

and where appropriate, of other Federal agencies and scientific researchers, acquire, where cost effective, space science data from a commercial provider.

(c) **TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL PRODUCT OR COMMERCIAL SERVICE UNDER ACQUISITION LAWS.**—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including applicable provisions of chapters 201 through 285, 341 through 343, and 363 of title 10). For purposes of such law and regulations, space science data shall be considered to be a commercial product or commercial service. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(d) **SAFETY STANDARDS.**—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) **LIMITATION.**—This section does not authorize the Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3397; Pub. L. 115–232, div. A, title VIII, § 836(g)(10)(A), Aug. 13, 2018, 132 Stat. 1874; Pub. L. 117–81, div. A, title XVII, § 1702(l)(10), Dec. 27, 2021, 135 Stat. 2161.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50113	42 U.S.C. 14713.	Pub. L. 105–303, title I, § 105, Oct. 28, 1998, 112 Stat. 2852.

Editorial Notes

AMENDMENTS

2021—Subsec. (c). Pub. L. 117–81 substituted “including applicable provisions of chapters 201 through 285, 341 through 343, and 363” for “including chapters 137 and 140”.

2018—Subsec. (c). Pub. L. 115–232 substituted “Commercial Product or Commercial Service” for “Commercial Item” in heading and “commercial product or commercial service” for “commercial item” in text.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115–232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

§ 50114. Administration of commercial space centers

The Administrator shall administer the Commercial Space Center program in a coordinated manner from Administration headquarters in Washington, D.C.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3398.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50114	42 U.S.C. 14714.	Pub. L. 105–303, title I, § 106, Oct. 28, 1998, 112 Stat. 2853.

§ 50115. Sources of Earth science data

(a) **ACQUISITION.**—The Administrator shall, to the extent possible and while satisfying the scientific or educational requirements of the Administration, and where appropriate, of other Federal agencies and scientific researchers, acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.

(b) **TREATMENT AS COMMERCIAL PRODUCT OR COMMERCIAL SERVICE UNDER ACQUISITION LAWS.**—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including applicable provisions of chapters 201 through 285, 341 through 343, and 363 of title 10). For purposes of such law and regulations, such data, services, distribution, and applications shall be considered to be a commercial product or commercial service. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(c) **SAFETY STANDARDS.**—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(d) **ADMINISTRATION AND EXECUTION.**—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3398; Pub. L. 115–232, div. A, title VIII, § 836(g)(10)(B), Aug. 13, 2018, 132 Stat. 1874; Pub. L. 117–81, div. A, title XVII, § 1702(l)(10), Dec. 27, 2021, 135 Stat. 2161.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50115(a)	42 U.S.C. 14715(a).	Pub. L. 105–303, title I, § 107(a), (b), (d), (e), Oct. 28, 1998, 112 Stat. 2853, 2854.
50115(b)	42 U.S.C. 14715(b).	
50115(c)	42 U.S.C. 14715(d).	
50115(d)	42 U.S.C. 14715(e).	

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 117–81 substituted “including applicable provisions of chapters 201 through 285, 341 through 343, and 363” for “including chapters 137 and 140”.

2018—Subsec. (b). Pub. L. 115–232, in heading, substituted “Commercial Product or Commercial Service” for “Commercial Item” and, in text, substituted “commercial product or commercial service” for “commercial item”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2018 AMENDMENT**

Amendment by Pub. L. 115-232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

§ 50116. Commercial technology transfer program

(a) **IN GENERAL.**—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange of services, products, and intellectual property between the Administration and the private sector. This program shall place at least as much emphasis on encouraging the transfer of Administration technology to the private sector (“spinning out”) as on encouraging use of private sector technology by the Administration. This program shall be maintained in a manner that provides clear benefits for the Administration, the domestic economy, and the research community, while protecting national security.

(b) **PROGRAM STRUCTURE.**—In carrying out the program described in subsection (a), the Administrator shall provide program participants with at least 45 days notice of any proposed changes to the structure of the Administration’s technology transfer and commercialization organizations that is in effect as of December 30, 2005.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3399; Pub. L. 115-10, title VIII, §829, Mar. 21, 2017, 131 Stat. 66.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50116	42 U.S.C. 16811.	Pub. L. 109-155, title VI, §621, Dec. 30, 2005, 119 Stat. 2935.

This section restates provisions originally enacted as part of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2895), and not as part of the Commercial Space Act of 1998 (Public Law 105-303, 112 Stat. 2843), which is generally restated in this chapter.

In subsection (a), in the last sentence, the word “Administration” is substituted for “agency” for clarity and because of the definition of “Administration” added by section 10101 of title 51.

In subsection (b), 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).

Editorial Notes**AMENDMENTS**

2017—Subsec. (a). Pub. L. 115-10 inserted “, while protecting national security” after “research community”.

SUBCHAPTER III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES**§ 50131. Requirement to procure commercial space transportation services**

(a) **IN GENERAL.**—Except as otherwise provided in this section or in section 70102, the Federal Government shall acquire space transportation

services from United States commercial providers whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) **EXCEPTIONS.**—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload requires the unique capabilities of the space shuttle;

(2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers is inconsistent with international agreements for international collaborative efforts relating to science and technology;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a space shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(c) **AGREEMENTS WITH FOREIGN ENTITIES.**—Nothing in this section shall prevent the Administrator from planning or negotiating agreements with foreign entities for the launch of Federal Government payloads for international collaborative efforts relating to science and technology.

(d) **DELAYED EFFECT.**—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before October 28, 1998, or with respect to which a contract for such acquisition or ownership has been entered into before October 28, 1998.

(e) **HISTORICAL PURPOSES.**—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3399; Pub. L. 114-90, title I, §117(b)(3), Nov. 25, 2015, 129 Stat. 718.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50131(a)	42 U.S.C. 14731(a).	Pub. L. 105-303, title II, §201, Oct. 28, 1998, 112 Stat. 2854.