon Agreement. In fact, only 18 countries have ratified the Moon Agreement, including just 17 of the 95 Member States of the United Nations Committee on the Peaceful Uses of Outer Space. Moreover, differences between the Moon Agreement and the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies—which the United States and 108 other countries have joined—also contribute to uncertainty regarding the right to recover and use space resources.

Americans should have the right to engage in commercial exploration, recovery, and use of resources in outer space, consistent with applicable law. Outer space is a legally and physically unique domain of human activity, and the United States does not view it as a global commons. Accordingly, it shall be the policy of the United States to encourage international support for the public and private recovery and use of resources in outer space, consistent with applicable law.

SEC. 2. *The Moon Agreement.* The United States is not a party to the Moon Agreement. Further, the United States does not consider the Moon Agreement to be an effective or necessary instrument to guide nation states regarding the promotion of commercial participation in the long-term exploration, scientific discovery, and use of the Moon, Mars, or other celestial bodies. Accordingly, the Secretary of State shall object to any attempt by any other state or international organization to treat the Moon Agreement as reflecting or otherwise expressing customary international law.

SEC. 3. *Encouraging International Support for the Recovery and Use of Space Resources.* The Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive department or agency the Secretary of State determines to be appropriate, shall take all appropriate actions to encourage international support for the public and private recovery and use of resources in outer space, consistent with the policy set forth in section 1 of this order. In carrying out this section, the Secretary of State shall seek to negotiate joint statements and bilateral and multilateral arrangements with foreign states regarding safe and sustainable operations for the public and private recovery and use of space resources.

SEC. 4. *Report on Efforts to Encourage International Support for the Recovery and Use of Space Resources.* No later than 180 days after the date of this order [Apr. 6, 2020], the Secretary of State shall report to the President, through the Chair of the National Space Council and the Assistant to the President for National Security Affairs, regarding activities carried out under section 3 of this order.

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

### § 51303. Asteroid resource and space resource rights

A United States citizen engaged in commercial recovery of an asteroid resource or a space resource under this chapter shall be entitled to any asteroid resource or space resource obtained, including to possess, own, transport, use, and sell the asteroid resource or space resource obtained in accordance with applicable law, including the international obligations of the United States.

(Added Pub. L. 114-90, title IV, § 402(a), Nov. 25, 2015, 129 Stat. 721.)

## CHAPTER 515—OFFICE OF SPACEPORTS

Sec.<sup>1</sup>

51501.<sup>1</sup> Establishment of Office of Spaceports.<sup>1</sup>

### Editorial Notes

#### AMENDMENTS

2018—Pub. L. 115-254, div. B, title V, § 580(b)(1), Oct. 5, 2018, 132 Stat. 3395, added chapter 515 and item 51501.

### § 51501. Establishment of Office of Spaceports

(a) ESTABLISHMENT OF OFFICE.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation shall identify, within the Office of Commercial Space Transportation, a centralized policy office to be known as the Office of Spaceports.

(b) FUNCTIONS.—The Office of Spaceports shall—

- (1) support licensing activities for operation of launch and reentry sites;
- (2) develop policies that promote infrastructure improvements at spaceports;
- (3) provide technical assistance and guidance to spaceports;
- (4) promote United States spaceports within the Department; and
- (5) strengthen the Nation's competitiveness in commercial space transportation infrastructure and increase resilience for the Federal Government and commercial customers.

(c) RECOGNITION.—In carrying out the functions assigned in subsection (b), the Secretary shall recognize the unique needs and distinctions of spaceports that host—<sup>1</sup>

- (1) launches to or reentries from orbit; and
- (2) are involved in suborbital launch activities.

(d) DIRECTOR.—The head of the Office of the Associate Administrator for Commercial Space Transportation shall designate a Director of the Office of Spaceports.

(e) DEFINITION.—In this section the term “spaceport” means a launch or reentry site that

<sup>1</sup> Editorially supplied. Section added by Pub. L. 115-254 without corresponding amendment of chapter analysis.

<sup>1</sup> So in original. The dash probably should follow “that” and the word “host” probably should appear at the beginning of par. (1).

is operated by an entity licensed by the Secretary of Transportation.

(Added Pub. L. 115-254, div. B, title V, § 580(b)(1), Oct. 5, 2018, 132 Stat. 3395.)

### Editorial Notes

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

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### Editorial Notes

#### AMENDMENTS

2015—Pub. L. 114-90, title II, § 201(b), Nov. 25, 2015, 129 Stat. 719, added item 60126.

#### SUBCHAPTER I—GENERAL

### § 60101. Definitions

In this chapter:

- (1) COST OF FULFILLING USER REQUESTS.—The term “cost of fulfilling user requests” means the incremental costs associated with providing product generation, reproduction, and distribution of unenhanced data in response to user requests and shall not include any acqui-