

Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that have exceeded their planned mission lifetime.

(b) CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.—For those missions that have an operational component, the National Oceanic and Atmospheric Administration or any other affected agency shall be consulted and the potential benefits of instruments on missions that are beyond their planned mission lifetime taken into account.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3369.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30504(a)	42 U.S.C. 16654(a) (matter before par. (1)).	Pub. L. 109–155, title III, § 304(a) (matter before par. (1)), (2), Dec. 30, 2005, 119 Stat. 2918.
30504(b)	42 U.S.C. 16654(a)(2).	

In subsection (a), the words “In addition—” are omitted as unnecessary.

CHAPTER 307—INTERNATIONAL COOPERATION AND COMPETITION

Sec.	
30701.	Competitiveness and international cooperation.
30702.	Foreign contract limitation.
30703.	Foreign launch vehicles.
30704.	Offshore performance of contracts for the procurement of goods and services.

§ 30701. Competitiveness and international cooperation

(a) LIMITATION.—

(1) SOLICITATION OF COMMENT.—As part of the evaluation of the costs and benefits of entering into an obligation to conduct a space mission in which a foreign entity will participate as a supplier of the spacecraft, spacecraft system, or launch system, the Administrator shall solicit comment on the potential impact of such participation through notice published in Commerce Business Daily at least 45 days before entering into such an obligation.

(2) AGREEMENTS WITH PEOPLE’S REPUBLIC OF CHINA.—The Administrator shall certify to Congress at least 15 days in advance of any cooperative agreement with the People’s Republic of China, or any company owned by the People’s Republic of China or incorporated under the laws of the People’s Republic of China, involving spacecraft, spacecraft systems, launch systems, or scientific or technical information, that—

(A) the agreement is not detrimental to the United States space launch industry; and

(B) the agreement, including any indirect technical benefit that could be derived from the agreement, will not improve the missile or space launch capabilities of the People’s Republic of China.

(3) ANNUAL AUDIT.—The Inspector General of the Administration, in consultation with appropriate agencies, shall conduct an annual audit of the policies and procedures of the Administration with respect to the export of

technologies and the transfer of scientific and technical information, to assess the extent to which the Administration is carrying out its activities in compliance with Federal export control laws and with paragraph (2).

(b) NATIONAL INTERESTS.—

(1) DEFINITION OF UNITED STATES COMMERCIAL PROVIDER.—In this subsection, the term “United States commercial provider” means a commercial provider (as defined in section 30308(a) of this title), organized under the laws of the United States or of a State (as defined in section 30308(a) of this title), which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Commerce finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company’s subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this section, section 30307, 30308, 30309, or 30702 of this title, or the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106–391, 114 Stat. 1577);

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

(2) IN GENERAL.—Before entering into an obligation described in subsection (a), the Administrator shall consider the national interests of the United States described in paragraph (3) of this subsection.

(3) DESCRIPTION OF NATIONAL INTERESTS.—International cooperation in space exploration and science activities most effectively serves the United States national interest when it—

(A)(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens;

(B) is undertaken in a manner that is sensitive to the desire of United States commercial providers to develop or explore space commercially;

(C) is consistent with the need for Federal agencies to use space to complete their missions; and

(D) is carried out in a manner consistent with United States export control laws.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3369.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30701(a)	42 U.S.C. 2475a(a).	Pub. L. 106–391, title I, § 126, Oct. 30, 2000, 114 Stat. 1585.
30701(b)(1) ..	(no source)	
30701(b)(2) ..	42 U.S.C. 2475a(b).	
30701(b)(3) ..	(no source)	

In subsection (b)(1), the definition of “United States commercial provider” is added to carry forward the appropriate definition from section 3 of the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106–391, 114 Stat. 1580).

In subsection (b)(3), the description of national interests of the United States is added to carry forward the appropriate description of national interests of the United States from section 2(6) of the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106–391, 114 Stat. 1578).

REFERENCES IN TEXT

The National Aeronautics and Space Administration Authorization Act of 2000, referred to in subsec. (b)(1)(B)(ii)(I), is Pub. L. 106–391, Oct. 30, 2000, 114 Stat. 1577. For complete classification of this Act to the Code, see Tables.

§ 30702. Foreign contract limitation

The Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3371.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30702	42 U.S.C. 2475b.	Pub. L. 106–391, title III, § 305, Oct. 30, 2000, 114 Stat. 1592.

§ 30703. Foreign launch vehicles

(a) ACCORD WITH SPACE TRANSPORTATION POLICY.—The Administration shall not launch a payload on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004. This subsection shall not be construed to prevent the President from waiving the Space Transportation Policy.

(b) INTERAGENCY COORDINATION.—The Administration shall not launch a payload on a foreign launch vehicle unless the Administration commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the payload.

(c) APPLICATION.—This section shall not apply to any payload for which development has begun prior to December 30, 2005, including the James Webb Space Telescope.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3371.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30703	42 U.S.C. 16614.	Pub. L. 109–155, title I, § 105, Dec. 30, 2005, 119 Stat. 2912.

In subsection (c), the date “December 30, 2005” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155, 119 Stat. 2895).

§ 30704. Offshore performance of contracts for the procurement of goods and services

The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by the Administration from foreign entities in that fiscal year. The report shall separately indicate—

(1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and

(2) the items and their dollar values for which the Buy American Act (41 U.S.C. 10a et seq.)¹ was waived pursuant to obligations of the United States under international agreements.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3371.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30704	42 U.S.C. 16823.	Pub. L. 109–155, title VII, § 709, Dec. 30, 2005, 119 Stat. 2938.

In the matter before paragraph (1), the words “beginning with the first fiscal year after the date of enactment of this Act [December 30, 2005]” are omitted as obsolete.

REFERENCES IN TEXT

The Buy American Act, referred to in par. (2), is title III of act Mar. 3, 1933, ch. 212, 47 Stat. 1520, which was classified generally to sections 10a, 10b, and 10c of former Title 41, Public Contracts, and was substantially repealed and restated in chapter 83 (§ 8301 et seq.) of Title 41, Public Contracts, by Pub. L. 111–350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Short Title of 1933 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

CHAPTER 309—AWARDS

Sec. 30901.	Congressional Space Medal of Honor.
30902.	Charles “Pete” Conrad Astronomy Awards.

¹ See References in Text note below.