

stated 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 of this title, and was substantially repealed and restated as chapters 711 (§71101 et seq.)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 Science<sup>1</sup> 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.

<sup>1</sup>So in original. Probably should be followed by “and Technology”.

#### (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.)

**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.<sup>1</sup>

**(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 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.)

**Editorial Notes**

## 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 chapter<sup>1</sup>

<sup>1</sup> So in original. Probably should be “century.”

<sup>1</sup> So in original. Probably should be followed by a period.