

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This section restates provisions originally enacted as part of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2895), and not as part of the Commercial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.
50131(b)	42 U.S.C. 14731(b) (less last sentence).	
50131(c)	42 U.S.C. 14731(b) (last sentence).	
50131(d)	42 U.S.C. 14731(c).	
50131(e)	42 U.S.C. 14731(d).	

In subsection (d), the date “October 28, 1998” is substituted for “the date of the enactment of this Act” and for “such date” to reflect the date of enactment of the Commercial Space Act of 1998 (Public Law 105–303, 112 Stat. 2843).

Editorial Notes

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–90 inserted “or in section 70102” after “in this section”.

Statutory Notes and Related Subsidiaries

NASA LAUNCH CAPABILITIES COLLABORATION

Pub. L. 115–10, title VIII, § 822, Mar. 21, 2017, 131 Stat. 61, provided that:

“(a) **FINDINGS.**—Congress makes the following findings:

“(1) The Launch Services Program is responsible for the acquisition, management, and technical oversight of commercial launch services for NASA’s [National Aeronautics and Space Administration’s] science and robotic missions.

“(2) The Commercial Crew Program is responsible for the acquisition, management, and technical oversight of commercial crew transportation systems.

“(3) The Launch Services Program and Commercial Crew Program have worked together to gain exceptional technical insight into the contracted launch service providers that are common to both programs.

“(4) The Launch Services Program has a long history of oversight of 12 different launch vehicles and over 80 launches.

“(5) Co-location of the Launch Services Program and Commercial Crew Program has enabled the Commercial Crew Program to efficiently obtain the launch vehicle technical expertise of and provide engineering and analytical support to the Commercial Crew Program.

“(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

“(1) the Launch Services Program and Commercial Crew Program each benefit from communication and coordination of launch manifests, technical information, and common launch vehicle insight between the programs; and

“(2) such communication and coordination is enabled by the co-location of the programs.

“(c) **IN GENERAL.**—The Administrator [of the National Aeronautics and Space Administration] shall pursue a strategy for acquisition of crewed transportation services and non-crewed launch services that continues to enhance communication, collaboration, and coordination between the Launch Services Program and the Commercial Crew Program.”

LEVERAGING COMMERCIAL SATELLITE SERVICING CAPABILITIES ACROSS MISSION DIRECTORATES

Pub. L. 115–10, title VIII, § 825, Mar. 21, 2017, 131 Stat. 65, provided that:

“(a) **FINDINGS.**—Congress makes the following findings:

“(1) Refueling and relocating aging satellites to extend their operational lifetimes is a capacity that NASA [National Aeronautics and Space Administration] will substantially benefit from and is important for lowering the costs of ongoing scientific, national security, and commercial satellite operations.

“(2) The technologies involved in satellite servicing, such as dexterous robotic arms, propellant transfer systems, and solar electric propulsion, are all critical capabilities to support a human exploration mission to Mars.

“(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

“(1) satellite servicing is a vital capability that will bolster the capacity and affordability of NASA’s ongoing scientific and human exploration operations while simultaneously enhancing the ability of domestic companies to compete in the global marketplace; and

“(2) future NASA satellites and spacecraft across mission directorates should be constructed in a manner that allows for servicing in order to maximize operational longevity and affordability.

“(c) **LEVERAGING OF CAPABILITIES.**—The Administrator [of the National Aeronautics and Space Administration] shall—

“(1) identify orbital assets in both the Science Mission Directorate and the Human Exploration and Operations Mission Directorate that could benefit from satellite servicing-related technologies; and

“(2) work across all NASA mission directorates to evaluate opportunities for the private sector to perform such services or advance technical capabilities by leveraging the technologies and techniques developed by NASA programs and other industry programs.”

§ 50132. Acquisition of commercial space transportation services

(a) **TREATMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES AS COMMERCIAL SERVICE UNDER ACQUISITION LAWS.**—Acquisitions of space transportation services by the Federal Government 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 transportation services shall be considered to be a commercial service.

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

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3400; Pub. L. 115–232, div. A, title VIII, § 836(g)(10)(C), Aug. 13, 2018, 132 Stat. 1874; Pub. L. 117–81, div. A, title XVII, § 1702(l)(10), Dec. 27, 2021, 135 Stat. 2161.)