

nautics and Space Administration] shall seek to maximize the value of contributions provided by other parties under a funded Space Act Agreement in order to advance NASA's mission.

“(c) NON-EXCLUSIVITY.—

“(1) IN GENERAL.—The Administrator shall, to the greatest extent practicable, issue each Space Act Agreement—

“(A) except as provided in paragraph (2), on a nonexclusive basis;

“(B) in a manner that ensures all non-government parties have equal access to NASA resources; and

“(C) exercising reasonable care not to reveal unique or proprietary information.

“(2) EXCLUSIVITY.—If the Administrator determines an exclusive arrangement is necessary, the Administrator shall, to the greatest extent practicable, issue the Space Act Agreement—

“(A) utilizing a competitive selection process when exclusive arrangements are necessary; and

“(B) pursuant to public announcements when exclusive arrangements are necessary.

“(d) TRANSPARENCY.—The Administrator shall publicly disclose on the Administration's website and make available in a searchable format each Space Act Agreement, including an estimate of committed NASA resources and the expected benefits to agency objectives for each agreement, with appropriate redactions for proprietary, sensitive, or classified information, not later than 60 days after such agreement is signed by the parties.

“(e) ANNUAL REPORTS.—

“(1) REQUIREMENT.—Not later than 90 days after the end of each fiscal year, the Administrator shall submit to the appropriate committees of Congress [Committee on Science, Space, and Technology of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate] a report on the use of Space Act Agreement authority by the Administration during the previous fiscal year.

“(2) CONTENTS.—The report shall include for each Space Act Agreement in effect at the time of the report—

“(A) an indication of whether the agreement is a reimbursable, non-reimbursable, or funded Space Act Agreement;

“(B) a description of—

“(i) the subject and terms;

“(ii) the parties;

“(iii) the responsible—

“(I) Mission Directorate;

“(II) Center; or

“(III) headquarters element;

“(iv) the value;

“(v) the extent of the cost sharing among Federal Government and non-Federal sources;

“(vi) the time period or schedule; and

“(vii) all milestones; and

“(C) an indication of whether the agreement was renewed during the previous fiscal year.

“(3) ANTICIPATED AGREEMENTS.—The report shall include a list of all anticipated reimbursable, non-reimbursable, and funded Space Act Agreements for the upcoming fiscal year.

“(4) CUMULATIVE PROGRAM BENEFITS.—The report shall include, with respect to each Space Act Agreement covered by the report, a summary of—

“(A) the technology areas in which research projects were conducted under that agreement;

“(B) the extent to which the use of that agreement—

“(i) has contributed to a broadening of the technology and industrial base available for meeting Administration needs; and

“(ii) has fostered within the technology and industrial base new relationships and practices that support the United States; and

“(C) the total amount of value received by the Federal Government during the fiscal year under that agreement.”

SENSE OF CONGRESS

Pub. L. 114-90, title I, §112(b), Nov. 25, 2015, 129 Stat. 711, provided that: “The National Aeronautics and Space Administration has a need to fly government astronauts (as defined in section 50902 of title 51, United States Code, as amended) within commercial launch vehicles and reentry vehicles under chapter 509 of that title. This need was identified by the Secretary of Transportation and the Administrator of the National Aeronautics and Space Administration due to the intended use of commercial launch vehicles and reentry vehicles developed under the Commercial Crew Development Program, authorized in section 402 of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat. 2820; Public Law 111-267). It is the sense of Congress that the authority delegated to the Administration by the amendment made by subsection (d) of this section [amending this section] should be used for that purpose.”

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20115 .....	42 U.S.C. 2475.	Pub. L. 85-568, title II, § 205, July 29, 1958, 72 Stat. 432.

Executive Documents

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.