

vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

(Pub. L. 111–314, §3, Dec. 18, 2010, 124 Stat. 3332.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20103	42 U.S.C. 2452.	Pub. L. 85–568, title I, §103, July 29, 1958, 72 Stat. 427; Pub. L. 98–52, title I, §108, July 15, 1983, 97 Stat. 285.

In paragraph (1)(A), the word “Earth’s” is capitalized for consistency in title 51.

SUBCHAPTER II—COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES

§ 20111. National Aeronautics and Space Administration

(a) ESTABLISHMENT AND APPOINTMENT OF ADMINISTRATOR.—There is established the National Aeronautics and Space Administration. The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration and shall have authority and control over all personnel and activities thereof.

(b) DEPUTY ADMINISTRATOR.—There shall be in the Administration a Deputy Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. The Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during the Administrator’s absence or disability.

(c) RESTRICTION ON OTHER BUSINESS OR EMPLOYMENT.—The Administrator and the Deputy Administrator shall not engage in any other business, vocation, or employment while serving as such.

(Pub. L. 111–314, §3, Dec. 18, 2010, 124 Stat. 3332.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20111	42 U.S.C. 2472.	Pub. L. 85–568, title II, §202, July 29, 1958, 72 Stat. 429; Pub. L. 88–426, title III, §305(12), Aug. 14, 1964, 78 Stat. 423.

Statutory Notes and Related Subsidiaries

AGENCY INFORMATION TECHNOLOGY AND CYBERSECURITY

Pub. L. 115–10, title VIII, §§811–813, Mar. 21, 2017, 131 Stat. 58–60, provided that:

“SEC. 811. INFORMATION TECHNOLOGY GOVERNANCE.

“(a) IN GENERAL.—The Administrator [of the National Aeronautics and Space Administration] shall, in a manner that reflects the unique nature of NASA [National Aeronautics and Space Administration]’s mission and expertise—

“(1) ensure the NASA Chief Information Officer, Mission Directorates, and Centers have appropriate

roles in the management, governance, and oversight processes related to information technology operations and investments and information security programs for the protection of NASA systems;

“(2) ensure the NASA Chief Information Officer has the appropriate resources and insight to oversee NASA information technology and information security operations and investments;

“(3) provide an information technology program management framework to increase the efficiency and effectiveness of information technology investments, including relying on metrics for identifying and reducing potential duplication, waste, and cost;

“(4) improve the operational linkage between the NASA Chief Information Officer and each NASA mission directorate, center, and mission support office to ensure both agency and mission needs are considered in agency-wide information technology and information security management and oversight;

“(5) review the portfolio of information technology investments and spending, including information technology-related investments included as part of activities within NASA mission directorates that may not be considered information technology, to ensure investments are recognized and reported appropriately based on guidance from the Office of Management and Budget;

“(6) consider appropriate revisions to the charters of information technology boards and councils that inform information technology investment and operation decisions; and

“(7) consider whether the NASA Chief Information Officer should have a seat on any boards or councils described in paragraph (6).

“(b) GAO STUDY.—

“(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Administration’s Information Technology Governance in ensuring information technology resources are aligned with agency missions and are cost effective and secure.

“(2) CONTENTS.—The study shall include an assessment of—

“(A) the resources available for overseeing Administration-wide information technology operations, investments, and security measures and the NASA Chief Information Officer’s visibility and involvement into information technology oversight and access to those resources;

“(B) the effectiveness and challenges of the Administration’s information technology structure, decision making processes and authorities, including impacts on its ability to implement information security; and

“(C) the impact of NASA Chief Information Officer approval authority over information technology investments that exceed a defined monetary threshold, including any potential impacts of such authority on the Administration’s missions, flights programs and projects, research activities, and Center operations.

“(3) REPORT.—Not later than 1 year after the date of enactment of this Act [Mar. 21, 2017], the Comptroller General shall submit to the appropriate committees of Congress [Committee on Science, Space, and Technology of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate] a report detailing the results of the study under paragraph (1), including any recommendations.

“SEC. 812. INFORMATION TECHNOLOGY STRATEGIC PLAN.

“(a) IN GENERAL.—Subject to subsection (b), the Administrator [of the National Aeronautics and Space Administration] shall develop an information technology strategic plan to guide NASA [National Aeronautics and Space Administration] information technology management and strategic objectives.

“(b) REQUIREMENTS.—In developing the strategic plan, the Administrator shall ensure that the strategic plan addresses—

“(1) the deadline under section 306(a) of title 5, United States Code; and

“(2) the requirements under section 3506 of title 44, United States Code.

“(c) CONTENTS.—The strategic plan shall address, in a manner that reflects the unique nature of NASA’s mission and expertise—

“(1) near and long-term goals and objectives for leveraging information technology;

“(2) a plan for how NASA will submit to Congress of [sic] a list of information technology projects, including completion dates and risk level in accordance with guidance from the Office of Management and Budget;

“(3) an implementation overview for an agency-wide approach to information technology investments and operations, including reducing barriers to cross-center collaboration;

“(4) coordination by the NASA Chief Information Officer with centers and mission directorates to ensure that information technology policies are effectively and efficiently implemented across the agency;

“(5) a plan to increase the efficiency and effectiveness of information technology investments, including a description of how unnecessarily duplicative, wasteful, legacy, or outdated information technology across NASA will be identified and eliminated, and a schedule for the identification and elimination of such information technology;

“(6) a plan for improving the information security of agency information and agency information systems, including improving security control assessments and role-based security training of employees; and

“(7) submission by NASA to Congress of information regarding high risk projects and cybersecurity risks.

“(d) CONGRESSIONAL OVERSIGHT.—The Administrator shall submit to the appropriate committees of Congress [Committee on Science, Space, and Technology of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate] the strategic plan under subsection (a) and any updates thereto.

“SEC. 813. CYBERSECURITY.

“(a) FINDING.—Congress finds that the security of NASA [National Aeronautics and Space Administration] information and information systems is vital to the success of the mission of the agency.

“(b) INFORMATION SECURITY PLAN.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Mar. 21, 2017], the Administrator [of the National Aeronautics and Space Administration] shall implement the information security plan developed under paragraph (2) and take such further actions as the Administrator considers necessary to improve the information security system in accordance with this section.

“(2) INFORMATION SECURITY PLAN.—Subject to paragraphs (3) and (4), the Administrator shall develop an agency-wide information security plan to enhance information security for NASA information and information infrastructure.

“(3) REQUIREMENTS.—In developing the plan under paragraph (2), the Administrator shall ensure that the plan—

“(A) reflects the unique nature of NASA’s mission and expertise;

“(B) is informed by policies, standards, guidelines, and directives on information security required for Federal agencies;

“(C) is consistent with the standards and guidelines under section 11331 of title 40, United States Code; and

“(D) meets applicable National Institute of Standards and Technology information security standards and guidelines.

“(4) CONTENTS.—The plan shall address—

“(A) an overview of the requirements of the information security system;

“(B) an agency-wide risk management framework for information security;

“(C) a description of the information security system management controls and common controls that are necessary to ensure compliance with information security-related requirements;

“(D) an identification and assignment of roles, responsibilities, and management commitment for information security at the agency;

“(E) coordination among organizational entities, including between each center, facility, mission directorate, and mission support office, and among agency entities responsible for different aspects of information security;

“(F) the need to protect the information security of mission-critical systems and activities and high-impact and moderate-impact information systems; and

“(G) a schedule of frequent reviews and updates, as necessary, of the plan.”

COLLABORATION AMONG MISSION DIRECTORATES

Pub. L. 115–10, title VIII, §821, Mar. 21, 2017, 131 Stat. 61, provided that: “The Administrator [of the National Aeronautics and Space Administration] shall encourage an interdisciplinary approach among all NASA [National Aeronautics and Space Administration] mission directorates and divisions, whenever appropriate, for projects or missions—

“(1) to improve coordination, and encourage collaboration and early planning on scope;

“(2) to determine areas of overlap or alignment;

“(3) to find ways to leverage across divisional perspectives to maximize outcomes; and

“(4) to be more efficient with resources and funds.”

USERS’ ADVISORY GROUP

Pub. L. 101–611, title I, §121, Nov. 16, 1990, 104 Stat. 3204, as amended by Pub. L. 117–286, §4(a)(324), Dec. 27, 2022, 136 Stat. 4341, provided that:

“(a) ESTABLISHMENT.—(1) The National Space Council shall establish a Users’ Advisory Group composed of non-Federal representatives of industries and other persons involved in aeronautical and space activities.

“(2) The Vice President shall name a chairman of the Users’ Advisory Group.

“(3) The National Space Council shall from time to time, but not less than once a year, meet with the Users’ Advisory Group.

“(4) The function of the Users’ Advisory Group shall be to ensure that the interests of industries and other non-Federal entities involved in space activities, including in particular commercial entities, are adequately represented in the National Space Council.

“(5) The Users’ Advisory Group may be assisted by personnel detailed to the National Space Council.

“(b) EXEMPTION.—The Users’ Advisory Group shall not be subject to section 1013(a) of title 5, United States Code.”

NATIONAL SPACE COUNCIL

Pub. L. 101–328, §3(a), July 8, 1990, 104 Stat. 308, provided that: “Not more than six individuals may be employed by the National Space Council without regard to any provision of law regulating the employment or compensation of persons in the Government service, at rates not to exceed the rate of pay for level VI of the Senior Executive Schedule as provided pursuant to section 5382 of title 5, United States Code.”

Pub. L. 101–328, §4, July 8, 1990, 104 Stat. 308, provided that: “The National Space Council may, for purposes of carrying out its functions, employ experts and consultants in accordance with section 3109 of title 5, United States Code, and may compensate individuals so employed for each day they are involved in a business of the National Space Council (including traveltime) at rates not in excess of the daily equivalent of the maximum rate of pay for grade GS–18 as provided pursuant to section 5332 of title 5, United States Code.”

[References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.]

Pub. L. 100-685, title V, § 501, Nov. 17, 1988, 102 Stat. 4102, provided that:

“(a) Effective February 1, 1989, there is established in the Executive Office of the President the National Space Council, which shall be chaired by the Vice President.

“(b) By March 1, 1989, the President shall submit to the Congress a report that outlines the composition and functions of the National Space Council.

“(c) The Council may employ a staff of not more than seven persons, which is to be headed by a civilian executive secretary, who shall be appointed by the President.”

Executive Documents

EX. ORD. NO. 10849. ESTABLISHMENT OF SEAL FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ex. Ord. No. 10849, Nov. 27, 1959, 24 F.R. 9559, as amended by Ex. Ord. No. 10942, May 19, 1961, 26 F.R. 4419, provided:

WHEREAS the Administrator of the National Aeronautics and Space Administration has caused to be made, and has recommended that I approve, a seal for the National Aeronautics and Space Administration, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a disc of the blue sky strewn with white stars, to dexter a larger yellow sphere bearing a red flight symbol apex in upper sinister and wings enveloping and casting a brown shadow upon the sphere, all partially encircled with a horizontal white orbit, in sinister a small light-blue sphere; circumscribing the disc a white band edged gold inscribed “National Aeronautics and Space Administration U.S.A.” in red letters.

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AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the National Aeronautics and Space Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the National Aeronautics and Space Administration.

EX. ORD. NO. 12675

Ex. Ord. No. 12675, Apr. 20, 1989, 54 F.R. 17691, as amended by Ex. Ord. No. 12712, Apr. 26, 1990, 55 F.R. 18095; Ex. Ord. No. 12869, § 4(f), Sept. 30, 1993, 58 F.R.

51752, which established the National Space Council, was superseded by Ex. Ord. No. 13803, § 9(a), June 30, 2017, 82 F.R. 31431, formerly set out below.

EXECUTIVE ORDER NO. 13803

Ex. Ord. No. 13803, June 30, 2017, 82 F.R. 31429, as amended by Ex. Ord. No. 13906, Feb. 13, 2020, 85 F.R. 10031, which reestablished the National Space Council and ordered the Council to convene the Users’ Advisory Group, was revoked by Ex. Ord. No. 14056, § 7(d), Dec. 1, 2021, 86 F.R. 68873, set out below.

EX. ORD. NO. 14056. THE NATIONAL SPACE COUNCIL

Ex. Ord. No. 14056, Dec. 1, 2021, 86 F.R. 68871, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Purpose.* The National Space Council (Council), as authorized under Title V of Public Law 100-685 [§ 501, set out above], advises and assists the President regarding national space policy and strategy. This order sets forth the Council’s membership, duties, and responsibilities.

SEC. 2. *Membership of the National Space Council.* The Council shall be composed of:

- (a) the Vice President, who shall be Chair of the Council;
- (b) the Secretary of State;
- (c) the Secretary of Defense;
- (d) the Secretary of the Interior;
- (e) the Secretary of Agriculture;
- (f) the Secretary of Commerce;
- (g) the Secretary of Labor;
- (h) the Secretary of Transportation;
- (i) the Secretary of Energy;
- (j) the Secretary of Education;
- (k) the Secretary of Homeland Security;
- (l) the Director of the Office of Management and Budget;
- (m) the Director of National Intelligence;
- (n) the Director of the Office of Science and Technology Policy;
- (o) the Assistant to the President for National Security Affairs;
- (p) the Assistant to the President for Economic Policy;
- (q) the Assistant to the President for Domestic Policy;
- (r) the Assistant to the President and National Climate Advisor;
- (s) the Chairman of the Joint Chiefs of Staff;
- (t) the Administrator of the National Aeronautics and Space Administration; and
- (u) the heads of other executive departments and agencies (agencies) and other senior officials within the Executive Office of the President, as determined by the Chair.

SEC. 3. *Functions and Operations of the Council.* (a) The Council shall advise and assist the President on space policy and strategy. In particular, it shall:

- (i) review, develop, and provide recommendations to the President on space policy and strategy;
 - (ii) coordinate implementation of space policy and strategy;
 - (iii) synchronize the Nation’s civil, commercial, and national security space activities in furtherance of the objectives of the President’s national space policy and strategy;
 - (iv) facilitate resolution of differences among agencies on space-related policy and strategy matters;
 - (v) enable interagency cooperation, coordination, and information exchange on space activities; and
 - (vi) perform such other duties as the President may, from time to time, prescribe.
- (b) The operation of the Council shall not interfere with the existing lines of authority in or responsibilities of any agency.
- (c) The Council shall have a staff, headed by a civilian Executive Secretary appointed by the President.

(d) The Council shall meet at least annually.

(e) The Council shall consider and provide recommendations to the President on any space-related issue as determined by the Chair.

SEC. 4. *Responsibilities of the Chair.* (a) The Chair shall serve as the President's principal advisor on national space policy and strategy.

(b) The Chair shall establish procedures and set the agenda for Council sessions to address Presidential priorities.

(c) The Chair may recommend to the President candidates for the position of Executive Secretary.

(d) The Chair may invite the heads of other agencies, other senior officials in the Executive Office of the President, and other Federal employees to participate in Council meetings.

(e) The Chair or, upon the Chair's direction, the Executive Secretary, may develop budget recommendations for submission to the Director of the Office of Management and Budget that reflect the President's space policy and strategy, as well as provide advice concerning budget submissions by agencies related to the President's space policies and strategies.

SEC. 5. *National Space Policy Planning Process.* (a) The Council shall establish a process for developing and coordinating the implementation of national space policy and strategy.

(b) The head of each agency that conducts space-related activities shall, to the extent permitted by law, conform such activities to the President's national space policy and strategy.

(c) On space matters relating primarily to national security, the Council shall coordinate with the National Security Council (NSC) to develop space policy and strategy consistent with NSC priorities and practices.

SEC. 6. *Users' Advisory Group.* (a) The Council shall convene a Users' Advisory Group (Group) pursuant to section 121 of Public Law 101-611 [set out above], composed of non-Federal representatives of industries and other persons involved in aeronautical and space activities.

(b) Members of the Group shall serve without compensation for their work for the Group. Members of the Group, while engaged in the work of the Group, may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707), consistent with the availability of funds.

(c) The Group shall report directly to the Council and shall provide advice or work product solely to the Council.

(d) The Group shall provide advice and recommendations to the Council on matters related to space policy and strategy, including Government policies, laws, regulations, treaties, international instruments, programs, and practices across the civil, commercial, and national security space sectors.

SEC. 7. *Administrative Provisions.* (a) To aid in the performance of the functions of the Council:

(i) the Office of Administration in the Executive Office of the President shall provide administrative support to the Council, to the extent permitted by law and within existing appropriations; and

(ii) legal advice to the Council with respect to its work and functions shall be provided exclusively by the Office of the Counsel to the President and the Counsel to the Vice President.

(b) To the extent practicable and permitted by law, including the Economy Act (31 U.S.C. 1535), and within existing appropriations, agencies serving on the Council, components of the Executive Office of the President, and interagency councils and committees that affect space policy or strategy shall make resources, including personnel, office support, and printing, available to the Council as reasonably requested by the Chair or, upon the Chair's direction, the Executive Secretary.

(c) Agencies shall cooperate with the Council through the Chair, or upon the Chair's request, the Executive

Secretary, and provide such information and advice to the Council as it may reasonably request, to the extent permitted by law, including information regarding agencies' current and planned space activities.

(d) This order supersedes Executive Order 13803 of June 30, 2017 (Reviving the National Space Council) [formerly set out above], and Executive Order 13906 of February 13, 2020 (Amending Executive Order 13803—Reviving the National Space Council), and those orders are revoked. To the extent this order is inconsistent with any provision of any previous Executive Order or Presidential Memorandum, this order shall control.

(e) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

SEC. 8. *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.

J.R. BIDEN, JR.

§ 20112. Functions of the Administration

(a) **PLANNING, DIRECTING, AND CONDUCTING AERONAUTICAL AND SPACE ACTIVITIES.**—The Administration, in order to carry out the purpose of this chapter, shall—

(1) plan, direct, and conduct aeronautical and space activities;

(2) arrange for participation by the scientific community in planning scientific measurements and observations to be made through use of aeronautical and space vehicles, and conduct or arrange for the conduct of such measurements and observations;

(3) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof;

(4) seek and encourage, to the maximum extent possible, the fullest commercial use of space; and

(5) encourage and provide for Federal Government use of commercially provided space services and hardware, consistent with the requirements of the Federal Government.

(b) **RESEARCH AND DEVELOPMENT IN CERTAIN TECHNOLOGIES.**—

(1) **GROUND PROPULSION TECHNOLOGIES.**—The Administration shall, to the extent of appropriated funds, initiate, support, and carry out such research, development, demonstration, and other related activities in ground propulsion technologies as are provided for in sections 4 to 10 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2503 to 2509).

(2) **SOLAR HEATING AND COOLING TECHNOLOGIES.**—The Administration shall initiate, support, and carry out such research, development, demonstrations, and other related activities in solar heating and cooling technologies (to the extent that funds are appropriated therefor) as are provided for in sec-