DEFINITIONS

Pub. L. 111–358, title II, § 206, Jan. 4, 2011, 124 Stat. 3996, provided that: ''In this title [amending section 18421 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under section 20303 of this title, preceding sections 30501 and 40901 of this title, and under section 18421 of Title 42]:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of NASA.

''(2) NASA.—The term 'NASA' means the National Aeronautics and Space Administration.''

Pub. L. 110–422, § 3, Oct. 15, 2008, 122 Stat. 4782, provided that: ''In this Act [see Short Title of 2008 Act note above]:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of NASA.

''(2) NASA.—The term 'NASA' means the National Aeronautics and Space Administration.

''(3) NOAA.—The term 'NOAA' means the National Oceanic and Atmospheric Administration.

''(4) OSTP.—The term 'OSTP' means the Office of Science and Technology Policy.''

Pub. L. 109–155, § 2, Dec. 30, 2005, 119 Stat. 2897, provided that: ''In this Act [see Short Title of 2005 Act note above]:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Aeronautics and Space Administration.

''(2) ISS.—The term 'ISS' means the International Space Station.

''(3) NASA.—The term 'NASA' means the National Aeronautics and Space Administration.''

Pub. L. 106–391, § 3, Oct. 30, 2000, 114 Stat. 1579, provided that: ''For purposes of this Act [see Tables for classification]—

''(1) the term 'Administrator' means the Administrator of the National Aeronautics and Space Administration;

''(2) the term 'commercial provider' means any person providing space transportation services or other space-related activities, the primary control of which is held by persons other than a Federal, State, local, or foreign government;

''(3) the term 'critical path' means the sequence of events of a schedule of events under which a delay in any event causes a delay in the overall schedule;

''(4) the term 'grant agreement' has the meaning given that term in section 6302(2) of title 31, United States Code;

''(5) the term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

''(6) the term 'State' means each of the several States 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, and any other commonwealth, territory, or possession of the United States; and

''(7) the term 'United States commercial provider' means a commercial provider, organized under the laws of the United States or of a State, which is—

''(A) more than 50 percent owned by United States nationals; or

''(B) a subsidiary of a foreign company and the Secretary of Commerce finds that—

''(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

''(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

''(II) significant contributions to employment in the United States; and

''(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

''(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

''(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

''(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).''

Subtitle II—General Program and Policy Provisions

CHAPTER 201—NATIONAL AERONAUTICS AND SPACE PROGRAM

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SUBCHAPTER I—SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS

§ 20101. Short title

This chapter may be cited as the ''National Aeronautics and Space Act''.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3330.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20101	(no source)	

Chapter 201 of title 51 restates the National Aeronautics and Space Act of 1958. Although short titles are generally eliminated as unnecessary in positive law titles of the United States Code, in this case it was suggested that the short title ''National Aeronautics and Space Act'' be provided for convenience.

§ 20102. Congressional declaration of policy and purpose

(a) DEVOTION OF SPACE ACTIVITIES TO PEACEFUL PURPOSES FOR BENEFIT OF ALL HUMANKIND.—Congress declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all humankind.

(b) AERONAUTICAL AND SPACE ACTIVITIES FOR WELFARE AND SECURITY OF UNITED STATES.—Congress declares that the general welfare and security of the United States require that adequate provision be made for aeronautical and space activities. Congress further declares that such activities shall be the responsibility of, and shall be directed by, a civilian agency exercising control over aeronautical and space activities sponsored by the United States, except that activities peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States (including the research and development necessary to make effective provision for the defense of the United States) shall be the responsibility of, and shall be directed by, the Department of Defense; and that determination as to which agency has responsibility for and direction of any such activity shall be made by the President.

(c) COMMERCIAL USE OF SPACE.—Congress declares that the general welfare of the United States requires that the Administration seek and encourage, to the maximum extent possible, the fullest commercial use of space.

(d) OBJECTIVES OF AERONAUTICAL AND SPACE ACTIVITIES.—The aeronautical and space activities of the United States shall be conducted so as to contribute materially to one or more of the following objectives:

(1) The expansion of human knowledge of the Earth and of phenomena in the atmosphere and space.

(2) The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles.

(3) The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space.

(4) The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes.

(5) The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere.

(6) The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency.

(7) Cooperation by the United States with other nations and groups of nations in work done pursuant to this chapter and in the peaceful application of the results thereof.

(8) The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

(9) The preservation of the United States preeminent position in aeronautics and space through research and technology development related to associated manufacturing processes.

(e) GROUND PROPULSION SYSTEMS RESEARCH AND DEVELOPMENT.—Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the Administration also be directed toward ground propulsion systems research and development. Such development shall be conducted so as to contribute to the objectives of developing energy and petroleum-conserving ground propulsion systems, and of minimizing the environmental degradation caused by such systems.

(f) BIOENGINEERING RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAMS.—Congress declares that the general welfare of the United States requires that the unique competence of the Administration in science and engineering systems be directed to assisting in bioengineering research, development, and demonstration programs designed to alleviate and minimize the effects of disability.

(g) WARNING AND MITIGATION OF POTENTIAL HAZARDS OF NEAR-EARTH OBJECTS.—Congress declares that the general welfare and security of the United States require that the unique competence of the Administration be directed to detecting, tracking, cataloguing, and characterizing near-Earth asteroids and comets in order to provide warning and mitigation of the potential hazard of such near-Earth objects to the Earth.

(h) PURPOSE OF CHAPTER.—It is the purpose of this chapter to carry out and effectuate the policies declared in subsections (a) to (g).

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3330.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20102	42 U.S.C. 2451.	Pub. L. 85–568, title I, § 102, July 29, 1958, 72 Stat. 426; Pub. L. 94–413, § 15(a), (b), Sept. 17, 1976, 90 Stat. 1270; Pub. L. 95–238, title III, § 311, Feb. 25, 1978, 92 Stat. 83; Pub. L. 95–401, § 7, Sept. 30, 1978, 92 Stat. 860; Pub. L. 98–361, title I, § 110, July 16, 1984, 98 Stat. 426; Pub. L. 100–685, title II, § 214, Nov. 17, 1988, 102 Stat. 4093; Pub. L. 106–391, title III, § 302(a), Oct. 30, 2000, 114 Stat. 1591; Pub. L. 109–155, title III, § 321(d)(2), Dec. 30, 2005, 119 Stat. 2923.

In subsection (b), the words ''in conformity with section 201(e)'', which appeared at the end of the subsection, are omitted as obsolete. Section 201 of Public Law 85–568, which was classified to former section 2471 of title 42 (last appearing in the 1970 edition of the United States Code), established the National Aeronautics and Space Council, with the functions of the Council specified in section 201(e). Those functions included advising the President ''as he may request'' with respect to promoting cooperation and resolving differences among agencies of the United States engaged in aeronautical and space activities. The words are obsolete because section 3(a)(4) of Reorganization Plan No. 1 of 1973 (5 App. U.S.C.), abolished the National Aeronautics and Space Council, including the office of Executive Secretary of the Council, together with its functions.

In subsection (c), the words ''(as established by title II of this Act)'', which appeared after ''Administration'', are omitted as unnecessary.

In subsection (d), the word ''and'', appearing at the end of paragraph (8), is omitted as unnecessary because of the introductory words ''one or more of the following''.

CONGRESSIONAL FINDINGS AND POLICY

Pub. L. 110–422, § 2, Oct. 15, 2008, 122 Stat. 4781, provided that: ''The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the following:

''(1) NASA [National Aeronautics and Space Administration] is and should remain a multimission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.

''(2) Investment in NASA's programs will promote innovation through research and development, and will improve the competitiveness of the United States.

''(3) Investment in NASA's programs, like investments in other Federal science and technology activities, is an investment in our future.

''(4) Properly structured, NASA's activities can contribute to an improved quality of life, economic vitality, United States leadership in peaceful cooperation with other nations on challenging undertakings in science and technology, national security, and the advancement of knowledge.

''(5) NASA should assume a leadership role in a cooperative international Earth observations and research effort to address key research issues associated with climate change and its impacts on the Earth system.

''(6) NASA should undertake a program of aeronautical research, development, and where appropriate demonstration activities with the overarching goals of—

''(A) ensuring that the Nation's future air transportation system can handle up to 3 times the current travel demand and incorporate new vehicle types with no degradation in safety or adverse environmental impact on local communities;

''(B) protecting the environment;

''(C) promoting the security of the Nation; and

''(D) retaining the leadership of the United States in global aviation.

''(7) Human and robotic exploration of the solar system will be a significant long-term undertaking of humanity in the 21st century and beyond, and it is in the national interest that the United States should assume a leadership role in a cooperative international exploration initiative.

''(8) Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle to full operational capability as soon as possible and to ensure the effective development of a United States heavy lift launch capability for missions beyond low Earth orbit.

''(9) NASA's scientific research activities have contributed much to the advancement of knowledge, provided societal benefits, and helped train the next generation of scientists and engineers, and those activities should continue to be an important priority.

''(10) NASA should make a sustained commitment to a robust long-term technology development activity. Such investments represent the critically important 'seed corn' on which NASA's ability to carry out challenging and productive missions in the future will depend.

''(11) NASA, through its pursuit of challenging and relevant activities, can provide an important stimulus to the next generation to pursue careers in science, technology, engineering, and mathematics.

''(12) Commercial activities have substantially contributed to the strength of both the United States space program and the national economy, and the development of a healthy and robust United States commercial space sector should continue to be encouraged.

''(13) It is in the national interest for the United States to have an export control policy that protects the national security while also enabling the United States aerospace industry to compete effectively in the global market place and the United States to undertake cooperative programs in science and human space flight in an effective and efficient manner.''

Pub. L. 102–195, §§ 2, 3, Dec. 9, 1991, 105 Stat. 1605, 1606, provided that:

''SEC. 2. FINDINGS.

''Congress finds that—

''(1) the report of the Advisory Committee on the Future of the United States Space Program has provided a framework within which a consensus on the goals of the space program can be developed;

''(2) a balanced civil space science program should be funded at a level of at least 20 percent of the aggregate amount in the budget of the National Aeronautics and Space Administration for 'Research and development' and 'Space flight, control, and data communications';

''(3) development of an adequate data base for life sciences in space will be greatly enhanced through closer scientific cooperation with the Soviet Union, including active use of manned Soviet space stations;

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

''(5) Landsat data and the continuation of the Landsat system beyond Landsat 6 are essential to the Mission to Planet Earth and other long-term environmental research programs;

''(6) increased use of defense-related remote sensing data and data technology by civilian agencies and the scientific community can benefit national environmental study and monitoring programs;

''(7) the generation of trained scientists and engineers through educational initiatives and academic

research programs outside of the National Aeronautics and Space Administration is essential to the future of the United States civil space program;

''(8) the strengthening and expansion of the Nation's space transportation infrastructure, including the enhancement of launch sites and launch site support facilities, are essential to support the full range of the Nation's space-related activities;

''(9) the aeronautical program contributes to the Nation's technological competitive advantage, and it has been a key factor in maintaining preeminence in aviation over many decades; and

''(10) the National Aero Space Plane program can have benefits to the military and civilian aviation programs from the new and innovative technologies developed in propulsion systems, aerodynamics, and control systems that could be enormous, especially for high-speed aeronautical and space flight.

''SEC. 3. POLICY.

''It is the policy of the United States that—

''(1) the Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the 'Administrator'), in planning for national programs in environmental study and human space flight and exploration, should ensure the resiliency of the space infrastructure;

''(2) a stable and balanced program of civil space science should be planned to minimize future year funding requirements in order to accommodate a steady stream of new initiatives;

''(3) any new launch system undertaken or jointly undertaken by the National Aeronautics and Space Administration should be based on defined mission and program requirements or national policies established by Congress;

''(4) in fulfilling the mission of the National Aeronautics and Space Administration to improve the usefulness, performance, speed, safety, and efficiency of space vehicles, the Administrator should establish a program of research and development to enhance the competitiveness and cost effectiveness of commercial expendable launch vehicles; and

''(5) the National Aeronautics and Space Administration should promote and support efforts to advance scientific understanding by conducting or otherwise providing for research on environmental problems, including global change, ozone depletion, acid precipitation, deforestation, and smog.''

Pub. L. 101–611, title I, §§101, 102, Nov. 16, 1990, 104 Stat. 3188, 3189, provided that:

''SEC. 101. FINDINGS.

''The Congress finds that—

''(1) over the next decade, the United States aeronautics and space program will be directed toward major national priorities of understanding, preserving, and enhancing our global environment, hypersonic transportation, human exploration, and emerging technology commercialization;

''(2) the United States aeronautics and space program is supported by an overwhelming majority of the American people;

''(3) the United States aeronautics and space program genuinely reflects our Nation's pioneer heritage and demonstrates our quest for leadership, economic growth, and human understanding;

''(4) the United States space program is based on a solid record of achievement and continues to promote the objective of international cooperation in the exploration of the planets and the universe;

''(5) the United States aeronautics and space program generates critical technology breakthroughs that benefit our economy through new products and processes that significantly improve our standard of living;

''(6) the United States aeronautics and space program excites the imagination of every generation and can stimulate the youth of our Nation toward the pursuit of excellence in the fields of science, engineering, and mathematics;

''(7) the United States aeronautics and space program contributes to the Nation's technological competitive advantage;

''(8) the United States aeronautics and space program requires a sustained commitment of financial and human resources as a share of the Nation's Gross National Product;

''(9) the United States space transportation system will depend upon a robust fleet of space shuttle orbiters and expendable and reusable launch vehicles and services;

''(10) the United States space program will be advanced with an assured funding stream for the development of a permanently manned space station with research, experimentation, observation, servicing, manufacturing, and staging capabilities for lunar and Mars missions;

''(11) the United States aeronautics program has been a key factor in maintaining preeminence in aviation over many decades;

''(12) the United States needs to maintain a strong program with respect to transatmospheric research and technology by developing and demonstrating National Aero-Space Plane technology by a mid-decade date certain;

''(13) the National Aeronautics and Space Administration is primarily responsible for formulating and implementing policy that supports and encourages civil aeronautics and space activities in the United States; and

''(14) commercial activities of the private sector will substantially and increasingly contribute to the strength of both the United States space program and the national economy.

''SEC. 102. POLICY.

''It is declared to be national policy that the United States should—

''(1) rededicate itself to the goal of leadership in critical areas of space science, space exploration, and space commercialization;

''(2) increase its commitment of budgetary resources for the space program to reverse the dramatic decline in real spending for such program since the achievements of the Apollo moon program;

''(3) ensure that the long-range environmental impact of all activities carried out under this title [see Tables for classification] are fully understood and considered;

''(4) promote and support efforts to advance scientific understanding by conducting or otherwise providing for research on environmental problems, including global change, ozone depletion, acid precipitation, deforestation, and smog;

''(5) forge a robust national space program that maintains a healthy balance between manned and unmanned space activities and recognizes the mutually reinforcing benefits of both;

''(6) maintain an active fleet of space shuttle orbiters, including an adequate provision of structural spare parts, and evolve the orbiter design to improve safety and performance, and reduce operational costs;

''(7) sustain a mixed fleet by utilizing commercial expendable launch vehicle services to the fullest extent practicable;

''(8) support an aggressive program of research and development designed to enhance the United States preeminence in launch vehicles;

''(9) continue and complete on schedule the development and deployment of a permanently manned, fully capable, space station;

''(10) develop an advanced, high pressure space suit to support extravehicular activity that will be required for Space Station Freedom when Assembly Complete is reached;

''(11) establish a dual capability for logistics and resupply of the space station utilizing the space shuttle and expendable launch vehicles, including commercial services if available;

''(12) continue to seek opportunities for international cooperation in space and fully support international cooperative agreements;

''(13) maintain an aggressive program of aeronautical research and technology development designed to enhance the United States preeminence in civil and military aviation and improve the safety and efficiency of the United States air transportation system;

''(14) conduct a program of technology maturation, including flight demonstration in 1997, to prove the feasibility of an air-breathing, hypersonic aerospace plane capable of single-stage-to-orbit operation and hypersonic cruise in the atmosphere;

''(15) seek innovative technologies that will make possible advanced human exploration initiatives, such as the establishment of a lunar base and the succeeding mission to Mars, and provide high yield technology advancements for the national economy; and

''(16) enhance the human resources of the Nation and the quality of education.''

NATIONAL AERONAUTICS AND SPACE CAPITAL DEVELOPMENT PROGRAM

Pub. L. 100–685, title I, § 101, Nov. 17, 1988, 102 Stat 4083, provided that: ''Congress finds that—

''(1) in accordance with section 106 of the National Aeronautics and Space Administration Authorization Act of 1988 (Public Law 100–147) [set out as a note under section 70901 of this title], a space station, hereafter referred to as the United States International Space Station, shall be constructed in order to establish a permanent presence for man in space for the following purposes—

''(A) the conduct of scientific experiments, applications experiments, and engineering experiments;

''(B) the servicing, rehabilitation, and construction of satellites and space vehicles;

''(C) the development and demonstration of commercial products and processes; and

''(D) the establishment of a space base for other civilian and commercial space activities including an outpost for further exploration of the solar system;

''(2) expendable launch vehicles should be used to launch those payloads that do not require the presence of man;

''(3) the space shuttle launches should be used to fulfill the Nation's needs for manned access to space;

''(4) preeminence in space and aeronautics is key to the national security and economic well being of the United States;

''(5) United States space policy needs long-range goals and direction in order to provide understanding for near-term space projects and programs;

''(6) over the next five years the National Aeronautics and Space Administration, hereafter referred to as the 'Administration', should pursue leadership in science through an aggressive set of major and moderate missions while maintaining a robust series of cost effective missions that can provide frequent flight opportunities to the scientific community[;]

''(7) over the next five years the Administration should prepare for the transition to the United States International Space Station of those science and technology programs that can be most efficiently and effectively conducted on that facility;

''(8) the Administration should encourage the United States private sector investment in space and, to the maximum extent practicable provide frequent flight opportunities for the development of technologies, processes and products that benefit from the space environment;

''(9) the Administration should enhance the existing space transportation capability through a robust mixed fleet of manned and unmanned vehicles in order to increase the reliability, productivity, and efficiency and reduce the cost of the Nation's access to space;

''(10) the United States faces an increasingly successful foreign challenge to its traditional preeminent position in aeronautics which is rapidly reducing its lead in both civil and military aircraft;

''(11) NASA's personnel are an integral component and resource for the Nation's space program, and an innovative personnel system should be developed;

''(12) the establishment of a permanent presence in space leading ultimately to space settlements is fully consistent with the goals of the National Aeronautics and Space Act of 1958 [see 51 U.S.C. 20101 et seq.];

''(13) the United States civil space activities should contribute significantly to enhancing the Nation's scientific and technological leadership, economy, pride, and sense of well-being, as well as United States world prestige and leadership;

''(14) civil sector activities should be comprised of a balanced strategy of research, development, operations, and technology for science, exploration, and appropriate applications;

''(15) assured access to space, sufficient to achieve all United States space goals, is an essential element of United States space policy, and the United States space transportation systems must provide a balanced, robust, and flexible capability with sufficient resiliency to allow continued operation despite failures in any single system;

''(16) the goals of the United States space transportation system are—

''(A) to achieve and maintain safe and reliable access to, transportation in, and return from, space;

''(B) to exploit the unique attributes of manned and unmanned launch and recovery systems;

''(C) to encourage, to the maximum extent feasible, the development and use of United States private sector space transportation capabilities; and

''(D) to reduce the costs of space transportation and related services;

''(17) recognizing that communications advancements are critical to all United States space activities, the Administration should continue research and development efforts for future advances in space communications technologies;

''(18) the goal of aeronautical research and technology development and validation activities should be to contribute to a national technology base that will enhance United States preeminence in civil and military aviation and improve the safety and efficiency of the United States air transportation system; and

''(19) aeronautical research and technology development and validation activities should—

''(A) emphasize emerging technologies with potential for breakthrough advances;

''(B) consist of—

''(i) fundamental research in all aeronautical disciplines, aimed at greater understanding of aeronautical phenomena and development of new aeronautical concepts; and

''(ii) technology development and validation activities aimed at laboratory-scale development and proof-of-concept demonstration of selected concepts with high payoff potential;

''(C) assure maintenance of robust aeronautical laboratories, including a first-rate technical staff and modern national facilities for the conduct of research and testing activities;

''(D) be conducted with the close, active participation of the United States aircraft industry so as to accelerate the transfer of research results to aviation products;

''(E) include providing technical assistance and facility support to other government agencies and United States industry;

''(F) include conducting joint projects with other government agencies where such projects contribute materially to the goals set forth in this section;

''(G) assure strong participation of United States universities both in carrying out aeronautical research and training future aeronautical research personnel; and

''(H) be conducted, where practical, so that United States industry receives research results before foreign competitors.''

§ 20103. Definitions

In this chapter:

(1) AERONAUTICAL AND SPACE ACTIVITIES.—The term ''aeronautical and space activities'' means—

(A) research into, and the solution of, problems of flight within and outside the Earth's atmosphere;

(B) the development, construction, testing, and operation for research purposes of aeronautical and space vehicles;

(C) the operation of a space transportation system including the space shuttle, upper stages, space platforms, and related equipment; and

(D) such other activities as may be required for the exploration of space.

(2) AERONAUTICAL AND SPACE VEHICLES.—The term ''aeronautical and space vehicles'' means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3332.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20103	42 U.S.C. 2452.	Pub. L. 85–568, title I, § 103, July 29, 1958, 72 Stat. 427; Pub. L. 98–52, title I, § 108, July 15, 1983, 97 Stat. 285.

In paragraph (1)(A), the word ''Earth's'' is capitalized for consistency in title 51.

SUBCHAPTER II—COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES

§ 20111. National Aeronautics and Space Administration

(a) ESTABLISHMENT AND APPOINTMENT OF ADMINISTRATOR.—There is established the National Aeronautics and Space Administration. The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration and shall have authority and control over all personnel and activities thereof.

(b) DEPUTY ADMINISTRATOR.—There shall be in the Administration a Deputy Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. The Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during the Administrator's absence or disability.

(c) RESTRICTION ON OTHER BUSINESS OR EMPLOYMENT.—The Administrator and the Deputy Administrator shall not engage in any other business, vocation, or employment while serving as such.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3332.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20111	42 U.S.C. 2472.	Pub. L. 85–568, title II, § 202, July 29, 1958, 72 Stat. 429; Pub. L. 88–426, title III, § 305(12), Aug. 14, 1964, 78 Stat. 423.

USERS' ADVISORY GROUP

Pub. L. 101–611, title I, § 121, Nov. 16, 1990, 104 Stat. 3204, provided that:

''(a) ESTABLISHMENT.—(1) The National Space Council shall establish a Users' Advisory Group composed of non-Federal representatives of industries and other persons involved in aeronautical and space activities.

''(2) The Vice President shall name a chairman of the Users' Advisory Group.

''(3) The National Space Council shall from time to time, but not less than once a year, meet with the Users' Advisory Group.

''(4) The function of the Users' Advisory Group shall be to ensure that the interests of industries and other non-Federal entities involved in space activities, including in particular commercial entities, are adequately represented in the National Space Council.

''(5) The Users' Advisory Group may be assisted by personnel detailed to the National Space Council.

''(b) EXEMPTION.—The Users' Advisory Group shall not be subject to section 14(a)(2) of the Federal Advisory Committee Act [5 U.S.C. App.].''

NATIONAL SPACE COUNCIL

Pub. L. 101–328, § 3(a), July 8, 1990, 104 Stat. 308, provided that: ''Not more than six individuals may be employed by the National Space Council without regard to any provision of law regulating the employment or compensation of persons in the Government service, at rates not to exceed the rate of pay for level VI of the Senior Executive Schedule as provided pursuant to section 5382 of title 5, United States Code.''

Pub. L. 101–328, § 4, July 8, 1990, 104 Stat. 308, provided that: ''The National Space Council may, for purposes of carrying out its functions, employ experts and consultants in accordance with section 3109 of title 5, United States Code, and may compensate individuals so employed for each day they are involved in a business of the National Space Council (including traveltime) at rates not in excess of the daily equivalent of the maximum rate of pay for grade GS–18 as provided pursuant to section 5332 of title 5, United States Code.''

[References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.]

Pub. L. 100–685, title V, § 501, Nov. 17, 1988, 102 Stat. 4102, provided that:

''(a) Effective February 1, 1989, there is established in the Executive Office of the President the National Space Council, which shall be chaired by the Vice President.

''(b) By March 1, 1989, the President shall submit to the Congress a report that outlines the composition and functions of the National Space Council.

''(c) The Council may employ a staff of not more than seven persons, which is to be headed by a civilian executive secretary, who shall be appointed by the President.''

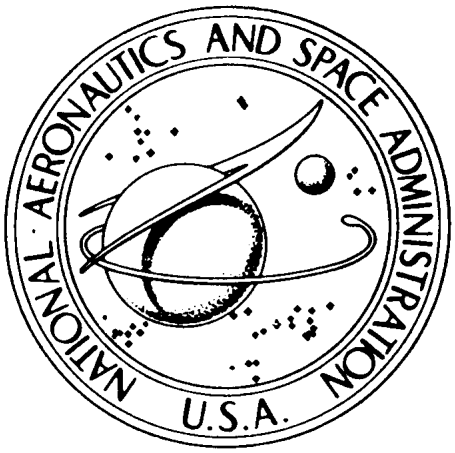
EX. ORD. NO. 10849. ESTABLISHMENT OF SEAL FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Ex. Ord. No. 10849, Nov. 27, 1959, 24 F.R. 9559, as amended by Ex. Ord. No. 10942, May 19, 1961, 26 F.R. 4419, provided:

WHEREAS the Administrator of the National Aeronautics and Space Administration has caused to be

made, and has recommended that I approve, a seal for the National Aeronautics and Space Administration, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

On a disc of the blue sky strewn with white stars, to dexter a larger yellow sphere bearing a red flight symbol apex in upper sinister and wings enveloping and casting a brown shadow upon the sphere, all partially encircled with a horizontal white orbit, in sinister a small light-blue sphere; circumscribing the disc a white band edged gold inscribed ''National Aeronautics and Space Administration U.S.A.'' in red letters.



AND WHEREAS it appears that such seal is of suitable design and appropriate for establishment as the official seal of the National Aeronautics and Space Administration:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the National Aeronautics and Space Administration.

EX. ORD. NO. 12675. ESTABLISHING THE NATIONAL SPACE COUNCIL

Ex. Ord. No. 12675, Apr. 20, 1989, 54 F.R. 17691, as amended by Ex. Ord. No. 12712, Apr. 26, 1990, 55 F.R. 18095; Ex. Ord. No. 12869, §4(f), Sept. 30, 1993, 58 F.R. 51752, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to provide a coordinated process for developing a national space policy and strategy and for monitoring its implementation, it is hereby ordered as follows:

SECTION 1. *Establishment and Composition of the National Space Council.*

(a) There is established the National Space Council (''the Council'').

(b) The Council shall be composed of the following members:

(1) The Vice President, who shall be Chairman of the Council;

(2) The Secretary of State;

(3) The Secretary of the Treasury;

(4) The Secretary of Defense;

(5) The Secretary of Commerce;

(6) The Secretary of Transportation;

(7) The Secretary of Energy;

(8) The Director of the Office of Management and Budget;

(9) The Chief of Staff to the President;

(10) The Assistant to the President for National Security Affairs;

(11) The Assistant to the President for Science and Technology;

(12) The Director of Central Intelligence; and

(13) The Administrator of the National Aeronautics and Space Administration.

(c) The Chairman shall, from time to time, invite the following to participate in meetings of the Council:

(1) The Chairman of the Joint Chiefs of Staff; and

(2) The heads of other executive departments and agencies and other senior officials in the Executive Office of the President.

SEC. 2. *Functions of the Council.* (a) The Council shall advise and assist the President on national space policy and strategy, and perform such other duties as the President may from time to time prescribe.

(b) In addition, the Council is directed to:

(1) review United States Government space policy, including long-range goals, and develop a strategy for national space activities;

(2) develop recommendations for the President on space policy and space-related issues;

(3) monitor and coordinate implementation of the objectives of the President's national space policy by executive departments and agencies; and

(4) foster close coordination, cooperation, and technology and information exchange among the civil, national security, and commercial space sectors, and facilitate resolution of differences concerning major space and space-related policy issues.

(c) The creation and operation of the Council shall not interfere with existing lines of authority and responsibilities in the departments and agencies.

SEC. 3. *Responsibilities of the Chairman.* (a) The Chairman shall serve as the President's principal advisor on national space policy and strategy.

(b) The Chairman shall, in consultation with the members of the Council, establish procedures for the Council and establish the agenda for Council activities.

(c) The Chairman shall report to the President on the activities and recommendations of the Council. The Chairman shall advise the Council as appropriate regarding the President's directions with respect to the Council's activities and national space policy generally.

(d) The Chairman shall authorize the establishment of such committees of the Council, including an executive committee, and of such working groups, composed of senior designees of the Council members and of other officials invited to participate in Council meetings, as he deems necessary or appropriate for the efficient conduct of Council functions.

SEC. 4. *National Space Policy Planning Process.* (a) The Council will establish a process for developing and monitoring the implementation of national space policy and strategy.

(b) To implement this process, each agency represented on the Council shall provide such information regarding its current and planned space activities as the Chairman shall request.

(c) The head of each executive department and agency shall ensure that its space-related activities conform to national space policy and strategy.

SEC. 5. [Revoked by Ex. Ord. No. 12869, §4(f), Sept. 30, 1993, 58 F.R. 51752.]

SEC. 6. *Microgravity Research Board.* Section 1(c) of Executive Order No. 12660 is amended by deleting ''Economic Policy Council'' and inserting in lieu thereof ''National Space Council.''

SEC. 7. *Administrative Provisions.* (a) The Office of Administration in the Executive Office of the President shall provide the Council with such administrative support on a reimbursable basis as may be necessary for the performance of the functions of the Council.

(b) The President shall appoint an Executive Secretary who shall appoint such staff as may be necessary to assist in the performance of the Council's functions.

(c) All Federal departments, agencies, and interagency councils and committees having an impact on space policy shall extend, as appropriate, such cooperation and assistance to the Council as is necessary to carry out its responsibilities under this order.

(d) The head of each agency serving on the Council or represented on any working group or committee of the Council shall provide such administrative support as may be necessary, in accordance with law and subject

to the availability of appropriations, to enable the agency head or its representative to carry out his responsibilities.

SEC. 8. *Report*. The Council shall submit an annual report setting forth its assessment of and recommendations for the space policy and strategy of the United States Government.

§ 20112. Functions of the Administration

(a) PLANNING, DIRECTING, AND CONDUCTING AERONAUTICAL AND SPACE ACTIVITIES.—The Administration, in order to carry out the purpose of this chapter, shall—

(1) plan, direct, and conduct aeronautical and space activities;

(2) arrange for participation by the scientific community in planning scientific measurements and observations to be made through use of aeronautical and space vehicles, and conduct or arrange for the conduct of such measurements and observations;

(3) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof;

(4) seek and encourage, to the maximum extent possible, the fullest commercial use of space; and

(5) encourage and provide for Federal Government use of commercially provided space services and hardware, consistent with the requirements of the Federal Government.

(b) RESEARCH AND DEVELOPMENT IN CERTAIN TECHNOLOGIES.—

(1) GROUND PROPULSION TECHNOLOGIES.—The Administration shall, to the extent of appropriated funds, initiate, support, and carry out such research, development, demonstration, and other related activities in ground propulsion technologies as are provided for in sections 4 to 10 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2503 to 2509).

(2) SOLAR HEATING AND COOLING TECHNOLOGIES.—The Administration shall initiate, support, and carry out such research, development, demonstrations, and other related activities in solar heating and cooling technologies (to the extent that funds are appropriated therefor) as are provided for in sections 5, 6, and 9 of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5503, 5504, 5507).

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3333.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20112	42 U.S.C. 2473(a), (b).	Pub. L. 85–568, title II, § 203(a), (b), July 29, 1958, 72 Stat. 429; Pub. L. 93–409, § 4, Sept. 3, 1974, 88 Stat. 1070; Pub. L. 94–413, § 15(c), Sept. 17, 1976, 90 Stat. 1270; Pub. L. 95–401, § 6, Sept. 30, 1978, 92 Stat. 860; Pub. L. 101–611, title I, § 107, Nov. 16, 1990, 104 Stat. 3197.

§ 20113. Powers of the Administration in performance of functions

(a) RULES AND REGULATIONS.—In the performance of its functions, the Administration is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

(b) OFFICERS AND EMPLOYEES.—In the performance of its functions, the Administration is authorized to appoint and fix the compensation of officers and employees as may be necessary to carry out such functions. The officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5, except that—

(1) to the extent the Administrator deems such action necessary to the discharge of the Administrator's responsibilities, the Administrator may appoint not more than 425 of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and may fix the compensation of such personnel not in excess of the rate of basic pay payable for level III of the Executive Schedule; and

(2) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, the Administrator may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel under the General Schedule, and fix their compensation accordingly.

(c) PROPERTY.—In the performance of its functions, the Administration is authorized—

(1) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States;

(2) to acquire by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia for the use of the Administration for a period not to exceed 10 years without regard to section 8141 of title 40;

(3) to lease to others such real and personal property;

(4) to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of chapters 1 to 11 of title 40 and in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.);[1] and

(5) to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor.

(d) GIFTS.—In the performance of its functions, the Administration is authorized to accept unconditional gifts or donations of services,

[1] See References in Text note below.

money, or property, real, personal, or mixed, tangible or intangible.

(e) CONTRACTS, LEASES, AND AGREEMENTS.—In the performance of its functions, the Administration is authorized, without regard to subsections (a) and (b) of section 3324 of title 31, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this chapter, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration.

(f) COOPERATION WITH FEDERAL AGENCIES AND OTHERS.—In the performance of its functions, the Administration is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment.

(g) ADVISORY COMMITTEES.—In the performance of its functions, the Administration is authorized to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration.

(h) OFFICES AND PROCEDURES.—In the performance of its functions, the Administration is authorized to establish within the Administration such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this chapter with related scientific and other activities being carried on by other public and private agencies and organizations.

(i) TEMPORARY OR INTERMITTENT SERVICES OF EXPERTS OR CONSULTANTS.—In the performance of its functions, the Administration is authorized to obtain services as provided by section 3109 of title 5, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under section 5376 of title 5.

(j) ALIENS.—In the performance of its functions, the Administration is authorized, when determined by the Administrator to be necessary, and subject to such security investigations as the Administrator may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens.

(k) CONCESSIONS FOR VISITORS' FACILITIES.—

(1) IN GENERAL.—In the performance of its functions, the Administration is authorized to provide by concession, without regard to section 1302 of title 40, on such terms as the Administrator may deem to be appropriate and necessary to protect the concessioner against loss of the concessioner's investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority that the Administration may have to provide facilities, equipment, and services for visitors to its installations).

(2) PUBLIC NOTICE AND DUE CONSIDERATION OF PROPOSALS.—A concession agreement under this subsection may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract.

(3) REASONABLE OPPORTUNITY FOR PROFIT.—The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed. The consideration paid by the concessioner for the concession shall be based on the probable value of the opportunity and not on maximizing revenue to the United States.

(4) RECORDS AND ACCESS TO RECORDS.—Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to the records by the Administration and the Comptroller General of the United States for a period of 5 years after the close of the business year to which the records relate.

(5) POSSESSORY INTERESTS.—A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement the concessioner constructs or locates upon land owned by the United States. With the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by the concessioner, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation.

(*l*) DETAILING MEMBERS OF ARMED SERVICES.—In the performance of its functions, the Administration is authorized, with the approval of the President, to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the appropriate Secretary for services in the performance of functions under this chapter to the same extent as that to which they might be lawfully assigned in the Department of Defense.

(m) CLAIMS AGAINST THE UNITED STATES.—In the performance of its functions, the Administration is authorized—

(1) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for $25,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions as specified in section 20112(a) of this title, where such claim is presented to the Administration in writing within 2 years after the accident or incident out of which the claim arises; and

(2) if the Administration considers that a claim in excess of $25,000 is meritorious and would otherwise be covered by this subsection, to report the facts and circumstances to Congress for its consideration.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3333.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20113	42 U.S.C. 2473(c).	Pub. L. 85–568, title II, § 203(c), formerly § 203(b), July 29, 1958, 72 Stat. 429; Pub. L. 86–20, May 13, 1959, 73 Stat. 21; Pub. L. 86–481, § 5, June 1, 1960, 74 Stat. 153; Pub. L. 87–367, title II, § 206(a), Oct. 4, 1961, 75 Stat. 791; Pub. L. 87–584, § 6, Aug. 14, 1962, 76 Stat. 384; Pub. L. 87–793, § 1001(f), Oct. 11, 1962, 76 Stat. 864; Pub. L. 88–426, title III, § 306(d), Aug. 14, 1964, 78 Stat. 429; Pub. L. 88–448, title IV, § 402(a)(34), Aug. 10, 1964, 78 Stat. 495; Pub. L. 91–646, title II, § 220(a)(2), Jan. 2, 1971, 84 Stat. 1903; Pub. L. 93–74, § 6, July 23, 1973, 87 Stat. 174; Pub. L. 93–316, § 6, June 22, 1974, 88 Stat. 243; renumbered § 203(c), Pub. L. 93–409, § 4, Sept. 3, 1974, 88 Stat. 1070; Pub. L. 96–48, § 6(a), Aug. 8, 1979, 93 Stat. 348; Pub. L. 108–201, § 2(a), Feb. 24, 2004, 118 Stat. 461.

In subsection (b), in the matter before paragraph (1), the words ''chapter 51 and subchapter III of chapter 53 of title 5'' are substituted for ''the Classification Act of 1949, as amended'' on authority of section 7(b) of Public Law 89–554 (80 Stat. 631), the first section of which enacted Title 5, Government Organization and Employees.

In subsection (c)(2), the words ''section 8141 of title 40'' are substituted for ''the Act of March 3, 1877 (40 U.S.C. 34)'' on authority of section 5(c) of Public Law 107–217 (116 Stat. 1303), the first section of which enacted Title 40, Public Buildings, Property, and Works.

In subsection (c)(4), the words ''in accordance with the provisions of chapters 1 to 11 of title 40 and in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)'' are substituted for ''in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)'' on authority of section 5(c) of Public Law 107–217 (116 Stat. 1303), the first section of which enacted Title 40, Public Buildings, Property, and Works.

In subsection (e), the words ''subsections (a) and (b) of section 3324 of title 31'' are substituted for ''section 3648 of the Revised Statutes, as amended (31 U.S.C. 529)'' on authority of section 4(b) of Public Law 97–258 (96 Stat. 1067), the first section of which enacted Title 31, Money and Finance.

In subsection (i), the words ''maximum rate payable under section 5376 of title 5'' are substituted for ''rate for GS–18'' because of section 101(c) of the Federal Employees Pay Comparability Act of 1990 (enacted by § 529 of Public Law 101–509, 5 U.S.C. 5376 note).

In subsection (k)(1), the words ''section 1302 of title 40'' are substituted for ''section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b)'' on authority of section 5(c) of Public Law 107–217 (116 Stat. 1303), the first section of which enacted Title 40, Public Buildings, Property, and Works.

REFERENCES IN TEXT

Level III of the Executive Schedule, referred to in subsec. (b)(1), is set out in section 5314 of Title 5, Government Organization and Employees.

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (c)(4), is act June 30, 1949, ch. 288, 63 Stat. 377. Title III of the Act was classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of former Title 41, Public Contracts, and was substantially repealed and restated in division C (§ 3101 et seq.) of subtitle I of Title 41, Public Contracts, by Pub. L. 111–350, §§ 3, 7(b), Jan. 4, 2011, 124 Stat. 3677, 3855. For complete classification of this Act to the Code, see Short Title of 1949 Act note set out under section 101 of Title 41 and Tables. For disposition of sections of former Title 41, see Disposition Table preceding section 101 of Title 41.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

Pub. L. 106–391, title III, § 319, Oct. 30, 2000, 114 Stat. 1597, provided that:

''(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act [see Tables for classification], it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator [of the National Aeronautics and Space Administration] shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.''

ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS

Pub. L. 106–391, title III, § 321, Oct. 30, 2000, 114 Stat. 1597, provided that:

''(a) DEFINITIONS.—In this section:

''(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term 'educationally useful Federal equipment' means computers and related peripheral tools and research equipment that is appropriate for use in schools.

''(2) SCHOOL.—The term 'school' means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

''(b) SENSE OF THE CONGRESS.—

''(1) IN GENERAL.—It is the sense of the Congress that the Administrator [of the National Aeronautics and Space Administration] should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999 [40 U.S.C. 549 note]), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

''(2) REPORTS.—Not later than 1 year after the date of the enactment of this Act [Oct. 30, 2000], and annually thereafter, the Administrator shall prepare and submit to Congress a report describing any donations of educationally useful Federal equipment to schools made during the period covered by the report.''

§ 20114. Administration and Department of Defense coordination

(a) ADVISE AND CONSULT.—The Administration and the Department of Defense, through the

President, shall advise and consult with each other on all matters within their respective jurisdictions related to aeronautical and space activities and shall keep each other fully and currently informed with respect to such activities.

(b) REFERRAL TO THE PRESIDENT.—If the Secretary of Defense concludes that any request, action, proposed action, or failure to act on the part of the Administrator is adverse to the responsibilities of the Department of Defense, or the Administrator concludes that any request, action, proposed action, or failure to act on the part of the Department of Defense is adverse to the responsibilities of the Administration, and the Administrator and the Secretary of Defense are unable to reach an agreement with respect to the matter, either the Administrator or the Secretary of Defense may refer the matter to the President for a decision (which shall be final).

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3336.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20114(a)	42 U.S.C. 2474(b).	Pub. L. 85–568, title II, § 204(b), (c), July 29, 1958, 72 Stat. 431.
20114(b)	42 U.S.C. 2474(c).	

In subsection (a), the words ''through the President'' are substituted for ''through the Liaison Committee'' because the Civilian-Military Liaison Committee, which was established by section 204(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2474(a)), was abolished and its functions, together with the functions of its chairman and other officers, were transferred to the President by sections 1(e) and 3(a) of Reorganization Plan No. 4 of 1965 (5 App. U.S.C.).

In subsection (b), the words ''as provided in section 201 (e)'', which appeared at the end of the subsection, are omitted as obsolete. Section 201 of Public Law 85–568, which was classified to former section 2471 of title 42 (last appearing in the 1970 edition of the United States Code), established the National Aeronautics and Space Council, with the functions of the Council specified in section 201(e). Those functions included advising the President ''as he may request'' with respect to promoting cooperation and resolving differences among agencies of the United States engaged in aeronautical and space activities. The words are obsolete because section 3(a)(4) of Reorganization Plan No. 1 of 1973 (5 App. U.S.C.), abolished the National Aeronautics and Space Council, including the office of Executive Secretary of the Council, together with its functions.

§ 20115. International cooperation

The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this chapter, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

(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)*
20115	42 U.S.C. 2475.	Pub. L. 85–568, title II, § 205, July 29, 1958, 72 Stat. 432.

DELEGATION OF AUTHORITY

Memorandum of President of the United States, Oct. 10, 1995, 60 F.R. 53251, provided:

Memorandum for the Administrator of the National and Aeronautics and Space Administration

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to facilitate the efficient operations of the aeronautical and space programs of the National Aeronautics and Space Administration (NASA), it is hereby ordered as follows:

The authority conferred upon the President by the Constitution and the laws of the United States of America to executive mutual waivers of claims of liability on behalf of the United States for damages arising out of cooperative activities is hereby delegated to the Administrator of NASA for agreements with foreign governments and their agents regarding aeronautical, science, and space activities that are executed pursuant to the authority granted NASA by the National Aeronautics and Space Act of 1958, Public Law 85–568, as amended [see 51 U.S.C. 20101 et seq.]. All such agreements shall be subject to coordination with and the concurrence of the Department of State to the extent provided by applicable law, regulations, and procedures. All such waivers of liability entered into prior to the date of this memorandum are hereby ratified.

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

WILLIAM J. CLINTON.

§ 20116. Reports to Congress

(a) PRESIDENTIAL REPORT.—The President shall transmit to Congress in May of each year a report, which shall include—

(1) a comprehensive description of the programmed activities and the accomplishments of all agencies of the United States in the field of aeronautics and space activities during the preceding fiscal year; and

(2) an evaluation of such activities and accomplishments in terms of the attainment of, or the failure to attain, the objectives described in section 20102(d) of this title.

(b) RECOMMENDATIONS FOR ADDITIONAL LEGISLATION.—Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable for the attainment of the objectives described in section 20102(d) of this title.

(c) CLASSIFIED INFORMATION.—No information that has been classified for reasons of national security shall be included in any report made under this section, unless the information has been declassified by, or pursuant to authorization given by, the President.

(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)*
20116	42 U.S.C. 2476.	Pub. L. 85–568, title II, § 206, July 29, 1958, 72 Stat. 432; Pub. L. 92–68, § 7, Aug. 6, 1971, 85 Stat. 177; Pub. L. 106–391, title III, § 302(b), Oct. 30, 2000, 114 Stat. 1591.

In subsections (a)(2) and (b), the words ''section 102(c) of this Act'', which appear in section 206 of Public Law 85–568 (72 Stat. 432), are treated as referring to section 102(d), rather than section 102(c), of Public Law 85–568 because of the redesignation done by section 110(a)(2) of the National Aeronautics and Space Administration Authorization Act, 1985 (Public Law 98–361, 98 Stat. 426). Section 102(d) of Public Law 85–568 is restated as section 20102(d) of title 51.

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).

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

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

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

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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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 within 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, nonexclusive, 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; Pub. L. 112–29, § 7(d)(2), Sept. 16, 2011, 125 Stat. 315.)

AMENDMENT OF SUBSECTIONS (e) AND (f)

Pub. L. 112–29, § 7(d)(2), (e), Sept. 16, 2011, 125 Stat. 315, provided that, effective upon the expiration of the 1-year period beginning on Sept. 16, 2011, and applicable to proceedings commenced on or after that effective date, with certain exceptions, this section is amended:

(1) in subsections (e) and (f), by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''; and

(2) in subsection (e), by inserting ''and derivation'' after ''established for interference''.

See 2011 Amendment notes below.

HISTORICAL AND REVISION NOTES

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

AMENDMENTS

2011—Subsec. (e). Pub. L. 112–29, § 7(d)(2), substituted ''Patent Trial and Appeal Board'' for ''Board of Patent Appeals and Interferences'' in two places and inserted ''and derivation'' after ''established for interference''.

Subsec. (f). Pub. L. 112–29, § 7(d)(2)(A), substituted ''Patent Trial and Appeal Board'' for ''Board of Patent Appeals and Interferences''.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112–29 effective upon the expiration of the 1-year period beginning on Sept. 16, 2011, and applicable to proceedings commenced on or after that effective date, with certain exceptions, see section 7(e) of Pub. L. 112–29, set out as a note under section 6 of Title 35, Patents.

§ 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 respec-

tive 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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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 reimbursed 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

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

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

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

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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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, Space, 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, Space, 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).

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

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) 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.

(B) Notwithstanding subparagraph (A), the Administrator may accept in-kind consideration for leases entered into for the purpose of developing renewable energy production facilities.

(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; Pub. L. 112–55, div. B, title III, Nov. 18, 2011, 125 Stat. 626.)

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).

AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 112–55 designated existing provisions as subpar. (A) and added subpar. (B).

DEPOSIT OF PROCEEDS

Pub. L. 112–55, div. B, title III, Nov. 18, 2011, 125 Stat. 625, 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 RESTORATION' of title III of div. B of Pub. L. 112–55] and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts''.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 111–117, div. B, title III, Dec. 16, 2009, 123 Stat. 3144.

§ 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

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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20147	42 U.S.C. 2459*l*.	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

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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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 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) ACTIVITIES.—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. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3354.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20163	42 U.S.C. 2483.	Pub. L. 85–568, title IV, § 403, as added Pub. L. 94–39, § 8, June 19, 1975, 89 Stat. 222.

§ 20164. 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. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3355.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20164	42 U.S.C. 2484.	Pub. L. 85–568, title IV, § 404, as added Pub. L. 94–39, § 8, June 19, 1975, 89 Stat. 223.

CHAPTER 203—RESPONSIBILITIES AND VISION

Sec.
20301. General responsibilities.
20302. Vision for space exploration.
20303. Contribution to innovation.
20304. Basic research enhancement.
20305. National Academies decadal surveys.

§ 20301. General responsibilities

(a) PROGRAMS.—The Administrator shall ensure that the Administration carries out a balanced set of programs that shall include, at a minimum, programs in—

(1) human space flight, in accordance with section 20302 of this title;

(2) aeronautics research and development; and

(3) scientific research, which shall include, at a minimum—

(A) robotic missions to study the Moon and other planets and their moons, and to deepen understanding of astronomy, astrophysics, and other areas of science that can be productively studied from space;

(B) Earth science research and research on the Sun-Earth connection through the development and operation of research satellites and other means;

(C) support of university research in space science, Earth science, and microgravity science; and

(D) research on microgravity, including research that is not directly related to human exploration.

(b) CONSULTATION AND COORDINATION.—In carrying out the programs of the Administration, the Administrator shall—

(1) consult and coordinate to the extent appropriate with other relevant Federal agencies, including through the National Science and Technology Council;

(2) work closely with the private sector, including by—

(A) encouraging the work of entrepreneurs who are seeking to develop new means to launch satellites, crew, or cargo;

(B) contracting with the private sector for crew and cargo services, including to the International Space Station, to the extent practicable;

(C) using commercially available products (including software) and services to the extent practicable to support all Administration activities; and

(D) encouraging commercial use and development of space to the greatest extent practicable; and

(3) involve other nations to the extent appropriate.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3355.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20301	42 U.S.C. 16611(a).	Pub. L. 109–155, title I, § 101(a), Dec. 30, 2005, 119 Stat. 2897.

§ 20302. Vision for space exploration

(a) IN GENERAL.—The Administrator shall establish a program to develop a sustained human presence on the Moon, including a robust precursor program, to promote exploration, science, commerce, and United States preeminence in space, and as a stepping-stone to future exploration of Mars and other destinations. The Administrator is further authorized to develop and conduct appropriate international collaborations in pursuit of these goals.

(b) MILESTONES.—The Administrator shall manage human space flight programs to strive to achieve the following milestones (in conformity with section 70502 of this title):

(1) Returning Americans to the Moon no later than 2020.

(2) Launching the Crew Exploration Vehicle as close to 2010 as possible.

(3) Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available, including the International Space Station.

(4) Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3356.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20302	42 U.S.C. 16611(b).	Pub. L. 109–155, title I, § 101(b), Dec. 30, 2005, 119 Stat. 2898.

§ 20303. Contribution to innovation

(a) PARTICIPATION IN INTERAGENCY ACTIVITIES.—The Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the Administration's mission, including authorized activities.

(b) HISTORIC FOUNDATION.—In order to carry out the participation described in subsection (a), the Administrator shall build on the historic role of the Administration in stimulating excellence in the advancement of physical science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(c) BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611(d))[1] shall be an element of the contribution by the Administration to the interagency programs.

(d) ANNUAL REPORT.—

(1) REQUIREMENT.—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) CONTENT.—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3356.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20303(a)	42 U.S.C. 16611a(a).	Pub. L. 110–69, title II, § 2001(a), (b), (c), (e), Aug. 9, 2007, 121 Stat. 582.
20303(b)	42 U.S.C. 16611a(b).	
20303(c)	42 U.S.C. 16611a(c).	
20303(d)	42 U.S.C. 16611a(e).	

REFERENCES IN TEXT

Section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611(d)), referred to in subsec. (c), is section 101(d) of Pub. L. 109–155, title I, Dec. 30, 2005, 119 Stat. 2897, which was omitted from the Code following the enactment of this title by Pub. L. 111–314.

[1] See References in Text note below.

INTERNATIONAL SPACE STATION'S CONTRIBUTION TO NATIONAL COMPETITIVENESS ENHANCEMENT

Pub. L. 111–358, title II, § 204, Jan. 4, 2011, 124 Stat. 3994, provided that:

''(a) SENSE OF CONGRESS.—It is the sense of the Congress that the International Space Station represents a valuable and unique national asset which can be utilized to increase educational opportunities and scientific and technological innovation which will enhance the Nation's economic security and competitiveness in the global technology fields of endeavor. If the period for active utilization of the International Space Station is extended to at least the year 2020, the potential for such opportunities and innovation would be increased. Efforts should be made to fully realize that potential.

''(b) EVALUATION AND ASSESSMENT OF NASA'S INTERAGENCY CONTRIBUTION.—Pursuant to the authority provided in title II of the America COMPETES Act (Public Law 110–69 [see Tables for classification]), the Administrator [of NASA] shall evaluate and, where possible, expand efforts to maximize NASA's [National Aeronautics and Space Administration's] contribution to interagency efforts to enhance science, technology, engineering, and mathematics education capabilities, and to enhance the Nation's technological excellence and global competitiveness. The Administrator shall identify these enhancements in the annual reports required by section 2001(e) of that Act ([former] 42 U.S.C. 16611a(e)) [now 51 U.S.C. 20303(d)].

''(c) REPORT TO THE CONGRESS.—Within 120 days after the date of enactment of this Act [Jan. 4, 2011], the Administrator shall provide to the House of Representatives Committee on Science and Technology [now Committee on Science, Space, and Technology] and the Senate Committee on Commerce, Science, and Transportation a report on the assessment made pursuant to subsection (a). The report shall include—

''(1) a description of current and potential activities associated with utilization of the International Space Station which are supportive of the goals of educational excellence and innovation and competitive enhancement established or reaffirmed by this Act [see Short Title of 2011 Amendment note set out under section 1861 of Title 42, The Public Health and Welfare], including a summary of the goals supported, the number of individuals or organizations participating in or benefiting from such activities, and a summary of how such activities might be expanded or improved upon;

''(2) a description of government and private partnerships which are, or may be, established to effectively utilize the capabilities represented by the International Space Station to enhance United States competitiveness, innovation and science, technology, engineering, and mathematics education; and

''(3) a summary of proposed actions or activities to be undertaken to ensure the maximum utilization of the International Space Station to contribute to fulfillment of the goals and objectives of this Act, and the identification of any additional authority, assets, or funding that would be required to support such activities.''

§ 20304. Basic research enhancement

(a) DEFINITION OF BASIC RESEARCH.—In this section, the term ''basic research'' has the meaning given the term in Office of Management and Budget Circular No. A–11.

(b) COORDINATION.—The Administrator, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and the Secretary of Commerce shall, to the extent practicable, coordinate basic research activities related to physical sciences, technology, engineering, and mathematics.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3357.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20304	42 U.S.C. 16658.	Pub. L. 110–69, title II, § 2003, Aug. 9, 2007, 121 Stat. 583.

§ 20305. National Academies decadal surveys

(a) IN GENERAL.—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.

(b) INDEPENDENT COST ESTIMATES.—The agreements described in subsection (a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.

(c) REEXAMINATION.—The Administrator shall request that each National Academies decadal survey committee identify any conditions or events, such as significant cost growth or scientific or technological advances, that would warrant the Administration asking the National Academies to reexamine the priorities that the decadal survey had established.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3357.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20305	42 U.S.C. 17823.	Pub. L. 110–422, title XI, § 1104, Oct. 15, 2008, 122 Stat. 4809.

IMPLEMENTATION OF DECADAL SURVEY'S RECOMMENDED DECISION RULES

Pub. L. 112–55, div. B, title III, Nov. 18, 2011, 125 Stat. 622, provided in part: ''That NASA shall implement the recommendations of the most recent National Research Council planetary decadal survey and shall follow the decadal survey's recommended decision rules regarding program implementation, including a strict adherence to the recommendation that NASA include in a balanced program a flagship class mission, which may be executed in cooperation with one or more international partners, if such mission can be appropriately descoped and all NASA costs for such mission can be accommodated within the overall funding levels appropriated by Congress''.

Subtitle III—Administrative Provisions

CHAPTER 301—APPROPRIATIONS, BUDGETS, AND ACCOUNTING

Sec.
30101. Prior authorization of appropriations required.
30102. Working capital fund.
30103. Budgets.
30104. Baselines and cost controls.

§ 30101. Prior authorization of appropriations required

Notwithstanding the provisions of any other law, no appropriation may be made to the Administration unless previously authorized by legislation enacted by Congress.