

overall ELV commercialization process shall not diminish or abrogate any statutory or operational authority exercised by any other Federal agency.

SEC. 6. Nothing contained in this Order or in any procedures promulgated hereunder shall confer any substantive or procedural right or privilege on any person or organization, enforceable against the United States, its agencies, its officers or any person.

SEC. 7. This Order shall be effective immediately.

RONALD REAGAN.

§ 50904. Restrictions on launches, operations, and reentries

(a) REQUIREMENT.—A license issued or transferred under this chapter, or a permit, is required for the following:

(1) for a person to launch a launch vehicle or to operate a launch site or reentry site, or to reenter a reentry vehicle, in the United States.

(2) for a citizen of the United States (as defined in section 50902(1)(A) or (B) of this title) to launch a launch vehicle or to operate a launch site or reentry site, or to reenter a reentry vehicle, outside the United States.

(3) for a citizen of the United States (as defined in section 50902(1)(C) of this title) to launch a launch vehicle or to operate a launch site or reentry site, or to reenter a reentry vehicle, outside the United States and outside the territory of a foreign country unless there is an agreement between the United States Government and the government of the foreign country providing that the government of the foreign country has jurisdiction over the launch or operation or reentry.

(4) for a citizen of the United States (as defined in section 50902(1)(C) of this title) to launch a launch vehicle or to operate a launch site or reentry site, or to reenter a reentry vehicle, in the territory of a foreign country if there is an agreement between the United States Government and the government of the foreign country providing that the United States Government has jurisdiction over the launch or operation or reentry.

Notwithstanding this subsection, a permit shall not authorize a person to operate a launch site or reentry site.

(b) COMPLIANCE WITH PAYLOAD REQUIREMENTS.—The holder of a license or permit under this chapter may launch or reenter a payload only if the payload complies with all requirements of the laws of the United States related to launching or reentering a payload.

(c) PREVENTING LAUNCHES AND REENTRIES.—The Secretary of Transportation shall establish whether all required licenses, authorizations, and permits required for a payload have been obtained. If no license, authorization, or permit is required, the Secretary may prevent the launch or reentry if the Secretary decides the launch or reentry would jeopardize the public health and safety, safety of property, or national security or foreign policy interest of the United States.

(d) SINGLE LICENSE OR PERMIT.—The Secretary of Transportation shall ensure that only 1 license or permit is required from the Department of Transportation to conduct activities involving crew, government astronauts, or space flight participants, including launch and reentry, for

which a license or permit is required under this chapter. The Secretary shall ensure that all Department of Transportation regulations relevant to the licensed or permitted activity are satisfied.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1332, §70104 of title 49; Pub. L. 105–303, title I, §102(a)(5), Oct. 28, 1998, 112 Stat. 2847; Pub. L. 108–492, §2(c)(3)–(5), Dec. 23, 2004, 118 Stat. 3976; renumbered §70104 then §50904 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(D), (5)(C)–(E), Dec. 18, 2010, 124 Stat. 3440, 3441; Pub. L. 114–90, title I, §112(k), Nov. 25, 2015, 129 Stat. 713.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|---|
| 70104(a) | 49 App.:2605(a). | Oct. 30, 1984, Pub. L. 98–575, §6(a), (b), 98 Stat. 3057. |
| 70104(b) | 49 App.:2605(b)(1) (1st sentence). | |
| 70104(c) | 49 App.:2605(b)(1) (last sentence), (2). | |

In subsection (a)(2)–(4), the cross-reference is to section 70102(1) of the revised title (restating 49 App.:2603(12)) rather than to section 70102(11) (restating 49 App.:2603(11)) to correct a mistake. Section 3(2) of the Commercial Space Launch Act Amendments of 1988 (Public Law 100–657, 102 Stat. 3900) redesignated 49 App.:2603(11) as 49 App.:2603(12) but did not amend the cross-reference in 49 App.:2605(a).

In subsection (a)(3) and (4), the words “the government of” are added for consistency in the revised title and with other titles of the United States Code. The words “in force” are omitted as surplus.

In subsection (a)(3), the words “at any place which is both” are omitted as surplus.

In subsection (a)(4), the text of 49 App.:2605(a)(3)(B)(i) is omitted as surplus.

In subsection (c), the words “by Federal law”, “which is to be launched”, “by any Federal law”, “take such action under this chapter as the Secretary deems necessary to”, and “of a payload by a holder of a launch license under this chapter” are omitted as surplus.

Editorial Notes

AMENDMENTS

2015—Subsec. (d). Pub. L. 114–90 substituted “activities involving crew, government astronauts, or space flight participants” for “activities involving crew or space flight participants”.

2010—Pub. L. 111–314, §4(d)(2), (3)(D), successively renumbered section 70104 of title 49 and section 70104 of this title as this section.

Subsec. (a)(2). Pub. L. 111–314, §4(d)(5)(C), substituted “section 50902(1)(A) or (B)” for “section 70102(1)(A) or (B)”.

Subsec. (a)(3). Pub. L. 111–314, §4(d)(5)(D), substituted “section 50902(1)(C)” for “section 70102(1)(C)”.

Subsec. (a)(4). Pub. L. 111–314, §4(d)(5)(E), substituted “section 50902(1)(C)” for “section 70102(1)(C)”.

2004—Subsec. (a). Pub. L. 108–492, §2(c)(3), substituted “Requirement” for “License Requirement” in heading and “A license issued or transferred under this chapter, or a permit,” for “A license issued or transferred under this chapter” in introductory provisions and inserted concluding provisions.

Subsec. (b). Pub. L. 108–492, §2(c)(4), inserted “or permit” after “holder of a license”.

Subsec. (d). Pub. L. 108–492, §2(c)(5), added subsec. (d).

1998—Pub. L. 105–303, §102(a)(5)(A), substituted “Restrictions on launches, operations, and reentries” for “Restrictions on launches and operations” in section catchline.

Subsec. (a)(1), (2). Pub. L. 105-303, §102(a)(5)(B), inserted “or reentry site, or to reenter a reentry vehicle,” after “operate a launch site”.

Subsec. (a)(3), (4). Pub. L. 105-303, §102(a)(5)(B), (C), inserted “or reentry site, or to reenter a reentry vehicle,” after “operate a launch site” and “or reentry” after “launch or operation”.

Subsec. (b). Pub. L. 105-303, §102(a)(5)(D), struck out “launch” before “license” and inserted “or reenter” after “may launch” and “or reentering” after “related to launching”.

Subsec. (c). Pub. L. 105-303, §102(a)(5)(E), substituted “Preventing Launches and Reentries” for “Preventing Launches” in heading and inserted “or reentry” after “prevent the launch” and after “decides the launch” in second sentence.

§ 50905. License applications and requirements

(a) APPLICATIONS.—(1) A person may apply to the Secretary of Transportation for a license or transfer of a license under this chapter in the form and way the Secretary prescribes. Consistent with the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than 180 days after accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D),¹ shall issue or transfer a license if the Secretary decides in writing that the applicant complies, and will continue to comply, with this chapter and regulations prescribed under this chapter. The Secretary shall inform the applicant of any pending issue and action required to resolve the issue if the Secretary has not made a decision not later than 120 days after accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D).¹ The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when the Secretary has not taken action on a license application within the deadline established by this subsection.

(2) In carrying out paragraph (1), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel (including approval procedures for the purpose of protecting the health and safety of crew, government astronauts, and space flight participants, to the extent permitted by subsections (b) and (c)) that may be used in conducting licensed commercial space launch or reentry activities.

(b) REQUIREMENTS.—(1) Except as provided in this subsection, all requirements of the laws of the United States applicable to the launch of a launch vehicle or the operation of a launch site or a reentry site, or the reentry of a reentry vehicle, are requirements for a license or permit under this chapter.

(2) The Secretary may prescribe—

(A) any term necessary to ensure compliance with this chapter, including on-site verification that a launch, operation, or reentry complies with representations stated in the application;

(B) any additional requirement necessary to protect the public health and safety, safety of

property, national security interests, and foreign policy interests of the United States;

(C) by regulation that a requirement of a law of the United States not be a requirement for a license or permit if the Secretary, after consulting with the head of the appropriate executive agency, decides that the requirement is not necessary to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States;

(D) additional license requirements, for a launch vehicle carrying a human being for compensation or hire, necessary to protect the health and safety of crew, government astronauts, or space flight participants, only if such requirements are imposed pursuant to final regulations issued in accordance with subsection (c); and

(E) regulations establishing criteria for accepting or rejecting an application for a license or permit under this chapter within 60 days after receipt of such application.

(3) The Secretary may waive a requirement, including the requirement to obtain a license, for an individual applicant if the Secretary decides that the waiver is in the public interest and will not jeopardize the public health and safety, safety of property, and national security and foreign policy interests of the United States. The Secretary may not grant a waiver under this paragraph that would permit the launch or reentry of a launch vehicle or a reentry vehicle without a license or permit if a human being will be on board.

(4) The holder of a license or a permit under this chapter may launch or reenter crew only if—

(A) the crew has received training and has satisfied medical or other standards specified in the license or permit in accordance with regulations promulgated by the Secretary;

(B) the holder of the license or permit has informed any individual serving as crew in writing, prior to executing any contract or other arrangement to employ that individual (or, in the case of an individual already employed as of the date of enactment of the Commercial Space Launch Amendments Act of 2004, as early as possible, but in any event prior to any launch in which the individual will participate as crew), that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants; and

(C) the holder of the license or permit and crew have complied with all requirements of the laws of the United States that apply to crew.

(5) The holder of a license or a permit under this chapter may launch or reenter a space flight participant only if—

(A) in accordance with regulations promulgated by the Secretary, the holder of the license or permit has informed the space flight participant in writing about the risks of the launch and reentry, including the safety record of the launch or reentry vehicle type, and the Secretary has informed the space flight participant in writing of any relevant

¹ See References in Text note below.