

(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-

tions 5, 6, and 9 of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5503, 5504, 5507).

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3333.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20112	42 U.S.C. 2473(a), (b).	Pub. L. 85-568, title II, § 203(a), (b), July 29, 1958, 72 Stat. 429; Pub. L. 93-409, § 4, Sept. 3, 1974, 88 Stat. 1070; Pub. L. 94-413, § 15(c), Sept. 17, 1976, 90 Stat. 1270; Pub. L. 95-401, § 6, Sept. 30, 1978, 92 Stat. 860; Pub. L. 101-611, title I, § 107, Nov. 16, 1990, 104 Stat. 3197.

§ 20113. Powers of the Administration in performance of functions

(a) RULES AND REGULATIONS.—In the performance of its functions, the Administration is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

(b) OFFICERS AND EMPLOYEES.—In the performance of its functions, the Administration is authorized to appoint and fix the compensation of officers and employees as may be necessary to carry out such functions. The officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5, except that—

(1) to the extent the Administrator deems such action necessary to the discharge of the Administrator's responsibilities, the Administrator may appoint not more than 425 of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and may fix the compensation of such personnel not in excess of the rate of basic pay payable for level III of the Executive Schedule; and

(2) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, the Administrator may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel under the General Schedule, and fix their compensation accordingly.

(c) PROPERTY.—In the performance of its functions, the Administration is authorized—

(1) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States;

(2) to acquire by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Co-

lumbia for the use of the Administration for a period not to exceed 10 years without regard to section 8141 of title 40;

(3) to lease to others such real and personal property;

(4) to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of chapters 1 to 11 of title 40 and in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.);¹ and

(5) to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor.

(d) GIFTS.—In the performance of its functions, the Administration is authorized to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible.

(e) CONTRACTS, LEASES, AND AGREEMENTS.—In the performance of its functions, the Administration is authorized, without regard to subsections (a) and (b) of section 3324 of title 31, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this chapter, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration.

(f) COOPERATION WITH FEDERAL AGENCIES AND OTHERS.—In the performance of its functions, the Administration is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment.

(g) ADVISORY COMMITTEES.—In the performance of its functions, the Administration is authorized to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration.

¹ See References in Text note below.