

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.)

Editorial Notes

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.)

Statutory Notes and Related Subsidiaries

ANNUAL REPORTS

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

“(1) **IN GENERAL.**—Each fiscal year, not later than the date of submission of the President’s annual budget request for that fiscal year under section 1105 of title 31, United States Code, the Administrator [of the National Aeronautics and Space Administration] shall publish a report, in accordance with applicable Federal privacy laws, on the activities of the Administration [National Aeronautics and Space Administration] under section 20149 of title 51, United States Code.

“(2) **CONTENTS.**—Each report under paragraph (1) shall include a detailed cost accounting of the Administration’s activities under section 20149 of title 51, United States Code, and a 5-year budget estimate.

“(3) **SUBMISSION TO CONGRESS.**—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] each report under paragraph (1) not later than the date of submission of the President’s annual budget request for that fiscal year under section 1105 of title 31, United States Code.”

INSPECTOR GENERAL AUDIT

Pub. L. 115–10, title IV, §443(f), Mar. 21, 2017, 131 Stat. 47, provided that: “The Inspector General of NASA [Na-

tional Aeronautics and Space Administration] shall periodically audit or review, as the Inspector General considers necessary to prevent waste, fraud, and abuse, the activities of the Administration [National Aeronautics and Space Administration] under section 20149 of title 51, United States Code.”

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

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

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