

(1) shall maximize appropriated funds for grants and contracts made under section 40304 in each fiscal year; and

(2) in each fiscal year, the Administrator shall limit its program administration costs to no more than 5 percent of funds appropriated for this program for that fiscal year.

(e) REPORTS.—For any fiscal year in which the Administrator cannot meet the administration cost target under subsection (d)(2), if the Administration is unable to limit program costs under subsection (b), the Administrator shall submit to the appropriate committees of Congress a report, including—

(1) a description of why the Administrator did not meet the cost target under subsection (d); and

(2) the measures the Administrator will take in the next fiscal year to meet the cost target under subsection (d) without drawing upon other Federal funding.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3383; Pub. L. 114–329, title III, § 302(b), Jan. 6, 2017, 130 Stat. 3003.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40303	42 U.S.C. 2486c.	Pub. L. 100–147, title II, § 205, Oct. 30, 1987, 101 Stat. 871.

AMENDMENTS

2017—Subsecs. (d), (e). Pub. L. 114–329 added subsecs. (d) and (e).

§ 40304. Grants or contracts

(a) AUTHORITY OF ADMINISTRATOR.—The Administrator may make grants and enter into contracts or other transactions under this subsection to assist any space grant and fellowship program or project if the Administrator finds that the program or project will carry out the purposes set forth in section 40301 of this title. The total amount paid pursuant to a grant or contract may equal not more than 66 percent of the total cost of the space grant and fellowship program or project involved, except in the case of grants or contracts paid for with funds accepted by the Administrator pursuant to section 40303(c)(2) of this title.

(b) SPECIAL GRANTS.—The Administrator may make special grants under this subsection to carry out the purposes set forth in section 40301 of this title. The amount of a special grant may equal up to 100 percent of the total cost of the project involved. A special grant may be made under this subsection only if the Administrator finds that—

(1) no reasonable means is available through which the applicant can meet the matching requirement for a grant under subsection (a);

(2) the probable benefit of the project outweighs the public interest in the matching requirement; and

(3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a) or section 40305 of this title.

(c) APPLICATION.—Any person may apply to the Administrator for a grant or contract under

this section. Application shall be made in such form and manner, and with such content and other submissions, as the Administrator shall by regulation prescribe.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in paragraphs (2) and (3) and to such other terms, conditions, and requirements as the Administrator considers necessary or appropriate.

(2) LIMITATIONS.—No payment under any grant or contract under this section may be applied to—

(A) the purchase of any land;

(B) the purchase, construction, preservation, or repair of any building; or

(C) the purchase or construction of any launch facility or launch vehicle.

(3) LEASES.—Notwithstanding paragraph (2), the items in subparagraphs (A), (B), and (C) of such paragraph may be leased upon written approval of the Administrator.

(4) RECORDS.—Any person that receives or utilizes any proceeds of any grant or contract under this section shall keep such records as the Administrator shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost which was provided through other sources. Such records shall be maintained for 3 years after the completion of such a program or project. The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts which, in the opinion of the Administrator or the Comptroller General, may be related or pertinent to such grants and contracts.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3384.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40304	42 U.S.C. 2486d.	Pub. L. 100–147, title II, § 206, Oct. 30, 1987, 101 Stat. 872.

In subsection (a), the words “not more than 66 percent” are substituted for “66 percent, or any lesser percent”, and the word “except” is substituted for “except that this limitation shall not apply”, for clarity and to eliminate unnecessary words.

In subsection (b), the words “up to 100 percent” are substituted for “100 percent, or any lesser percent” to eliminate unnecessary words.

§ 40305. Specific national needs

(a) IDENTIFICATION OF SPECIFIC NEEDS AND GRANT-MAKING AND CONTRACTING AUTHORITY.—The Administrator shall identify specific national needs and problems relating to space. The Administrator may make grants or enter into contracts under this section with respect to