

AMENDMENTS

2015—Pub. L. 114-90, title I, §117(a)(1), (b)(2), Nov. 25, 2015, 129 Stat. 717, 718, added item 70104, substituted “SPACE LAUNCH SYSTEM” for “SPACE SHUTTLE” in chapter heading, “space launch system” for “space shuttle” in items 70101 and 70103, and “Space launch system” for “Space shuttle” in item 70102.

**§ 70101. Recovery of fair value of placing Department of Defense payloads in orbit with space launch system**

Notwithstanding any other provision of law, or any interagency agreement, the Administrator shall charge such prices as are necessary to recover the fair value of placing Department of Defense payloads into orbit by means of the space launch system.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3427; Pub. L. 114-90, title I, §117(a)(2), Nov. 25, 2015, 129 Stat. 717.)

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.

FLIGHT OPPORTUNITIES

Pub. L. 115-10, title VIII, §826, Mar. 21, 2017, 131 Stat. 65, provided that:

“(a) DEVELOPMENT OF PAYLOADS.—

“(1) IN GENERAL.—In order to conduct necessary research, the Administrator [of the National Aeronautics and Space Administration] shall continue and, as the Administrator considers appropriate, expand the development of technology payloads for—

- “(A) scientific research; and
- “(B) investigating new or improved capabilities.

“(2) FUNDS.—For the purpose of carrying out paragraph (1), the Administrator shall make funds available for—

- “(A) flight testing;
- “(B) payload development; and
- “(C) hardware related to subparagraphs (A) and (B).

“(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as authorized by section 907 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405).”

SECONDARY PAYLOAD CAPABILITY

Pub. L. 109-155, title VI, §602, Dec. 30, 2005, 119 Stat. 2931, provided that:

“(a) IN GENERAL.—In order to provide more routine and affordable access to space for a broad range of scientific payloads, the Administrator is encouraged to provide the capabilities to support secondary payload flight opportunities on United States launch vehicles, or free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

“(b) FEASIBILITY STUDY.—The Administrator shall initiate a feasibility study for designating a National Free Flyer Launch Coordination Center as a means of coordinating, consolidating, and integrating secondary launch capabilities, launch opportunities, and payloads.

“(c) ASSESSMENT.—The feasibility study required by subsection (b) shall include an assessment of the feasibility of integrating a National Free Flyer Launch Coordination Center within the operations and facilities of an existing nonprofit organization such as the Inland Northwest Space Alliance in Missoula, Montana, or a similar entity, and shall include an assessment of the potential utilization of existing launch and launch support facilities and capabilities, including but not limited to those in the States of Montana and New Mexico and their respective contiguous States, and the State of Alaska, for the integration and launch of secondary payloads, including an assessment of the feasibility of establishing cooperative agreements among such facilities, existing or future commercial launch providers, payload developers, and the designated Coordination Center.”

**§ 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