

tries 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 ob-

tained, 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 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.

<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).