

ices of the Senate, a report on the extent to which the pilot program has demonstrated data provided under contracts described in paragraph (1) meet the standards and specifications established under subsection (b) and the extent to which the pilot program has demonstrated—

(A) the viability of assimilating the commercially provided data into National Oceanic and Atmospheric Administration space weather research and forecasting models;

(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 subssecs. (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 Adminis-

trator 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

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

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

- “(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 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 70103(a) and 70103(b) with their respective U.S.C. and Statutes at Large references.

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.

Editorial Notes

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—REPEALED]

[§§ 70301 to 70304. Repealed. Pub. L. 115-10, title IV, § 416(b), Mar. 21, 2017, 131 Stat. 35]

Section 70301, Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3428, set out Congressional findings.

Section 70302, Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3429, related to purpose, policy, and goals of chapter.

Section 70303, Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3429, defined “additive cost”.

Section 70304, Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3429, related to duties of Administrator.

CHAPTER 705—EXPLORATION INITIATIVES

- Sec. 70501. Space shuttle follow-on.
70502. Exploration plan and programs.