

the Code, see Short Title note set out under section 18001 of this title and Tables.

This Act, referred to in subsec. (a), is Pub. L. 111-152, Mar. 30, 2010, 124 Stat. 1029, known as the Health Care and Education Reconciliation Act of 2010. For complete classification of this Act to the Code, see Short Title of 2010 Amendment note under section 1305 of this title and Tables.

CODIFICATION

Section was enacted as part of the Health Care and Education Reconciliation Act of 2010, and not as part of the Patient Protection and Affordable Care Act which comprises this chapter.

§ 18122. Rule of construction regarding health care providers

(1) In general

Subject to paragraph (3), the development, recognition, or implementation of any guideline or other standard under any Federal health care provision shall not be construed to establish the standard of care or duty of care owed by a health care provider to a patient in any medical malpractice or medical product liability action or claim.

(2) Definitions

For purposes of this section:

(A) Federal health care provision

The term “Federal health care provision” means any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), title I or subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), or title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq., 42 U.S.C. 1396 et seq.).

(B) Health care provider

The term “health care provider” means any individual, group practice, corporation of health care professionals, or hospital—

- (i) licensed, registered, or certified under Federal or State laws or regulations to provide health care services; or
- (ii) required to be so licensed, registered, or certified but that is exempted by other statute or regulation.

(C) Medical malpractice or medical product liability action or claim

The term “medical malpractice or medical product liability action or claim” means a medical malpractice action or claim (as defined in section 11151(7) of this title) and includes a liability action or claim relating to a health care provider’s prescription or provision of a drug, device, or biological product (as such terms are defined in section 321 of title 21 or section 262 of this title).

(D) State

The term “State” includes the District of Columbia, Puerto Rico, and any other commonwealth, possession, or territory of the United States.

(3) No preemption

Nothing in paragraph (1) or any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), title I or subtitle B of title II of the Health Care and Education Reconcili-

ation Act of 2010 (Public Law 111-152), or title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq., 42 U.S.C. 1396 et seq.) shall be construed to preempt any State or common law governing medical professional or medical product liability actions or claims.

(Pub. L. 114-10, title I, §106(d), Apr. 16, 2015, 129 Stat. 142.)

REFERENCES IN TEXT

The Patient Protection and Affordable Care Act, referred to in pars. (2)(A) and (3), is Pub. L. 111-148, Mar. 23, 2010, 124 Stat. 119. For complete classification of this Act to the Code, see Short Title note set out under section 18001 of this title and Tables.

The Health Care and Education Reconciliation Act of 2010, referred to in pars. (2)(A) and (3), is Pub. L. 111-152, Mar. 30, 2010, 124 Stat. 1029. For complete classification of this Act to the Code, see Short Title of 2010 Amendment note set out under section 1305 of this title and Tables.

The Social Security Act, referred to in pars. (2)(A) and (3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Titles XVIII and XIX of the Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.), respectively, of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

CODIFICATION

Section was enacted as part of the Medicare Access and CHIP Reauthorization Act of 2015, and not as part of the Patient Protection and Affordable Care Act which comprises this chapter.

CHAPTER 158—SUPPORT FOR PREGNANT AND PARENTING TEENS AND WOMEN

Sec.

18201.	Definitions.
18202.	Establishment of Pregnancy Assistance Fund.
18203.	Permissible uses of Fund.
18204.	Appropriations.

§ 18201. Definitions

In this chapter:

(1) Accompaniment

The term “accompaniment” means assisting, representing, and accompanying a woman in seeking judicial relief for child support, child custody, restraining orders, and restitution for harm to persons and property, and in filing criminal charges, and may include the payment of court costs and reasonable attorney and witness fees associated therewith.

(2) Eligible institution of higher education

The term “eligible institution of higher education” means an institution of higher education (as such term is defined in section 1001 of title 20) that has established and operates, or agrees to establish and operate upon the receipt of a grant under this chapter, a pregnant and parenting student services office.

(3) Community service center

The term “community service center” means a non-profit organization that provides social services to residents of a specific geographical area via direct service or by contract with a local governmental agency.

(4) High school

The term “high school” means any public or private school that operates grades 10 through

12, inclusive, grades 9 through 12, inclusive or grades 7 through 12, inclusive.

(5) Intervention services

The term “intervention services” means, with respect to domestic violence, sexual violence, sexual assault, or stalking, 24-hour telephone hotline services for police protection and referral to shelters.

(6) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

(7) State

The term “State” includes the District of Columbia, any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

(8) Supportive social services

The term “supportive social services” means transitional and permanent housing, vocational counseling, and individual and group counseling aimed at preventing domestic violence, sexual violence, sexual assault, or stalking.

(9) Violence

The term “violence” means actual violence and the risk or threat of violence.

(Pub. L. 111–148, title X, §10211, Mar. 23, 2010, 124 Stat. 931.)

§ 18202. Establishment of Pregnancy Assistance Fund

(a) In general

The Secretary, in collaboration and coordination with the Secretary of Education (as appropriate), shall establish a Pregnancy Assistance Fund to be administered by the Secretary, for the purpose of awarding competitive grants to States to assist pregnant and parenting teens and women.

(b) Use of Fund

A State may apply for a grant under subsection (a) to carry out any activities provided for in section 18203 of this title.

(c) Applications

To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the purposes for which the grant is being requested and the designation of a State agency for receipt and administration of funding received under this chapter.

(Pub. L. 111–148, title X, §10212, Mar. 23, 2010, 124 Stat. 932.)

§ 18203. Permissible uses of Fund

(a) In general

A State shall use amounts received under a grant under section 18202 of this title for the purposes described in this section to assist pregnant and parenting teens and women.

(b) Institutions of higher education

(1) In general

A State may use amounts received under a grant under section 18202 of this title to make

funding available to eligible institutions of higher education to enable the eligible institutions to establish, maintain, or operate pregnant and parenting student services. Such funding shall be used to supplement, not supplant, existing funding for such services.

(2) Application

An eligible institution of higher education that desires to receive funding under this subsection shall submit an application to the designated State agency at such time, in such manner, and containing such information as the State agency may require.

(3) Matching requirement

An eligible institution of higher education that receives funding under this subsection shall contribute to the conduct of the pregnant and parenting student services office supported by the funding an amount from non-Federal funds equal to 25 percent of the amount of the funding provided. The non-Federal share may be in cash or in-kind, fairly evaluated, including services, facilities, supplies, or equipment.

(4) Use of funds for assisting pregnant and parenting college students

An eligible institution of higher education that receives funding under this subsection shall use such funds to establish, maintain or operate pregnant and parenting student services and may use such funding for the following programs and activities:

(A) Conduct a needs assessment on campus and within the local community—

(i) to assess pregnancy and parenting resources, located on the campus or within the local community, that are available to meet the needs described in subparagraph (B); and

(ii) to set goals for—

(I) improving such resources for pregnant, parenting, and prospective parenting students; and

(II) improving access to such resources.

(B) Annually assess the performance of the eligible institution in meeting the following needs of students enrolled in the eligible institution who are pregnant or are parents:

(i) The inclusion of maternity coverage and the availability of riders for additional family members in student health care.

(ii) Family housing.

(iii) Child care.

(iv) Flexible or alternative academic scheduling, such as telecommuting programs, to enable pregnant or parenting students to continue their education or stay in school.

(v) Education to improve parenting skills for mothers and fathers and to strengthen marriages.

(vi) Maternity and baby clothing, baby food (including formula), baby furniture, and similar items to assist parents and prospective parents in meeting the material needs of their children.

(vii) Post-partum counseling.

(C) Identify public and private service providers, located on the campus of the eligible

institution or within the local community, that are qualified to meet the needs described in subparagraph (B), and establishes¹ programs with qualified providers to meet such needs.

(D) Assist pregnant and parenting students, fathers or spouses in locating and obtaining services that meet the needs described in subparagraph (B).

(E) If appropriate, provide referrals for prenatal care and delivery, infant or foster care, or adoption, to a student who requests such information. An office shall make such referrals only to service providers that serve the following types of individuals:

- (i) Parents.
- (ii) Prospective parents awaiting adoption.
- (iii) Women who are pregnant and plan on parenting or placing the child for adoption.
- (iv) Parenting or prospective parenting couples.

(5) Reporting

(A) Annual report by institutions

(i) In general

For each fiscal year that an eligible institution of higher education receives funds under this subsection, the eligible institution shall prepare and submit to the State, by the date determined by the State, a report that—

- (I) itemizes the pregnant and parenting student services office's expenditures for the fiscal year;
- (II) contains a review and evaluation of the performance of the office in fulfilling the requirements of this section, using the specific performance criteria or standards established under subparagraph (B)(i); and
- (III) describes the achievement of the office in meeting the needs listed in paragraph (4)(B) of the students served by the eligible institution, and the frequency of use of the office by such students.

(ii) Performance criteria

Not later than 180 days before the date the annual report described in clause (i) is submitted, the State—

- (I) shall identify the specific performance criteria or standards that shall be used to prepare the report; and
- (II) may establish the form or format of the report.

(B) Report by State

The State shall annually prepare and submit a report on the findings under this subsection, including the number of eligible institutions of higher education that were awarded funds and the number of students served by each pregnant and parenting student services office receiving funds under this section, to the Secretary.

(c) Support for pregnant and parenting teens

A State may use amounts received under a grant under section 18202 of this title to make

funding available to eligible high schools and community service centers to establish, maintain or operate pregnant and parenting services in the same general manner and in accordance with all conditions and requirements described in subsection (b), except that paragraph (3) of such subsection shall not apply for purposes of this subsection.

(d) Improving services for pregnant women who are victims of domestic violence, sexual violence, sexual assault, and stalking

(1) In general

A State may use amounts received under a grant under section 18202 of this title to make funding available to its State Attorney General to assist Statewide offices in providing—

(A) intervention services, accompaniment, and supportive social services for eligible pregnant women who are victims of domestic violence, sexual violence, sexual assault, or stalking.

(B) technical assistance and training (as described in subsection (c)) relating to violence against eligible pregnant women to be made available to the following:

- (i) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts.
- (ii) Professionals working in legal, social service, and health care settings.
- (iii) Nonprofit organizations.
- (iv) Faith-based organizations.

(2) Eligibility

To be eligible for a grant under paragraph (1), a State Attorney General shall submit an application to the designated State agency at such time, in such manner, and containing such information, as specified by the State.

(3) Technical assistance and training described

For purposes of paragraph (1)(B), technical assistance and training is—

(A) the identification of eligible pregnant women experiencing domestic violence, sexual violence, sexual assault, or stalking;

(B) the assessment of the immediate and short-term safety of such a pregnant woman, the evaluation of the impact of the violence or stalking on the pregnant woman's health, and the assistance of the pregnant woman in developing a plan aimed at preventing further domestic violence, sexual violence, sexual assault, or stalking, as appropriate;

(C) the maintenance of complete medical or forensic records that include the documentation of any examination, treatment given, and referrals made, recording the location and nature of the pregnant woman's injuries, and the establishment of mechanisms to ensure the privacy and confidentiality of those medical records; and

(D) the identification and referral of the pregnant woman to appropriate public and private nonprofit entities that provide intervention services, accompaniment, and supportive social services.

(4) Eligible pregnant woman

In this subsection, the term "eligible pregnant woman" means any woman who is preg-

¹ So in original. Probably should be "establish".

² So in original. Probably should be "to".

nant on the date on which such woman becomes a victim of domestic violence, sexual violence, sexual assault, or stalking or who was pregnant during the one-year period before such date.

(e) Public awareness and education

A State may use amounts received under a grant under section 18202 of this title to make funding available to increase public awareness and education concerning any services available to pregnant and parenting teens and women under this chapter, or any other resources available to pregnant and parenting women in keeping with the intent and purposes of this chapter. The State shall be responsible for setting guidelines or limits as to how much of funding may be utilized for public awareness and education in any funding award.

(Pub. L. 111–148, title X, §10213, Mar. 23, 2010, 124 Stat. 932.)

§ 18204. Appropriations

There is authorized to be appropriated, and there are appropriated, \$25,000,000 for each of fiscal years 2010 through 2019, to carry out this chapter.

(Pub. L. 111–148, title X, §10214, Mar. 23, 2010, 124 Stat. 935.)

**CHAPTER 159—SPACE EXPLORATION,
TECHNOLOGY, AND SCIENCE**

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§ 18301. Findings

Congress makes the following findings:

(1) The United States human space flight program has, since the first Mercury flight on May 5, 1961, been a source of pride and inspiration for the Nation.

(2) The establishment of and commitment to human exploration goals is essential for providing the necessary long term focus and programmatic consistency and robustness of the United States civilian space program.

(3) The National Aeronautics and Space Administration is and should remain a multi-