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CHAPTER 509—COMMERCIAL SPACE LAUNCH ACTIVITIES

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Editorial Notes

AMENDMENTS

2010—Pub. L. 111–314, § 4(d)(2), (3), Dec. 18, 2010, 124 Stat. 3440, transferred analysis for chapter 701 of Title 49, Transportation, and renumbered as analysis for chapter 509 of this title and renumbered items 70101 to 70105, 70105a, 70106 to 70109, 70109a, and 70110 to 70121 as 50901 to 50923, respectively.

2004—Pub. L. 108–492, § 2(c)(26), Dec. 23, 2004, 118 Stat. 3982, added item 70105a.

2000—Pub. L. 106–405, § 3(b), Nov. 1, 2000, 114 Stat. 1752, substituted ''Office of Commercial Space Transportation'' for ''Authorization of appropriations'' in item 70119.

Pub. L. 106–391, title III, § 322(d), Oct. 30, 2000, 114 Stat. 1598, added item 70109a.

1998—Pub. L. 105–303, title I, § 102(a)(1), Oct. 28, 1998, 112 Stat. 2846, substituted ''launches, operations, and reentries'' for ''launches and operations'' in item 70104, ''launches, operation of launch sites and reentry sites, and reentries'' for ''launches and operation of launch sites'' in item 70108, inserted ''or reentries'' after ''scheduled launches'' in item 70109, and added items 70120 and 70121.

1994—Pub. L. 103–429, § 6(78), Oct. 31, 1994, 108 Stat. 4388, made technical amendment to chapter heading.

§ 50901. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) the peaceful uses of outer space continue to be of great value and to offer benefits to all mankind;

(2) private applications of space technology have achieved a significant level of commercial and economic activity and offer the potential for growth in the future, particularly in the United States;

(3) new and innovative equipment and services are being sought, produced, and offered by entrepreneurs in telecommunications, information services, microgravity research, human space flight, and remote sensing technologies;

(4) the private sector in the United States has the capability of developing and providing private launching, reentry, and associated services that would complement the launching, reentry, and associated capabilities of the United States Government;

(5) the development of commercial launch vehicles, reentry vehicles, and associated services would enable the United States to retain its competitive position internationally, contributing to the national interest and economic well-being of the United States;

(6) providing launch services and reentry services by the private sector is consistent with the national security and foreign policy interests of the United States and would be facilitated by stable, minimal, and appropriate regulatory guidelines that are fairly and expeditiously applied;

(7) the United States should encourage private sector launches, reentries, and associated services and, only to the extent necessary, regulate those launches, reentries, and services to ensure compliance with international obligations of the United States and to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States;

(8) space transportation, including the establishment and operation of launch sites, reentry sites, and complementary facilities, the providing of launch services and reentry services, the establishment of support facilities, and the providing of support services, is an important element of the transportation system of the United States, and in connection with the commerce of the United States there is a need to develop a strong space transportation infrastructure with significant private sector involvement;

(9) the participation of State governments in encouraging and facilitating private sector involvement in space-related activity, particularly through the establishment of a space transportation-related infrastructure, including launch sites, reentry sites, complementary facilities, and launch site and reentry site support facilities, is in the national interest and is of significant public benefit;

(10) the goal of safely opening space to the American people and their private commercial, scientific, and cultural enterprises should guide Federal space investments, policies, and regulations;

(11) private industry has begun to develop commercial launch vehicles capable of carrying human beings into space and greater private investment in these efforts will stimulate the Nation's commercial space transportation industry as a whole;

(12) space transportation is inherently risky, and the future of the commercial human space flight industry will depend on its ability to continually improve its safety performance;

(13) a critical area of responsibility for the Department of Transportation is to regulate

the operations and safety of the emerging commercial human space flight industry;

(14) the public interest is served by creating a clear legal, regulatory, and safety regime for commercial human space flight; and

(15) the regulatory standards governing human space flight must evolve as the industry matures so that regulations neither stifle technology development nor expose crew, government astronauts, or space flight participants to avoidable risks as the public comes to expect greater safety for crew, government astronauts, and space flight participants from the industry.

(b) PURPOSES.—The purposes of this chapter are—

(1) to promote economic growth and entrepreneurial activity through use of the space environment for peaceful purposes;

(2) to encourage the United States private sector to provide launch vehicles, reentry vehicles, and associated services by—

(A) simplifying and expediting the issuance and transfer of commercial licenses;

(B) facilitating and encouraging the use of Government-developed space technology; and

(C) promoting the continuous improvement of the safety of launch vehicles designed to carry humans, including through the issuance of regulations, to the extent permitted by this chapter;

(3) to provide that the Secretary of Transportation is to oversee and coordinate the conduct of commercial launch and reentry operations, issue permits and commercial licenses and transfer commercial licenses authorizing those operations, and protect the public health and safety, safety of property, and national security and foreign policy interests of the United States; and

(4) to facilitate the strengthening and expansion of the United States space transportation infrastructure, including the enhancement of United States launch sites and launch-site support facilities, and development of reentry sites, with Government, State, and private sector involvement, to support the full range of United States space-related activities.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1330, § 70101 of title 49; Pub. L. 105–303, title I, § 102(a)(2), Oct. 28, 1998, 112 Stat. 2846; Pub. L. 108–492, § 2(a), Dec. 23, 2004, 118 Stat. 3974; renumbered § 70101 then § 50901 of title 51, Pub. L. 111–314, § 4(d)(2), (3)(A), Dec. 18, 2010, 124 Stat. 3440; Pub. L. 114–90, title I, § 112(a), Nov. 25, 2015, 129 Stat. 711.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70101(a)	49 App.:2601.	Oct. 30, 1984, Pub. L. 98–575, §§ 2, 3, 98 Stat. 3055; Nov. 16, 1990, Pub. L. 101–611, § 117(c), (d), 104 Stat. 3202.
70101(b)	49 App.:2602.	

In subsection (a), before clause (1), the words ''and declares'' are omitted as surplus.

In subsection (b), before clause (1), the word ''therefore'' is omitted as surplus.

Editorial Notes

AMENDMENTS

2015—Subsec. (a)(15). Pub. L. 114–90, which directed amendment of section ''50901(15)'' by inserting '', government astronauts,'' after ''crew'' wherever appearing, was executed by making the insertion in subsec. (a)(15) in two places, to reflect the probable intent of Congress.

2010—Pub. L. 111–314 successively renumbered section 70101 of title 49 and section 70101 of this title as this section.

2004—Subsec. (a)(3). Pub. L. 108–492, § 2(a)(1), inserted ''human space flight,'' after ''microgravity research,''.

Subsec. (a)(4). Pub. L. 108–492, § 2(a)(2), struck out ''satellite'' after ''providing private'' and substituted ''capabilities of'' for ''services now available from''.

Subsec. (a)(10) to (15). Pub. L. 108–492, § 2(a)(3)–(5), added pars. (10) to (15).

Subsec. (b)(2)(C). Pub. L. 108–492, § 2(a)(6), added subpar. (C).

Subsec. (b)(3). Pub. L. 108–492, § 2(a)(7), substituted ''issue permits and commercial licenses and transfer'' for ''issue and transfer''.

1998—Subsec. (a)(3). Pub. L. 105–303, § 102(a)(2)(A), inserted ''microgravity research,'' after ''information services,''.

Subsec. (a)(4). Pub. L. 105–303, § 102(a)(2)(B), inserted '', reentry,'' after ''launching'' in two places.

Subsec. (a)(5). Pub. L. 105–303, § 102(a)(2)(C), inserted '', reentry vehicles,'' after ''launch vehicles''.

Subsec. (a)(6). Pub. L. 105–303, § 102(a)(2)(D), inserted ''and reentry services'' after ''launch services''.

Subsec. (a)(7). Pub. L. 105–303, § 102(a)(2)(E), inserted '', reentries,'' after ''launches'' in two places.

Subsec. (a)(8). Pub. L. 105–303, § 102(a)(2)(F), (G), inserted '', reentry sites,'' after ''launch sites'' and ''and reentry services'' after ''launch services''.

Subsec. (a)(9). Pub. L. 105–303, § 102(a)(2)(H), (I), inserted ''reentry sites,'' after ''launch sites,'' and ''and reentry site'' after ''launch site''.

Subsec. (b)(2). Pub. L. 105–303, § 102(a)(2)(J), inserted '', reentry vehicles,'' after ''launch vehicles'' in introductory provisions.

Subsec. (b)(2)(A). Pub. L. 105–303, § 102(a)(2)(K), struck out ''launch'' before ''licenses''.

Subsec. (b)(3). Pub. L. 105–303, § 102(a)(2)(L), (M), inserted ''and reentry'' after ''conduct of commercial launch'' and struck out ''launch'' before ''licenses''.

Subsec. (b)(4). Pub. L. 105–303, § 102(a)(2)(N), inserted ''and development of reentry sites,'' after ''launch-site support facilities,''.

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 106–405, § 2, Nov. 1, 2000, 114 Stat. 1751, provided that: ''The Congress finds that—

''(1) a robust United States space transportation industry is vital to the Nation's economic well-being and national security;

''(2) enactment of a 5-year extension of the excess third party claims payment provision of [former] chapter 701 of title 49, United States Code [now 51 U.S.C. 50901 et seq.] (Commercial Space Launch Activities), will have a beneficial impact on the international competitiveness of the United States space transportation industry;

''(3) space transportation may evolve into airplane-style operations;

''(4) during the next 3 years the Federal Government and the private sector should analyze the liability risk-sharing regime to determine its appropriateness and effectiveness, and, if needed, develop and propose a new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act [see Tables for classification];

''(5) the areas of responsibility of the Office of the Associate Administrator for Commercial Space

Transportation have significantly increased as a result of—

''(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

''(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

''(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

''(6) the Office of the Associate Administrator for Commercial Space Transportation should continue to limit its promotional activities to those which support its regulatory mission.''

§ 50902. Definitions

In this chapter—

(1) ''citizen of the United States'' means—

(A) an individual who is a citizen of the United States;

(B) an entity organized or existing under the laws of the United States or a State; or

(C) an entity organized or existing under the laws of a foreign country if the controlling interest (as defined by the Secretary of Transportation) is held by an individual or entity described in subclause (A) or (B) of this clause.

(2) ''crew'' means any employee of a licensee or transferee, or of a contractor or subcontractor of a licensee or transferee, who performs activities in the course of that employment directly relating to the launch, reentry, or other operation of or in a launch vehicle or reentry vehicle that carries human beings.

(3) ''executive agency'' has the same meaning given that term in section 105 of title 5.

(4) ''government astronaut'' means an individual who—

(A) is designated by the National Aeronautics and Space Administration under section 20113(n);

(B) is carried within a launch vehicle or reentry vehicle in the course of his or her employment, which may include performance of activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle; and

(C) is either—

(i) an employee of the United States Government, including the uniformed services, engaged in the performance of a Federal function under authority of law or an Executive act; or

(ii) an international partner astronaut.

(5) ''international partner astronaut'' means an individual designated under Article 11 of the International Space Station Intergovernmental Agreement, by a partner to that agreement other than the United States, as qualified to serve as an International Space Station crew member.

(6) ''International Space Station Intergovernmental Agreement'' means the Agreement Concerning Cooperation on the International Space Station, signed at Washington January 29, 1998 (TIAS 12927).

(7) ''launch'' means to place or try to place a launch vehicle or reentry vehicle and any payload or human being from Earth—

(A) in a suborbital trajectory;

(B) in Earth orbit in outer space; or

(C) otherwise in outer space,

including activities involved in the preparation of a launch vehicle or payload for launch, when those activities take place at a launch site in the United States.

(8) ''launch property'' means an item built for, or used in, the launch preparation or launch of a launch vehicle.

(9) ''launch services'' means—

(A) activities involved in the preparation of a launch vehicle, payload, crew (including crew training), government astronaut, or space flight participant for launch; and

(B) the conduct of a launch.

(10) ''launch site'' means the location on Earth from which a launch takes place (as defined in a license the Secretary issues or transfers under this chapter) and necessary facilities at that location.

(11) ''launch vehicle'' means—

(A) a vehicle built to operate in, or place a payload or human beings in, outer space; and

(B) a suborbital rocket.

(12) ''obtrusive space advertising'' means advertising in outer space that is capable of being recognized by a human being on the surface of the Earth without the aid of a telescope or other technological device.

(13) ''payload'' means an object that a person undertakes to place in outer space by means of a launch vehicle or reentry vehicle, including components of the vehicle specifically designed or adapted for that object.

(14) except in section 50904(c), ''permit'' means an experimental permit issued under section 50906.

(15) ''person'' means an individual and an entity organized or existing under the laws of a State or country.

(16) ''reenter'' and ''reentry'' mean to return or attempt to return, purposefully, a reentry vehicle and its payload or human beings, if any, from Earth orbit or from outer space to Earth.

(17) ''reentry services'' means—

(A) activities involved in the preparation of a reentry vehicle and payload, crew (including crew training), government astronaut, or space flight participant, if any, for reentry; and

(B) the conduct of a reentry.

(18) ''reentry site'' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

(19) ''reentry vehicle'' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from Earth orbit or outer space to Earth, substantially intact.

(20) ''space flight participant'' means an individual, who is not crew or a government astronaut, carried within a launch vehicle or reentry vehicle.

(21) ''space support vehicle flight'' means a flight in the air that—