

require a human presence, the Administrator shall, in the certified report to Congress, state the specific circumstances that justified the use of the space shuttle. If, during the period between scheduled reports to Congress, any additions are made to the list of certified payloads intended to be launched from the shuttle, the Administrator shall inform Congress of the additions and the reasons therefor within 45 days of the change.

(c) ADMINISTRATION PAYLOADS.—The report described in subsection (b) shall also include those Administration payloads designed solely to fly on the space shuttle which have begun the phase C/D of its development cycle.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3427.)

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).	

§ 70103. Commercial payloads on space shuttle

(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 shuttle unless the Administrator determines that—

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

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

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

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for “this title”, meaning title II of Public Law 101-611, because title II of Public Law 101-611 was previously repealed except for section 201 (a short title provision, classified to 42 U.S.C. 2451 note, in which neither defined term appears) and sections 203 (42 U.S.C. 2465c)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

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.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70304 .....	42 U.S.C. 2466c.	Pub. L. 99-170, title II, § 204, Dec. 5, 1985, 99 Stat. 1017; Pub. L. 103-437, § 15(c)(5), Nov. 2, 1994, 108 Stat. 4592.

In subsections (b) and (c)(1), the words “Committee on Science and Technology” are substituted for “Committee on Science, Space, and Technology” on authority of section 1(a)(10) of Public Law 104-14 (2 U.S.C. note prec. 21), Rule X(1)(n) of the Rules of the House of Representatives, adopted by House Resolution No. 5 (106th Congress, January 6, 1999), and Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

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.”

CHAPTER 705—EXPLORATION INITIATIVES

Sec. 70501.	Space shuttle follow-on.
70502.	Exploration plan and programs.
70503.	Ground-based analog capabilities.
70504.	Stepping stone approach to exploration.
70505.	Lunar outpost.