

2019—Subsec. (g). Pub. L. 116-94 substituted “December 31, 2021” for “December 31, 2019”.

2018—Subsec. (g). Pub. L. 115-403 substituted “December 31, 2019” for “December 31, 2018”.

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).

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 117-103, div. HH, title II, § 202, Mar. 15, 2022, 136 Stat. 1113, provided that: “Congress finds the following:

“(1) NASA uses enhanced-use leasing to enter into agreements with private sector entities, State and local governments, academic institutions, and other Federal agencies for lease of non-excess, underutilized NASA properties and facilities.

“(2) NASA uses enhanced-use leasing authority to support responsible management of its real property, including to improve the use of underutilized property for activities that are compatible with NASA’s mission and to reduce facility operating and maintenance costs.

“(3) In fiscal year 2019, under its enhanced-use lease authority, NASA leased 65 real properties.

“(4) In fiscal year 2019, NASA’s use of enhanced-use leasing resulted in the collection of \$10,843,025.77 in net revenue.

“(5) In fiscal year 2019, NASA used a portion of its enhanced-use leasing revenues for repairs of facility control systems such as lighting and heating, ventilation, and air conditioning.

“(6) NASA’s use of enhanced-use leasing authority can contribute to reducing the rate of increase of the Agency’s overall deferred maintenance cost.”

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. 117-328, div. B, title III, Dec. 29, 2022, 136 Stat. 4548.

Pub. L. 117-103, div. B, title III, Mar. 15, 2022, 136 Stat. 137.

Pub. L. 116-260, div. B, title III, Dec. 27, 2020, 134 Stat. 1270.

Pub. L. 116-93, div. B, title III, Dec. 20, 2019, 133 Stat. 2418.

Pub. L. 116-6, div. C, title III, Feb. 15, 2019, 133 Stat. 123.

Pub. L. 115-141, div. B, title III, Mar. 23, 2018, 132 Stat. 431.

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

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

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