

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.

(Pub. L. 102-588, title V, § 501, Nov. 4, 1992, 106 Stat. 5122.)

CODIFICATION

In par. (4), “chapter 701 of title 49” substituted for “the Commercial Space Launch Act [49 App. U.S.C. 2601 et seq.]” on authority of Pub. L. 103-272, § 6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

SPACE COOPERATION WITH FORMER SOVIET REPUBLICS

Section 218 of Pub. L. 102-588 provided that:

“(a) REPORT TO CONGRESS.—Within one year after the date of enactment of this Act [Nov. 4, 1992], the President shall submit to Congress a report describing—

“(1) the opportunities for increased space related trade with the independent states of the former Soviet Union;

“(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states of the former Soviet Union, specifically including those technologies the National Aeronautics and Space Administration has identified as high priority in its Space Research and Technology Integrated Technology Plan.[:]

“(3) the trade missions carried out pursuant to subsection (c), including the private participation and the results of such missions;

“(4) the offices and accounts of the National Aeronautics and Space Administration to which expenses for either cooperative activities or procurement actions, involving the independent states of the former Soviet Union, are charged;

“(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and the independent states of the former Soviet Union, including such barriers in either the United States or the independent states; and

“(6) any anticompetitive issues raised by a potential acquisition.

“(b) NOTIFICATION TO CONGRESS.—If any United States Government agency denies a request for a license or other approval that may be necessary to conduct discussions on space-related matters with the independent states of the former Soviet Union, that agency shall immediately notify the Speaker of the House of Representatives and President of the Senate. Each such notification shall include a statement of the reasons for the denial.

“(c) ROLE OF THE OFFICE OF SPACE COMMERCE.—The Office of Space Commerce of the Department of Commerce is authorized and encouraged to conduct trade missions to appropriate independent states of the former Soviet Union for the purpose of familiarizing United States aerospace industry representatives with space hardware, space technologies, and space services that may be available from the independent states, and with the business practices and overall business climate in the independent states. The Office of Space Commerce shall also advise the Administrator [of the National Aeronautics and Space Administration] as to the impact on United States industry of each potential acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union, specifically including any anticompetitive issues the Office may observe.”

§ 5802. Definitions

For the purpose of this chapter—

(1) the term “agency” means an executive agency as defined by section 105 of title 5;

(2) 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) 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) 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) 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) 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) 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.¹

(8) 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) 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) 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) 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) the term “space transportation infrastructure” means facilities, associated equipment, and real property, including launch sites, launch support facilities, space recovery

¹ So in original. The period probably should be a semicolon.

sites, and space recovery support facilities, required to perform launch or space recovery activities;

(13) 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; and

(14) the term “United States” means the States, collectively.

(Pub. L. 102-588, title V, §502, Nov. 4, 1992, 106 Stat. 5123.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title V of Pub. L. 102-588, Nov. 4, 1992, 106 Stat. 5122, which enacted this chapter and amended section 2454 of Title 42, The Public Health and Welfare, and section 2615 of former Title 49, Transportation. For complete classification of title V to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 section 70301.

§ 5803. Launch voucher demonstration program

(a) Commercial space voucher demonstration program; effective period

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 National Aeronautics and Space Administration to become effective October 1, 1993.

(b) Award of vouchers

The Administrator shall award vouchers under subsection (a) of this section to appropriate individuals as a part of grants administered by the National Aeronautics and Space 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.

(d) Report

The Administrator shall conduct an ongoing review of the program established under this section, and shall, not later than January 31, 1995, report to Congress the results of such a review, together with recommendations for further action relating to the program.

(Pub. L. 102-588, title V, §504, Nov. 4, 1992, 106 Stat. 5124; Pub. L. 105-303, title I, §103, Oct. 28, 1998, 112 Stat. 2851.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-303, §103(1), struck out “the Office of Commercial Programs within” after “payloads funded by” and struck out at end “Such program shall not be effective after September 30, 1995.”

Subsecs. (c) to (e). Pub. L. 105-303, §103(2), (3), redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out heading and text of former subsec. (c). Text read as follows: “In carrying out the demonstration program established under subsection (a) of this section, the Administrator, in awarding vouchers, is limited to the launch of payloads funded by the Office of Commercial Programs within the National Aeronautics and Space Administration.”

“ADMINISTRATOR” DEFINED

Administrator means Administrator of the National Aeronautics and Space Administration, see section 102(f) of Pub. L. 102-588, 106 Stat. 5110.

§ 5804. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379

Section, Pub. L. 102-588, title V, §505, Nov. 4, 1992, 106 Stat. 5124, related to space transportation infrastructure matching grants. See sections 70301 to 70305 of Title 49, Transportation.

§ 5805. Identification of launch support facilities

(a) Identification

The Administrator and the Secretary of Defense, as appropriate, in coordination with the Secretary of Transportation, shall conduct an inventory and identify all launch support facilities owned by the United States Government. To the extent practicable, the Administrator and the Secretary of Defense shall also identify any launch support facilities which could be made available for use by non-Federal entities on a reimbursable basis without interfering with Federal activities.

(b) Report to Congress

Not later than 1 year after November 4, 1992, the Administrator and the Secretary of Defense each shall submit to Congress a report containing the results of the identification required under subsection (a) of this section. Portions of such report may be classified and protected from public disclosure if such classification is necessary to protect national security.

(Pub. L. 102-588, title V, §506, Nov. 4, 1992, 106 Stat. 5127.)

“ADMINISTRATOR” DEFINED

Administrator means Administrator of the National Aeronautics and Space Administration, see section 102(f) of Pub. L. 102-588, 106 Stat. 5110.

§ 5806. Anchor tenancy and termination liability

(a) Anchor tenancy contracts

Subject to appropriations, the Administrator¹ 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 National Aeronautics and Space 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;

¹ See “Administrator” Defined note below.