

Statutory Notes and Related Subsidiaries

CONGRESSIONAL STATEMENT OF FINDINGS

Pub. L. 100-147, title II, §202, Oct. 30, 1987, 101 Stat. 869, provided that: “The Congress finds that—

“(1) the vitality of the Nation and the quality of life of the citizens of the Nation depend increasingly on the understanding, assessment, development, and utilization of space resources;

“(2) research and development of space science, space technology, and space commercialization will contribute to the quality of life, national security, and the enhancement of commerce;

“(3) the understanding and development of the space frontiers require a broad commitment and an intense involvement on the part of the Federal Government in partnership with State and local governments, private industry, universities, organizations, and individuals concerned with the exploration and utilization of space;

“(4) the National Aeronautics and Space Administration, through the national space grant college and fellowship program, offers the most suitable means for such commitment and involvement through the promotion of activities that will result in greater understanding, assessment, development, and utilization; and

“(5) Federal support of the establishment, development, and operation of programs and projects by space grant colleges, space grant regional consortia, institutions of higher education, institutes, laboratories, and other appropriate public and private entities is the most cost-effective way to promote such activities.”

[For definition of terms used in section 202 of Pub. L. 100-147, set out above, see section 204 of Pub. L. 100-147, title II, Oct. 30, 1987, 101 Stat. 870, which was classified to former section 2486b of Title 42, The Public Health and Welfare, and was repealed and reenacted as section 40302 of this title by Pub. L. 111-314, §§ 3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444.]

§ 40302. Definitions

In this chapter:

(1) **AERONAUTICAL AND SPACE ACTIVITIES.**—The term “aeronautical and space activities” has the meaning given the term in section 20103 of this title.

(2) **FIELD RELATED TO SPACE.**—The term “field related to space” means any academic discipline or field of study (including the physical, natural, and biological sciences, and engineering, space technology, education, economics, sociology, communications, planning, law, international affairs, and public administration) which is concerned with or likely to improve the understanding, assessment, development, and utilization of space.

(3) **PANEL.**—The term “panel” means the space grant review panel established pursuant to section 40308 of this title.

(4) **PERSON.**—The term “person” means any individual, any public or private corporation, partnership, or other association or entity (including any space grant college, space grant regional consortium, institution of higher education, institute, or laboratory), or any State, political subdivision of a State, or agency or officer of a State or political subdivision of a State.

(5) **SPACE ENVIRONMENT.**—The term “space environment” means the environment beyond the sensible atmosphere of the Earth.

(6) **SPACE GRANT COLLEGE.**—The term “space grant college” means any public or private in-

stitution of higher education which is designated as such by the Administrator pursuant to section 40306 of this title.

(7) **SPACE GRANT PROGRAM.**—The term “space grant program” means any program that—

(A) is administered by any space grant college, space grant regional consortium, institution of higher education, institute, laboratory, or State or local agency; and

(B) includes 2 or more projects involving education and one or more of the following activities in the fields related to space:

(i) Research.

(ii) Training.

(iii) Advisory services.

(8) **SPACE GRANT REGIONAL CONSORTIUM.**—The term “space grant regional consortium” means any association or other alliance that is designated as a space grant regional consortium by the Administrator pursuant to section 40306 of this title.

(9) **SPACE RESOURCE.**—The term “space resource” means any tangible or intangible benefit which can be realized only from—

(A) aeronautical and space activities; or

(B) advancements in any field related to space.

(10) **STATE.**—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3383.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40302	42 U.S.C. 2486b.	Pub. L. 100-147, title II, §204, Oct. 30, 1987, 101 Stat. 870.

The definitions of “Administration” and “Administrator” in section 204 of the National Space Grant College and Fellowship Act (Public Law 100-147, title II, 101 Stat. 870) are omitted as unnecessary because of the definitions added by section 10101 of title 51.

§ 40303. National space grant college and fellowship program

(a) **ESTABLISHMENT.**—The Administrator shall establish and maintain, within the Administration, a program to be known as the national space grant college and fellowship program. The national space grant college and fellowship program shall consist of the financial assistance and other activities provided for in this chapter. The Administrator shall establish long-range planning guidelines and priorities, and adequately evaluate the program.

(b) **FUNCTIONS.**—Within the Administration, the program shall—

(1) apply the long-range planning guidelines and the priorities established by the Administrator under subsection (a);

(2) advise the Administrator with respect to the expertise and capabilities which are available through the national space grant college and fellowship program, and make such expertise available to the Administration as directed by the Administrator;

(3) evaluate activities conducted under grants and contracts awarded pursuant to sections 40304 and 40305 of this title to ensure that the purposes set forth in section 40301 of this title are implemented;

(4) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the national space grant college and fellowship program, on a cooperative or other basis;

(5) encourage cooperation and coordination with other Federal programs concerned with the development of space resources and fields related to space;

(6) advise the Administrator on the designation of recipients supported by the national space grant college and fellowship program and, in appropriate cases, on the termination or suspension of any such designation; and

(7) encourage the formation and growth of space grant and fellowship programs.

(c) **GENERAL AUTHORITIES.**—To carry out the provisions of this chapter, the Administrator may—

(1) accept conditional or unconditional gifts or donations of services, money, or property, real, personal or mixed, tangible or intangible;

(2) accept and use funds from other Federal departments, agencies, and instrumentalities to pay for fellowships, grants, contracts, and other transactions; and

(3) issue such rules and regulations as may be necessary and appropriate.

(d) **PROGRAM ADMINISTRATION COSTS.**—In carrying out the provisions of this chapter, the Administrator—

(1) shall maximize appropriated funds for grants and contracts made under section 40304 in each fiscal year; and

(2) in each fiscal year, the Administrator shall limit its program administration costs to no more than 5 percent of funds appropriated for this program for that fiscal year.

(e) **REPORTS.**—For any fiscal year in which the Administrator cannot meet the administration cost target under subsection (d)(2), if the Administration is unable to limit program costs under subsection (b), the Administrator shall submit to the appropriate committees of Congress a report, including—

(1) a description of why the Administrator did not meet the cost target under subsection (d); and

(2) the measures the Administrator will take in the next fiscal year to meet the cost target under subsection (d) without drawing upon other Federal funding.

(Pub. L. 111–314, §3, Dec. 18, 2010, 124 Stat. 3383; Pub. L. 114–329, title III, §302(b), Jan. 6, 2017, 130 Stat. 3003.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40303	42 U.S.C. 2486c.	Pub. L. 100–147, title II, §205, Oct. 30, 1987, 101 Stat. 871.

Editorial Notes

AMENDMENTS

2017—Subsecs. (d), (e). Pub. L. 114–329 added subsecs. (d) and (e).

§ 40304. Grants or contracts

(a) **AUTHORITY OF ADMINISTRATOR.**—The Administrator may make grants and enter into contracts or other transactions under this subsection to assist any space grant and fellowship program or project if the Administrator finds that the program or project will carry out the purposes set forth in section 40301 of this title. The total amount paid pursuant to a grant or contract may equal not more than 66 percent of the total cost of the space grant and fellowship program or project involved, except in the case of grants or contracts paid for with funds accepted by the Administrator pursuant to section 40303(c)(2) of this title.

(b) **SPECIAL GRANTS.**—The Administrator may make special grants under this subsection to carry out the purposes set forth in section 40301 of this title. The amount of a special grant may equal up to 100 percent of the total cost of the project involved. A special grant may be made under this subsection only if the Administrator finds that—

(1) no reasonable means is available through which the applicant can meet the matching requirement for a grant under subsection (a);

(2) the probable benefit of the project outweighs the public interest in the matching requirement; and

(3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a) or section 40305 of this title.

(c) **APPLICATION.**—Any person may apply to the Administrator for a grant or contract under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Administrator shall by regulation prescribe.

(d) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in paragraphs (2) and (3) and to such other terms, conditions, and requirements as the Administrator considers necessary or appropriate.

(2) **LIMITATIONS.**—No payment under any grant or contract under this section may be applied to—

(A) the purchase of any land;

(B) the purchase, construction, preservation, or repair of any building; or

(C) the purchase or construction of any launch facility or launch vehicle.

(3) **LEASES.**—Notwithstanding paragraph (2), the items in subparagraphs (A), (B), and (C) of such paragraph may be leased upon written approval of the Administrator.

(4) **RECORDS.**—Any person that receives or utilizes any proceeds of any grant or contract under this section shall keep such records as the Administrator shall by regulation prescribe as being necessary and appropriate to