

In subsection (c)(5), the words “as proposed” are omitted as surplus.

**Editorial Notes**

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70303 of title 49 and section 70303 of this title as this section.

**§ 51104. Environmental requirements**

(a) **POLICY.**—It is the policy of the United States that projects selected under this chapter shall provide for the protection and enhancement of the natural resources and the quality of the environment of the United States. In carrying out this policy, the Secretary of Transportation shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about a project that may have a significant effect on natural resources, including fish and wildlife, natural, scenic, and recreational assets, water and air quality, and other factors affecting the environment. If the Secretary of Transportation finds that a project will have a significant adverse effect, the Secretary may approve the application for the project only if, after a complete review that is a matter of public record, the Secretary makes a written finding that no feasible and prudent alternative to the project exists and that all reasonable steps have been taken to minimize the adverse effect.

(b) **PUBLIC HEARING REQUIREMENT.**—The Secretary of Transportation may approve an application only if the sponsor of the project certifies to the Secretary that an opportunity for a public hearing has been provided to consider the economic, social, and environmental effects of the project and its consistency with the goals of any planning carried out by the community. When a hearing is held under this paragraph, the sponsor shall submit a copy of the transcript of the hearing to the Secretary.

(c) **COMPLIANCE WITH AIR AND WATER QUALITY STANDARDS.**—(1) The Secretary of Transportation may approve an application only if the chief executive officer of the State in which the project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated to comply with applicable air and water quality standards. If the Administrator has not prescribed those standards, certification shall be obtained from the Administrator. Notice of certification or refusal to certify shall be provided not later than 60 days after the Secretary receives the application.

(2) The Secretary of Transportation shall condition the approval of an application on compliance with applicable air and water quality standards during construction and operation.

(d) **COMPLIANCE WITH LAWS AND REGULATIONS.**—The Secretary of Transportation may require a certification from a sponsor that the sponsor will comply with all applicable laws and regulations. The Secretary may rescind at any time acceptance of a certification from a sponsor under this subsection. This subsection does not affect any responsibility of the Secretary under another law, including—

- (1) section 303 of title 49;
- (2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);
- (3) title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.);
- (4) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- (5) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1344, §70304 of title 49; renumbered §70304 then §51104 of title 51 and amended Pub. L. 111-314, §4(d)(2), (4)(D), (6)(B), Dec. 18, 2010, 124 Stat. 3440, 3441, 3443.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70304 .....	15:5804(e).	Nov. 4, 1992, Pub. L. 102-588, §505(e), 106 Stat. 5126.

In subsection (a), the words “policy of the United States” are substituted for “national policy”, and the words “of the United States” are substituted for “of the Nation”, for consistency. The words “included in a project grant application” and “full and” are omitted as surplus.

In subsection (b), the words “of objectives” are omitted as surplus.

In subsection (c), the words “chief executive officer” are substituted for “Governor” for consistency in the revised title and because the word “State” includes the territories and possessions of the United States.

In subsection (d), before clause (1), the words “in connection with any project”, “imposed on such sponsor under this section in connection with such project”, and “or discharge” are omitted as surplus. The words “laws and regulations” are substituted for “statutory and administrative requirements” for consistency in the revised title.

**Editorial Notes**

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (d)(2), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Title VIII of the Act of April 11, 1968, referred to in subsec. (d)(3), is title VIII of Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 81, known as the Fair Housing Act, which is classified principally to subchapter I (§3601 et seq.) of chapter 45 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (d)(4), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d)(5), is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

AMENDMENTS

2010—Pub. L. 111-314, §4(d)(2), (4)(D), successively renumbered section 70304 of title 49 and section 70304 of this title as this section.

Subsec. (d)(1). Pub. L. 111-314, §4(d)(6)(B), substituted “section 303 of title 49” for “section 303 of this title”.

§ 51105. Authorization of appropriations

Not more than \$10,000,000 may be appropriated to the Secretary of Transportation to make grants under this chapter. Amounts appropriated under this section remain available until expended.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1345, §70305 of title 49; renumbered §70305 then §51105 of title 51, Pub. L. 111-314, §4(d)(2), (4)(E), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 70305, 15:5804(b) (2d, last sentences), Nov. 4, 1992, Pub. L. 102-588, §505(b) (2d, last sentences), 106 Stat. 5125.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70305 of title 49 and section 70305 of this title as this section.

CHAPTER 513—SPACE RESOURCE COMMERCIAL EXPLORATION AND UTILIZATION

- Sec. 51301. Definitions. 51302. Commercial exploration and commercial recovery. 51303. Asteroid resource and space resource rights.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-90, title IV, §402(a), Nov. 25, 2015, 129 Stat. 720, added chapter 513 and items 51301 to 51303.

§ 51301. Definitions

In this chapter:

(1) ASTEROID RESOURCE.—The term “asteroid resource” means a space resource found on or within a single asteroid.

(2) SPACE RESOURCE.—

(A) IN GENERAL.—The term “space resource” means an abiotic resource in situ in outer space.

(B) INCLUSIONS.—The term “space resource” includes water and minerals.

(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 coun-