

ing to the United States under a loan guarantee under this section.

(2) **FORBEARANCE.**—The Attorney General may, with the approval of the parties concerned, forbear from enforcing any right of the United States under a loan guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), to the United States.

(3) **UTILIZATION OF PROPERTY.**—Notwithstanding any other provision of law and subject to the terms of a loan guaranteed under this section, upon the default of a United States commercial provider under the loan, the Secretary may, at the election of the Secretary—

(A) assume control of the physical asset financed by the loan; and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) **CREDIT INSTRUMENTS.**—

(1) **AUTHORITY TO ISSUE INSTRUMENTS.**—Notwithstanding any other provision of law, the Secretary may, subject to such terms and conditions as the Secretary considers appropriate, issue credit instruments to United States commercial providers of in-space transportation services or systems, with the aggregate cost (as determined under the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of such instruments not to exceed \$1,500,000,000, but only to the extent that new budget authority to cover such costs is provided in subsequent appropriations Acts or authority is otherwise provided in subsequent appropriations Acts.

(2) **CREDIT SUBSIDY.**—The Secretary shall provide a credit subsidy for any credit instrument issued under this subsection in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(3) **CONSTRUCTION.**—The eligibility of a United States commercial provider of in-space transportation services or systems for a credit instrument under this subsection is in addition to any eligibility of such provider for a loan guarantee under other provisions of this section.

(Pub. L. 111–314, §3, Dec. 18, 2010, 124 Stat. 3402.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50302	42 U.S.C. 14752.	Pub. L. 107–248, title IX, §903, Oct. 23, 2002, 116 Stat. 1574.

In subsection (f)(2), the word “forbear” is substituted for “forebear” to correct an error in the law.

In subsection (g)(1), the words “services or systems” are substituted for “services or system” to correct an error in the law.

Editorial Notes

REFERENCES IN TEXT

The Federal Credit Reform Act of 1990, referred to in subsec. (g)(1), (2), is title V of Pub. L. 93–344, as added by Pub. L. 101–508, title XIII, §13201(a), Nov. 5, 1990, 104

Stat. 1388–609, which is classified generally to subchapter III (§661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

CHAPTER 505—COMMERCIAL SPACE COMPETITIVENESS

Sec.	Definitions.
50501.	Launch voucher demonstration program.
50502.	Anchor tenancy and termination liability.
50503.	Use of Government facilities.
50504.	Test facilities.
50505.	Commercial Space Achievement Award.

§ 50501. Definitions

In this chapter:

(1) **AGENCY.**—The term “agency” means an executive agency as defined in section 105 of title 5.

(2) **ANCHOR TENANCY.**—The term “anchor tenancy” means an arrangement in which the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable.

(3) **COMMERCIAL.**—The term “commercial” means having—

(A) private capital at risk; and

(B) primary financial and management responsibility for the activity reside with the private sector.

(4) **COST EFFECTIVE.**—The term “cost effective” means costing no more than the available alternatives, determined by a comparison of all related direct and indirect costs including, in the case of Government costs, applicable Government labor and overhead costs as well as contractor charges, and taking into account the ability of each alternative to accommodate mission requirements as well as the related factors of risk, reliability, schedule, and technical performance.

(5) **LAUNCH.**—The term “launch” means to place, or attempt to place, a launch vehicle and its payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space.

(6) **LAUNCH SERVICES.**—The term “launch services” means activities involved in the preparation of a launch vehicle and its payload for launch and the conduct of a launch.

(7) **LAUNCH SUPPORT FACILITIES.**—The term “launch support facilities” means facilities located at launch sites or launch ranges that are required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, flight safety functions, and payload operations, control, and processing.

(8) **LAUNCH VEHICLE.**—The term “launch vehicle” means any vehicle constructed for the purpose of operating in or placing a payload in outer space or in suborbital trajectories, and includes components of that vehicle.

(9) **PAYLOAD.**—The term “payload” means an object which a person undertakes to launch, and includes subcomponents of the launch vehicle specifically designed or adapted for that object.

(10) **PAYLOAD INTEGRATION SERVICES.**—The term “payload integration services” means activities involved in integrating multiple payloads into a single payload for launch or integrating a payload with a launch vehicle.

(11) **SPACE RECOVERY SUPPORT FACILITIES.**—The term “space recovery support facilities” means facilities required to support activities related to the recovery of payloads returned from space to a space recovery site, including operations and control, communications, flight safety functions, and payload processing.

(12) **SPACE TRANSPORTATION INFRASTRUCTURE.**—The term “space transportation infrastructure” means facilities, associated equipment, and real property (including launch sites, launch support facilities, space recovery sites, and space recovery support facilities) required to perform launch or space recovery activities.

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

(14) **UNITED STATES.**—The term “United States” means the States, collectively.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3404.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50501	15 U.S.C. 5802.	Pub. L. 102–588, title V, § 502, Nov. 4, 1992, 106 Stat. 5123.

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 102–588, title V, § 501, Nov. 4, 1992, 106 Stat. 5122, provided that: “The Congress finds that—

“(1) commercial activities of the private sector have substantially contributed to the strength of both the United States space program and the national economy;

“(2) a robust United States space transportation capability remains a vital cornerstone of the United States space program;

“(3) the availability of commercial launch services is essential for the continued growth of the United States commercial space sector;

“(4) a timely extension of the excess third party claims payment provisions of the Commercial Space Launch Act [now 51 U.S.C. 50901 et seq.] is appropriate and necessary to enable the private sector to continue covering maximum probable liability risks while protecting the private sector from uninsurable levels of liability which could hinder international competitiveness;

“(5) a program to demonstrate how recipients of Federal grants can purchase launch services directly from the private sector has the potential to improve the capabilities of the United States commercial launch industry;

“(6) improvements and additions to the Nation’s space transportation infrastructure contribute to a robust and cost effective space transportation capability for both public sector and private sector users;

“(7) private sector use of available Government facilities on a reimbursable basis contributes to a stronger commercial space sector;

“(8) the Federal Government should purchase space goods and services which are commercially available,

or could be made available commercially in response to a Government procurement request, whenever such goods or services meet Government mission requirements in a cost effective manner;

“(9) it is appropriate for the Government to act as an anchor tenant for commercial space development projects which have a reasonable potential to develop non-Federal markets and which meet Federal needs in a cost effective manner; and

“(10) the provision of compensation to commercial providers of space goods and services for termination of contracts at the convenience of the Government assists in enabling the private sector to invest in space activities which are initially dependent on Government purchases.”

[For definition of terms used in section 501 of Pub. L. 102–588, set out above, see section 502 of Pub. L. 102–588, title V, Nov. 4, 1992, 106 Stat. 5123, which was classified to former section 5802 of Title 15, Commerce and Trade, and was repealed and reenacted as this section by Pub. L. 111–314, §§ 3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444.]

§ 50502. Launch voucher demonstration program

(a) **REQUIREMENT TO ESTABLISH PROGRAM.**—The Administrator shall establish a demonstration program to award vouchers for the payment of commercial launch services and payload integration services for the purpose of launching payloads funded by the Administration.

(b) **AWARD OF VOUCHERS.**—The Administrator shall award vouchers under subsection (a) to appropriate individuals as a part of grants administered by the Administration for the launch of—

(1) payloads to be placed in suborbital trajectories; and

(2) small payloads to be placed in orbit.

(c) **ASSISTANCE.**—The Administrator may provide voucher award recipients with such assistance (including contract formulation and technical support during the proposal evaluation) as may be necessary to ensure the purchase of cost effective and reasonably reliable commercial launch services and payload integration services.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3405.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50502	15 U.S.C. 5803(a)–(c).	Pub. L. 102–588, title V, § 504(a)–(c), Nov. 4, 1992, 106 Stat. 5124; Pub. L. 105–303, title I, § 103, Oct. 28, 1998, 112 Stat. 2851.

In subsection (a), the words “to become effective October 1, 1993”, which appeared at the end, are omitted as obsolete.

§ 50503. Anchor tenancy and termination liability

(a) **ANCHOR TENANCY CONTRACTS.**—Subject to appropriations, the Administrator or the Administrator of the National Oceanic and Atmospheric Administration may enter into multiyear anchor tenancy contracts for the purchase of a good or service if the appropriate Administrator determines that—

(1) the good or service meets the mission requirements of the Administration or the National Oceanic and Atmospheric Administration, as appropriate;

(2) the commercially procured good or service is cost effective;

(3) the good or service is procured through a competitive process;

(4) existing or potential customers for the good or service other than the United States Government have been specifically identified;

(5) the long-term viability of the venture is not dependent upon a continued Government market or other nonreimbursable Government support; and

(6) private capital is at risk in the venture.

(b) **TERMINATION LIABILITY.**—

(1) **IN GENERAL.**—Contracts entered into under subsection (a) may provide for the payment of termination liability in the event that the Government terminates such contracts for its convenience.

(2) **FIXED SCHEDULE OF PAYMENTS AND LIMITATION ON LIABILITY.**—Contracts that provide for the payment of termination liability, as described in paragraph (1), shall include a fixed schedule of such termination liability payments. Liability under such contracts shall not exceed the total payments which the Government would have made after the date of termination to purchase the good or service if the contract were not terminated.

(3) **USE OF FUNDS.**—Subject to appropriations, funds available for such termination liability payments may be used for purchase of the good or service upon successful delivery of the good or service pursuant to the contract. In such case, sufficient funds shall remain available to cover any remaining termination liability.

(c) **LIMITATIONS.**—

(1) **DURATION.**—Contracts entered into under this section shall not exceed 10 years in duration.

(2) **FIXED PRICE.**—Such contracts shall provide for delivery of the good or service on a firm, fixed price basis.

(3) **PERFORMANCE SPECIFICATIONS.**—To the extent practicable, reasonable performance specifications shall be used to define technical requirements in such contracts.

(4) **FAILURE TO PERFORM.**—In any such contract, the appropriate Administrator shall reserve the right to completely or partially terminate the contract without payment of such termination liability because of the contractor's actual or anticipated failure to perform its contractual obligations.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3405.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50503	15 U.S.C. 5806.	Pub. L. 102-588, title V, § 507, Nov. 4, 1992, 106 Stat. 5127.

§ 50504. Use of Government facilities

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Federal agencies, including the Administration and the Department of Defense, may allow non-Federal entities to use their space-related facilities on a reimbursable basis if the Administrator, the Secretary of Defense, or the appropriate agency head determines that—

(A) the facilities will be used to support commercial space activities;

(B) such use can be supported by existing or planned Federal resources;

(C) such use is compatible with Federal activities;

(D) equivalent commercial services are not available on reasonable terms; and

(E) such use is consistent with public safety, national security, and international treaty obligations.

(2) **CONSULTATION.**—In carrying out paragraph (1)(E), each agency head shall consult with appropriate Federal officials.

(b) **REIMBURSEMENT PAYMENT.**—

(1) **AMOUNT.**—The reimbursement referred to in subsection (a) may be an amount equal to the direct costs (including salaries of United States civilian and contractor personnel) incurred by the United States as a result of the use of such facilities by the private sector. For the purposes of this paragraph, the term “direct costs” means the actual costs that can be unambiguously associated with such use, and would not be borne by the United States Government in the absence of such use.

(2) **CREDIT TO APPROPRIATION.**—The amount of any payment received by the United States for use of facilities under this subsection shall be credited to the appropriation from which the cost of providing such facilities was paid.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3406.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50504	15 U.S.C. 5807.	Pub. L. 102-588, title V, § 508, Nov. 4, 1992, 106 Stat. 5128.

§ 50505. Test facilities

(a) **CHARGES.**—The Administrator shall establish a policy of charging users of the Administration's test facilities for the costs associated with their tests at a level that is competitive with alternative test facilities. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **FUNDING ACCOUNT.**—In planning and budgeting, the Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3407.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50505	42 U.S.C. 16634.	Pub. L. 109-155, title II, § 205, Dec. 30, 2005, 119 Stat. 2916.

This section restates provisions originally enacted as part of the National Aeronautics and Space Adminis-

tration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2895), and not as part of title V of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (Public Law 102-588, 106 Stat. 5107), which is generally restated in this chapter.

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).

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.

§ 50506. Commercial Space Achievement Award

(a) ESTABLISHMENT.—There is established a Commercial Space Achievement Award. The award shall consist of a medal, which shall be of such design and materials and bear such inscriptions as determined by the Secretary of Commerce. A cash prize may also be awarded if funding for the prize is available under subsection (d).

(b) CRITERIA FOR AWARD.—The Secretary of Commerce shall periodically make awards under this section to individuals, corporations, corporate divisions, or corporate subsidiaries substantially engaged in commercial space activities that in the opinion of the Secretary of Commerce best meet the following criteria:

(1) NON-GOVERNMENTAL REVENUE.—For corporate entities, at least half of the revenues from the space-related activities of the corporation, division, or subsidiary is derived from sources other than the United States Government.

(2) SUBSTANTIAL CONTRIBUTION.—The activities and achievements of the individual, corporation, division, or subsidiary have substantially contributed to the United States gross national product and the stature of United States industry in international markets, with due consideration for both the economic magnitude and the technical quality of the activities and achievements.

(3) SUBSTANTIAL ADVANCEMENT OF TECHNOLOGY.—The individual, corporation, division, or subsidiary has substantially advanced space technology and space applications directly related to commercial space activities.

(c) LIMITATIONS.—No individual or corporate entity may receive an award under this section more than once every 5 years.

(d) FUNDING FOR AWARD.—The Secretary of Commerce may seek and accept gifts of money from public and private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, and only such money may be used for that purpose. The Secretary of Commerce shall make publicly available an itemized list of the sources of such funding.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3407.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50506	15 U.S.C. 5808.	Pub. L. 102-588, title V, §510, Nov. 4, 1992, 106 Stat. 5129.

In subsection (b), in the matter before paragraph (1), the words “The Secretary of Commerce shall periodically make awards” are substituted for “The Secretary of Commerce shall periodically make, and the Chairman of the National Space Council shall present, awards” to eliminate obsolete language. The reference to the Chairman of the National Space Council is obsolete because the National Space Council (established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (Public Law 100-685, 102 Stat. 4102)) has not functioned or been staffed since 1993.

CHAPTER 507—OFFICE OF SPACE COMMERCE

Sec.	
50701.	Definition of Office.
50702.	Establishment.
50703.	Annual report.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-90, title III, §301(a)(1), Nov. 25, 2015, 129 Stat. 720, substituted “COMMERCE” for “COMMERCIALIZATION” in chapter heading.

§ 50701. Definition of Office

In this chapter, the term “Office” means the Office of Space Commerce established in section 50702 of this title.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3408; Pub. L. 114-90, title III, §301(b), Nov. 25, 2015, 129 Stat. 720.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50701	(no source)	

A chapter-wide definition for the term “Office” is added for clarity and convenience.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-90 substituted “Commerce” for “Commercialization”.

§ 50702. Establishment

(a) IN GENERAL.—There is established within the Department of Commerce an Office of Space Commerce.

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5 as determined by the Secretary of Commerce.

(c) FUNCTIONS OF OFFICE.—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce, including—

(1) to foster the conditions for the economic growth and technological advancement of the United States space commerce industry;

(2) to coordinate space commerce policy issues and actions within the Department of Commerce;