

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70101	42 U.S.C. 2464.	Pub. L. 97-324, title I, §106(a), Oct. 15, 1982, 96 Stat. 1600.

AMENDMENTS

2015—Pub. L. 114-90 substituted “space launch system” for “space shuttle” in section catchline and text.

§ 70102. Space launch system use policy

(a) IN GENERAL.—The Space Launch System may be used for the following circumstances:

(1) Payloads and missions that contribute to extending human presence beyond low-Earth orbit and substantially benefit from the unique capabilities of the Space Launch System.

(2) Other payloads and missions that substantially benefit from the unique capabilities of the Space Launch System.

(3) On a space available basis, Federal Government or educational payloads that are consistent with NASA’s mission for exploration beyond low-Earth orbit.

(4) Compelling circumstances, as determined by the Administrator.

(b) AGREEMENTS WITH FOREIGN ENTITIES.—The Administrator may plan, negotiate, or implement agreements with foreign entities for the launch of payloads for international collaborative efforts relating to science and technology using the Space Launch System.

(c) COMPELLING CIRCUMSTANCES.—Not later than 30 days after the date the Administrator makes a determination under subsection (a)(4), the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives written notification of the Administrator’s intent to select the Space Launch System for a specific mission under that subsection, including justification for the determination.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3427; Pub. L. 114-90, title I, §117(a)(3), Nov. 25, 2015, 129 Stat. 717.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70102(a)	42 U.S.C. 2465a(a).	Pub. L. 101-611, title I, §112(a), (c), (d), Nov. 16, 1990, 104 Stat. 3198, 3199.
70102(b)	42 U.S.C. 2465a(c).	
70102(c)	42 U.S.C. 2465a(d).	

AMENDMENTS

2015—Pub. L. 114-90 amended section generally. Prior to amendment, section related to space shuttle use policy.

§ 70103. Commercial payloads on space launch system

(a) DEFINITIONS.—In this section:

(1) LAUNCH VEHICLE.—The term “launch vehicle” means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space.

(2) PAYLOAD.—The term “payload” means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object.

(b) IN GENERAL.—Commercial payloads may not be accepted for launch as primary payloads on the space launch system unless the Administrator determines that—

(1) the payload requires the unique capabilities of the space launch system; or

(2) launching of the payload on the space launch system is important for either national security or foreign policy purposes.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3428; Pub. L. 114-90, title I, §117(a)(4), Nov. 25, 2015, 129 Stat. 718.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70103(a)	42 U.S.C. 2465c.	Pub. L. 101-611, title II, §203, Nov. 16, 1990, 104 Stat. 3206; Pub. L. 105-303, title II, §203(2), Oct. 28, 1998, 112 Stat. 2855.
70103(b)	42 U.S.C. 2465f.	Pub. L. 101-611, title II, §206, Nov. 16, 1990, 104 Stat. 3207; Pub. L. 105-303, title II, §203(4), Oct. 28, 1998, 112 Stat. 2855.

In subsection (a), the words “this section” are substituted for “this title”, meaning title II of Public Law 101-611, because title II of Public Law 101-611 was previously repealed except for section 201 (a short title provision, classified to 42 U.S.C. 2451 note, in which neither defined term appears) and sections 203 (42 U.S.C. 2465c) and 206 (42 U.S.C. 2465f) of Public Law 101-611, which are restated in this section.

AMENDMENTS

2015—Pub. L. 114-90 substituted “space launch system” for “space shuttle” in section catchline and wherever appearing in text.

§ 70104. Definition of Space Launch System

In this chapter, the term “Space Launch System” means the Space Launch System authorized under section 302 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322).

(Added Pub. L. 114-90, title I, §117(a)(5), Nov. 25, 2015, 129 Stat. 718.)

CHAPTER 703—SHUTTLE PRICING POLICY FOR COMMERCIAL AND FOREIGN USERS

- Sec.
- 70301. Congressional findings and declarations.
- 70302. Purpose, policy, and goals.
- 70303. Definition of additive cost.
- 70304. Duties of Administrator.

§ 70301. Congressional findings and declarations

Congress finds and declares that—

(1) the Space Transportation System is a vital element of the United States space program, contributing to the United States leadership in space research, technology, and development;

(2) the Space Transportation System is the primary space launch system for both United

States national security and civil government missions;

(3) the Space Transportation System contributes to the expansion of United States private sector investment and involvement in space and therefore should serve commercial users;

(4) the availability of the Space Transportation System to foreign users for peaceful purposes is an important means of promoting international cooperative activities in the national interest and in maintaining access to space for activities which enhance the security and welfare of humankind;

(5) the United States is committed to maintaining world leadership in space transportation;

(6) making the Space Transportation System fully operational and cost effective in providing routine access to space will maximize the national economic benefits of the system; and

(7) national goals and the objectives for the Space Transportation System can be furthered by a stable and fair pricing policy for the Space Transportation System.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3428.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70301	42 U.S.C. 2466.	Pub. L. 99-170, title II, § 201, Dec. 5, 1985, 99 Stat. 1017.

§ 70302. Purpose, policy, and goals

The purpose of this chapter is to set, for commercial and foreign users, the reimbursement pricing policy for the Space Transportation System that is consistent with the findings included in section 70301 of this title, encourages the full and effective use of space, and is designed to achieve the following goals:

(1) The preservation of the role of the United States as a leader in space research, technology, and development.

(2) The efficient and cost effective use of the Space Transportation System.

(3) The achievement of greatly increased commercial space activity.

(4) The enhancement of the international competitive position of the United States.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3429.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70302	42 U.S.C. 2466a.	Pub. L. 99-170, title II, § 202, Dec. 5, 1985, 99 Stat. 1017.

§ 70303. Definition of additive cost

In this chapter, the term “additive cost” means the average direct and indirect costs to the Administration of providing additional flights of the Space Transportation System beyond the costs associated with those flights necessary to meet the space transportation needs of the United States Government.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3429.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70303	42 U.S.C. 2466b.	Pub. L. 99-170, title II, § 203, Dec. 5, 1985, 99 Stat. 1017.

The definition of “Administrator” in section 203(1) of the National Aeronautics and Space Administration Authorization Act of 1986 (Public Law 99-170, 99 Stat. 1017) is omitted as unnecessary because of the definition added by section 10101 of title 51.

§ 70304. Duties of Administrator

(a) ESTABLISHMENT AND IMPLEMENTATION OF REIMBURSEMENT RECOVERY SYSTEM.—The Administrator shall establish and implement a pricing system to recover reimbursement in accordance with the pricing policy under section 70302 of this title from each commercial or foreign user of the Space Transportation System, which, except as provided in subsections (c), (d), and (e), shall include a base price of not less than \$74,000,000 for each flight of the Space Transportation System in 1982 dollars.

(b) REPORTS TO CONGRESS.—Each year the Administrator shall submit to the President of the Senate, the Speaker of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives a report, transmitted contemporaneously with the annual budget request of the President, which shall inform Congress how the policy goals contained in section 70302 of this title are being furthered by the shuttle price for foreign and commercial users.

(c) REDUCTION OF BASE PRICE.—

(1) AUTHORITY TO REDUCE.—If at any time the Administrator finds that the policy goals contained in section 70302 of this title are not being achieved, the Administrator shall have authority to reduce the base price established in subsection (a) after 45 days following receipt by the President of the Senate, the Speaker of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives of a notice by the Administrator containing a description of the proposed reduction together with a full and complete statement of the facts and circumstances which necessitate such proposed reduction.

(2) MINIMUM PRICE.—In no case shall the minimum price established under paragraph (1) be less than additive cost.

(d) LOW OR NO-COST FLIGHTS.—The Administrator may set a price lower than the price determined under subsection (a) or (c), or provide no-cost flights, for any commercial or foreign user of the Space Transportation System that is involved in research, development, or demonstration programs with the Administration.

(e) CUSTOMER INCENTIVES.—Notwithstanding the provisions of subsection (a), the Administrator shall have the authority to offer reasonable customer incentives consistent with the policy goals in section 70302 of this title.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3429.)