

(B) whether, and by how much, the data so provided add value to space weather forecasts of the National Oceanic and Atmospheric Administration and the Department of Defense; and

(C) the accuracy, quality, timeliness, validity, reliability, usability, information technology security, and cost-effectiveness of obtaining commercial space weather data from commercial sector providers.

(Pub. L. 116-181, §2(b), Oct. 21, 2020, 134 Stat. 891.)

**Editorial Notes**

REFERENCES IN TEXT

The date of enactment of the PROSWIFT Act, referred to in subsecs. (a), (b), and (c)(2), is the date of enactment of Pub. L. 116-181, which was approved Oct. 21, 2020.

**§ 60608. Space weather benchmarks**

The interagency working group established under section 60601(c) shall periodically review and update the benchmarks described in the report of the National Science and Technology Council entitled “Space Weather Phase 1 Benchmarks” and dated June 2018, as necessary, based on—

(1) any significant new data or advances in scientific understanding that become available; or

(2) the evolving needs of entities impacted by space weather phenomena.

(Pub. L. 116-181, §2(b), Oct. 21, 2020, 134 Stat. 892.)

**Subtitle VII—Access to Space**

**CHAPTER 701—USE OF SPACE LAUNCH SYSTEM OR ALTERNATIVES**

Sec.	
70101.	Recovery of fair value of placing Department of Defense payloads in orbit with space launch system.
70102.	Space launch system use policy.
70103.	Commercial payloads on space launch system.
70104.	Definition of Space Launch System.

**Editorial Notes**

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.

**Editorial Notes**

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).	

**Editorial Notes**

AMENDMENTS

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

**Statutory Notes and Related Subsidiaries**

FLIGHT OPPORTUNITIES

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