



Laws & Policies

Applicable to Procurement of

Launch Services

February 15, 2005



Laws & Policy Considerations

LAUNCH SERVICES PROGRAM

42 USC 2459c – Contracts Regarding Expendable Launch Vehicles

- NASA may enter into contracts for ELV launch services that are for periods in excess of the period for which funds are otherwise available for obligation, with certain limitations

42 USC 14731 – Commercial Space Act of 1998 (P.L. 105-303)

- USG shall acquire space transportation services from United States commercial providers
- U.S. commercial provider defined as U.S. company more than 50% owned by U.S. nationals, or a U.S. subsidiary of a foreign company with past evidence of substantial investment in U.S. and the foreign country offers reciprocal opportunity for domestic subsidiaries of a U.S. companies to participate in similar procurements by the foreign government

Cross-Waivers of Liability

- **ELV Cross-Waiver (14 CFR § 1266.104)** – waives liability between NASA and the launch service contractor for damages resulting from Protected Space Operations
- **ISS Cross-Waiver (14 CFR § 1266.102)** – waives liability between an ISS Partner State/Entity and other Partner States/Entities for damages resulting from Protected Space Operations



Laws & Policy Considerations (Continued)

LAUNCH SERVICES PROGRAM

50 USC 1701 – Iran Nonproliferation Act of 2000 (P.L. 106-178)

- No USG agency may make extraordinary payments in connection with the International Space Station to certain Russian entities without a Presidential determination
- Extraordinary payments means payments in cash or in kind made for work on the ISS or for the purchase of any goods or services relating to human space flight

2004 National Space Transportation Policy

- EELV shall be used for launch of intermediate & large payloads to maximum extent possible
- USG departments and agencies shall purchase commercially available U.S. space transportation products and services to maximum extent possible
- USG payloads shall be launched on space launch vehicles manufactured in the U.S., unless exempted by Director, OSTP



Technical Considerations Launch Vehicle Certification

LAUNCH SERVICES PROGRAM

- **NPD 8610.7 “Launch Services Risk Mitigation Policy for NASA-Owned or NASA-Sponsored Payloads**
 - **Launch vehicle certification requirements dependant on Mission value/criticality/complexity**
 - **Category 1: Low cost, Non-mission critical payload, relatively simple**
 - **Category 2: Med cost, Mission critical payload, medium complexity**
 - **Category 3: High cost, Mission critical payload, high complexity**
 - **Required demonstrated flight history varies by Mission Category**
 - **Category 1: No previous flight required (High Launch Risk)**
 - **Category 2: At least 1 successful flight required (Med Launch Risk)**
 - **Category 3: Seek 14* consecutive successful flights or evolved systems can employ additional technical penetration to offset lower flight rate (Low Launch Risk) (* 95% probability of success with 50% confidence level)**