

(5) “public agency” means a State or an agency of a State, a political subdivision of a State, or a tax-supported organization.

(6) “sponsor” means a public agency that, individually or jointly with one or more other public agencies, submits to the Secretary under this chapter an application for a project grant.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1343, §70301 of title 49; renumbered §70301 then §51101 of title 51 and amended Pub. L. 111–314, §4(d)(2), (4)(A), (6)(A), Dec. 18, 2010, 124 Stat. 3440–3442.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70301 .....	15:5804(a).	Nov. 4, 1992, Pub. L. 102–588, §505(a), 106 Stat. 5124.

Clause (1) is added to incorporate the definitions in 15:5802.

In clause (2), the word “includes” is substituted for “may include” for consistency in the revised title and with other titles of the United States Code.

In clause (5), the words “municipality or other” are omitted for consistency.

The text of 15:5804(5) is omitted as unnecessary because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

#### AMENDMENTS

2010—Pub. L. 111–314, §4(d)(2), (4)(A), successively renumbered section 70301 of title 49 and section 70301 of this title as this section.

Par. (1). Pub. L. 111–314, §4(d)(6)(A), substituted “section 50501 of this title” for “section 502 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5802)”.

### § 51102. Grant authority

(a) GENERAL AUTHORITY.—To ensure the resiliency of the space transportation infrastructure of the United States, the Secretary of Transportation may make project grants to sponsors as provided in this chapter.

(b) LIMITATIONS.—The Secretary may make a project grant under this chapter only if—

- (1) at least 10 percent of the total cost of the project will be paid by the private sector; and
- (2) the grant will not be for more than 50 percent of the total cost of the project.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1343, §70302 of title 49; renumbered §70302 then §51102 of title 51, Pub. L. 111–314, §4(d)(2), (4)(B), Dec. 18, 2010, 124 Stat. 3440, 3441.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70302(a) .....	15:5804(b) (1st sentence).	Nov. 4, 1992, Pub. L. 102–588, §505(b) (1st sentence), (f), 106 Stat. 5125, 5127.
70302(b) .....	15:5804(f).	

In subsection (a), the words “of the United States” are substituted for “Nation’s” for consistency.

#### AMENDMENTS

2010—Pub. L. 111–314 successively renumbered section 70302 of title 49 and section 70302 of this title as this section.

### § 51103. Grant applications

(a) GENERAL.—A sponsor may submit to the Secretary of Transportation an application for a project grant. The application must state the project to be undertaken and be in the form and contain the information the Secretary requires.

(b) CONSIDERATIONS AND CONSULTATION.—(1) In selecting proposed projects for grants under this section, the Secretary of Transportation shall consider—

(A) the contribution of the project to industry capabilities that serve the United States Government’s space transportation needs;

(B) the extent of industry’s financial contribution to the project;

(C) the extent of industry’s participation in the project;

(D) the positive impact of the project on the international competitiveness of the United States space transportation industry;

(E) the extent of State contributions to the project; and

(F) the impact of the project on launch operations and other activities at Government launch ranges.

(2) The Secretary of Transportation shall consult with the Secretary of Defense, the Administrator of the National Space and Aeronautics Administration, and the heads of other appropriate agencies of the Government about paragraph (1)(A) and (F) of this subsection.

(c) REQUIREMENTS.—The Secretary of Transportation may approve an application only if the Secretary is satisfied that—

(1) the project will contribute to the purposes of this chapter;

(2) the project is reasonably consistent with plans (existing at the time of approval of the project) of public agencies that are—

(A) authorized by the State in which the project is located; and

(B) responsible for the development of the area surrounding the project site;

(3) if the application proposes to use Government property, the specific consent of the head of the appropriate agency has been obtained;

(4) the project will be completed without unreasonable delay;

(5) the sponsor submitting the application has the legal authority to engage in the project; and

(6) any additional requirements prescribed by the Secretary have been met.

(d) PREFERENCE FOR INDUSTRY CONTRIBUTIONS.—The Secretary of Transportation shall give preference to applications for projects for which there will be greater industry financial contributions, all other factors being equal.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1344, §70303 of title 49; renumbered §70303 then §51103 of title 51, Pub. L. 111–314, §4(d)(2), (4)(C), Dec. 18, 2010, 124 Stat. 3440, 3441.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70303(a) .....	15:5804(d)(1).	Nov. 4, 1992, Pub. L. 102–588, §505(c), (d), 106 Stat. 5125.