

## DELEGATION OF CERTAIN REPORTING AUTHORITY

Memorandum of President of the United States, Mar. 5, 2004, 69 F.R. 11489, provided:

Memorandum for the Administrator of the National Aeronautics and Space Administration

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President by section 206 of the National Aeronautics and Space Act of 1958, as amended ([former] 42 U.S.C. 2476) [now 51 U.S.C. 20116], to provide the specified report to the Congress. Nothing in this delegation shall be construed to impair or otherwise affect the authority of the Director of the Office of Management and Budget with respect to budget, administrative, and legislative proposals.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

## § 20117. Disposal of excess land

Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of \$50,000 that is owned by the United States and under the jurisdiction and control of the Administration, unless—

(1) a period of 30 days has passed after the receipt by the Speaker and the Committee on Science and Technology of the House of Representatives and the President and the Committee on Commerce, Science, and Transportation of the Senate of a report by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action; or

(2) each such committee before the expiration of that period has transmitted to the Administrator written notice to the effect that the committee has no objection to the proposed action.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3337.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20117 .....	42 U.S.C. 2476a.	Pub. L. 85–568, title II, § 207, as added Pub. L. 93–74, § 7, July 23, 1973, 87 Stat. 175; amended Pub. L. 103–437, § 15(j), Nov. 2, 1994, 108 Stat. 4593.

In paragraph (1), the words “Committee on Science and Technology” are substituted for “Committee on Science, Space, and Technology” on authority of section 1(a)(10) of Public Law 104–14 (2 U.S.C. note prec. 21), Rule X(1)(n) of the Rules of the House of Representatives, adopted by House Resolution No. 5 (106th Congress, January 6, 1999), and Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

## SUBCHAPTER III—GENERAL ADMINISTRATIVE PROVISIONS

## § 20131. Public access to information

(a) PUBLIC INSPECTION.—Information obtained or developed by the Administrator in the performance of the Administrator's functions under

this chapter shall be made available for public inspection, except information—

- (1) authorized or required by Federal statute to be withheld;
- (2) classified to protect the national security; or
- (3) described in subsection (b).

(b) SPECIAL HANDLING OF TRADE SECRET OR CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—The Administrator, for a period of up to 5 years after the development of information described in paragraph (2), may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5.

(2) INFORMATION DESCRIBED.—Information referred to in paragraph (1) is information that results from activities conducted under an agreement entered into under subsections (e) and (f) of section 20113 of this title, and that would be a trade secret or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of title 5 if the information had been obtained from a non-Federal party participating in such an agreement.

(c) COMMITTEES OF CONGRESS.—Nothing in this chapter authorizes the withholding of information by the Administrator from the duly authorized committees of Congress.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3338.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20131(a) .....	42 U.S.C. 2454(a) (words before proviso).	Pub. L. 85–568, title III, § 303, July 29, 1958, 72 Stat. 433; Pub. L. 102–588, title V, § 509, Nov. 4, 1992, 106 Stat. 5129.
20131(b) .....	42 U.S.C. 2454(b).	
20131(c) .....	42 U.S.C. 2454(a) (proviso).	

## § 20132. Security requirements

The Administrator shall establish such security requirements, restrictions, and safeguards as the Administrator deems necessary in the interest of the national security. The Administrator may arrange with the Director of the Office of Personnel Management for the conduct of such security or other personnel investigations of the Administration's officers, employees, and consultants, and its contractors and subcontractors and their officers and employees, actual or prospective, as the Administrator deems appropriate. If any such investigation develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Administrator.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3338.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20132 .....	42 U.S.C. 2455(a).	Pub. L. 85-568, title III, §304(a), July 29, 1958, 72 Stat. 433; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.

The words “Director of the Office of Personnel Management” are substituted for “Civil Service Commission” because of section 102 of Reorganization Plan No. 2 of 1978 (5 App U.S.C.).

ACCESS TO RESTRICTED DATA

Pub. L. 85-568, title III, §304(b), July 29, 1958, 72 Stat. 434, provided that: “The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under subsection 145 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2165(b)), to permit any member, officer, or employee of the Council [National Aeronautics and Space Council], or the Administrator [of the National Aeronautics and Space Administration], or any officer, employee, member of an advisory committee, contractor, subcontractor, or officer or employee of a contractor or subcontractor of the Administration [National Aeronautics and Space Administration], to have access to Restricted Data relating to aeronautical and space activities which is required in the performance of his duties and so certified by the Council or the Administrator, as the case may be, but only if (1) the Council or Administrator or designee thereof has determined, in accordance with the established personnel security procedures and standards of the Council or Administration, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Council or Administrator or designee thereof finds that the established personnel and other security procedures and standards of the Council or Administration are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165). Any individual granted access to such Restricted Data pursuant to this subsection may exchange such Data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the armed forces, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of section 143 of the Atomic Energy Act of 1954 (42 U.S.C. 2163).

[Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.]

[National Aeronautics and Space Council, together with functions of Council, abolished by section 3(a)(4) of Reorg. Plan No. 1 of 1973, effective July 1, 1973, set out in the Appendix to Title 5, Government Organization and Employees.]

§ 20133. Permission to carry firearms

As the Administrator deems necessary in the public interest, the Administrator may—

- (1) direct officers and employees of the Administration to carry firearms while in the conduct of their official duties; and
- (2) authorize employees of contractors and subcontractors of the Administration who are engaged in the protection of property owned

by the United States, and located at facilities owned by or contracted to the United States, to carry firearms while in the conduct of their official duties.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3338.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20133 .....	42 U.S.C. 2456.	Pub. L. 85-568, title III, §304(e), July 29, 1958, 72 Stat. 435.

§ 20134. Arrest authority

Under regulations prescribed by the Administrator and approved by the Attorney General, employees of the Administration and of its contractors and subcontractors authorized to carry firearms under section 20133 of this title may arrest without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. Persons granted authority to make arrests by this section may exercise that authority only while guarding and protecting property owned or leased by, or under the control of, the United States under the administration and control of the Administration or one of its contractors or subcontractors, at facilities owned by or contracted to the Administration.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3339.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20134 .....	42 U.S.C. 2456a.	Pub. L. 85-568, title III, §304(f), as added Pub. L. 100-685, title II, §206, Nov. 17, 1988, 102 Stat. 4090.

§ 20135. Property rights in inventions

(a) DEFINITIONS.—In this section:

(1) CONTRACT.—The term “contract” means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder.

(2) MADE.—The term “made”, when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

(3) PERSON.—The term “person” means any individual, partnership, corporation, association, institution, or other entity.

(b) EXCLUSIVE PROPERTY OF UNITED STATES.—

(1) IN GENERAL.—An invention shall be the exclusive property of the United States if it is made in the performance of any work under any contract of the Administration, and the Administrator determines that—

(A) the person who made the invention was employed or assigned to perform research, development, or exploration work and the invention is related to the work the person was employed or assigned to perform, or was

within the scope of the person's employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(B) the person who made the invention was not employed or assigned to perform research, development, or exploration work, but the invention is nevertheless related to the contract, or to the work or duties the person was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in subparagraph (A).

(2) PATENT TO UNITED STATES.—If an invention is the exclusive property of the United States under paragraph (1), and if such invention is patentable, a patent therefor shall be issued to the United States upon application made by the Administrator, unless the Administrator waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (g).

(c) CONTRACT PROVISIONS FOR FURNISHING REPORTS OF INVENTIONS, DISCOVERIES, IMPROVEMENTS, OR INNOVATIONS.—Each contract entered into by the Administrator with any party for the performance of any work shall contain effective provisions under which the party shall furnish promptly to the Administrator a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

(d) PATENT APPLICATION.—No patent may be issued to any applicant other than the Administrator for any invention which appears to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (hereafter in this section referred to as the "Director") to have significant utility in the conduct of aeronautical and space activities unless the applicant files with the Director, with the application or within 30 days after request therefor by the Director, a written statement executed under oath setting forth the full facts concerning the circumstances under which the invention was made and stating the relationship (if any) of the invention to the performance of any work under any contract of the Administration. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Director to the Administrator.

(e) ISSUANCE OF PATENT TO APPLICANT.—Upon any application as to which any such statement has been transmitted to the Administrator, the Director may, if the invention is patentable, issue a patent to the applicant unless the Administrator, within 90 days after receipt of the application and statement, requests that the patent be issued to the Administrator on behalf of the United States. If, within such time, the Administrator files such a request with the Director, the Director shall transmit notice thereof to the applicant, and shall issue such patent to the Administrator unless the applicant with-

in 30 days after receipt of the notice requests a hearing before the Board of Patent Appeals and Interferences on the question whether the Administrator is entitled under this section to receive the patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Administrator to the United States Court of Appeals for the Federal Circuit in accordance with procedures governing appeals from decisions of the Board of Patent Appeals and Interferences in other proceedings.

(f) SUBSEQUENT TRANSFER OF PATENT IN CASE OF FALSE REPRESENTATIONS.—Whenever a patent has been issued to an applicant in conformity with subsection (e), and the Administrator thereafter has reason to believe that the statement filed by the applicant in connection with the patent contained a false representation of a material fact, the Administrator, within 5 years after the date of issuance of the patent, may file with the Director a request for the transfer to the Administrator of title to the patent on the records of the Director. Notice of any such request shall be transmitted by the Director to the owner of record of the patent, and title to the patent shall be so transferred to the Administrator unless, within 30 days after receipt of notice, the owner of record requests a hearing before the Board of Patent Appeals and Interferences on the question whether any such false representation was contained in the statement filed in connection with the patent. The question shall be heard and determined, and the determination shall be subject to review, in the manner prescribed by subsection (e) for questions arising thereunder. A request made by the Administrator under this subsection for the transfer of title to a patent, and prosecution for the violation of any criminal statute, shall not be barred by the failure of the Administrator to make a request under subsection (e) for the issuance of the patent to the Administrator, or by any notice previously given by the Administrator stating that the Administrator had no objection to the issuance of the patent to the applicant.

(g) WAIVER OF RIGHTS TO INVENTIONS.—Under such regulations in conformity with this subsection as the Administrator shall prescribe, the Administrator may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, non-exclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty

or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Administrator within the Administration. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Administrator its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

(h) PROTECTION OF TITLE.—The Administrator is authorized to take all suitable and necessary steps to protect any invention or discovery to which the Administrator has title, and to require contractors or persons who retain title to inventions or discoveries under this section to protect the inventions or discoveries to which the Administration has or may acquire a license of use.

(i) ADMINISTRATION AS DEFENSE AGENCY.—The Administration shall be considered a defense agency of the United States for the purpose of chapter 17 of title 35.

(j) OBJECTS INTENDED FOR LAUNCH, LAUNCHED, OR ASSEMBLED IN OUTER SPACE.—Any object intended for launch, launched, or assembled in outer space shall be considered a vehicle for the purpose of section 272 of title 35.

(k) USE OR MANUFACTURE OF PATENTED INVENTIONS INCORPORATED IN SPACE VEHICLES LAUNCHED FOR PERSONS OTHER THAN UNITED STATES.—The use or manufacture of any patented invention incorporated in a space vehicle launched by the United States Government for a person other than the United States shall not be considered to be a use or manufacture by or for the United States within the meaning of section 1498(a) of title 28, unless the Administration gives an express authorization or consent for such use or manufacture.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3339.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20135 .....	42 U.S.C. 2457.	Pub. L. 85–568, title III, § 305, July 29, 1958, 72 Stat. 435; Pub. L. 96–517, § 7(b), Dec. 12, 1980, 94 Stat. 3027; Pub. L. 97–96, § 7, Dec. 21, 1981, 95 Stat. 1210; Pub. L. 97–164, title I, § 162(3), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98–622, title II, § 205(c), Nov. 8, 1984, 98 Stat. 3388; Pub. L. 106–113, div. B, § 1000(a)(9) [title IV, § 4732(b)(20)], Nov. 29, 1999, 113 Stat. 1536, 1501A–585.

§ 20136. Contributions awards

(a) APPLICATIONS.—Subject to the provisions of this section, the Administrator is authorized, on the Administrator’s own initiative or on application of any person, to make a monetary award, in an amount and on terms the Administrator determines to be warranted, to any person (as defined by section 20135(a) of this title) for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities. Each application made for such an award shall be referred to the Inventions and Contributions

Board established under section 20135 of this title. Such Board shall accord to each applicant an opportunity for hearing on the application, and shall transmit to the Administrator its recommendation as to the terms of the award, if any, to be made to the applicant for the contribution. In determining the terms and conditions of an award the Administrator shall take into account—

- (1) the value of the contribution to the United States;
- (2) the aggregate amount of any sums which have been expended by the applicant for the development of the contribution;
- (3) the amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of the contribution by the United States; and
- (4) any other factors the Administrator determines to be material.

(b) APPORTIONMENT OF AWARDS.—If more than one applicant under subsection (a) claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interests of the applicants, and shall apportion any award to be made among the applicants in amounts the Administrator determines to be equitable.

(c) SURRENDER OF OTHER CLAIMS.—No award may be made under subsection (a) unless the applicant surrenders, by means the Administrator determines to be effective, all claims that the applicant may have to receive any compensation (other than the award made under this section) for the use of the contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to a treaty or agreement with the United States, within the United States or at any other place.

(d) REPORT AND WAITING PERIOD.—No award may be made under subsection (a) in an amount exceeding \$100,000 unless the Administrator transmits to the appropriate committees of Congress a full and complete report concerning the amount and terms of, and the basis for, the proposed award, and a period of 30 calendar days of regular session of Congress expires after receipt of the report by the committees.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3342.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20136(a) .....	42 U.S.C. 2458(a).	Pub. L. 85–568, title III, § 306, July 29, 1958, 72 Stat. 437.
20136(b) .....	42 U.S.C. 2458(b) (1st sentence).	
20136(c) .....	42 U.S.C. 2458(b) (par. (1) of last sentence).	
20136(d) .....	42 U.S.C. 2458(b) (par. (2) of last sentence).	

In subsections (c) and (d), the words “No award may be made under subsection (a)” are substituted for “No award may be made under subsection (a) with respect to any contribution” for clarity and to eliminate unnecessary words.

### § 20137. Malpractice and negligence suits against United States

(a) EXCLUSIVE REMEDY.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28, for damages for personal injury, including death, caused by the negligent or wrongful act or omission of any physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (including medical and dental technicians, nursing assistants, and therapists) of the Administration in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of such person's duties or employment therein or therefor shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such person (or the estate of such person) whose act or omission gave rise to the action or proceeding.

(b) ATTORNEY GENERAL TO DEFEND ANY CIVIL ACTION OR PROCEEDING FOR MALPRACTICE OR NEGLIGENCE.—The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) (or the estate of such person) for any such injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Administrator to receive such papers. Such person shall promptly furnish copies of the pleading and process therein to the United States Attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Administrator.

(c) REMOVAL OF ACTIONS.—Upon a certification by the Attorney General that any person described in subsection (a) was acting in the scope of such person's duties or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, and all references thereto. Should a district court of the United States determine, on a hearing on a motion to remand held before a trial on the merits, that the case so removed is one in which a remedy by suit within the meaning of subsection (a) is not available against the United States, the case shall be remanded to the State court.

(d) COMPROMISE OR SETTLEMENT OF CLAIMS.—The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

(e) APPLICABILITY OF OTHER PROVISIONS OF LAW.—For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to any cause of action arising out of a negligent or wrongful act or omission in the performance

of medical, dental, or related health care functions (including clinical studies and investigations).

(f) LIABILITY INSURANCE FOR PERSONS ASSIGNED TO FOREIGN COUNTRIES OR NON-FEDERAL AGENCIES.—The Administrator or the Administrator's designee may, to the extent that the Administrator or the designee deems appropriate, hold harmless or provide liability insurance for any person described in subsection (a) for damages for personal injury, including death, caused by such person's negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of such person's duties if such person is assigned to a foreign country or detailed for service with other than a Federal department, agency, or instrumentality or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, for such damage or injury.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3343.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20137 .....	42 U.S.C. 2458a.	Pub. L. 85-568, title III, § 307, as added Pub. L. 94-464, § 3, Oct. 8, 1976, 90 Stat. 1988.

In subsection (a), the word "hereafter" is omitted as unnecessary.

In subsection (b), in the last sentence, commas are added after "brought" and "Attorney General" for clarity.

In subsection (e), the words "wrongful act or omission" are substituted for "wrongful act of omission" to correct an error in the law.

### § 20138. Insurance and indemnification

(a) DEFINITIONS.—In this section:

(1) SPACE VEHICLE.—The term "space vehicle" means an object intended for launch, launched, or assembled in outer space, including the space shuttle and other components of a space transportation system, together with related equipment, devices, components, and parts.

(2) THIRD PARTY.—The term "third party" means any person who may institute a claim against a user for death, bodily injury, or loss of or damage to property.

(3) USER.—The term "user" includes anyone who enters into an agreement with the Administration for use of all or a portion of a space vehicle, who owns or provides property to be flown on a space vehicle, or who employs a person to be flown on a space vehicle.

(b) AUTHORIZATION.—The Administration is authorized on such terms and to the extent it may deem appropriate to provide liability insurance for any user of a space vehicle to compensate all or a portion of claims by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations, or recovery of the space vehicle. Appropriations available to the Administration may be used to acquire such insurance, but such appropriations shall be re-

imbursed to the maximum extent practicable by the users under reimbursement policies established pursuant to section 20113 of this title.

(c) INDEMNIFICATION.—Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost, and terms of liability insurance, any agreement between the Administration and a user of a space vehicle may provide that the United States will indemnify the user against claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations, or recovery of the space vehicle, but only to the extent that such claims are not compensated by liability insurance of the user. Such indemnification may be limited to claims resulting from other than the actual negligence or willful misconduct of the user.

(d) TERMS OF INDEMNIFICATION AGREEMENT.—An agreement made under subsection (c) that provides indemnification must also provide for—

- (1) notice to the United States of any claim or suit against the user for the death, bodily injury, or loss of or damage to the property; and
- (2) control of or assistance in the defense by the United States, at its election, of that suit or claim.

(e) CERTIFICATION OF JUST AND REASONABLE AMOUNT.—No payment may be made under subsection (c) unless the Administrator or the Administrator’s designee certifies that the amount is just and reasonable.

(f) PAYMENTS.—Upon the approval by the Administrator, payments under subsection (c) may be made, at the Administrator’s election, either from funds available for research and development not otherwise obligated or from funds appropriated for such payments.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3344.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20138 .....	42 U.S.C. 2458b.	Pub. L. 85–568, title III, § 308, as added Pub. L. 96–48, § 6(b)(2), Aug. 8, 1979, 93 Stat. 348.

§ 20139. Insurance for experimental aerospace vehicles

(a) DEFINITIONS.—In this section:

(1) COOPERATING PARTY.—The term “cooperating party” means any person who enters into an agreement with the Administration for the performance of cooperative scientific, aeronautical, or space activities to carry out the purposes of this chapter.

(2) DEVELOPER.—The term “developer” means a United States person (other than a natural person) who—

- (A) is a party to an agreement with the Administration for the purpose of developing new technology for an experimental aerospace vehicle;
- (B) owns or provides property to be flown or situated on that vehicle; or

(C) employs a natural person to be flown on that vehicle.

(3) EXPERIMENTAL AEROSPACE VEHICLE.—The term “experimental aerospace vehicle” means an object intended to be flown in, or launched into, orbital or suborbital flight for the purpose of demonstrating technologies necessary for a reusable launch vehicle, developed under an agreement between the Administration and a developer.

(4) RELATED ENTITY.—The term “related entity” includes a contractor or subcontractor at any tier, a supplier, a grantee, and an investigator or detailee.

(b) IN GENERAL.—The Administrator may provide liability insurance for, or indemnification to, the developer of an experimental aerospace vehicle developed or used in execution of an agreement between the Administration and the developer.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this section, the insurance and indemnification provided by the Administration under subsection (b) to a developer shall be provided on the same terms and conditions as insurance and indemnification is provided by the Administration under section 20138 of this title to the user of a space vehicle.

(2) INSURANCE.—

(A) IN GENERAL.—A developer shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

- (i) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with the development or use of an experimental aerospace vehicle; and
- (ii) the United States Government for damage or loss to Government property resulting from such an activity.

(B) MAXIMUM REQUIRED.—The Administrator shall determine the amount of insurance required, but, except as provided in subparagraph (C), that amount shall not be greater than the amount required under section 50914(a)(3) of this title for a launch. The Administrator shall publish notice of the Administrator’s determination and the applicable amount or amounts in the Federal Register within 10 days after making the determination.

(C) INCREASE IN DOLLAR AMOUNTS.—The Administrator may increase the dollar amounts set forth in section 50914(a)(3)(A) of this title for the purpose of applying that section under this section to a developer after consultation with the Comptroller General and such experts and consultants as may be appropriate, and after publishing notice of the increase in the Federal Register not less than 180 days before the increase goes into effect. The Administrator shall make available for public inspection, not later than the date of publication of such notice, a complete record of any correspondence received by the Administration, and a transcript of any meetings in which the Administration participated, regarding the proposed increase.

(D) SAFETY REVIEW REQUIRED BEFORE ADMINISTRATOR PROVIDES INSURANCE.—The Administrator may not provide liability insurance or indemnification under subsection (b) unless the developer establishes to the satisfaction of the Administrator that appropriate safety procedures and practices are being followed in the development of the experimental aerospace vehicle.

(3) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (b), the Administrator may not indemnify a developer of an experimental aerospace vehicle under this section unless there is an agreement between the Administration and the developer described in subsection (d).

(4) APPLICATION OF CERTAIN PROCEDURES.—If the Administrator requests additional appropriations to make payments under this section, like the payments that may be made under section 20138(c) of this title, then the request for those appropriations shall be made in accordance with the procedures established by subsections (d) and (e) of section 50915 of this title.

(d) CROSS-WAIVERS.—

(1) ADMINISTRATOR AUTHORIZED TO WAIVE.—The Administrator, on behalf of the United States, and its departments, agencies, and instrumentalities, may reciprocally waive claims with a developer or cooperating party and with the related entities of that developer or cooperating party under which each party to the waiver agrees to be responsible, and agrees to ensure that its own related entities are responsible, for damage or loss to its property for which it is responsible, or for losses resulting from any injury or death sustained by its own employees or agents, as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

(2) LIMITATIONS.—

(A) CLAIMS.—A reciprocal waiver under paragraph (1) may not preclude a claim by any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, the cooperating party, or their respective subcontractors) or that natural person's estate, survivors, or subrogees for injury or death, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

(B) LIABILITY FOR NEGLIGENCE.—A reciprocal waiver under paragraph (1) may not absolve any party of liability to any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, the cooperating party, or their respective subcontractors) or such a natural person's estate, survivors, or subrogees for negligence, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

(C) INDEMNIFICATION FOR DAMAGES.—A reciprocal waiver under paragraph (1) may not be used as the basis of a claim by the Administration, or the developer or cooperating party, for indemnification against the other

for damages paid to a natural person, or that natural person's estate, survivors, or subrogees, for injury or death sustained by that natural person as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

(D) WILLFUL MISCONDUCT.—A reciprocal waiver under paragraph (1) may not relieve the United States, the developer, the cooperating party, or the related entities of the developer or cooperating party, of liability for damage or loss resulting from willful misconduct.

(3) EFFECT ON PREVIOUS WAIVERS.—This subsection applies to any waiver of claims entered into by the Administration without regard to the date on which the Administration entered into the waiver.

(e) RELATIONSHIP TO OTHER LAWS.—

(1) SECTION 20138.—This section does not apply to any object, transaction, or operation to which section 20138 of this title applies.

(2) SECTION 50919(g)(1).—The Administrator may not provide indemnification to a developer under this section for launches subject to license under section 50919(g)(1) of this title.

(f) TERMINATION.—

(1) IN GENERAL.—The provisions of this section shall terminate on December 31, 2010.

(2) EFFECT OF TERMINATION ON AGREEMENT.—The termination of this section shall not terminate or otherwise affect any cross-waiver agreement, insurance agreement, indemnification agreement, or other agreement entered into under this section, except as may be provided in that agreement.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3345.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20139 .....	42 U.S.C. 2458c.	Pub. L. 85-568, title III, § 309, formerly title III, as added Pub. L. 106-74, title IV, § 435(a), Oct. 20, 1999, 113 Stat. 1097; designated § 309 and amended Pub. L. 106-391, title III, § 324(a)(2), (b), Oct. 30, 2000, 114 Stat. 1599, 1600; Pub. L. 109-155, title VII, § 702, Dec. 30, 2005, 119 Stat. 2936.

In subsection (d)(3), the words “without regard to the date on which the Administration entered into the waiver” are substituted for “without regard to whether it was entered into before, on, or after the date of enactment of this Act” to avoid an ambiguity in the law. Literally, the words “the date of enactment of this Act” mean July 29, 1958, the date of enactment of Public Law 85-568. However, the intended meaning of the words “the date of enactment of this Act” is probably October 20, 1999, the date of enactment of Public Law 106-74. The question as to which date is actually intended is rendered inconsequential by the words “before, on, or after”.

#### § 20140. Appropriations

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this chapter, except that nothing in this chapter shall authorize the appropriation of any amount for—

(A) the acquisition or condemnation of any real property; or

(B) any other item of a capital nature (such as plant or facility acquisition, construction, or expansion) which exceeds \$250,000.

(2) AVAILABILITY.—Sums appropriated pursuant to this subsection for the construction of facilities, or for research and development activities, shall remain available until expended.

(b) USE OF FUNDS FOR EMERGENCY REPAIRS OF EXISTING FACILITIES.—Any funds appropriated for the construction of facilities may be used for emergency repairs of existing facilities when such existing facilities are made inoperative by major breakdown, accident, or other circumstances and such repairs are deemed by the Administrator to be of greater urgency than the construction of new facilities.

(c) TERMINATION.—Notwithstanding any other provision of law, the authorization of any appropriation to the Administration shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3347.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20140 .....	42 U.S.C. 2459.	Pub. L. 85–568, title III, § 310, formerly § 307, July 29, 1958, 72 Stat. 438; Pub. L. 88–113, § 6, Sept. 6, 1963, 77 Stat. 144; renumbered § 308, Pub. L. 94–464, § 3, Oct. 8, 1976, 90 Stat. 1988; renumbered § 309, Pub. L. 96–48, § 6(b)(1), Aug. 8, 1979, 93 Stat. 348; renumbered § 310, Pub. L. 106–391, title III, § 324(a)(1), Oct. 30, 2000, 114 Stat. 1599.

§ 20141. Misuse of agency name and initials

(a) IN GENERAL.—No person (as defined by section 20135(a) of this title) may knowingly use the words “National Aeronautics and Space Administration” or the letters “NASA”, or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters—

(1) as a firm or business name in a manner reasonably calculated to convey the impression that the firm or business has some connection with, endorsement of, or authorization from, the Administration which does not, in fact, exist; or

(2) in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that the product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the Administration which does not, in fact, exist.

(b) CIVIL PROCEEDING TO ENJOIN.—Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by

subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3348.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20141 .....	42 U.S.C. 2459b.	Pub. L. 85–568, title III, § 311, formerly § 310, as added Pub. L. 98–52, title I, § 107, July 15, 1983, 97 Stat. 284; renumbered § 311, Pub. L. 106–391, title III, § 324(a)(1), Oct. 30, 2000, 114 Stat. 1599.

§ 20142. Contracts regarding expendable launch vehicles

(a) COMMITMENTS BEYOND AVAILABLE APPROPRIATIONS.—The Administrator may enter into contracts for expendable launch vehicle services that are for periods in excess of the period for which funds are otherwise available for obligation, provide for the payment for contingent liability which may accrue in excess of available appropriations in the event the Federal Government for its convenience terminates such contracts, and provide for advance payments reasonably related to launch vehicle and related equipment, fabrication, and acquisition costs, if any such contract limits the amount of the payments that the Government is allowed to make under such contract to amounts provided in advance in appropriation Acts. Such contracts may be limited to sources within the United States when the Administrator determines that such limitation is in the public interest.

(b) TERMINATION IF FUNDS NOT AVAILABLE.—If funds are not available to continue any such contract, the contract shall be terminated for the convenience of the Government, and the costs of such contract shall be paid from appropriations originally available for performance of the contract, from other unobligated appropriations currently available for the procurement of launch services, or from funds appropriated for such payments.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3348.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20142 .....	42 U.S.C. 2459c.	Pub. L. 85–568, title III, § 312, formerly § 311, as added Pub. L. 100–147, title I, § 117, Oct. 30, 1987, 101 Stat. 867; renumbered § 312, Pub. L. 106–391, title III, § 324(a)(1), Oct. 30, 2000, 114 Stat. 1599.

In subsection (a), the word “expendable” is substituted for “expendabe” to correct an error in the law.

§ 20143. Full cost appropriations account structure

(a) ACCOUNTS FOR APPROPRIATIONS.—

(1) DESIGNATION OF 3 ACCOUNTS.—Appropriations for the Administration shall be made in 3 accounts, “Science, Aeronautics, and Education”, “Exploration Systems and Space Operations”, and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General.

(2) REPROGRAMMING.—Within the Exploration Systems and Space Operations account, no more than 10 percent of the funds for a fiscal year for Exploration Systems may be reprogrammed for Space Operations, and no more than 10 percent of the funds for a fiscal year for Space Operations may be reprogrammed for Exploration Systems. This paragraph shall not apply to reprogramming for the purposes described in subsection (b)(2).

(3) AVAILABILITY.—Appropriations shall remain available for 2 fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities.

(b) TRANSFERS AMONG ACCOUNTS.—

(1) IN GENERAL.—To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer among accounts as necessary, amounts for—

- (A) Federal salaries and benefits;
- (B) training, travel, and awards;
- (C) facility and related costs;
- (D) information technology services;
- (E) publishing services;
- (F) science, engineering, fabricating, and testing services; and
- (G) other administrative services.

(2) DISASTER, ACT OF TERRORISM, EMERGENCY RESCUE.—The Administration may also transfer amounts among accounts for the immediate costs of recovering from damage caused by a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or by an act of terrorism, or for the immediate costs associated with an emergency rescue of astronauts.

(c) TRANSFER OF UNEXPIRED BALANCES.—The unexpired balances of prior appropriations to the Administration for activities authorized under this chapter may be transferred to the new account established for such activity in subsection (a). Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3349.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20143 .....	42 U.S.C. 2459f.	Pub. L. 85–568, title III, § 313, formerly § 312, as added Pub. L. 106–377, § 1(a)(1) [title IV, § 431], Oct. 27, 2000, 114 Stat. 1441, 1441A–56; renumbered § 313 and amended, Pub. L. 108–199, div. G, title IV, § 417, Jan. 23, 2004, 118 Stat. 415; Pub. L. 108–447, div. I, title IV, § 417, Dec. 8, 2004, 118 Stat. 3339; Pub. L. 109–155, title II, § 201, Dec. 30, 2005, 119 Stat. 2915.

In subsection (a)(1), the words “for fiscal year 2007 and thereafter” are omitted as unnecessary.

NOTICE OF REPROGRAMMING OR REORGANIZATION

Pub. L. 106–391, title III, § 311, Oct. 30, 2000, 114 Stat. 1594, provided that:

“(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act [see Tables for classification] are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science [now Committee on Science and Technology] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) NOTICE OF REORGANIZATION.—The Administrator [of the National Aeronautics and Space Administration] shall provide notice to the Committees on Science [now Science and Technology] and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 30 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.”

§ 20144. Prize authority

(a) IN GENERAL.—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. The Administration may carry out a program to award prizes only in conformity with this section.

(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.

(c) ADVERTISING.—The Administrator shall widely advertise prize competitions to encourage participation.

(d) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Administrator shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

(e) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Administrator under subsection (d);

(2) shall have complied with all the requirements under this section;

(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

(4) shall not be a Federal entity or Federal employee acting within the scope of their employment.

(f) LIABILITY.—

(1) ASSUMPTION OF RISK.—Registered participants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise. For the purposes of this paragraph, the term “related entity” means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

(2) LIABILITY INSURANCE.—Participants must obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Administrator, for claims by—

(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant’s insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

(B) the Federal Government for damage or loss to Government property resulting from such an activity.

(g) JUDGES.—For each competition, the Administration, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described pursuant to subsection (d). Judges for each competition shall include individuals from outside the Administration, including from the private sector. A judge may not—

(1) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

(2) have a familial or financial relationship with an individual who is a registered participant.

(h) ADMINISTERING THE COMPETITION.—The Administrator may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

(i) FUNDING.—

(1) SOURCES.—Prizes under this section may consist of Federal appropriated funds and funds provided by the private sector for such cash prizes. The Administrator may accept funds from other Federal agencies for such cash prizes. The Administrator may not give any special consideration to any private sector entity in return for a donation.

(2) AVAILABILITY.—

(A) DEFINITION OF PROVISIONS KNOWN AS THE ANTI-DEFICIENCY ACT.—In this paragraph, the term “provisions known as the Anti-Deficiency Act” means sections 1341, 1342, 1349(a), 1350, 1351, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, and 1519 of title 31.

(B) IN GENERAL.—Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the provisions known as the Anti-Deficiency Act.

(3) APPROPRIATION OR COMMITMENT OF FUNDS REQUIRED BEFORE ANNOUNCEMENT OF PRIZE OR INCREASE.—

(A) IN GENERAL.—No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source.

(B) INCREASE.—The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

(4) NOTICE TO COMMITTEES FOR PRIZE GREATER THAN \$50,000,000.—No prize competition under this section may offer a prize in an amount greater than \$50,000,000 unless 30 days have elapsed after written notice has been transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(5) APPROVAL OF ADMINISTRATOR FOR PRIZE GREATER THAN \$1,000,000.—No prize competition under this section may result in the award of more than \$1,000,000 in cash prizes without the approval of the Administrator.

(j) USE OF ADMINISTRATION NAME OR INSIGNIA.—A registered participant in a competition under this section may use the Administration’s name, initials, or insignia only after prior review and written approval by the Administration.

(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and non-proliferation laws, and related regulations.

(Pub. L. 111–314, §3, Dec. 18, 2010, 124 Stat. 3350; Pub. L. 111–358, title I, §105(b), Jan. 4, 2011, 124 Stat. 3993.)

#### AMENDMENT NOT SHOWN IN TEXT

*This section was derived from section 2459f–1 of Title 42, The Public Health and Welfare, which was amended by Pub. L. 111–358, title I, §105(b), Jan. 4, 2011, 124 Stat. 3993. For applicability of this amendment to this section, see section 5(b) of Pub. L. 111–314, set out as a Transitional and Savings Provisions note preceding*

*section 10101 of this title. Former section 2459f-1 of Title 42 was amended by striking out “The Administration may carry out a program to award prizes only in conformity with this section.”*

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20144 .....	42 U.S.C. 2459f-1.	Pub. L. 85-568, title III, §314, as added Pub. L. 109-155, title I, §104, Dec. 30, 2005, 119 Stat. 2910; Pub. L. 110-422, title XI, §1105(b), Oct. 15, 2008, 122 Stat. 4809.

In subsection (i)(2), subparagraph (A) is added, and the words “provisions known as the Anti-Deficiency Act” are substituted for “the Anti-Deficiency Act (31 U.S.C. 1341)”, for clarity.

In subsection (i)(4), the words “Committee on Science and Technology” are substituted for “Committee on Science” on authority of Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

PURPOSE

Pub. L. 110-422, title XI, §1105(a), Oct. 15, 2008, 122 Stat. 4809, provided that: “Prizes can play a useful role in encouraging innovation in the development of technologies and products that can assist NASA [National Aeronautics and Space Administration] in its aeronautics and space activities, and the use of such prizes by NASA should be encouraged.”

**§ 20145. Lease of non-excess property**

(a) IN GENERAL.—The Administrator may enter into a lease under this section with any person or entity (including another department or agency of the Federal Government or an entity of a State or local government) with regard to any non-excess real property and related personal property under the jurisdiction of the Administrator.

(b) CASH CONSIDERATION.—

(1) FAIR MARKET VALUE.—A person or entity entering into a lease under this section shall provide cash consideration for the lease at fair market value as determined by the Administrator.

(2) UTILIZATION.—

(A) IN GENERAL.—The Administrator may utilize amounts of cash consideration received under this subsection for a lease entered into under this section to cover the full costs to the Administration in connection with the lease. These funds shall remain available until expended.

(B) CAPITAL REVITALIZATION AND IMPROVEMENTS.—Of any amounts of cash consideration received under this subsection that are not utilized in accordance with subparagraph (A)—

(i) 35 percent shall be deposited in a capital asset account to be established by the Administrator, shall be available for maintenance, capital revitalization, and improvements of the real property assets and related personal property under the jurisdiction of the Administrator, and shall remain available until expended; and

(ii) the remaining 65 percent shall be available to the respective center or facility of the Administration engaged in the

lease of nonexcess real property, and shall remain available until expended for maintenance, capital revitalization, and improvements of the real property assets and related personal property at the respective center or facility subject to the concurrence of the Administrator.

(C) NO UTILIZATION FOR DAILY OPERATING COSTS.—Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such terms and conditions in connection with a lease under this section as the Administrator considers appropriate to protect the interests of the United States.

(d) RELATIONSHIP TO OTHER LEASE AUTHORITY.—The authority under this section to lease property of the Administration is in addition to any other authority to lease property of the Administration under law.

(e) LEASE RESTRICTIONS.—

(1) NO LEASE BACK OR OTHER CONTRACT.—The Administration is not authorized to lease back property under this section during the term of the out-lease or enter into other contracts with the lessee respecting the property.

(2) CERTIFICATION THAT OUT-LEASE WILL NOT HAVE NEGATIVE IMPACT ON MISSION.—The Administration is not authorized to enter into an out-lease under this section unless the Administrator certifies that the out-lease will not have a negative impact on the mission of the Administration.

(f) REPORTING REQUIREMENTS.—The Administrator shall submit an annual report by January 31st of each year. The report shall include the following:

(1) VALUE OF ARRANGEMENTS AND EXPENDITURES OF REVENUES.—Information that identifies and quantifies the value of the arrangements and expenditures of revenues received under this section.

(2) AVAILABILITY AND USE OF FUNDS FOR OPERATING PLAN.—The availability and use of funds received under this section for the Administration’s operating plan.

(g) SUNSET.—The authority to enter into leases under this section shall expire 10 years after December 26, 2007. The expiration under this subsection of authority to enter into leases under this section shall not affect the validity or term of leases or the Administration’s retention of proceeds from leases entered into under this section before the expiration of the authority.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3352.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20145 .....	42 U.S.C. 2459j.	Pub. L. 85-568, title III, §315, as added Pub. L. 108-7, div. K, title IV, §418, Feb. 20, 2003, 117 Stat. 525; Pub. L. 110-161, div. B, title V, §533(a)-(e), Dec. 26, 2007, 121 Stat. 1931; Pub. L. 110-422, title XI, §1117(c), (d), Oct. 15, 2008, 122 Stat. 4814.

In subsection (f)(2), the word “Administration’s” is substituted for “Agency’s” for clarity.

In subsection (g), the words “10 years after December 26, 2007” are substituted for “on the date that is ten years after the date of the enactment of the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008” for consistency and to reflect the date of enactment of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008 (Public Law 110-161, div. B, 121 Stat. 1884).

DEPOSIT OF PROCEEDS

Pub. L. 111-117, div. B, title III, Dec. 16, 2009, 123 Stat. 3144, provided in part: “That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 ([former] 42 U.S.C. 2459j) [now 51 U.S.C. 20145], all proceeds from leases entered into under that section shall be deposited into this account [funds appropriated under the headings ‘NATIONAL AERONAUTICS AND SPACE ADMINISTRATION’ and ‘CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND REMEDIATION’ of title III of div. B of Pub. L. 111-117] and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts”.

§ 20146. Retrocession of jurisdiction

(a) DEFINITION OF STATE.—In this section, the term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(b) RELINQUISHING LEGISLATIVE JURISDICTION.—Notwithstanding any other provision of law, the Administrator may relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the control of the Administrator in that State.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3353.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 20146, 42 U.S.C. 2459k, Pub. L. 85-568, title III, § 316, as added Pub. L. 109-155, title VII, § 701, Dec. 30, 2005, 119 Stat. 2935.

§ 20147. Recovery and disposition authority

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION HUMAN SPACE FLIGHT VEHICLE.—The term “Administration human space flight vehicle” means a space vehicle, as defined in section 20138(a) of this title, that—

- (A) is intended to transport one or more persons;
(B) is designed to operate in outer space; and
(C) is either—
(i) owned by the Administration; or
(ii) owned by an Administration contractor or cooperating party and operated as part of an Administration mission or a joint mission with the Administration.

(2) CREWMEMBER.—The term “crewmember” means an astronaut or other person assigned to an Administration human space flight vehicle.

(b) CONTROL OF REMAINS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), when there is an accident or mishap

resulting in the death of a crewmember of an Administration human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

(2) TREATMENT.—Each crewmember shall provide the Administrator with the crewmember’s preferences regarding the treatment accorded to the crewmember’s remains and the Administrator shall, to the extent possible, respect those stated preferences.

(3) CONSTRUCTION.—This section shall not be construed to permit the Administrator to interfere with any Federal investigation of a mishap or accident.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3353.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 20147, 42 U.S.C. 2459l, Pub. L. 85-568, title III, § 317, as added Pub. L. 109-155, title VII, § 705, Dec. 30, 2005, 119 Stat. 2936.

SUBCHAPTER IV—UPPER ATMOSPHERE RESEARCH

§ 20161. Congressional declaration of purpose and policy

(a) PURPOSE.—The purpose of this subchapter is to authorize and direct the Administration to develop and carry out a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the Earth’s upper atmosphere.

(b) POLICY.—Congress declares that it is the policy of the United States to undertake an immediate and appropriate research, technology, and monitoring program that will provide for understanding the physics and chemistry of the Earth’s upper atmosphere.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3354.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 20161, 42 U.S.C. 2481, Pub. L. 85-568, title IV, § 401, as added Pub. L. 94-39, § 8, June 19, 1975, 89 Stat. 222.

§ 20162. Definition of upper atmosphere

In this subchapter, the term “upper atmosphere” means that portion of the Earth’s sensible atmosphere above the troposphere.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3354.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 20162, 42 U.S.C. 2482, Pub. L. 85-568, title IV, § 402, as added Pub. L. 94-39, § 8, June 19, 1975, 89 Stat. 222.

§ 20163. Program authorized

(a) IN GENERAL.—In order to carry out the purposes of this subchapter, the Administration, in