

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30308(a) .....	(no source)	
30308(b) .....	42 U.S.C. 2459h.	Pub. L. 106-391, title III, § 304, Oct. 30, 2000, 114 Stat. 1592.

In subsection (a), definitions of “commercial provider” and “State” are added to carry forward the appropriate definitions from section 3 of the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106-391, 114 Stat. 1579, 1580).

### § 30309. Use of abandoned and underutilized buildings, grounds, and facilities

(a) DEFINITION OF DEPRESSED COMMUNITIES.—In this section, the term “depressed communities” means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

(b) IN GENERAL.—In any case in which the Administrator considers the purchase, lease, or expansion of a facility to meet requirements of the Administration, the Administrator shall consider whether those requirements could be met by the use of one of the following:

(1) Abandoned or underutilized buildings, grounds, and facilities in depressed communities that can be converted to Administration usage at a reasonable cost, as determined by the Administrator.

(2) Any military installation that is closed or being closed, or any facility at such an installation.

(3) Any other facility or part of a facility that the Administrator determines to be—

(A) owned or leased by the United States for the use of another agency of the Federal Government; and

(B) considered by the head of the agency involved to be—

(i) excess to the needs of that agency; or

(ii) underutilized by that agency.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3366.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30309 .....	42 U.S.C. 2473d.	Pub. L. 106-391, title III, § 325, Oct. 30, 2000, 114 Stat. 1600.

## Editorial Notes

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation authorization act:

Pub. L. 102-588, title II, § 220, Nov. 4, 1992, 106 Stat. 5118.

### § 30310. Exception to alternative fuel procurement requirement

Section 526(a)<sup>1</sup> of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit the Administration from entering into a contract to purchase a generally available

<sup>1</sup> See References in Text note below.

fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3366.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30310 .....	42 U.S.C. 17827.	Pub. L. 110-422, title XI, § 1112, Oct. 15, 2008, 122 Stat. 4811.

## Editorial Notes

## REFERENCES IN TEXT

Section 526(a) of the Energy Independence and Security Act of 2007, referred to in text, probably means section 526 of Pub. L. 110-140, which is classified to section 17142 of Title 42, The Public Health and Welfare, but does not contain subsecs.

## CHAPTER 305—MANAGEMENT AND REVIEW

Sec.

- 30501. Lessons learned and best practices.
- 30502. Whistleblower protection.
- 30503. Performance assessments.
- 30504. Assessment of science mission extensions.

## Statutory Notes and Related Subsidiaries

ASSESSMENT OF IMPEDIMENTS TO SPACE SCIENCE AND ENGINEERING WORKFORCE DEVELOPMENT FOR MINORITY AND UNDERREPRESENTED GROUPS AT NASA

Pub. L. 111-358, title II, § 203, Jan. 4, 2011, 124 Stat. 3994, provided that:

“(a) ASSESSMENT.—The Administrator [of NASA] shall enter into an arrangement for an independent assessment of any impediments to space science and engineering workforce development for minority and underrepresented groups at NASA [National Aeronautics and Space Administration], including recommendations on—

“(1) measures to address such impediments;

“(2) opportunities for augmenting the impact of space science and engineering workforce development activities and for expanding proven, effective programs; and

“(3) best practices and lessons learned, as identified through the assessment, to help maximize the effectiveness of existing and future programs to increase the participation of minority and underrepresented groups in the space science and engineering workforce at NASA.

“(b) REPORT.—A report on the assessment carried out under subsection (a) shall be transmitted to the House of Representatives Committee on Science and Technology [now Committee on Science, Space, and Technology] and the Senate Committee on Commerce, Science, and Transportation not later than 15 months after the date of enactment of this Act [Jan. 4, 2011].

“(c) IMPLEMENTATION.—To the extent practicable, the Administrator shall take all necessary steps to address any impediments identified in the assessment.”

**Executive Documents****EX. ORD. NO. 11374. ABOLITION OF MISSILE SITES LABOR COMMISSION**

Ex. Ord. No. 11374, Oct. 11, 1967, 32 F.R. 14199, provided:

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. The Missile Sites Labor Commission is hereby abolished and its functions and responsibilities are transferred to the Federal Mediation and Conciliation Service.

SEC. 2. The Director of the Federal Mediation and Conciliation Service shall establish within the Federal Mediation and Conciliation Service such procedures as may be necessary to provide for continued priority for resolution of labor disputes or potential labor disputes at missile and space sites, and shall seek the continued cooperation of manufacturers, contractors, construction concerns, and labor unions in avoiding uneconomical operations and work stoppages at missile and space sites.

SEC. 3. The Department of Defense, the National Aeronautics and Space Administration, and other appropriate government departments and agencies shall continue to cooperate in the avoidance of uneconomical operations and work stoppages at missile and space sites. They shall also assist the Federal Mediation and Conciliation Service in the discharge of its responsibilities under this order.

SEC. 4. All records and property of the Missile Sites Labor Commission are hereby transferred to the Federal Mediation and Conciliation Service.

SEC. 5. Any disputes now before the Missile Sites Labor Commission shall be resolved by the personnel now serving as members of the Missile Sites Labor Commissions under special assignment for such purposes by the Director of the Federal Mediation and Conciliation Service.

SEC. 6. Executive Order No. 10946 of May 26, 1961, is hereby revoked.

LYNDON B. JOHNSON.

**TASK FORCE ON SPACE INDUSTRY WORKFORCE AND ECONOMIC DEVELOPMENT**

Memorandum of President of the United States, May 3, 2010, 75 F.R. 24781, provided:

Memorandum for the Secretary of Defense[,] the Secretary of Commerce[,] the Secretary of Labor[,] the Secretary of Housing and Urban Development[,] the Secretary of Transportation[,] the Secretary of Education[,] the Director of the Office of Management and Budget[,] the Administrator of the Small Business Administration[,] the Administrator of the National Aeronautics and Space Administration[,] the Chair of the Council of Economic Advisers[,] the Director of National Intelligence[,] the Director of the Office of Science and Technology Policy[, and] the Director of the National Economic Council

My Administration is committed to implementing a bold, new approach to human spaceflight. Supported by a \$6 billion increase to the National Aeronautics and Space Administration's (NASA) budget over the next 5 years, this strategy will foster the development of path-breaking technologies, increase the reach and reduce the cost of human and robotic exploration of space, and help create thousands of new jobs.

NASA's budget also includes \$429 million next year, and \$1.9 billion over the next 5 years, to modernize the Kennedy Space Center and other nearby space launch facilities in Florida. This modernization effort will help spur new commercial business and innovation and provide additional good jobs to the region. While all of the new aspects of my Administration's plan together will create thousands of new jobs in Florida, past decisions to end the Space Shuttle program will still affect families and communities along Florida's "Space Coast."

Building on this significant new investment at the Kennedy Space Center and my increased budget for

NASA overall, I am committed to taking additional steps to help local economies like Florida's Space Coast adapt and thrive in the years ahead. The men and women who work in Florida's aerospace industry are some of the most talented and highly trained in the Nation. It is critical that their skills are tapped as we transform and expand the country's space exploration efforts. That is why I am launching a \$40 million, multi-agency initiative to help the Space Coast transform their economies and prepare their workers for the opportunities of tomorrow. This effort will build on and complement ongoing local and Federal economic and workforce-development efforts through a Task Force composed of senior-level Administration officials from relevant agencies that will construct an economic development action plan by August 15, 2010.

To these ends, I hereby direct the following:

SECTION 1. *Establishment of the Task Force on Space Industry Workforce and Economic Development.* There is established a Task Force on Space Industry Workforce and Economic Development (Task Force) to develop, in collaboration with local stakeholders, an interagency action plan to facilitate economic development strategies and plans along the Space Coast and to provide training and other opportunities for affected aerospace workers so they are equipped to contribute to new developments in America's space program and related industries. The Secretary of Commerce and the Administrator of NASA shall serve as Co-Chairs of the Task Force.

(a) *Membership of the Task Force.* In addition to the Co-Chairs, the Task Force shall consist of the following members:

- (i) the Secretary of Defense;
- (ii) the Secretary of Labor;
- (iii) the Secretary of Housing and Urban Development;
- (iv) the Secretary of Transportation;
- (v) the Secretary of Education;
- (vi) the Chair of the Council of Economic Advisers;
- (vii) the Director of the Office of Management and Budget;
- (viii) the Administrator of the Small Business Administration;
- (ix) the Director of National Intelligence;
- (x) the Director of the Office of Science and Technology Policy;
- (xi) the Director of the National Economic Council; and
- (xii) the heads of such other executive departments, agencies, and offices as the President may, from time to time, designate.

A member of the Task Force may designate, to perform the Task Force functions of the member, a senior-level official who is a part of the member's department, agency, or office, and who is a full-time officer or employee of the Federal Government.

(b) *Administration.* The Co-Chairs shall convene regular meetings of the Task Force, determine its agenda, and direct its work. At the direction of the Co-Chairs, the Task Force may establish subgroups consisting exclusively of Task Force members or their designees, as appropriate.

SEC. 2. *Mission and Functions.* The Task Force shall work with local stakeholders and executive departments and agencies to equip Space Coast and other affected workers to take advantage of new opportunities and expand the region's economic base.

The Task Force will perform the following functions, to the extent permitted by law:

- (a) provide leadership and coordination of Federal Government resources to facilitate workforce and economic development opportunities for aerospace communities and workers affected by new developments in America's space exploration program. Such support may include the use of personnel, technical expertise, and available financial resources, and may be used to provide a coordinated Federal response to the needs of individual States, regions, municipalities, and communities adversely affected by space industry changes;

(b) provide recommendations to the President on ways Federal policies and programs can address issues of special importance to aerospace communities and workers; and

(c) help ensure that officials from throughout the executive branch, including officials on existing committees or task forces addressing technological development, research, or aerospace issues, advance the President's agenda for the transformation of America's space exploration program and support the coordination of Federal economic adjustment assistance activities.

SEC. 3. *Outreach.* Consistent with the objectives set forth in this memorandum, the Task Force, in accordance with applicable law, in addition to holding regular meetings, shall conduct outreach to representatives of nonprofit organizations; business; labor[;] State, local, and tribal governments; elected officials; and other interested persons that will assist in bringing to the President's attention concerns, ideas, and policy options for expanding and improving efforts to create jobs and economic growth in affected aerospace communities. The Task Force shall hold inaugural meetings with stakeholders within 60 days of the date of this memorandum.

SEC. 4. *Task Force Plan for Space Industry Workforce and Economic Development.* On or before August 15, 2010, the Task Force shall develop and submit to the President a comprehensive plan that:

(a) recommends how best to invest \$40 million in transition assistance funding to ensure robust workforce and economic development in those communities within Florida affected by transitions in America's space exploration program;

(b) describes how the plan will build on and complement ongoing economic and workforce development efforts;

(c) explores future workforce and economic development activities that could be undertaken for affected aerospace communities in other States, as appropriate;

(d) identifies areas of collaboration with other public or nongovernmental actors to achieve the objectives of the Task Force; and

(e) details a coordinated implementation strategy by executive departments and agencies to meet the objectives of the Task Force.

SEC. 5. *Termination.* The Task Force shall terminate 3 years after the date of this memorandum unless extended by the President.

SEC. 6. *General Provisions.* (a) The heads of executive departments and agencies shall assist and provide information to the Task Force, consistent with applicable law, as may be necessary to carry out the functions of the Task Force. Each executive department and agency shall bear its own expense for participating in the Task Force; and

(b) nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum 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.

(e) The Administrator of the National Aeronautics and Space Administration shall publish this memorandum in the Federal Register.

BARACK OBAMA.

### § 30501. Lessons learned and best practices

(a) IN GENERAL.—The Administrator shall transmit to the Committee on Science and

Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan describing the Administration's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects not later than 180 days after December 30, 2005. The implementation plan shall be updated and maintained to ensure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at the Administration.

(b) REQUIRED CONTENT.—The implementation plan shall contain at a minimum the lessons learned and best practices requirements for the Administration, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs, as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3367.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30501 .....	42 U.S.C. 16615.	Pub. L. 109–155, title I, § 107, Dec. 30, 2005, 119 Stat. 2912.

In subsection (a), the words “Committee on Science and Technology” are substituted for “Committee on Science” on authority of Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

In subsection (a), 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).

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

### § 30502. Whistleblower protection

(a) IN GENERAL.—Not later than 1 year after December 30, 2005, the Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing steps to be taken by the Administration to protect from retaliation Administration employees who raise concerns about substantial and specific dangers to public health and safety or about substantial and specific factors that could threaten the success of a mission. The plan shall be designed to ensure that Administration employees have the full protection required by law. The Administrator shall implement the plan not more than 1 year after its transmittal.

(b) **GOAL.**—The Administrator shall ensure that the plan describes a system that will protect employees who wish to raise or have raised concerns described in subsection (a).

(c) **PLAN.**—At a minimum, the plan shall include, consistent with Federal law—

(1) a reporting structure that ensures that the officials who are the subject of a whistleblower's complaint will not learn the identity of the whistleblower;

(2) a single point to which all complaints can be made without fear of retribution;

(3) procedures to enable the whistleblower to track the status of the case;

(4) activities to educate employees about their rights as whistleblowers and how they are protected by law;

(5) activities to educate employees about their obligations to report concerns and their accountability before and after receiving the results of the investigations into their concerns; and

(6) activities to educate all appropriate Administration Human Resources professionals, and all Administration managers and supervisors, regarding personnel laws, rules, and regulations.

(d) **REPORT.**—Not later than February 15 of each year beginning February 15, 2007, the Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the concerns described in subsection (a) that were raised during the previous fiscal year. At a minimum, the report shall provide—

(1) the number of concerns that were raised, divided into the categories of safety and health, mission assurance, and mismanagement, and the disposition of those concerns, including whether any employee was disciplined as a result of a concern having been raised; and

(2) any recommendations for reforms to further prevent retribution against employees who raise concerns.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3367.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30502 .....	42 U.S.C. 16618.	Pub. L. 109–155, title I, § 110, Dec. 30, 2005, 119 Stat. 2914.

In subsection (a), 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).

In subsections (a) and (d), the words “Committee on Science and Technology” are substituted for “Committee on Science” on authority of Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

In subsection (d), the words “Not later than February 15 of each year beginning February 15, 2007” are substituted for “Not later than February 15 of each year beginning with the year after the date of enactment of this Act” for clarity.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

#### § 30503. Performance assessments

(a) **IN GENERAL.**—The performance of each division in the Science directorate of the Administration shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) **TIMING.**—Beginning with the first fiscal year following December 30, 2005, the Administrator shall select at least one division for review under this section. The Administrator shall select divisions so that all disciplines will have received their first review within 6 fiscal years of December 30, 2005.

(c) **REPORTS.**—Not later than March 1 of each year, beginning with the first fiscal year after December 30, 2005, the Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by the Administration in response to any external review; and

(3) including a summary of findings and recommendations from any other relevant external reviews of the Administration's science mission priorities and programs.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3368.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30503 .....	42 U.S.C. 16651.	Pub. L. 109–155, title III, § 301, Dec. 30, 2005, 119 Stat. 2916.

In subsections (b) and (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).

In subsection (c), the words “Committee on Science and Technology” are substituted for “Committee on Science” on authority of Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

#### § 30504. Assessment of science mission extensions

(a) **ASSESSMENTS.**—

(1) **IN GENERAL.**—The Administrator shall carry out triennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of

data collection for those missions that exceed their planned missions' lifetime.

(2) **CONSIDERATIONS.**—In conducting an assessment under paragraph (1), the Administrator shall consider whether and how extending missions impacts the start of future missions.

(b) **CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.**—When deciding whether to extend a mission that has an operational component, the Administrator shall—

(1) consult with any affected Federal agency; and

(2) take into account the potential benefits of instruments on missions that are beyond their planned mission lifetime.

(c) **REPORTS.**—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, at the same time as the submission to Congress of the Administration's annual budget request for each fiscal year, a report detailing any assessment under subsection (a) that was carried out during the previous year.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3369; Pub. L. 115–10, title V, § 513, Mar. 21, 2017, 131 Stat. 52.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

#### Editorial Notes

##### AMENDMENTS

2017—Pub. L. 115–10 amended section generally. Prior to amendment, text read as follows:

“(a) **ASSESSMENT.**—The Administrator shall carry out biennial reviews within each of the 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.”

### 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