

and was repealed and reenacted as this section by Pub.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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                     |
|-----------------|--------------------|--|
| 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