

itoring program that will provide for understanding the physics and chemistry of the Earth's upper atmosphere.

(Pub. L. 85-568, title IV, §401, as added Pub. L. 94-39, §8, June 19, 1975, 89 Stat. 222.)

**§ 2482. "Upper atmosphere" defined**

For the purpose of this subchapter the term "upper atmosphere" means that portion of the Earth's sensible atmosphere above the troposphere.

(Pub. L. 85-568, title IV, §402, as added Pub. L. 94-39, §8, June 19, 1975, 89 Stat. 222.)

**§ 2483. Program authorized**

(a) In order to carry out the purposes of this subchapter the Administration in cooperation with other Federal agencies, shall initiate and carry out a program of research, technology, monitoring, and other appropriate activities directed to understand the physics and chemistry of the upper atmosphere.

(b) In carrying out the provisions of this subchapter the Administration shall—

(1) arrange for participation by the scientific and engineering community, of both the Nation's industrial organizations and institutions of higher education, in planning and carrying out appropriate research, in developing necessary technology and in making necessary observations and measurements;

(2) provide, by way of grant, contract, scholarships or other arrangements, to the maximum extent practicable and consistent with other laws, for the widest practicable and appropriate participation of the scientific and engineering community in the program authorized by this subchapter; and

(3) make all results of the program authorized by this subchapter available to the appropriate regulatory agencies and provide for the widest practicable dissemination of such results.

(Pub. L. 85-568, title IV, §403, as added Pub. L. 94-39, §8, June 19, 1975, 89 Stat. 222.)

**§ 2484. International cooperation**

In carrying out the provisions of this subchapter, the Administration, subject to the direction of the President and after consultation with the Secretary of State, shall make every effort to enlist the support and cooperation of appropriate scientists and engineers of other countries and international organizations.

(Pub. L. 85-568, title IV, §404, as added Pub. L. 94-39, §8, June 19, 1975, 89 Stat. 223.)

**CHAPTER 26A—NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM**

- Sec. 2486. Congressional statement of findings.
- 2486a. Congressional statement of purposes.
- 2486b. Definitions.
- 2486c. National space grant college and fellowship program.
- 2486d. Grants or contracts.
- 2486e. Identification of specific national needs and problems relating to space; grants or contracts with respect to such needs or problems, amount, application, terms and conditions.

- Sec. 2486f. Space grant college and space grant regional consortium.
- 2486g. Space grant fellowship program.
- 2486h. Space grant review panel.
- 2486i. Availability of other Federal personnel and data; cooperation with Administration.
- 2486j. Repealed.
- 2486k. Designation or award to be on competitive basis.
- 2486l. Authorization of appropriations.

**§ 2486. Congressional statement of findings**

The Congress finds that—

(1) the vitality of the Nation and the quality of life of the citizens of the Nation depend increasingly on the understanding, assessment, development, and utilization of space resources;

(2) research and development of space science, space technology, and space commercialization will contribute to the quality of life, national security, and the enhancement of commerce;

(3) the understanding and development of the space frontiers require a broad commitment and an intense involvement on the part of the Federal Government in partnership with State and local governments, private industry, universities, organizations, and individuals concerned with the exploration and utilization of space;

(4) the National Aeronautics and Space Administration, through the national space grant college and fellowship program, offers the most suitable means for such commitment and involvement through the promotion of activities that will result in greater understanding, assessment, development, and utilization; and

(5) Federal support of the establishment, development, and operation of programs and projects by space grant colleges, space grant regional consortia, institutions of higher education, institutes, laboratories, and other appropriate public and private entities is the most cost-effective way to promote such activities.

(Pub. L. 100-147, title II, §202, Oct. 30, 1987, 101 Stat. 869.)

SHORT TITLE

Section 201 of title II of Pub. L. 100-147 provided that: "This title [enacting this chapter] may be cited as the 'National Space Grant College and Fellowship Act'."

**§ 2486a. Congressional statement of purposes**

The purposes of this chapter are to—

(1) increase the understanding, assessment, development, and utilization of space resources by promoting a strong educational base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques;

(2) utilize the abilities and talents of the universities of the Nation to support and contribute to the exploration and development of the resources and opportunities afforded by the space environment;

(3) encourage and support the existence of interdisciplinary and multidisciplinary programs of space research within the university

community of the Nation, to engage in integrated activities of training, research and public service, to have cooperative programs with industry, and to be coordinated with the overall program of the National Aeronautics and Space Administration;

(4) encourage and support the existence of consortia, made up of university and industry members, to advance the exploration and development of space resources in cases in which national objectives can be better fulfilled than through the programs of single universities;

(5) encourage and support Federal funding for graduate fellowships in fields related to space; and

(6) support activities in colleges and universities generally for the purpose of creating and operating a network of institutional programs that will enhance achievements resulting from efforts under this chapter.

(Pub. L. 100-147, title II, §203, Oct. 30, 1987, 101 Stat. 869.)

#### § 2486b. Definitions

As used in this chapter, the term—

(1) “Administration” means the National Aeronautics and Space Administration;

(2) “Administrator” means the Administrator of the National Aeronautics and Space Administration;

(3) “aeronautical and space activities” has the meaning given to such term in section 2452(1) of this title;

(4) “field related to space” means any academic discipline or field of study (including the physical, natural, and biological sciences, and engineering, space technology, education, economics, sociology, communications, planning, law, international affairs, and public administration) which is concerned with or likely to improve the understanding, assessment, development, and utilization of space;

(5) “panel” means the space grant review panel established pursuant to section 2486h of this title;

(6) “person” means any individual, any public or private corporation, partnership, or other association or entity (including any space grant college, space grant regional consortium, institution of higher education, institute, or laboratory), or any State, political subdivision of a State, or agency or officer of a State or political subdivision of a State;

(7) “space environment” means the environment beyond the sensible atmosphere of the Earth;

(8) “space grant college” means any public or private institution of higher education which is designated as such by the Administrator pursuant to section 2486f of this title;

(9) “space grant program” means any program which—

(A) is administered by any space grant college, space grant regional consortium, institution of higher education, institute, laboratory, or State or local agency; and

(B) includes two or more projects involving education and one or more of the following activities in the fields related to space—

(i) research,

(ii) training, or

(iii) advisory services;

(10) “space grant regional consortium” means any association or other alliance which is designated as such by the Administrator pursuant to section 2486f of this title;

(11) “space resource” means any tangible or intangible benefit which can only be realized from—

(A) aeronautical and space activities; or

(B) advancements in any field related to space; and

(12) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(Pub. L. 100-147, title II, §204, Oct. 30, 1987, 101 Stat. 870.)

#### § 2486c. National space grant college and fellowship program

##### (a) Establishment; long-range guidelines and priorities; program evaluation

The Administrator shall establish and maintain, within the Administration, a program to be known as the national space grant college and fellowship program. The national space grant college and fellowship program shall consist of the financial assistance and other activities provided for in this chapter. The Administrator shall establish long-range planning guidelines and priorities, and adequately evaluate the program.

##### (b) Functions

Within the Administration, the program shall—

(1) apply the long-range planning guidelines and the priorities established by the Administrator under subsection (a) of this section;

(2) advise the Administrator with respect to the expertise and capabilities which are available through the national space grant college and fellowship program, and make such expertise available to the Administration as directed by the Administrator;

(3) evaluate activities conducted under grants and contracts awarded pursuant to sections 2486d and 2486e of this title to assure that the purposes set forth in section 2486a of this title are implemented;

(4) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the national space grant college and fellowship program, on a cooperative or other basis;

(5) encourage cooperation and coordination with other Federal programs concerned with the development of space resources and fields related to space;

(6) advise the Administrator on the designation of recipients supported by the national space grant college and fellowship program and, in appropriate cases, on the termination or suspension of any such designation; and

(7) encourage the formation and growth of space grant and fellowship programs.

**(c) Acceptance of gifts and donations; funds from other Federal agencies; issuance of rules and regulations**

To carry out the provisions of this chapter, the Administrator may—

- (1) accept conditional or unconditional gifts or donations of services, money, or property, real, personal or mixed, tangible or intangible;
- (2) accept and use funds from other Federal departments, agencies, and instrumentalities to pay for fellowships, grants, contracts, and other transactions; and
- (3) issue such rules and regulations as may be necessary and appropriate.

(Pub. L. 100-147, title II, §205, Oct. 30, 1987, 101 Stat. 871.)

**§ 2486d. Grants or contracts**

**(a) Authority of Administrator; amount**

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 such program or project will carry out the purposes set forth in section 2486a of this title. The total amount paid pursuant to any such grant or contract may equal 66 percent, or any lesser percent, of the total cost of the space grant and fellowship program or project involved, except that this limitation shall not apply in the case of grants or contracts paid for with funds accepted by the Administrator pursuant to section 2486c(c)(2) of this title.

**(b) Special grants; amount; prerequisites**

The Administrator may make special grants under this subsection to carry out the purposes set forth in section 2486a of this title. The amount of any such grant may equal 100 percent, or any lesser percent, of the total cost of the project involved. No grant may be made under this subsection, unless 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) of this section;
- (2) the probable benefit of such project outweighs the public interest in such matching requirement; and
- (3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a) of this section or section 2486e 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; limitations; leasing; recordkeeping; audits**

(1) 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) of this subsection and to such other terms, conditions and requirements as the Administrator considers necessary or appropriate.

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

(4) Any person who 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 three 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. 100-147, title II, §206, Oct. 30, 1987, 101 Stat. 872.)

**§ 2486e. Identification of specific national needs and problems relating to space; grants or contracts with respect to such needs or problems, amount, application, terms and conditions**

(a) 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 such needs or problems. The amount of any such grant or contract may equal 100 percent, or any lesser percent, of the total cost of the project involved.

(b) Any person may apply to the Administrator for a grant or contract under this section. In addition, the Administrator may invite applications with respect to specific national needs or problems identified under subsection (a) of 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. Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in section 2486d(d)(2) and (4) of this title and to such other terms, conditions, and requirements as the Administrator considers necessary or appropriate.

(Pub. L. 100-147, title II, §207, Oct. 30, 1987, 101 Stat. 873.)

**§ 2486f. Space grant college and space grant regional consortium**

**(a) Designation; qualifications**

- (1) The Administrator may designate—

(A) any institution of higher education as a space grant college; and

(B) any association or other alliance of two or more persons, other than individuals, as a space grant regional consortium.

(2) No institution of higher education may be designated as a space grant college, unless the Administrator finds that such institution—

(A) is maintaining a balanced program of research, education, training, and advisory services in fields related to space;

(B) will act in accordance with such guidelines as are prescribed under subsection (b)(2) of this section; and

(C) meets such other qualifications as the Administrator considers necessary or appropriate.

(3) No association or other alliance of two or more persons may be designated as a space grant regional consortium, unless the Administrator finds that such association or alliance—

(A) is established for the purpose of sharing expertise, research, educational facilities or training facilities, and other capabilities in order to facilitate research, education, training, and advisory services, in any field related to space;

(B) will encourage and follow a regional approach to solving problems or meeting needs relating to space, in cooperation with appropriate space grant colleges, space grant programs, and other persons in the region;

(C) will act in accordance with such guidelines as are prescribed under subsection (b)(2) of this section; and

(D) meets such other qualifications as the Administrator considers necessary or appropriate.

**(b) Other necessary qualifications and guidelines on activities and responsibilities; regulations**

The Administrator shall by regulation prescribe—

(1) the qualifications required to be met under subsection (a)(2)(C) and (3)(D) of this section; and

(2) guidelines relating to the activities and responsibilities of space grant colleges and space grant regional consortia.

**(c) Suspension or termination of designation; hearing**

The Administrator may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a) of this section.

(Pub. L. 100-147, title II, §208, Oct. 30, 1987, 101 Stat. 873.)

**§ 2486g. Space grant fellowship program**

**(a) Award of fellowships; guidelines; wide geographic and institutional diversity**

The Administrator shall support a space grant fellowship program to provide educational and training assistance to qualified individuals at the graduate level of education in fields related to space. Such fellowships shall be awarded pursuant to guidelines established by the Administrator. Space grant fellowships shall be awarded to individuals at space grant colleges, space

grant regional consortia, other colleges and institutions of higher education, professional associations, and institutes in such a manner as to assure wide geographic and institutional diversity in the pursuit of research under the fellowship program.

**(b) Limitation on amount to provide grants**

The total amount which may be provided for grants under the space grant fellowship program during any fiscal year shall not exceed an amount equal to 50 percent of the total funds appropriated for such year pursuant to this chapter.

**(c) Authority to sponsor other research fellowship programs unaffected**

Nothing in this section shall be construed to prohibit the Administrator from sponsoring any research fellowship program, including any special emphasis program, which is established under an authority other than this chapter.

(Pub. L. 100-147, title II, §209, Oct. 30, 1987, 101 Stat. 874.)

**§ 2486h. Space grant review panel**

**(a) Establishment**

The Administrator shall establish an independent committee known as the space grant review panel, which shall not be subject to the provisions<sup>1</sup> of the Federal Advisory Committee Act (5 U.S.C. App.; Public Law 92-463).

**(b) Duties**

The panel shall take such steps as may be necessary to review, and shall advise the Administrator with respect to—

(1) applications or proposals for, and performance under, grants and contracts awarded pursuant to sections 2486d and 2486e of this title;

(2) the space grant fellowship program;

(3) the designation and operation of space grant colleges and space grant regional consortia, and the operation of space grant and fellowship programs;

(4) the formulation and application of the planning guidelines and priorities pursuant to section 2486c(a) and (b)(1) of this title; and

(5) such other matters as the Administrator refers to the panel for review and advice.

**(c) Personnel and administrative services**

The Administrator shall make available to the panel any information, personnel and administrative services and assistance which is reasonable to carry out the duties of the panel.

**(d) Appointment of voting members; Chairman and Vice Chairman; reimbursement of non-Federal employee members; meetings; powers**

(1) The Administrator shall appoint the voting members of the panel. A majority of the voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields related to space. The other voting members shall be individuals who, by reason of

<sup>1</sup> So in original. Probably should be "provisions".

knowledge, experience or training, are especially qualified in, or representative of, education, extension services, State government, industry, economics, planning, or any other activity related to efforts to enhance the understanding, assessment, development, or utilization of space resources. The Administrator shall consider the potential conflict of interest of any individual in making appointments to the panel.

(2) The Administrator shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

(3) Voting members of the panel who are not Federal employees shall be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(4) The panel shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Administrator.

(5) The panel may exercise such powers as are reasonably necessary in order to carry out the duties enumerated in subsection (b) of this section.

(Pub. L. 100-147, title II, §210, Oct. 30, 1987, 101 Stat. 874.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 2486i. Availability of other Federal personnel and data; cooperation with Administration**

Each department, agency or other instrumentality of the Federal Government which is engaged in or concerned with, or which has authority over, matters relating to space—

(1) may, upon a written request from the Administrator, make available, on a reimbursable basis or otherwise, any personnel (with their consent and without prejudice to their position and rating), service, or facility which the Administrator considers necessary to carry out any provision of this chapter;

(2) may, upon a written request from the Administrator, furnish any available data or other information which the Administrator considers necessary to carry out any provision of this chapter; and

(3) may cooperate with the Administration.

(Pub. L. 100-147, title II, §211, Oct. 30, 1987, 101 Stat. 875.)

**§ 2486j. Repealed. Pub. L. 105-362, title XI, § 1101(a), Nov. 10, 1998, 112 Stat. 3292**

Section, Pub. L. 100-147, title II, §212, Oct. 30, 1987, 101 Stat. 875, related to reports by Administrator to Congress and the President on national space grant and fellowship program and comments and recommendations by Director of Management and Budget and Director of Office of Science and Technology Policy to be included in such reports.

**§ 2486k. Designation or award to be on competitive basis**

The Administrator shall not under this chapter designate any space grant college or space

grant regional consortium or award any fellowship, grant, or contract unless such designation or award is made in accordance with the competitive, merit-based review process employed by the Administration on October 30, 1987.

(Pub. L. 100-147, title II, §213, Oct. 30, 1987, 101 Stat. 875.)

**§ 2486l. Authorization of appropriations**

(a) There are authorized to be appropriated for the purposes of carrying out the provisions of this chapter sums not to exceed—

(1) \$10,000,000 for each of fiscal years 1988 and 1989; and

(2) \$15,000,000 for each of fiscal years 1990 and 1991.

(b) Such sums as may be appropriated under this section shall remain available until expended.

(Pub. L. 100-147, title II, §214, Oct. 30, 1987, 101 Stat. 875.)

**CHAPTER 26B—BIOMEDICAL RESEARCH IN SPACE**

Sec.	Findings.
2487.	Biomedical research joint working group.
2487a.	Biomedical research grants.
2487b.	Biomedical research fellowships.
2487c.	Repealed.
2487d.	Establishment of electronic data archive.
2487e.	Establishment of emergency medical service telemedicine capability.
2487f.	Authorization of appropriations.

**§ 2487. Findings**

The Congress finds that—

(1) the space program can make significant contributions to selected areas of health-related research and should be an integral part of the Nation's health research and development program;

(2) the continuing development of trained scientists and engineers is essential to carrying out an effective and sustained program of biomedical research in space and on the ground;

(3) the establishment and maintenance of an electronically accessible archive of data on space-related biomedical research is essential to advancement of the field;

(4) cooperation with the republics of the former Soviet Union, including use of former Soviet orbital facilities, offers the potential for greatly enhanced biomedical research activities and progress; and

(5) the establishment and maintenance of an international telemedicine consultation satellite capability to support emergency medical service provision can provide an important aid to disaster relief efforts.

(Pub. L. 102-588, title VI, §601, Nov. 4, 1992, 106 Stat. 5130.)

**§ 2487a. Biomedical research joint working group**

**(a) Establishment**

The Administrator and the Director of the National Institutes of Health shall jointly establish a working group to coordinate biomedical