

enactment of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008 (Public Law 110-161, div. B, 121 Stat. 1884).

AMENDMENTS

2017—Subsec. (g). Pub. L. 115-10 substituted “December 31, 2018” for “10 years after December 26, 2007”.

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

DEPOSIT OF PROCEEDS

Pub. L. 113-6, div. B, title III, Mar. 26, 2013, 127 Stat. 263, provided in part: “That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (see 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. 113-6]: Provided further, That such proceeds shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts”.

Similar provisions were contained in the following appropriation acts:

Pub. L. 115-31, div. B, title III, May 5, 2017, 131 Stat. 214.

Pub. L. 114-113, div. B, title III, Dec. 18, 2015, 129 Stat. 2317.

Pub. L. 113-235, div. B, title III, Dec. 16, 2014, 128 Stat. 2203.

Pub. L. 113-76, div. B, title III, Jan. 17, 2014, 128 Stat. 72.

Pub. L. 112-55, div. B, title III, Nov. 18, 2011, 125 Stat. 625.

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

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

§ 20147. Recovery and disposition authority

(a) DEFINITIONS.—In this section:

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

(A) is intended to transport one or more persons;

(B) is designed to operate in outer space; and

(C) is either—

(i) owned by the Administration; or

(ii) owned by an Administration contractor or cooperating party and operated as part of an Administration mission or a joint mission with the Administration.

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

(b) CONTROL OF REMAINS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), when there is an accident or mishap resulting in the death of a crewmember of an Administration human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

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

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

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

HISTORICAL AND REVISION NOTES

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

§ 20148. Indemnification; NASA launch services and reentry services

(a) IN GENERAL.—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 contract between the Administration and a provider may provide that the United States will indemnify the provider against successful claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from launch services and reentry services carried out under the contract that the contract defines as unusually hazardous or nuclear in nature, but only to the extent the total amount of successful claims related to the activities under the contract—

(1) is more than the amount of insurance or demonstration of financial responsibility described in subsection (c)(3); and

(2) is not more than the amount specified in section 50915(a)(1)(B).

(b) TERMS OF INDEMNIFICATION.—A contract made under subsection (a) that provides indemnification shall provide for—

(1) notice to the United States of any claim or suit against the provider for death, bodily injury, or loss of or damage to property; and

(2) control of or assistance in the defense by the United States, at its election, of that claim or suit and approval of any settlement.

(c) LIABILITY INSURANCE OF THE PROVIDER.—

(1) IN GENERAL.—The provider under subsection (a) shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

(A) a third party for death, bodily injury, or property damage or loss resulting from a launch service or reentry service carried out under the contract; and

(B) the United States Government for damage or loss to Government property resulting from a launch service or reentry service carried out under the contract.

(2) MAXIMUM PROBABLE LOSSES.—

(A) IN GENERAL.—The Administrator shall determine the maximum probable losses under subparagraphs (A) and (B) of paragraph (1) not later than 90 days after the date that the provider requests such a determination and submits all information the Administrator requires.

(B) REVISIONS.—The Administrator may revise a determination under subparagraph (A) of this paragraph if the Administrator determines the revision is warranted based on new information.

(3) AMOUNT OF INSURANCE.—For the total claims related to one launch or reentry, a provider shall not be required to obtain insurance or demonstrate financial responsibility of more than—

(A)(i) \$500,000,000 under paragraph (1)(A); or
(ii) \$100,000,000 under paragraph (1)(B); or

(B) the maximum liability insurance available on the world market at reasonable cost.

(4) COVERAGE.—An insurance policy or demonstration of financial responsibility under this subsection shall protect the following, to the extent of their potential liability for involvement in launch services or reentry services:

- (A) The Government.
- (B) Personnel of the Government.
- (C) Related entities of the Government.
- (D) Related entities of the provider.
- (E) Government astronauts.

(d) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (a), the Administrator may not indemnify a provider under this section unless there is a cross-waiver between the Administration and the provider as described in subsection (e).

(e) CROSS-WAIVERS.—

(1) IN GENERAL.—The Administrator, on behalf of the United States and its departments, agencies, and instrumentalities, shall reciprocally waive claims with a provider under which each party to the waiver agrees to be responsible, and agrees to ensure that its related entities are responsible, for damage or loss to its property, or for losses resulting from any injury or death sustained by its employees or agents, as a result of activities arising out of the performance of the contract.

(2) LIMITATION.—The waiver made by the Government under paragraph (1) shall apply only to the extent that the claims are more than the amount of insurance or demonstration of financial responsibility required under subsection (c)(1)(B).

(f) WILLFUL MISCONDUCT.—Indemnification under subsection (a) may exclude claims resulting from the willful misconduct of the provider or its related entities.

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

(h) PAYMENTS.—

(1) IN GENERAL.—Upon the approval by the Administrator, payments under subsection (a) may be made from funds appropriated for such payments.

(2) LIMITATION.—The Administrator shall not approve payments under paragraph (1), except to the extent provided in an appropriation law or to the extent additional legislative authority is enacted providing for such payments.

(3) ADDITIONAL APPROPRIATIONS.—If the Administrator requests additional appropriations to make payments under this subsection, then the request for those appropriations shall be made in accordance with the procedures established under section 50915.

(i) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—The authority to indemnify under this section shall not create any rights in third persons that would not otherwise exist by law.

(2) OTHER AUTHORITY.—Nothing in this section may be construed as prohibiting the Administrator from indemnifying a provider or any other NASA contractor under other law, including under Public Law 85–804 (50 U.S.C. 1431 et seq.).

(3) ANTI-DEFICIENCY ACT.—Notwithstanding any other provision of this section—

(A) all obligations under this section are subject to the availability of funds; and

(B) nothing in this section may be construed to require obligation or payment of funds in violation of sections 1341, 1342, 1349 through 1351, and 1511 through 1519 of title 31, United States Code (commonly referred to as the “Anti-Deficiency Act”).

(j) RELATIONSHIP TO OTHER LAWS.—The Administrator may not provide indemnification under this section for an activity that requires a license or permit under chapter 509.

(k) DEFINITIONS.—In this section:

(1) GOVERNMENT ASTRONAUT.—The term “government astronaut” has the meaning given the term in section 50902.

(2) LAUNCH SERVICES.—The term “launch services” has the meaning given the term in section 50902.

(3) PROVIDER.—The term “provider” means a person that provides domestic launch services or domestic reentry services to the Government.

(4) REENTRY SERVICES.—The term “reentry services” has the meaning given the term in section 50902.

(5) RELATED ENTITY.—The term “related entity” means a contractor or subcontractor.

(6) THIRD PARTY.—The term “third party” means a person except—

(A) the United States Government;

(B) related entities of the Government involved in launch services or reentry services;

(C) a provider;

(D) related entities of the provider involved in launch services or reentry services; or

(E) a government astronaut.

(Added Pub. L. 115–10, title III, §305(a), Mar. 21, 2017, 131 Stat. 30.)

REFERENCES IN TEXT

Public Law 85–804, referred to in subsec. (i)(2), is Pub. L. 85–804, Aug. 28, 1958, 72 Stat. 972, which is classified generally to chapter 29 (§1431 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

§ 20149. Medical monitoring and research relating to human space flight

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may provide for—

(1) the medical monitoring and diagnosis of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers potentially associated with human space flight; and

(2) the treatment of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers associated with human space flight, including scientific and medical tests for psychological and medical conditions.

(b) REQUIREMENTS.—

(1) NO COST SHARING.—The medical monitoring, diagnosis, or treatment described in subsection (a) shall be provided without any deductible, copayment, or other cost sharing obligation.

(2) ACCESS TO LOCAL SERVICES.—The medical monitoring, diagnosis, and treatment described in subsection (a) may be provided by a local health care provider if it is unadvisable due to the health of the applicable former United States government astronaut or former payload specialist for that former United States government astronaut or former payload specialist to travel to the Lyndon B. Johnson Space Center, as determined by the Administrator.

(3) SECONDARY PAYMENT.—Payment or reimbursement for the medical monitoring, diagnosis, or treatment described in subsection (a) shall be secondary to any obligation of the United States Government or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment. Any costs for items and services that may be provided by the Administrator for medical monitoring, diagnosis, or treatment under subsection (a) that are not paid for or provided under such other provision of law or contractual agreement, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable by the Administrator on behalf of the former United States government astronaut or former payload specialist involved to the extent such items or services are authorized to be provided by the Administrator for such medical monitoring, diagnosis, or treatment under subsection (a).

(4) CONDITIONAL PAYMENT.—The Administrator may provide for conditional payments for or provide medical monitoring, diagnosis, or treatment described in subsection (a) that is obligated to be paid for or provided by the United States or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment if—

(A) payment for (or the provision of) such medical monitoring, diagnosis, or treatment services has not been made (or provided) or cannot reasonably be expected to be made (or provided) promptly by the United States or such third party, respectively; and

(B) such payment (or such provision of services) by the Administrator is conditioned on reimbursement by the United States or such third party, respectively, for such medical monitoring, diagnosis, or treatment.

(c) EXCLUSIONS.—The Administrator may not—

(1) provide for medical monitoring or diagnosis of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not potentially associated with human space flight;

(2) provide for treatment of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not associated with human space flight; or

(3) require a former United States government astronaut or former payload specialist to participate in the medical monitoring, diagnosis, or treatment authorized under subsection (a).

(d) PRIVACY.—Consistent with applicable provisions of Federal law relating to privacy, the Administrator shall protect the privacy of all medical records generated under subsection (a) and accessible to the Administration.

(e) REGULATIONS.—The Administrator shall promulgate such regulations as are necessary to carry out this section.

(f) DEFINITION OF UNITED STATES GOVERNMENT ASTRONAUT.—In this section, the term “United States government astronaut” has the meaning given the term “government astronaut” in section 50902, except it does not include an individual who is an international partner astronaut.

(g) DATA USE AND DISCLOSURE.—The Administrator may use or disclose data acquired in the course of medical monitoring, diagnosis, or treatment of a former United States government astronaut or a former payload specialist under subsection (a), in accordance with subsection (d). Former United States government astronaut or former payload specialist participation in medical monitoring, diagnosis, or treatment under subsection (a) shall constitute consent for the Administrator to use or disclose such data.

(Added Pub. L. 115–10, title IV, §443(a), Mar. 21, 2017, 131 Stat. 45.)

ANNUAL REPORTS

Pub. L. 115–10, title IV, §443(c), Mar. 21, 2017, 131 Stat. 47, provided that: