

Administrator shall conduct compliance reviews of at least 2 grantees annually.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3394.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40909	42 U.S.C. 16798(b).	Pub. L. 109–155, title VI, § 619(b), Dec. 30, 2005, 119 Stat. 2935.

Editorial Notes

REFERENCES IN TEXT

The Education Amendments of 1972, referred to in text, is Pub. L. 92–318, June 23, 1972, 86 Stat. 235. Title IX of the Act, known as the Patsy Takemoto Mink Equal Opportunity in Education Act, is classified principally to chapter 38 (§1681 et seq.) of Title 20, Education. For complete classification of title IX to the Code, see Short Title note set out under section 1681 of Title 20 and Tables.

Subtitle V—Programs Targeting Commercial Opportunities

CHAPTER 501—SPACE COMMERCE

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Editorial Notes

AMENDMENTS

2017—Pub. L. 115–10, title IV, § 416(c), Mar. 21, 2017, 131 Stat. 35, struck out item 50133 “Shuttle privatization”.

SUBCHAPTER I—GENERAL

§ 50101. Definitions

In this chapter:

(1) **COMMERCIAL PROVIDER.**—The term “commercial provider” means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments.

(2) **PAYLOAD.**—The term “payload” means anything that a person undertakes to transport to, from, or within outer space, or in sub-orbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for

its components which are specifically designed or adapted for that payload.

(3) **SPACE-RELATED ACTIVITIES.**—The term “space-related activities” includes research and development, manufacturing, processing, service, and other associated and support activities.

(4) **SPACE TRANSPORTATION SERVICES.**—The term “space transportation services” means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory.

(5) **SPACE TRANSPORTATION VEHICLE.**—The term “space transportation vehicle” means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload.

(6) **STATE.**—The term “State” means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(7) **UNITED STATES COMMERCIAL PROVIDER.**—The term “United States commercial provider” means a commercial provider, organized under the laws of the United States or of a State, that is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company’s subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government-sponsored research and development similar to that authorized under this chapter;

(II) providing no barriers, to companies described in subparagraph (A) with respect to local investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3394.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50101	42 U.S.C. 14701.	Pub. L. 105-303, § 2, Oct. 28, 1998, 112 Stat. 2843.

The definition of “Administrator” in section 2 of the Commercial Space Act of 1998 (Public Law 105-303, 112 Stat. 2843) is omitted as unnecessary because of the definition added by section 10101 of title 51.

Executive Documents

SPACE POLICY DIRECTIVE-2. STREAMLINING REGULATIONS ON COMMERCIAL USE OF SPACE

Space Policy Directive-2, May 24, 2018, 83 F.R. 24901, provided:

Memorandum for the Vice President[,] the Secretary of State[,] the Secretary of Defense[,] the Secretary of Commerce[,] the Secretary of Transportation[,] the Secretary of Homeland Security[,] the Secretary of Labor[,] the Director of National Intelligence[,] the Director of the Office of Management and Budget[,] the Assistant to the President for National Security Affairs[,] the Administrator of the National Aeronautics and Space Administration[,] the Director of the Office of Science and Technology Policy[,] the Assistant to the President for Homeland Security and Counterterrorism[, and] the Chairman of the Joint Chiefs of Staff

SECTION 1. Policy. It is the policy of the executive branch to be prudent and responsible when spending taxpayer funds, and to recognize how government actions, including Federal regulations, affect private resources. It is therefore important that regulations adopted and enforced by the executive branch promote economic growth; minimize uncertainty for taxpayers, investors, and private industry; protect national security, public-safety, and foreign policy interests; and encourage American leadership in space commerce.

SEC. 2. Launch and Re-entry Licensing. (a) No later than February 1, 2019, the Secretary of Transportation shall review regulations adopted by the Department of Transportation that provide for and govern licensing of commercial space flight launch and re-entry for consistency with the policy set forth in section 1 of this memorandum and shall rescind or revise those regulations, or publish for notice and comment proposed rules rescinding or revising those regulations, as appropriate and consistent with applicable law.

(b) Consistent with the policy set forth in section 1 of this memorandum, the Secretary of Transportation shall consider the following:

(i) requiring a single license for all types of commercial space flight launch and re-entry operations; and

(ii) replacing prescriptive requirements in the commercial space flight launch and re-entry licensing process with performance-based criteria.

(c) In carrying out the review required by subsection (a) of this section, the Secretary of Transportation shall coordinate with the members of the National Space Council.

(d) The Secretary of Defense, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration shall coordinate to examine all existing U.S. Government requirements, standards, and policies associated with commercial space flight launch and re-entry operations from Federal launch ranges and, as appropriate and consistent with applicable law, to minimize those requirements, except those necessary to protect public safety and national security, that would conflict with the efforts of the Secretary of Transportation in implementing the Secretary’s responsibilities under this section.

SEC. 3. Commercial Remote Sensing. (a) Within 90 days of the date of this memorandum [May 24, 2018], the Secretary of Commerce shall review the regulations adopt-

ed by the Department of Commerce under Title II of the Land Remote Sensing Policy Act of 1992 ([now] 51 U.S.C. 60101 *et seq.*) for consistency with the policy set forth in section 1 of this memorandum and shall rescind or revise those regulations, or publish for notice and comment proposed rules rescinding or revising those regulations, as appropriate and consistent with applicable law.

(b) In carrying out the review required by subsection (a) of this section, the Secretary of Commerce shall coordinate with the Secretary of State, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and, as appropriate, the Chairman of the Federal Communications Commission.

(c) Within 120 days of the date of the completion of the review required by subsection (a) of this section, the Secretary of Commerce, in coordination with the Secretary of State and the Secretary of Defense, shall transmit to the Director of the Office of Management and Budget a legislative proposal to encourage expansion of the licensing of commercial remote sensing activities. That proposal shall be consistent with the policy set forth in section 1 of this memorandum.

SEC. 4. Reorganization of the Department of Commerce. (a) To the extent permitted by law, the Secretary of Commerce shall consolidate in the Office of the Secretary of Commerce the responsibilities of the Department of Commerce with respect to the Department’s regulation of commercial space flight activities.

(b) Within 30 days of the date of this memorandum, the Secretary of Commerce shall transmit to the Director of the Office of Management and Budget a legislative proposal to create within the Department of Commerce an entity with primary responsibility for administering the Department’s regulation of commercial space flight activities.

SEC. 5. Radio Frequency Spectrum. (a) The Secretary of Commerce, in coordination with the Director of the Office of Science and Technology Policy, shall work with the Federal Communications Commission to ensure that Federal Government activities related to radio frequency spectrum are, to the extent permitted by law, consistent with the policy set forth in section 1 of this memorandum.

(b) Within 120 days of the date of this memorandum, the Secretary of Commerce and the Director of the Office of Science and Technology Policy, in consultation with the Chairman of the Federal Communications Commission, and in coordination with the members of the National Space Council, shall provide to the President, through the Executive Secretary of the National Space Council, a report on improving the global competitiveness of the United States space sector through radio frequency spectrum policies, regulation, and United States activities at the International Telecommunication Union and other multilateral forums.

SEC. 6. Review of Export Licensing Regulations. The Executive Secretary of the National Space Council, in coordination with the members of the National Space Council, shall:

(a) initiate a review of export licensing regulations affecting commercial space flight activity;

(b) develop recommendations to revise such regulations consistent with the policy set forth in section 1 of this memorandum and with applicable law; and

(c) submit such recommendations to the President, through the Vice President, no later than 180 days from the date of this memorandum.

SEC. 7. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or proce-

dural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Transportation is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

SUBCHAPTER II—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

§ 50111. Commercialization of Space Station

(a) **POLICY.**—Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. Congress further declares that the use of free market principles in operating, servicing, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) **USE OF UNITED STATES COMMERCIALY PROVIDED SERVICES.**—

(1) **IN GENERAL.**—In order to stimulate commercial use of space, help maximize the utility and productivity of the International Space Station, and enable a commercial means of providing crew transfer and crew rescue services for the International Space Station, the Administration shall—

(A) make use of United States commercially provided International Space Station crew transfer and crew rescue services to the maximum extent practicable, if those commercial services have demonstrated the capability to meet Administration-specified ascent, entry, and International Space Station proximity operations safety requirements;

(B) limit, to the maximum extent practicable, the use of the Crew Exploration Vehicle to missions carrying astronauts beyond low Earth orbit once commercial crew transfer and crew rescue services that meet safety requirements become operational;

(C) facilitate, to the maximum extent practicable, the transfer of Administration-developed technologies to potential United States commercial crew transfer and rescue service providers, consistent with United States law; and

(D) issue a notice of intent, not later than 180 days after October 15, 2008, to enter into a funded, competitively awarded Space Act Agreement with 2 or more commercial entities for a Phase 1 Commercial Orbital Transportation Services crewed vehicle demonstration program.

(2) **CONGRESSIONAL INTENT.**—It is the intent of Congress that funding for the program described in paragraph (1)(D) shall not come at the expense of full funding of the amounts au-

thorized under section 101(3)(A) of the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422, 122 Stat. 4783), and for future fiscal years, for Orion Crew Exploration Vehicle development, Ares I Crew Launch Vehicle development, or International Space Station cargo delivery.

(3) **ADDITIONAL TECHNOLOGIES.**—The Administration shall make International Space Station-compatible docking adaptors and other relevant technologies available to the commercial crew providers selected to service the International Space Station.

(4) **CREW TRANSFER AND CREW RESCUE SERVICES CONTRACT.**—If a commercial provider demonstrates the capability to provide International Space Station crew transfer and crew rescue services and to satisfy Administration ascent, entry, and International Space Station proximity operations safety requirements, the Administration shall enter into an International Space Station crew transfer and crew rescue services contract with that commercial provider for a portion of the Administration's anticipated International Space Station crew transfer and crew rescue requirements from the time the commercial provider commences operations under contract with the Administration through calendar year 2016, with an option to extend the period of performance through calendar year 2020.

(c) **ISS TRANSITION PLAN.**—

(1) **IN GENERAL.**—The Administrator, in coordination with the ISS management entity (as defined in section 2 of the National Aeronautics and Space Administration Transition Authorization Act of 2017), ISS partners, the scientific user community, and the commercial space sector, shall develop a plan to transition in a step-wise approach from the current regime that relies heavily on NASA sponsorship to a regime where NASA could be one of many customers of a low-Earth orbit non-governmental human space flight enterprise.

(2) **REPORTS.**—Not later than December 1, 2017, and biennially thereafter until 2028, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes—

(A) a description of the progress in achieving the Administration's deep space human exploration objectives on ISS and prospects for accomplishing future mission requirements, space exploration objectives, and other research objectives on future commercially supplied low-Earth orbit platforms or migration of those objectives to cis-lunar space;

(B) the steps NASA is taking and will take, including demonstrations that could be conducted on the ISS, to stimulate and facilitate commercial demand and supply of products and services in low-Earth orbit;

(C) an identification of barriers preventing the commercialization of low-Earth orbit, including issues relating to policy, regulations, commercial intellectual property, data, and confidentiality, that could inhibit the use of the ISS as a commercial incubator;

(D) the criteria for defining the ISS as a research success;

(E) the criteria used to determine whether the ISS is meeting the objective under section 301(b)(2) of the National Aeronautics and Space Administration Transition Authorization Act of 2017;

(F) an assessment of whether the criteria under subparagraphs (D) and (E) are consistent with the research areas defined in, and recommendations and schedules under, the current National Academies of Sciences, Engineering, and Medicine Decadal Survey on Biological and Physical Sciences in Space;

(G) any necessary contributions that ISS extension would make to enabling execution of the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017;

(H) the cost estimates for operating the ISS to achieve the criteria required under subparagraphs (D) and (E) and the contributions identified under subparagraph (G);

(I) the cost estimates for extending operations of the ISS to 2024, 2028, and 2030;

(J) an evaluation of the feasible and preferred service life of the ISS beyond the period described in section 503 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353), through at least 2030, as a unique scientific, commercial, and space exploration-related facility, including—

(i) a general discussion of international partner capabilities and prospects for extending the partnership;

(ii) the cost associated with extending the service life;

(iii) an assessment on the technical limiting factors of the service life of the ISS, including a list of critical components and their expected service life and availability; and

(iv) such other information as may be necessary to fully describe the justification for and feasibility of extending the service life of the ISS, including the potential scientific or technological benefits to the Federal Government, public, or to academic or commercial entities;

(K) an identification of the necessary actions and an estimate of the costs to deorbit the ISS once it has reached the end of its service life;

(L) the impact on deep space exploration capabilities, including a crewed mission to Mars in the 2030s, if the preferred service life of the ISS is extended beyond 2024 and NASA maintains a flat budget profile; and

(M) an evaluation of the functions, roles, and responsibilities for management and operation of the ISS and a determination of—

(i) those functions, roles, and responsibilities the Federal Government should retain during the lifecycle of the ISS;

(ii) those functions, roles, and responsibilities that could be transferred to the commercial space sector;

(iii) the metrics that would indicate the commercial space sector's readiness and

ability to assume the functions, roles, and responsibilities described in clause (ii); and

(iv) any necessary changes to any agreements or other documents and the law to enable the activities described in subparagraphs (A) and (B).

(3) DEMONSTRATIONS.—If additional Government crew, power, and transportation resources are available after meeting the Administration's requirements for ISS activities defined in the human exploration roadmap and related research, demonstrations identified under paragraph (2) may—

(A) test the capabilities needed to meet future mission requirements, space exploration objectives, and other research objectives described in paragraph (2)(A); and

(B) demonstrate or test capabilities, including commercial modules or deep space habitats, Environmental Control and Life Support Systems, orbital satellite assembly, exploration space suits, a node that enables a wide variety of activity, including multiple commercial modules and airlocks, additional docking or berthing ports for commercial crew and cargo, opportunities for the commercial space sector to cost share for transportation and other services on the ISS, other commercial activities, or services obtained through alternate acquisition approaches.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3396; Pub. L. 115–10, title III, § 303(c), Mar. 21, 2017, 131 Stat. 27; Pub. L. 117–167, div. B, title VII, § 10815(e), Aug. 9, 2022, 136 Stat. 1738.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50111(a)	42 U.S.C. 14711(a).	Pub. L. 105–303, title I, § 101(a), Oct. 28, 1998, 112 Stat. 2845.
50111(b)	42 U.S.C. 17801.	Pub. L. 110–422, title IX, § 902, Oct. 15, 2008, 122 Stat. 4805.

In subsection (b)(1)(D), the date “October 15, 2008” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110–422, 122 Stat. 4779).

Editorial Notes

REFERENCES IN TEXT

Section 101(3)(A) of the National Aeronautics and Space Administration Authorization Act of 2008, referred to in subsec. (b)(2), is section 101(3)(A) of Pub. L. 110–422, Oct. 15, 2008, 122 Stat. 4783, which was not classified to the Code.

The National Aeronautics and Space Administration Transition Authorization Act of 2017, referred to in subsec. (c)(1), (2)(E), (G), is Pub. L. 115–10, Mar. 21, 2017, 131 Stat. 18. Section 2 of the Act is set out as a note under section 10101 of this title, section 301(b)(2) of the Act is set out in a note under this section, and section 432 of the Act is set out in a note under section 20302 of this title.

AMENDMENTS

2022—Subsec. (c)(2). Pub. L. 117–167, § 10815(e)(1), substituted “2028” for “2023” in introductory provisions.

Subsec. (c)(2)(J). Pub. L. 117–167, § 10815(e)(2), substituted “2030” for “2028” in introductory provisions.

2017—Subsec. (c). Pub. L. 115–10 added subsec. (c).

Statutory Notes and Related Subsidiaries

MAXIMIZING UTILIZATION OF ISS

Pub. L. 115–10, title III, §§ 301–303, Mar. 21, 2017, 131 Stat. 22–26, provided that:

“SEC. 301. OPERATION OF THE ISS.

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) after 15 years of continuous human presence in low-Earth orbit, the ISS continues to overcome challenges and operate safely;

“(2) the ISS is a unique testbed for future space exploration systems development, including long-duration space travel;

“(3) the expansion of partnerships, scientific research, and commercial applications of the ISS is essential to ensuring the greatest return on investments made by the United States and its international space partners in the development, assembly, and operations of that unique facility;

“(4) utilization of the ISS will sustain United States leadership and progress in human space exploration by—

“(A) facilitating the commercialization and economic development of low-Earth orbit;

“(B) serving as a testbed for technologies and a platform for scientific research and development; and

“(C) serving as an orbital facility enabling research upon—

“(i) the health, well-being, and performance of humans in space; and

“(ii) the development of in-space systems enabling human space exploration beyond low-Earth orbit; and

“(5) the ISS provides a platform for fundamental, microgravity, discovery-based space life and physical sciences research that is critical for enabling space exploration, protecting humans in space, increasing pathways for commercial space development that depend on advances in basic research, and contributes to advancing science, technology, engineering, and mathematics research.

“(b) OBJECTIVES.—The primary objectives of the ISS program shall be—

“(1) to achieve the long term goal and objectives under section 202 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312); and

“(2) to pursue a research program that advances knowledge and provides other benefits to the Nation.

“(c) CONTINUATION OF THE ISS.—[Amended section 18351 of Title 42, The Public Health and Welfare.]

“SEC. 302. TRANSPORTATION TO ISS.

“(a) FINDINGS.—Congress finds that reliance on foreign carriers for United States crew transfer is unacceptable, and the Nation’s human space flight program must acquire the capability to launch United States government astronauts on vehicles using United States rockets from United States soil as soon as is safe, reliable, and affordable to do so.

“(b) SENSE OF CONGRESS ON COMMERCIAL CREW PROGRAM AND COMMERCIAL RESUPPLY SERVICES PROGRAM.—It is the sense of Congress that—

“(1) once developed and certified to meet the Administration’s safety and reliability requirements, United States commercially provided crew transportation systems can serve as the primary means of transporting United States government astronauts and international partner astronauts to and from the ISS and serving as ISS crew rescue vehicles;

“(2) previous budgetary assumptions used by the Administration in its planning for the Commercial Crew Program assumed significantly higher funding levels than were authorized and appropriated by Congress;

“(3) credibility in the Administration’s budgetary estimates for the Commercial Crew Program can be enhanced by an independently developed cost estimate;

“(4) such credibility in budgetary estimates is an important factor in understanding program risk;

“(5) United States access to low-Earth orbit is paramount to the continued success of the ISS and ISS National Laboratory;

“(6) a stable and successful Commercial Resupply Services Program and Commercial Crew Program are critical to ensuring timely provisioning of the ISS and to reestablishing the capability to launch United States government astronauts from United States soil into orbit, ending reliance upon Russian transport of United States government astronauts to the ISS which has not been possible since the retirement of the Space Shuttle program in 2011;

“(7) NASA should build upon the success of the Commercial Orbital Transportation Services Program and Commercial Resupply Services Program that have allowed private sector companies to partner with NASA to deliver cargo and scientific experiments to the ISS since 2012;

“(8) the 21st Century Launch Complex Program has enabled significant modernization and infrastructure improvements at launch sites across the United States to support NASA’s Commercial Resupply Services Program and other civil and commercial space flight missions; and

“(9) the 21st Century Launch Complex Program should be continued in a manner that leverages State and private investments to achieve the goals of that program.

“(c) REAFFIRMATION.—Congress reaffirms—

“(1) its commitment to the use of a commercially developed, private sector launch and delivery system to the ISS for crew missions as expressed in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895) [see Tables for classification], the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110–422; 122 Stat. 4779) [see Tables for classification], and the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

“(2) the requirement under section 50111(b)(1)(A) of title 51, United States Code, that the Administration shall make use of United States commercially provided ISS crew transfer and crew rescue services to the maximum extent practicable.

“(d) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION CAPABILITIES.—[Amended section 18311 of Title 42.]

“(e) COMMERCIAL CREW PROGRAM.—

“(1) OBJECTIVE.—The objective of the Commercial Crew Program shall be to assist in the development and certification of commercially provided transportation that—

“(A) can carry United States government astronauts safely, reliably, and affordably to and from the ISS;

“(B) can serve as a crew rescue vehicle; and

“(C) can accomplish subparagraphs (A) and (B) as soon as practicable.

“(2) PRIMARY CONSIDERATION.—The objective described in paragraph (1) shall be the primary consideration in the acquisition strategy for the Commercial Crew Program.

“(3) SAFETY.—

“(A) IN GENERAL.—The Administrator shall protect the safety of government astronauts by ensuring that each commercially provided transportation system under this subsection meets all applicable human rating requirements in accordance with section 403(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18342(b)(1)).

“(B) LESSONS LEARNED.—Consistent with the findings and recommendations of the Columbia Acci-

dent Investigation Board, the Administration shall ensure that safety and the minimization of the probability of loss of crew are the critical priorities of the Commercial Crew Program.

“(4) COST MINIMIZATION.—The Administrator shall strive through the competitive selection process to minimize the life cycle cost to the Administration through the planned period of commercially provided crew transportation services.

“(f) COMMERCIAL CARGO PROGRAM.—[Amended section 18341 of Title 42.]

“(g) COMPETITION.—It is the policy of the United States that, to foster the competitive development, operation, improvement, and commercial availability of space transportation services, and to minimize the life cycle cost to the Administration, the Administrator shall procure services for Federal Government access to and return from the ISS, whenever practicable, via fair and open competition for well-defined, milestone-based, Federal Acquisition Regulation-based contracts under section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)).

“(h) TRANSPARENCY.—

“(1) SENSE OF CONGRESS.—It is the sense of Congress that cost transparency and schedule transparency aid in effective program management and risk assessment.

“(2) IN GENERAL.—The Administrator shall, to the greatest extent practicable and in a manner that does not add costs or schedule delays to the program, ensure all Commercial Crew Program and Commercial Resupply Services Program providers provide evidence-based support for their costs and schedules.

“(i) ISS CARGO RESUPPLY SERVICES LESSONS LEARNED.—Not later than 120 days after the date of enactment of this Act [Mar. 21, 2017], the Administrator shall submit to the appropriate committees of Congress a report that—

“(1) identifies the lessons learned to date from previous and existing Commercial Resupply Services contracts;

“(2) indicates whether changes are needed to the manner in which the Administration procures and manages similar services prior to the issuance of future Commercial Resupply Services procurement opportunities; and

“(3) identifies any lessons learned from the Commercial Resupply Services contracts that should be applied to the procurement and management of commercially provided crew transfer services to and from the ISS or to other future procurements.

“SEC. 303. ISS TRANSITION PLAN.

“(a) FINDINGS.—Congress finds that—

“(1) NASA has been both the primary supplier and consumer of human space flight capabilities and services of the ISS and in low-Earth orbit; and

“(2) according to the National Research Council report ‘Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration’ extending ISS beyond 2020 to 2024 or 2028 will have significant negative impacts on the schedule of crewed missions to Mars, without significant increases in funding.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) an orderly transition for United States human space flight activities in low-Earth orbit from the current regime, that relies heavily on NASA sponsorship, to a regime where NASA is one of many customers of a low-Earth orbit commercial human space flight enterprise may be necessary; and

“(2) decisions about the long-term future of the ISS impact the ability to conduct future deep space exploration activities, and that such decisions regarding the ISS should be considered in the context of the human exploration roadmap under section 432 of this Act [set out in a note under section 20302 of this title].

“(c) REPORTS.—[Amended this section.]”

[For definitions of terms used in sections 301 to 303 of Pub. L. 115–10, set out above, see section 2 of Pub. L. 115–10, set out as a note under section 10101 of this title.]

§ 50112. Promotion of United States Global Positioning System standards

In order to support and sustain the Global Positioning System in a manner that will most effectively contribute to the national security, public safety, scientific, and economic interests of the United States, Congress encourages the President to—

(1) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees;

(2) enter into international agreements that promote cooperation with foreign governments and international organizations to—

(A) establish the Global Positioning System and its augmentations as an acceptable international standard; and

(B) eliminate any foreign barriers to applications of the Global Positioning System worldwide; and

(3) provide clear direction and adequate resources to the Assistant Secretary of Commerce for Communications and Information so that on an international basis the Assistant Secretary can—

(A) achieve and sustain efficient management of the electromagnetic spectrum used by the Global Positioning System; and

(B) protect that spectrum from disruption and interference.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3397.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50112	42 U.S.C. 14712(b).	Pub. L. 105–303, title I, § 104(b), Oct. 28, 1998, 112 Stat. 2852.

Statutory Notes and Related Subsidiaries

FINDING

Pub. L. 105–303, title I, § 104(a), Oct. 28, 1998, 112 Stat. 2852, provided that: “The Congress finds that the Global Positioning System, including satellites, signal equipment, ground stations, data links, and associated command and control facilities, has become an essential element in civil, scientific, and military space development because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services.”

§ 50113. Acquisition of space science data

(a) DEFINITION OF SPACE SCIENCE DATA.—In this section, the term “space science data” includes scientific data concerning—

(1) the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets;

(2) microgravity acceleration; and

(3) solar storm monitoring.

(b) ACQUISITION FROM COMMERCIAL PROVIDERS.—The Administrator shall, to the extent possible and while satisfying the scientific or educational requirements of the Administration,

and where appropriate, of other Federal agencies and scientific researchers, acquire, where cost effective, space science data from a commercial provider.

(c) **TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL PRODUCT OR COMMERCIAL SERVICE UNDER ACQUISITION LAWS.**—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including applicable provisions of chapters 201 through 285, 341 through 343, and 363 of title 10). For purposes of such law and regulations, space science data shall be considered to be a commercial product or commercial service. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(d) **SAFETY STANDARDS.**—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) **LIMITATION.**—This section does not authorize the Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3397; Pub. L. 115–232, div. A, title VIII, § 836(g)(10)(A), Aug. 13, 2018, 132 Stat. 1874; Pub. L. 117–81, div. A, title XVII, § 1702(l)(10), Dec. 27, 2021, 135 Stat. 2161.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50113	42 U.S.C. 14713.	Pub. L. 105–303, title I, § 105, Oct. 28, 1998, 112 Stat. 2852.

Editorial Notes

AMENDMENTS

2021—Subsec. (c). Pub. L. 117–81 substituted “including applicable provisions of chapters 201 through 285, 341 through 343, and 363” for “including chapters 137 and 140”.

2018—Subsec. (c). Pub. L. 115–232 substituted “Commercial Product or Commercial Service” for “Commercial Item” in heading and “commercial product or commercial service” for “commercial item” in text.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115–232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

§ 50114. Administration of commercial space centers

The Administrator shall administer the Commercial Space Center program in a coordinated manner from Administration headquarters in Washington, D.C.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3398.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50114	42 U.S.C. 14714.	Pub. L. 105–303, title I, § 106, Oct. 28, 1998, 112 Stat. 2853.

§ 50115. Sources of Earth science data

(a) **ACQUISITION.**—The Administrator shall, to the extent possible and while satisfying the scientific or educational requirements of the Administration, and where appropriate, of other Federal agencies and scientific researchers, acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.

(b) **TREATMENT AS COMMERCIAL PRODUCT OR COMMERCIAL SERVICE UNDER ACQUISITION LAWS.**—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including applicable provisions of chapters 201 through 285, 341 through 343, and 363 of title 10). For purposes of such law and regulations, such data, services, distribution, and applications shall be considered to be a commercial product or commercial service. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(c) **SAFETY STANDARDS.**—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(d) **ADMINISTRATION AND EXECUTION.**—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3398; Pub. L. 115–232, div. A, title VIII, § 836(g)(10)(B), Aug. 13, 2018, 132 Stat. 1874; Pub. L. 117–81, div. A, title XVII, § 1702(l)(10), Dec. 27, 2021, 135 Stat. 2161.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50115(a)	42 U.S.C. 14715(a).	Pub. L. 105–303, title I, § 107(a), (b), (d), (e), Oct. 28, 1998, 112 Stat. 2853, 2854.
50115(b)	42 U.S.C. 14715(b).	
50115(c)	42 U.S.C. 14715(d).	
50115(d)	42 U.S.C. 14715(e).	

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 117–81 substituted “including applicable provisions of chapters 201 through 285, 341 through 343, and 363” for “including chapters 137 and 140”.

2018—Subsec. (b). Pub. L. 115–232, in heading, substituted “Commercial Product or Commercial Service” for “Commercial Item” and, in text, substituted “commercial product or commercial service” for “commercial item”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2018 AMENDMENT**

Amendment by Pub. L. 115-232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

§ 50116. Commercial technology transfer program

(a) **IN GENERAL.**—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange of services, products, and intellectual property between the Administration and the private sector. This program shall place at least as much emphasis on encouraging the transfer of Administration technology to the private sector (“spinning out”) as on encouraging use of private sector technology by the Administration. This program shall be maintained in a manner that provides clear benefits for the Administration, the domestic economy, and the research community, while protecting national security.

(b) **PROGRAM STRUCTURE.**—In carrying out the program described in subsection (a), the Administrator shall provide program participants with at least 45 days notice of any proposed changes to the structure of the Administration’s technology transfer and commercialization organizations that is in effect as of December 30, 2005.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3399; Pub. L. 115-10, title VIII, § 829, Mar. 21, 2017, 131 Stat. 66.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50116	42 U.S.C. 16811.	Pub. L. 109-155, title VI, § 621, Dec. 30, 2005, 119 Stat. 2935.

This section restates provisions originally enacted as part of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2895), and not as part of the Commercial Space Act of 1998 (Public Law 105-303, 112 Stat. 2843), which is generally restated in this chapter.

In subsection (a), in the last sentence, the word “Administration” is substituted for “agency” for clarity and because of the definition of “Administration” added by section 10101 of title 51.

In subsection (b), the date “December 30, 2005” is substituted for “the date of enactment of this Act” to reflect the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2895).

Editorial Notes**AMENDMENTS**

2017—Subsec. (a). Pub. L. 115-10 inserted “, while protecting national security” after “research community”.

SUBCHAPTER III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES**§ 50131. Requirement to procure commercial space transportation services**

(a) **IN GENERAL.**—Except as otherwise provided in this section or in section 70102, the Federal Government shall acquire space transportation

services from United States commercial providers whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) **EXCEPTIONS.**—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

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

(2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers is inconsistent with international agreements for international collaborative efforts relating to science and technology;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a space shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(c) **AGREEMENTS WITH FOREIGN ENTITIES.**—Nothing in this section shall prevent the Administrator from planning or negotiating agreements with foreign entities for the launch of Federal Government payloads for international collaborative efforts relating to science and technology.

(d) **DELAYED EFFECT.**—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before October 28, 1998, or with respect to which a contract for such acquisition or ownership has been entered into before October 28, 1998.

(e) **HISTORICAL PURPOSES.**—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3399; Pub. L. 114-90, title I, § 117(b)(3), Nov. 25, 2015, 129 Stat. 718.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50131(a)	42 U.S.C. 14731(a).	Pub. L. 105-303, title II, § 201, Oct. 28, 1998, 112 Stat. 2854.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50131(b)	42 U.S.C. 14731(b) (less last sentence).	
50131(c)	42 U.S.C. 14731(b) (last sentence).	
50131(d)	42 U.S.C. 14731(c).	
50131(e)	42 U.S.C. 14731(d).	

In subsection (d), the date “October 28, 1998” is substituted for “the date of the enactment of this Act” and for “such date” to reflect the date of enactment of the Commercial Space Act of 1998 (Public Law 105–303, 112 Stat. 2843).

Editorial Notes

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–90 inserted “or in section 70102” after “in this section”.

Statutory Notes and Related Subsidiaries

NASA LAUNCH CAPABILITIES COLLABORATION

Pub. L. 115–10, title VIII, §822, Mar. 21, 2017, 131 Stat. 61, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) The Launch Services Program is responsible for the acquisition, management, and technical oversight of commercial launch services for NASA’s [National Aeronautics and Space Administration’s] science and robotic missions.

“(2) The Commercial Crew Program is responsible for the acquisition, management, and technical oversight of commercial crew transportation systems.

“(3) The Launch Services Program and Commercial Crew Program have worked together to gain exceptional technical insight into the contracted launch service providers that are common to both programs.

“(4) The Launch Services Program has a long history of oversight of 12 different launch vehicles and over 80 launches.

“(5) Co-location of the Launch Services Program and Commercial Crew Program has enabled the Commercial Crew Program to efficiently obtain the launch vehicle technical expertise of and provide engineering and analytical support to the Commercial Crew Program.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the Launch Services Program and Commercial Crew Program each benefit from communication and coordination of launch manifests, technical information, and common launch vehicle insight between the programs; and

“(2) such communication and coordination is enabled by the co-location of the programs.

“(c) IN GENERAL.—The Administrator [of the National Aeronautics and Space Administration] shall pursue a strategy for acquisition of crewed transportation services and non-crewed launch services that continues to enhance communication, collaboration, and coordination between the Launch Services Program and the Commercial Crew Program.”

LEVERAGING COMMERCIAL SATELLITE SERVICING CAPABILITIES ACROSS MISSION DIRECTORATES

Pub. L. 115–10, title VIII, §825, Mar. 21, 2017, 131 Stat. 65, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) Refueling and relocating aging satellites to extend their operational lifetimes is a capacity that NASA [National Aeronautics and Space Administration] will substantially benefit from and is important for lowering the costs of ongoing scientific, national security, and commercial satellite operations.

“(2) The technologies involved in satellite servicing, such as dexterous robotic arms, propellant transfer systems, and solar electric propulsion, are all critical capabilities to support a human exploration mission to Mars.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) satellite servicing is a vital capability that will bolster the capacity and affordability of NASA’s ongoing scientific and human exploration operations while simultaneously enhancing the ability of domestic companies to compete in the global marketplace; and

“(2) future NASA satellites and spacecraft across mission directorates should be constructed in a manner that allows for servicing in order to maximize operational longevity and affordability.

“(c) LEVERAGING OF CAPABILITIES.—The Administrator [of the National Aeronautics and Space Administration] shall—

“(1) identify orbital assets in both the Science Mission Directorate and the Human Exploration and Operations Mission Directorate that could benefit from satellite servicing-related technologies; and

“(2) work across all NASA mission directorates to evaluate opportunities for the private sector to perform such services or advance technical capabilities by leveraging the technologies and techniques developed by NASA programs and other industry programs.”

§ 50132. Acquisition of commercial space transportation services

(a) TREATMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES AS COMMERCIAL SERVICE UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including applicable provisions of chapters 201 through 285, 341 through 343, and 363 of title 10). For purposes of such law and regulations, space transportation services shall be considered to be a commercial service.

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(Pub. L. 111–314, §3, Dec. 18, 2010, 124 Stat. 3400; Pub. L. 115–232, div. A, title VIII, §836(g)(10)(C), Aug. 13, 2018, 132 Stat. 1874; Pub. L. 117–81, div. A, title XVII, §1702(l)(10), Dec. 27, 2021, 135 Stat. 2161.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50132	42 U.S.C. 14732.	Pub. L. 105–303, title II, §202, Oct. 28, 1998, 112 Stat. 2855.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 117–81 substituted “including applicable provisions of chapters 201 through 285, 341 through 343, and 363” for “including chapters 137 and 140”.

2018—Subsec. (a). Pub. L. 115–232 substituted “Commercial Service” for “Commercial Item” in heading and “commercial service” for “commercial item” in text.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub.

L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

[§ 50133. Repealed. Pub. L. 115-10, title IV, § 416(c), Mar. 21, 2017, 131 Stat. 35]

Section, Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3400, related to shuttle privatization.

§ 50134. Use of excess intercontinental ballistic missiles

(a) IN GENERAL.—The Federal Government shall not—

(1) convert any missile described in subsection (c) to a space transportation vehicle configuration; or

(2) transfer ownership of any such missile to another person, except as provided in subsection (b).

(b) AUTHORIZED FEDERAL USES.—

(1) IN GENERAL.—A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if, except as provided in paragraph (2) and at least 30 days before such conversion, the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on Armed Services and the Committee on Science and Technology of the House of Representatives, and to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, a certification that the use of such missile—

(A) would result in cost savings to the Federal Government when compared to the cost of acquiring space transportation services from United States commercial providers;

(B) meets all mission requirements of the agency, including performance, schedule, and risk requirements;

(C) is consistent with international obligations of the United States; and

(D) is approved by the Secretary of Defense or the designee of the Secretary of Defense.

(2) EXCEPTION TO REQUIREMENT THAT CERTIFICATION BE TRANSMITTED 30 DAYS BEFORE CONVERSION.—The requirement under paragraph (1) that the certification described in that paragraph must be transmitted at least 30 days before conversion of the missile shall not apply if the Secretary of Defense determines that compliance with that requirement would be inconsistent with meeting immediate national security requirements.

(c) MISSILES REFERRED TO.—The missiles referred to in this section are missiles owned by the United States that—

(1) were formerly used by the Department of Defense for national defense purposes as intercontinental ballistic missiles; and

(2) have been declared excess to United States national defense needs and are in compliance with international obligations of the United States.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3400.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50134	42 U.S.C. 14734.	Pub. L. 105-303, title II, § 205, Oct. 28, 1998, 112 Stat. 2857; Pub. L. 106-65, div. A, title X, § 1067(21), Oct. 5, 1999, 113 Stat. 775.

In subsection (b)(1), in the matter before subparagraph (A), the words “Committee on Science and Technology” are substituted for “Committee on Science” on authority of Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

CHAPTER 503—COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION

Sec.

50301. Definitions.

50302. Loan guarantees for production of commercial reusable in-space transportation.

§ 50301. Definitions

In this chapter:

(1) COMMERCIAL PROVIDER.—The term “commercial provider” means any person or entity providing commercial reusable in-orbit space transportation services or systems, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(2) IN-SPACE TRANSPORTATION SERVICES.—The term “in-space transportation services” means operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle.

(3) IN-SPACE TRANSPORTATION SYSTEM.—The term “in-space transportation system” means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services.

(4) IN-SPACE TRANSPORTATION VEHICLE.—The term “in-space transportation vehicle” means a vehicle designed—

(A) to be based and operated in space;

(B) to transport various payloads or objects from one orbit to another orbit; and

(C) to be reusable and refueled in space.

(5) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(6) UNITED STATES COMMERCIAL PROVIDER.—The term “United States commercial provider” means any commercial provider organized under the laws of the United States that is more than 50 percent owned by United States nationals.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3401.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50301	42 U.S.C. 14753.	Pub. L. 107-248, title IX, §904, Oct. 23, 2002, 116 Stat. 1576.

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 107-248, title IX, §902, Oct. 23, 2002, 116 Stat. 1573, provided that: “Congress makes the following findings:

“(1) It is in the national interest to encourage the production of cost-effective, in-space transportation systems, which would be built and operated by the private sector on a commercial basis.

“(2) The use of reusable in-space transportation systems will enhance performance levels of in-space operations, enhance efficient and safe disposal of satellites at the end of their useful lives, and increase the capability and reliability of existing ground-to-space launch vehicles.

“(3) Commercial reusable in-space transportation systems will enhance the economic well-being and national security of the United States by reducing space operations costs for commercial and national space programs and by adding new space capabilities to space operations.

“(4) Commercial reusable in-space transportation systems will provide new cost-effective space capabilities (including orbital transfers from low altitude orbits to high altitude orbits and return, the correction of erroneous satellite orbits, and the recovery, refurbishment, and refueling of satellites) and the provision of upper stage functions to increase ground-to-orbit launch vehicle payloads to geostationary and other high energy orbits.

“(5) Commercial reusable in-space transportation systems can enhance and enable the space exploration of the United States by providing lower cost trajectory injection from earth orbit, transit trajectory control, and planet arrival deceleration to support potential National Aeronautics and Space Administration missions to Mars, Pluto, and other planets.

“(6) Satellites stranded in erroneous earth orbit due to deficiencies in their launch represent substantial economic loss to the United States and present substantial concerns for the current backlog of national space assets.

“(7) Commercial reusable in-space transportation systems can provide new options for alternative planning approaches and risk management to enhance the mission assurance of national space assets.

“(8) Commercial reusable in-space transportation systems developed by the private sector can provide in-space transportation services to the National Aeronautics and Space Administration, the Department of Defense, the National Reconnaissance Office, and other agencies without the need for the United States to bear the cost of production of such systems.

“(9) The availability of loan guarantees, with the cost of credit risk to the United States paid by the private-sector, is an effective means by which the United States can help qualifying private-sector companies secure otherwise unattainable private financing for the production of commercial reusable in-space transportation systems, while at the same time minimizing Government commitment and involvement in the development of such systems.”

§ 50302. Loan guarantees for production of commercial reusable in-space transportation

(a) **AUTHORITY TO MAKE LOAN GUARANTEES.**—The Secretary may guarantee loans made to eligible United States commercial providers for

purposes of producing commercial reusable in-space transportation services or systems.

(b) **ELIGIBLE UNITED STATES COMMERCIAL PROVIDERS.**—The Secretary shall prescribe requirements for the eligibility of United States commercial providers for loan guarantees under this section. Such requirements shall ensure that eligible providers are financially capable of undertaking a loan guaranteed under this section.

(c) **LIMITATION ON LOANS GUARANTEED.**—The Secretary may not guarantee a loan for a United States commercial provider under this section unless the Secretary determines that credit would not otherwise be reasonably available at the time of the guarantee for the commercial reusable in-space transportation service or system to be produced utilizing the proceeds of the loan.

(d) **CREDIT SUBSIDY.**—

(1) **COLLECTION REQUIRED.**—The Secretary shall collect from each United States commercial provider receiving a loan guarantee under this section an amount equal to the amount, as determined by the Secretary, to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), of the loan guarantee.

(2) **PERIODIC DISBURSEMENTS.**—In the case of a loan guarantee in which proceeds of the loan are disbursed over time, the Secretary shall collect the amount required under this subsection on a pro rata basis, as determined by the Secretary, at the time of each disbursement.

(e) **OTHER TERMS AND CONDITIONS.**—

(1) **PROHIBITION ON SUBORDINATION.**—A loan guaranteed under this section may not be subordinated to another debt contracted by the United States commercial provider concerned, or to any other claims against such provider.

(2) **RESTRICTION ON INCOME.**—A loan guaranteed under this section may not—

(A) provide income which is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.); or

(B) provide significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded.

(3) **TREATMENT OF GUARANTEE.**—The guarantee of a loan under this section shall be conclusive evidence of the following:

(A) That the guarantee has been properly obtained.

(B) That the loan qualifies for the guarantee.

(C) That, but for fraud or material misrepresentation by the holder of the loan, the guarantee is valid, legal, and enforceable.

(4) **OTHER TERMS AND CONDITIONS.**—The Secretary may establish any other terms and conditions for a guarantee of a loan under this section as the Secretary considers appropriate to protect the financial interests of the United States.

(f) **ENFORCEMENT OF RIGHTS.**—

(1) **IN GENERAL.**—The Attorney General may take any action the Attorney General considers appropriate to enforce any right accru-

ing to the United States under a loan guarantee under this section.

(2) **FORBEARANCE.**—The Attorney General may, with the approval of the parties concerned, forbear from enforcing any right of the United States under a loan guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), to the United States.

(3) **UTILIZATION OF PROPERTY.**—Notwithstanding any other provision of law and subject to the terms of a loan guaranteed under this section, upon the default of a United States commercial provider under the loan, the Secretary may, at the election of the Secretary—

(A) assume control of the physical asset financed by the loan; and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) **CREDIT INSTRUMENTS.**—

(1) **AUTHORITY TO ISSUE INSTRUMENTS.**—Notwithstanding any other provision of law, the Secretary may, subject to such terms and conditions as the Secretary considers appropriate, issue credit instruments to United States commercial providers of in-space transportation services or systems, with the aggregate cost (as determined under the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of such instruments not to exceed \$1,500,000,000, but only to the extent that new budget authority to cover such costs is provided in subsequent appropriations Acts or authority is otherwise provided in subsequent appropriations Acts.

(2) **CREDIT SUBSIDY.**—The Secretary shall provide a credit subsidy for any credit instrument issued under this subsection in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(3) **CONSTRUCTION.**—The eligibility of a United States commercial provider of in-space transportation services or systems for a credit instrument under this subsection is in addition to any eligibility of such provider for a loan guarantee under other provisions of this section.

(Pub. L. 111–314, §3, Dec. 18, 2010, 124 Stat. 3402.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50302	42 U.S.C. 14752.	Pub. L. 107–248, title IX, §903, Oct. 23, 2002, 116 Stat. 1574.

In subsection (f)(2), the word “forbear” is substituted for “forebear” to correct an error in the law.

In subsection (g)(1), the words “services or systems” are substituted for “services or system” to correct an error in the law.

Editorial Notes

REFERENCES IN TEXT

The Federal Credit Reform Act of 1990, referred to in subsec. (g)(1), (2), is title V of Pub. L. 93–344, as added by Pub. L. 101–508, title XIII, §13201(a), Nov. 5, 1990, 104

Stat. 1388–609, which is classified generally to subchapter III (§661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

CHAPTER 505—COMMERCIAL SPACE COMPETITIVENESS

Sec.	Definitions.
50501.	Launch voucher demonstration program.
50502.	Anchor tenancy and termination liability.
50503.	Use of Government facilities.
50504.	Test facilities.
50505.	Commercial Space Achievement Award.

§ 50501. Definitions

In this chapter:

(1) **AGENCY.**—The term “agency” means an executive agency as defined in section 105 of title 5.

(2) **ANCHOR TENANCY.**—The term “anchor tenancy” means an arrangement in which the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable.

(3) **COMMERCIAL.**—The term “commercial” means having—

(A) private capital at risk; and

(B) primary financial and management responsibility for the activity reside with the private sector.

(4) **COST EFFECTIVE.**—The term “cost effective” means costing no more than the available alternatives, determined by a comparison of all related direct and indirect costs including, in the case of Government costs, applicable Government labor and overhead costs as well as contractor charges, and taking into account the ability of each alternative to accommodate mission requirements as well as the related factors of risk, reliability, schedule, and technical performance.

(5) **LAUNCH.**—The term “launch” means to place, or attempt to place, a launch vehicle and its payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space.

(6) **LAUNCH SERVICES.**—The term “launch services” means activities involved in the preparation of a launch vehicle and its payload for launch and the conduct of a launch.

(7) **LAUNCH SUPPORT FACILITIES.**—The term “launch support facilities” means facilities located at launch sites or launch ranges that are required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, flight safety functions, and payload operations, control, and processing.

(8) **LAUNCH VEHICLE.**—The term “launch vehicle” means any vehicle constructed for the purpose of operating in or placing a payload in outer space or in suborbital trajectories, and includes components of that vehicle.

(9) **PAYLOAD.**—The term “payload” means an object which a person undertakes to launch, and includes subcomponents of the launch vehicle specifically designed or adapted for that object.

(10) **PAYLOAD INTEGRATION SERVICES.**—The term “payload integration services” means activities involved in integrating multiple payloads into a single payload for launch or integrating a payload with a launch vehicle.

(11) **SPACE RECOVERY SUPPORT FACILITIES.**—The term “space recovery support facilities” means facilities required to support activities related to the recovery of payloads returned from space to a space recovery site, including operations and control, communications, flight safety functions, and payload processing.

(12) **SPACE TRANSPORTATION INFRASTRUCTURE.**—The term “space transportation infrastructure” means facilities, associated equipment, and real property (including launch sites, launch support facilities, space recovery sites, and space recovery support facilities) required to perform launch or space recovery activities.

(13) **STATE.**—The term “State” means the several States, the District of Columbia, Puerto Rico, American Samoa, the United States Virgin Islands, Guam, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(14) **UNITED STATES.**—The term “United States” means the States, collectively.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3404.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50501	15 U.S.C. 5802.	Pub. L. 102–588, title V, § 502, Nov. 4, 1992, 106 Stat. 5123.

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 102–588, title V, § 501, Nov. 4, 1992, 106 Stat. 5122, provided that: “The Congress finds that—

“(1) commercial activities of the private sector have substantially contributed to the strength of both the United States space program and the national economy;

“(2) a robust United States space transportation capability remains a vital cornerstone of the United States space program;

“(3) the availability of commercial launch services is essential for the continued growth of the United States commercial space sector;

“(4) a timely extension of the excess third party claims payment provisions of the Commercial Space Launch Act [now 51 U.S.C. 50901 et seq.] is appropriate and necessary to enable the private sector to continue covering maximum probable liability risks while protecting the private sector from uninsurable levels of liability which could hinder international competitiveness;

“(5) a program to demonstrate how recipients of Federal grants can purchase launch services directly from the private sector has the potential to improve the capabilities of the United States commercial launch industry;

“(6) improvements and additions to the Nation’s space transportation infrastructure contribute to a robust and cost effective space transportation capability for both public sector and private sector users;

“(7) private sector use of available Government facilities on a reimbursable basis contributes to a stronger commercial space sector;

“(8) the Federal Government should purchase space goods and services which are commercially available,

or could be made available commercially in response to a Government procurement request, whenever such goods or services meet Government mission requirements in a cost effective manner;

“(9) it is appropriate for the Government to act as an anchor tenant for commercial space development projects which have a reasonable potential to develop non-Federal markets and which meet Federal needs in a cost effective manner; and

“(10) the provision of compensation to commercial providers of space goods and services for termination of contracts at the convenience of the Government assists in enabling the private sector to invest in space activities which are initially dependent on Government purchases.”

[For definition of terms used in section 501 of Pub. L. 102–588, set out above, see section 502 of Pub. L. 102–588, title V, Nov. 4, 1992, 106 Stat. 5123, which was classified to former section 5802 of Title 15, Commerce and Trade, and was repealed and reenacted as this section by Pub. L. 111–314, §§ 3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444.]

§ 50502. Launch voucher demonstration program

(a) **REQUIREMENT TO ESTABLISH PROGRAM.**—The Administrator shall establish a demonstration program to award vouchers for the payment of commercial launch services and payload integration services for the purpose of launching payloads funded by the Administration.

(b) **AWARD OF VOUCHERS.**—The Administrator shall award vouchers under subsection (a) to appropriate individuals as a part of grants administered by the Administration for the launch of—

(1) payloads to be placed in suborbital trajectories; and

(2) small payloads to be placed in orbit.

(c) **ASSISTANCE.**—The Administrator may provide voucher award recipients with such assistance (including contract formulation and technical support during the proposal evaluation) as may be necessary to ensure the purchase of cost effective and reasonably reliable commercial launch services and payload integration services.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3405.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50502	15 U.S.C. 5803(a)–(c).	Pub. L. 102–588, title V, § 504(a)–(c), Nov. 4, 1992, 106 Stat. 5124; Pub. L. 105–303, title I, § 103, Oct. 28, 1998, 112 Stat. 2851.

In subsection (a), the words “to become effective October 1, 1993”, which appeared at the end, are omitted as obsolete.

§ 50503. Anchor tenancy and termination liability

(a) **ANCHOR TENANCY CONTRACTS.**—Subject to appropriations, the Administrator or the Administrator of the National Oceanic and Atmospheric Administration may enter into multiyear anchor tenancy contracts for the purchase of a good or service if the appropriate Administrator determines that—

(1) the good or service meets the mission requirements of the Administration or the National Oceanic and Atmospheric Administration, as appropriate;

(2) the commercially procured good or service is cost effective;

(3) the good or service is procured through a competitive process;

(4) existing or potential customers for the good or service other than the United States Government have been specifically identified;

(5) the long-term viability of the venture is not dependent upon a continued Government market or other nonreimbursable Government support; and

(6) private capital is at risk in the venture.

(b) **TERMINATION LIABILITY.**—

(1) **IN GENERAL.**—Contracts entered into under subsection (a) may provide for the payment of termination liability in the event that the Government terminates such contracts for its convenience.

(2) **FIXED SCHEDULE OF PAYMENTS AND LIMITATION ON LIABILITY.**—Contracts that provide for the payment of termination liability, as described in paragraph (1), shall include a fixed schedule of such termination liability payments. Liability under such contracts shall not exceed the total payments which the Government would have made after the date of termination to purchase the good or service if the contract were not terminated.

(3) **USE OF FUNDS.**—Subject to appropriations, funds available for such termination liability payments may be used for purchase of the good or service upon successful delivery of the good or service pursuant to the contract. In such case, sufficient funds shall remain available to cover any remaining termination liability.

(c) **LIMITATIONS.**—

(1) **DURATION.**—Contracts entered into under this section shall not exceed 10 years in duration.

(2) **FIXED PRICE.**—Such contracts shall provide for delivery of the good or service on a firm, fixed price basis.

(3) **PERFORMANCE SPECIFICATIONS.**—To the extent practicable, reasonable performance specifications shall be used to define technical requirements in such contracts.

(4) **FAILURE TO PERFORM.**—In any such contract, the appropriate Administrator shall reserve the right to completely or partially terminate the contract without payment of such termination liability because of the contractor's actual or anticipated failure to perform its contractual obligations.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3405.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50503	15 U.S.C. 5806.	Pub. L. 102-588, title V, § 507, Nov. 4, 1992, 106 Stat. 5127.

§ 50504. Use of Government facilities

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Federal agencies, including the Administration and the Department of Defense, may allow non-Federal entities to use their space-related facilities on a reimbursable basis if the Administrator, the Secretary of Defense, or the appropriate agency head determines that—

(A) the facilities will be used to support commercial space activities;

(B) such use can be supported by existing or planned Federal resources;

(C) such use is compatible with Federal activities;

(D) equivalent commercial services are not available on reasonable terms; and

(E) such use is consistent with public safety, national security, and international treaty obligations.

(2) **CONSULTATION.**—In carrying out paragraph (1)(E), each agency head shall consult with appropriate Federal officials.

(b) **REIMBURSEMENT PAYMENT.**—

(1) **AMOUNT.**—The reimbursement referred to in subsection (a) may be an amount equal to the direct costs (including salaries of United States civilian and contractor personnel) incurred by the United States as a result of the use of such facilities by the private sector. For the purposes of this paragraph, the term “direct costs” means the actual costs that can be unambiguously associated with such use, and would not be borne by the United States Government in the absence of such use.

(2) **CREDIT TO APPROPRIATION.**—The amount of any payment received by the United States for use of facilities under this subsection shall be credited to the appropriation from which the cost of providing such facilities was paid.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3406.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50504	15 U.S.C. 5807.	Pub. L. 102-588, title V, § 508, Nov. 4, 1992, 106 Stat. 5128.

§ 50505. Test facilities

(a) **CHARGES.**—The Administrator shall establish a policy of charging users of the Administration's test facilities for the costs associated with their tests at a level that is competitive with alternative test facilities. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **FUNDING ACCOUNT.**—In planning and budgeting, the Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

(Pub. L. 111-314, § 3, Dec. 18, 2010, 124 Stat. 3407.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50505	42 U.S.C. 16634.	Pub. L. 109-155, title II, § 205, Dec. 30, 2005, 119 Stat. 2916.

This section restates provisions originally enacted as part of the National Aeronautics and Space Adminis-

tration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2895), and not as part of title V of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (Public Law 102-588, 106 Stat. 5107), which is generally restated in this chapter.

In subsection (a), the words “Committee on Science and Technology” are substituted for “Committee on Science” on authority of Rule X(1)(o) of the Rules of the House of Representatives, adopted by House Resolution No. 6 (110th Congress, January 5, 2007).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 50506. Commercial Space Achievement Award

(a) ESTABLISHMENT.—There is established a Commercial Space Achievement Award. The award shall consist of a medal, which shall be of such design and materials and bear such inscriptions as determined by the Secretary of Commerce. A cash prize may also be awarded if funding for the prize is available under subsection (d).

(b) CRITERIA FOR AWARD.—The Secretary of Commerce shall periodically make awards under this section to individuals, corporations, corporate divisions, or corporate subsidiaries substantially engaged in commercial space activities that in the opinion of the Secretary of Commerce best meet the following criteria:

(1) NON-GOVERNMENTAL REVENUE.—For corporate entities, at least half of the revenues from the space-related activities of the corporation, division, or subsidiary is derived from sources other than the United States Government.

(2) SUBSTANTIAL CONTRIBUTION.—The activities and achievements of the individual, corporation, division, or subsidiary have substantially contributed to the United States gross national product and the stature of United States industry in international markets, with due consideration for both the economic magnitude and the technical quality of the activities and achievements.

(3) SUBSTANTIAL ADVANCEMENT OF TECHNOLOGY.—The individual, corporation, division, or subsidiary has substantially advanced space technology and space applications directly related to commercial space activities.

(c) LIMITATIONS.—No individual or corporate entity may receive an award under this section more than once every 5 years.

(d) FUNDING FOR AWARD.—The Secretary of Commerce may seek and accept gifts of money from public and private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, and only such money may be used for that purpose. The Secretary of Commerce shall make publicly available an itemized list of the sources of such funding.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3407.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50506	15 U.S.C. 5808.	Pub. L. 102-588, title V, §510, Nov. 4, 1992, 106 Stat. 5129.

In subsection (b), in the matter before paragraph (1), the words “The Secretary of Commerce shall periodically make awards” are substituted for “The Secretary of Commerce shall periodically make, and the Chairman of the National Space Council shall present, awards” to eliminate obsolete language. The reference to the Chairman of the National Space Council is obsolete because the National Space Council (established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (Public Law 100-685, 102 Stat. 4102)) has not functioned or been staffed since 1993.

CHAPTER 507—OFFICE OF SPACE COMMERCE

Sec.	
50701.	Definition of Office.
50702.	Establishment.
50703.	Annual report.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-90, title III, §301(a)(1), Nov. 25, 2015, 129 Stat. 720, substituted “COMMERCE” for “COMMERCIALIZATION” in chapter heading.

§ 50701. Definition of Office

In this chapter, the term “Office” means the Office of Space Commerce established in section 50702 of this title.

(Pub. L. 111-314, §3, Dec. 18, 2010, 124 Stat. 3408; Pub. L. 114-90, title III, §301(b), Nov. 25, 2015, 129 Stat. 720.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50701	(no source)	

A chapter-wide definition for the term “Office” is added for clarity and convenience.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-90 substituted “Commerce” for “Commercialization”.

§ 50702. Establishment

(a) IN GENERAL.—There is established within the Department of Commerce an Office of Space Commerce.

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5 as determined by the Secretary of Commerce.

(c) FUNCTIONS OF OFFICE.—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce, including—

(1) to foster the conditions for the economic growth and technological advancement of the United States space commerce industry;

(2) to coordinate space commerce policy issues and actions within the Department of Commerce;

(3) to represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to promote United States space commerce;

(4) to promote the advancement of United States geospatial technologies related to space commerce, in cooperation with relevant inter-agency working groups; and

(5) to provide support to Federal Government organizations working on Space-Based Positioning Navigation, and Timing policy, including the National Coordination Office for Space-Based Position,¹ Navigation, and Timing.

(d) DUTIES OF DIRECTOR.—The primary responsibilities of the Director in carrying out the functions of the Office shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, using commercially available space goods and services;

(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(5) promoting the export of space-related goods and services;

(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(7) seeking the removal of legal, policy, and institutional impediments to space commerce.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3408; Pub. L. 114–90, title III, §§ 301(c), 302, Nov. 25, 2015, 129 Stat. 720.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50702	15 U.S.C. 1511e.	Pub. L. 105–309, § 8, Oct. 30, 1998, 112 Stat. 2937; Pub. L. 107–305, § 14, Nov. 27, 2002, 116 Stat. 2380; Pub. L. 108–447, div. B, title II, Dec. 8, 2004, 118 Stat. 2878.

Editorial Notes

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–90, § 301(c), substituted “Space Commerce” for “Space Commercialization”.

Subsec. (c). Pub. L. 114–90, § 302, substituted “Commerce, including—” for “Commerce.” and added pars. (1) to (5).

¹ So in original. Probably should be “Positioning.”.

Statutory Notes and Related Subsidiaries

COOPERATION WITH FORMER SOVIET REPUBLICS

Pub. L. 102–588, title II, § 218, Nov. 4, 1992, 106 Stat. 5117, provided that:

“(a) REPORT TO CONGRESS.—Within one year after the date of enactment of this Act [Nov. 4, 1992], the President shall submit to Congress a report describing—

“(1) the opportunities for increased space related trade with the independent states of the former Soviet Union;

“(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states of the former Soviet Union, specifically including those technologies the National Aeronautics and Space Administration has identified as high priority in its Space Research and Technology Integrated Technology Plan.[]

“(3) the trade missions carried out pursuant to subsection (c), including the private participation and the results of such missions;

“(4) the offices and accounts of the National Aeronautics and Space Administration to which expenses for either cooperative activities or procurement actions, involving the independent states of the former Soviet Union, are charged;

“(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and the independent states of the former Soviet Union, including such barriers in either the United States or the independent states; and

“(6) any anticompetitive issues raised by a potential acquisition.

“(b) NOTIFICATION TO CONGRESS.—If any United States Government agency denies a request for a license or other approval that may be necessary to conduct discussions on space-related matters with the independent states of the former Soviet Union, that agency shall immediately notify the Speaker of the House of Representatives and President of the Senate. Each such notification shall include a statement of the reasons for the denial.

“(c) ROLE OF THE OFFICE OF SPACE COMMERCE.—The Office of Space Commerce of the Department of Commerce is authorized and encouraged to conduct trade missions to appropriate independent states of the former Soviet Union for the purpose of familiarizing United States aerospace industry representatives with space hardware, space technologies, and space services that may be available from the independent states, and with the business practices and overall business climate in the independent states. The Office of Space Commerce shall also advise the Administrator [of the National Aeronautics and Space Administration] as to the impact on United States industry of each potential acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union, specifically including any anticompetitive issues the Office may observe.”

§ 50703. Annual report

The Secretary of Commerce shall submit an annual report on the activities of the Office, including planned programs and expenditures, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

(Pub. L. 111–314, § 3, Dec. 18, 2010, 124 Stat. 3408.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50703	15 U.S.C. 1535.	Pub. L. 101–611, title I, § 115(b), Nov. 16, 1990, 104 Stat. 3201.

The words “The Secretary of Commerce shall submit an annual report” are substituted for “Commencing in fiscal year 1992, and every fiscal year thereafter, the Secretary of Commerce shall submit . . . a report” to eliminate unnecessary words.

The word “Office”, meaning the Office of Space Commercialization, is substituted for “Office of Space Commerce” to correct an error in the law.

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).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

CHAPTER 509—COMMERCIAL SPACE LAUNCH ACTIVITIES

Sec.	
50901.	Findings and purposes.
50902.	Definitions.
50903.	General authority.
50904.	Restrictions on launches, operations, and reentries.
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50907.	Monitoring activities.
50908.	Effective periods, and modifications, suspensions, and revocations, of licenses.
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50910.	Preemption of scheduled launches or reentries.
50911.	Space advertising.
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50914.	Liability insurance and financial responsibility requirements.
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50916.	Disclosing information.
50917.	Enforcement and penalty.
50918.	Consultation.
50919.	Relationship to other executive agencies, laws, and international obligations.
50920.	User fees.
50921.	Office of Commercial Space Transportation.
50922.	Regulations.
50923.	Report to Congress.

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, particu-

larly 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

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

(A) is not a launch or reentry; but

(B) is conducted by a space support vehicle.

(22) “space support vehicle” means a vehicle that is—

(A) a launch vehicle;

(B) a reentry vehicle; or

(C) a component of a launch or reentry vehicle.

(23) “State” means a State of the United States, the District of Columbia, and a territory or possession of the United States.

(24) unless and until regulations take effect under section 50922(c)(2), “suborbital rocket” means a vehicle, rocket-propelled in whole or in part, intended for flight on a suborbital trajectory, and the thrust of which is greater than its lift for the majority of the rocket-powered portion of its ascent.

(25) “suborbital trajectory” means the intentional flight path of a launch vehicle, reentry vehicle, or any portion thereof, whose vacuum instantaneous impact point does not leave the surface of the Earth.

(26) “third party” means a person except—

(A) the United States Government or the Government’s contractors or subcontractors involved in launch services or reentry services;

(B) a licensee or transferee under this chapter;

(C) a licensee’s or transferee’s contractors, subcontractors, or customers involved in launch services or reentry services;

(D) the customer’s contractors or subcontractors involved in launch services or reentry services; or

(E) crew, government astronauts, or space flight participants.

(27) “United States” means the States of the United States, the District of Columbia, and the territories and possessions of the United States.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1331, §70102 of title 49; Pub. L. 104–287, §5(92), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 105–303, title I, §102(a)(3), Oct. 28, 1998, 112 Stat. 2846; Pub. L.

106–391, title III, §322(a), Oct. 30, 2000, 114 Stat. 1598; Pub. L. 108–492, §2(b), Dec. 23, 2004, 118 Stat. 3975; renumbered §70102 then §50902 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(B), (5)(A), (B), Dec. 18, 2010, 124 Stat. 3440, 3441; Pub. L. 114–90, title I, §112(c), (e)–(j), Nov. 25, 2015, 129 Stat. 712, 713; Pub. L. 115–254, div. B, title V, §581(a), Oct. 5, 2018, 132 Stat. 3397.)

HISTORICAL AND REVISION NOTES PUB. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70102(1)	49 App.:2603(9). 49 App.:2603(12).	Oct. 30, 1984, Pub. L. 98–575, §4(1)–(9), 98 Stat. 3056. Oct. 30, 1984, Pub. L. 98–575, §4(12), 98 Stat. 3056; Nov. 15, 1988, Pub. L. 100–657, §3(2), 102 Stat. 3900.
70102(2)–(9) 70102(10)	49 App.:2603(1)–(8). 49 App.:2603(10).	Oct. 30, 1984, Pub. L. 98–575, §4(10), 98 Stat. 3056; Nov. 15, 1988, Pub. L. 100–657, §3(1), 102 Stat. 3900.
70102(11)	49 App.:2603(11).	Oct. 30, 1984, Pub. L. 98–575, 98 Stat. 3055, §4(11); added Nov. 15, 1988, Pub. L. 100–657, §3(3), 102 Stat. 3900.
70102(12)	49 App.:2603(10).	

In this chapter, the word “country” is substituted for “nation” for consistency in the revised title and with other titles of the United States Code.

In clause (1), before subclause (A), the text of 49 App.:2603(9) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. In subclauses (B) and (C), the words “corporation, partnership, joint venture, association, or other” are omitted as surplus. In subclause (C), the words “in regulations” and “in such entity” are omitted as surplus.

In clause (4), the words “propellants, launch vehicles and components thereof, and other physical” are omitted as surplus.

In clause (6), the words “includes all . . . located on a launch site which are . . . to conduct a launch” are omitted as surplus.

In clause (9), the words “corporation, partnership, joint venture, association, or other” are omitted as surplus.

Clauses (10) and (12) are substituted for 49 App.:2603(10) to eliminate unnecessary words.

In clause (11), before subclause (A), the words “or entity” are omitted as surplus. In subclause (A), the words “its agencies” are omitted as surplus.

PUB. L. 104–287

This amends 49:70102(6) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1331).

Editorial Notes

AMENDMENTS

2018—Pars. (21) to (27). Pub. L. 115–254 added pars. (21) and (22) and redesignated former pars. (21) to (25) as (23) to (27), respectively.

2015—Pars. (4) to (6). Pub. L. 114–90, §112(c)(2), added pars. (4) to (6). Former pars. (4) to (6) redesignated (7) to (9), respectively.

Par. (7). Pub. L. 114–90, §112(c)(1), (e), redesignated par. (4) as (7) and substituted “and any payload or human being” for “and any payload, crew, or space flight participant” in introductory provisions. Former par. (7) redesignated (10).

Par. (8). Pub. L. 114–90, §112(c)(1), redesignated par. (5) as (8). Former par. (8) redesignated (11).

Par. (9). Pub. L. 114–90, §112(c)(1), (f), redesignated par. (6) as (9) and substituted “payload, crew (including crew training), government astronaut, or space flight

participant” for “payload, crew (including crew training), or space flight participant” in subpar. (A). Former par. (9) redesignated (12).

Pars. (10) to (15). Pub. L. 114-90, §112(c)(1), redesignated pars. (7) to (12) as (10) to (15), respectively. Former pars. (10) to (15) redesignated (13) to (18), respectively.

Par. (16). Pub. L. 114-90, §112(c)(1), (g), redesignated par. (13) as (16) and substituted “and its payload or human beings, if any,” for “and its payload, crew, or space flight participants, if any.”. Former par. (16) redesignated (19).

Par. (17). Pub. L. 114-90, §112(c)(1), (h), redesignated par. (14) as (17) and substituted “payload, crew (including crew training), government astronaut, or space flight participant, if any,” for “payload, crew (including crew training), or space flight participant, if any,” in subpar. (A). Former par. (17) redesignated (20).

Pars. (18), (19). Pub. L. 114-90, §112(c)(1), redesignated pars. (15) and (16) as (18) and (19), respectively. Former pars. (18) and (19) redesignated (21) and (22), respectively.

Par. (20). Pub. L. 114-90, §112(c)(1), (i), redesignated par. (17) as (20) and amended it generally. Prior to amendment, par. (20) read as follows: “‘space flight participant’ means an individual, who is not crew, carried within a launch vehicle or reentry vehicle.”

Pars. (21) to (23). Pub. L. 114-90, §112(c)(1), redesignated pars. (18) to (20) as (21) to (23), respectively. Former pars. (21) and (22) redesignated (24) and (25), respectively.

Par. (24). Pub. L. 114-90, §112(c)(1), (j), redesignated par. (21) as (24) and inserted “, government astronauts,” after “crew” in subpar. (E).

Par. (25). Pub. L. 114-90, §112(c)(1), redesignated par. (22) as (25).

2010—Pub. L. 111-314, §4(d)(2), (3)(B), successively renumbered section 70102 of title 49 and section 70102 of this title as this section.

Par. (11). Pub. L. 111-314, §4(d)(5)(A), substituted “section 50904(c)” for “section 70104(c)” and “section 50906” for “section 70105a”.

Par. (19). Pub. L. 111-314, §4(d)(5)(B), substituted “section 50922(c)(2)” for “section 70120(c)(2)”.

2004—Par. (2). Pub. L. 108-492, §2(b)(2), added par. (2). Former par. (2) redesignated (3).

Par. (3). Pub. L. 108-492, §2(b)(1), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Par. (4). Pub. L. 108-492, §2(b)(1), (3), redesignated par. (3) as (4) and inserted “, crew, or space flight participant” after “any payload” in introductory provisions. Former par. (4) redesignated (5).

Par. (5). Pub. L. 108-492, §2(b)(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Par. (6). Pub. L. 108-492, §2(b)(1), (4), redesignated par. (5) as (6) and substituted “, payload, crew (including crew training), or space flight participant” for “and payload” in subpar. (A). Former par. (6) redesignated (7).

Par. (7). Pub. L. 108-492, §2(b)(1), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Par. (8). Pub. L. 108-492, §2(b)(1), (5), redesignated par. (7) as (8) and inserted “or human beings” after “place a payload” in subpar. (A). Former par. (8) redesignated (9).

Pars. (9), (10). Pub. L. 108-492, §2(b)(1), redesignated pars. (8) and (9) as (9) and (10), respectively. Former par. (10) redesignated (12).

Par. (11). Pub. L. 108-492, §2(b)(6), added par. (11). Former par. (11) redesignated (13).

Par. (12). Pub. L. 108-492, §2(b)(1), redesignated par. (10) as (12). Former par. (12) redesignated (14).

Par. (13). Pub. L. 108-492, §2(b)(1), (7), redesignated par. (11) as (13) and inserted “crew, or space flight participants,” after “and its payload,”. Former par. (13) redesignated (15).

Par. (14). Pub. L. 108-492, §2(b)(1), (8), redesignated par. (12) as (14) and substituted “and payload, crew (including crew training), or space flight participant” for “and its payload” in subpar. (A). Former par. (14) redesignated (16).

Pars. (15), (16). Pub. L. 108-492, §2(b)(1), redesignated pars. (13) and (14) as (15) and (16), respectively. Former pars. (15) and (16) redesignated (18) and (21), respectively.

Par. (17). Pub. L. 108-492, §2(b)(9), added par. (17). Former par. (17) redesignated (22).

Par. (18). Pub. L. 108-492, §2(b)(1), redesignated par. (15) as (18).

Pars. (19), (20). Pub. L. 108-492, §2(b)(10), added pars. (19) and (20).

Par. (21). Pub. L. 108-492, §2(b)(1), (11), redesignated par. (16) as (21) and added subpar. (E).

Par. (22). Pub. L. 108-492, §2(b)(1), redesignated par. (17) as (22).

2000—Pars. (8) to (17). Pub. L. 106-391 added par. (8) and redesignated former pars. (8) to (16) as (9) to (17), respectively.

1998—Par. (3). Pub. L. 105-303, §102(a)(3)(A), substituted “or reentry vehicle and any payload from Earth” for “and any payload” in introductory provisions and a comma for the period at end of subpar. (C) and inserted concluding provisions.

Par. (8). Pub. L. 105-303, §102(a)(3)(B), inserted “or reentry vehicle” after “means of a launch vehicle”.

Pars. (10) to (13). Pub. L. 105-303, §102(a)(3)(D), added pars. (10) to (13). Former pars. (10) to (12) redesignated (14) to (16), respectively.

Par. (14). Pub. L. 105-303, §102(a)(3)(C), redesignated par. (10) as (14).

Par. (15). Pub. L. 105-303, §102(a)(3)(C), (E), redesignated par. (11) as (15) and inserted “or reentry services” after “launch services” wherever appearing.

Par. (16). Pub. L. 105-303, §102(a)(3)(C), redesignated par. (12) as (16).

1996—Par. (6). Pub. L. 104-287 substituted “facilities at that location” for “facilities”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of Title 49, Transportation.

§ 50903. General authority

(a) GENERAL.—The Secretary of Transportation shall carry out this chapter.

(b) FACILITATING COMMERCIAL LAUNCHES AND REENTRIES.—In carrying out this chapter, the Secretary shall—

(1) encourage, facilitate, and promote commercial space launches and reentries by the private sector, including those involving space flight participants; and

(2) take actions to facilitate private sector involvement in commercial space transportation activity, and to promote public-private partnerships involving the United States Government, State governments, and the private sector to build, expand, modernize, or operate a space launch and reentry infrastructure.

(c) SAFETY.—In carrying out the responsibilities under subsection (b), the Secretary shall encourage, facilitate, and promote the continuous improvement of the safety of launch vehicles designed to carry humans, and the Secretary may, consistent with this chapter, promulgate regulations to carry out this subsection.

(d) EXECUTIVE AGENCY ASSISTANCE.—When necessary, the head of an executive agency shall assist the Secretary in carrying out this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1332, §70103 of title 49; Pub. L. 105-303, title I,

§ 102(a)(4), Oct. 28, 1998, 112 Stat. 2847; Pub. L. 108–492, § 2(c)(1), (2), Dec. 23, 2004, 118 Stat. 3976; renumbered § 70103 then § 50903 of title 51, Pub. L. 111–314, § 4(d)(2), (3)(C), Dec. 18, 2010, 124 Stat. 3440.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70103(a)	49 App.:2604(a) (1st–10th words).	Oct. 30, 1984, Pub. L. 98–575, § 5(a) (1st–10th words, (b)), 98 Stat. 3057.
70103(b)	49 App.:2604(a) (11th–15th words, cls. (1), (3)).	Oct. 30, 1984, Pub. L. 98–575, § 5(a) (11th–15th words, cls. (1), (3)), 98 Stat. 3057; Nov. 16, 1990, Pub. L. 101–611, § 117(e)(1), (3), 104 Stat. 3203.
70103(c)	49 App.:2604(b).	

In subsection (a), the words “be responsible for” are omitted as surplus.

In subsection (c), the words “To the extent permitted by law” are omitted as surplus. The words “the head of an executive agency” are substituted for “Federal agencies” for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111–314 successively renumbered section 70103 of title 49 and section 70103 of this title as this section.

2004—Subsec. (b)(1). Pub. L. 108–492, § 2(c)(1), inserted “, including those involving space flight participants” after “private sector”.

Subsecs. (c), (d). Pub. L. 108–492, § 2(c)(2), added subsec. (c) and redesignated former subsec. (c) as (d).

1998—Subsec. (b). Pub. L. 105–303, § 102(a)(4)(A), inserted “and Reentries” after “Launches” in heading.

Subsec. (b)(1). Pub. L. 105–303, § 102(a)(4)(B), inserted “and reentries” after “commercial space launches”.

Subsec. (b)(2). Pub. L. 105–303, § 102(a)(4)(C), inserted “and reentry” after “space launch”.

Statutory Notes and Related Subsidiaries

LAUNCH SERVICES STRATEGY

Pub. L. 110–422, title VI, § 621, Oct. 15, 2008, 122 Stat. 4801, provided that:

“(a) IN GENERAL.—In preparation for the award of contracts to follow up on the current NASA [National Aeronautics and Space Administration] Launch Services (NLS) contracts, the Administrator shall develop a strategy for providing domestic commercial launch services in support of NASA’s small and medium-sized Science, Space Operations, and Exploration missions, consistent with current law and policy.

“(b) REPORT.—The Administrator [of NASA] shall transmit a report to the Committee on Science and Technology [now Committee on Science, Space, and Technology] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the strategy developed under subsection (a) not later than 90 days after the date of enactment of this Act [Oct. 15, 2008]. The report shall provide, at a minimum—

“(1) the results of the Request for Information on small to medium-sized launch services released on April 22, 2008;

“(2) an analysis of possible alternatives to maintain small and medium-sized lift capabilities after June 30, 2010, including the use of the Department of Defense’s Evolved Expendable Launch Vehicle (EELV);

“(3) the recommended alternatives, and associated 5-year budget plans starting in October 2010 that would enable their implementation; and

“(4) a contingency plan in the event the recommended alternatives described in paragraph (3) are not available when needed.”

Executive Documents

EX. ORD. NO. 12465. COORDINATION AND ENCOURAGEMENT OF COMMERCIAL EXPENDABLE LAUNCH VEHICLE ACTIVITIES

Ex. Ord. No. 12465, Feb. 24, 1984, 49 F.R. 7211, provided: By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to encourage, facilitate and coordinate the development of commercial expendable launch vehicle (ELV) operations by private United States enterprises, it is hereby ordered as follows:

SECTION 1. The Department of Transportation is designated as the lead agency within the Federal government for encouraging and facilitating commercial ELV activities by the United States private sector.

SEC. 2. *Responsibilities of Lead Agency.* The Secretary of Transportation shall, to the extent permitted by law and subject to the availability of appropriations, perform the following functions:

(a) act as a focal point within the Federal government for private sector space launch contacts related to commercial ELV operations;

(b) promote and encourage commercial ELV operations in the same manner that other private United States commercial enterprises are promoted by United States agencies;

(c) provide leadership in the establishment, within affected departments and agencies, of procedures that expedite the processing of private sector requests to obtain licenses necessary for commercial ELV launches and the establishment and operation of commercial launch ranges;

(d) consult with other affected agencies to promote consistent application of ELV licensing requirements for the private sector and assure fair and equitable treatment for all private sector applicants;

(e) serve as a single point of contact for collection and dissemination of documentation related to commercial ELV licensing applications;

(f) make recommendations to affected agencies and, as appropriate, to the President, concerning administrative measures to streamline Federal government procedures for licensing of commercial ELV activities;

(g) identify Federal statutes, treaties, regulations and policies which may have an adverse impact on ELV commercialization efforts and recommend appropriate changes to affected agencies and, as appropriate, to the President; and

(h) conduct appropriate planning regarding long-term effects of Federal activities related to ELV commercialization.

SEC. 3. An interagency group, chaired by the Secretary of Transportation and composed of representatives from the Department of State, the Department of Defense, the Department of Commerce, the Federal Communications Commission, and the National Aeronautics and Space Administration, is hereby established. This group shall meet at the call of the Chair and shall advise and assist the Department of Transportation in performing its responsibilities under this Order.

SEC. 4. *Responsibilities of Other Agencies.* All executive departments and agencies shall assist the Secretary of Transportation in carrying out this Order. To the extent permitted by law and in consultation with the Secretary of Transportation, they shall:

(a) provide the Secretary of Transportation with information concerning agency regulatory actions which may affect development of commercial ELV operations;

(b) review and revise their regulations and procedures to eliminate unnecessary regulatory obstacles to the development of commercial ELV operations and to ensure that those regulations and procedures found essential are administered as efficiently as possible; and

(c) establish timetables for the expeditious handling of and response to applications for licenses and approvals for commercial ELV activities.

SEC. 5. The powers granted to the Secretary of Transportation to encourage, facilitate and coordinate the

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.

information related to risk or probable loss during each phase of flight gathered by the Secretary in making the determination required by section 50914(a)(2) and (c);

(B) the holder of the license or permit has informed any space flight participant in writing, prior to receiving any compensation from that space flight participant or (in the case of a space flight participant not providing compensation) otherwise concluding any agreement to fly that space flight participant, that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants;

(C) in accordance with regulations promulgated by the Secretary, the space flight participant has provided written informed consent to participate in the launch and reentry and written certification of compliance with any regulations promulgated under paragraph (6)(A); and

(D) the holder of the license or permit has complied with any regulations promulgated by the Secretary pursuant to paragraph (6).

(6)(A) The Secretary may issue regulations requiring space flight participants to undergo an appropriate physical examination prior to a launch or reentry under this chapter. This subparagraph shall cease to be in effect three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.

(B) The Secretary may issue additional regulations setting reasonable requirements for space flight participants, including medical and training requirements. Such regulations shall not be effective before the expiration of 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.

(c) SAFETY REGULATIONS.—

(1) IN GENERAL.—The Secretary may issue regulations governing the design or operation of a launch vehicle to protect the health and safety of crew, government astronauts, and space flight participants.

(2) REGULATIONS.—Regulations issued under this subsection shall—

(A) describe how such regulations would be applied when the Secretary is determining whether to issue a license under this chapter;

(B) apply only to launches in which a vehicle will be carrying a human being for compensation or hire;

(C) be limited to restricting or prohibiting design features or operating practices that—

(i) have resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew, government astronauts, or space flight participants during a licensed or permitted commercial human space flight; or

(ii) contributed to an unplanned event or series of events during a licensed or permitted commercial human space flight that posed a high risk of causing a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew, government astronauts, or space flight participants; and

(D) be issued with a description of the instance or instances when the design feature

or operating practice being restricted or prohibited contributed to a result or event described in subparagraph (C).

(3) FACILITATION OF STANDARDS.—The Secretary shall continue to work with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, to facilitate the development of voluntary industry consensus standards based on recommended best practices to improve the safety of crew, government astronauts, and space flight participants as the commercial space sector continues to mature.

(4) COMMUNICATION AND TRANSPARENCY.—Nothing in this subsection shall be construed to limit the authority of the Secretary to discuss potential regulatory approaches, potential performance standards, or any other topic related to this subsection with the commercial space industry, including observations, findings, and recommendations from the Commercial Space Transportation Advisory Committee, or its successor organization, prior to the issuance of a notice of proposed rulemaking. Such discussions shall not be construed to permit the Secretary to promulgate industry regulations except as otherwise provided in this section.

(5) INTERIM VOLUNTARY INDUSTRY CONSENSUS STANDARDS REPORTS.—

(A) IN GENERAL.—Not later than December 31, 2016, and every 30 months thereafter until December 31, 2021, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the progress of the commercial space transportation industry in developing voluntary industry consensus standards that promote best practices to improve industry safety.

(B) CONTENTS.—The report shall include, at a minimum—

(i) any voluntary industry consensus standards that have been accepted by the industry at large;

(ii) the identification of areas that have the potential to become voluntary industry consensus standards that are currently under consideration by the industry at large;

(iii) an assessment from the Secretary on the general progress of the industry in adopting voluntary industry consensus standards;

(iv) any lessons learned about voluntary industry consensus standards, best practices, and commercial space launch operations;

(v) any lessons learned associated with the development, potential application, and acceptance of voluntary industry consensus standards, best practices, and commercial space launch operations; and

(vi) recommendations, findings, or observations from the Commercial Space Trans-

portation Advisory Committee, or its successor organization, on the progress of the industry in developing voluntary industry consensus standards that promote best practices to improve industry safety.

(6) REPORT.—Not later than 270 days after the date of enactment of the SPACE Act of 2015, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report specifying key industry metrics that might indicate readiness of the commercial space sector and the Department of Transportation to transition to a safety framework that may include regulations under paragraph (9) that considers space flight participant, government astronaut, and crew safety.

(7) REPORTS.—Not later than March 31 of each of 2018 and 2022, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that identifies the activities, described in this subsection and subsection (d) most appropriate for a new safety framework that may include regulatory action, if any, and a proposed transition plan for such safety framework.

(8) INDEPENDENT REVIEW.—Not later than December 31, 2022, an independent systems engineering and technical assistance organization or standards development organization contracted by the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives an assessment of the readiness of the commercial space industry and the Federal Government to transition to a safety framework that may include regulations. As part of the review, the contracted organization shall evaluate—

(A) the progress of the commercial space industry in adopting voluntary industry consensus standards as reported by the Secretary in the interim assessments included in the reports under paragraph (5);

(B) the progress of the commercial space industry toward meeting the key industry metrics identified by the report under paragraph (6), including the knowledge and operational experience obtained by the commercial space industry while providing services for compensation or hire; and

(C) whether the areas identified in the reports under paragraph (5) are appropriate for regulatory action, or further development of voluntary industry consensus standards, considering the progress evaluated in subparagraphs (A) and (B) of this paragraph.

(9) LEARNING PERIOD.—Beginning on October 1, 2023, the Secretary may propose regulations under this subsection without regard to subparagraphs (C) and (D) of paragraph (2). The development of any such regulations shall take into consideration the evolving standards of the commercial space flight industry as identified in the reports published under paragraphs (5), (6), and (7).

(10) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Secretary to issue requirements or regulations to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States.

(d) PROCEDURES AND TIMETABLES.—The Secretary shall establish procedures and timetables that expedite review of a license or permit application and reduce the regulatory burden for an applicant.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1333, §70105 of title 49; Pub. L. 105–303, title I, §102(a)(6), Oct. 28, 1998, 112 Stat. 2848; Pub. L. 108–492, §2(c)(6)–(15), Dec. 23, 2004, 118 Stat. 3976–3979; renumbered §70105 then §50905 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(E), (5)(F), Dec. 18, 2010, 124 Stat. 3440, 3441; Pub. L. 112–95, title VIII, §827, Feb. 14, 2012, 126 Stat. 133; Pub. L. 114–55, title I, §102(e), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–90, title I, §§111, 112(f), Nov. 25, 2015, 129 Stat. 709, 713.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70105(a)	49 App.:2606 (1st sentence).	Oct. 30, 1984, Pub. L. 98–575, §§7 (1st sentence), 8, 9(a), (b), 98 Stat. 3058.
	49 App.:2608(a) (1st sentence), (b) (1st, 3d, last sentences).	
70105(b)(1) ..	49 App.:2607(a)(1).	
70105(b)(2)(A).	49 App.:2608(b) (2d sentence).	
70105(b)(2)(B).	49 App.:2607(b).	
70105(b)(2)(C).	49 App.:2607(a)(2).	
70105(b)(3) ..	49 App.:2607(c).	
70105(c)	49 App.:2608(a) (last sentence).	

In subsection (a), the words “for launching one or more launch vehicles or for operating one or more launch sites, or both” in 49 App.:2606 are omitted as surplus.

In subsection (b)(2)(C), the words “that would otherwise apply to the launch of a launch vehicle or the operation of a launch site” are omitted as surplus. The words “the head of” are added for consistency in the revised title and with other titles of the United States Code.

Editorial Notes

REFERENCES IN TEXT

Subsection (b)(2)(D), referred to in subsec. (a)(1), was redesignated subsection (b)(2)(E) by Pub. L. 108–492, §2(c)(10), Dec. 23, 2004, 118 Stat. 3977.

The date of enactment of the Commercial Space Launch Amendments Act of 2004, referred to in subsec. (b)(4)(B), (6), is the date of enactment of Pub. L. 108–492, which was approved Dec. 23, 2004.

The date of enactment of the SPACE Act of 2015, referred to in subsec. (c)(6), is the date of enactment of title I of Pub. L. 114–90, which was approved Nov. 25, 2015.

AMENDMENTS

2015—Subsec. (a)(2). Pub. L. 114-90, §112(l)(1), substituted “crew, government astronauts, and space flight participants” for “crews and space flight participants”.

Subsec. (b)(2)(D). Pub. L. 114-90, §112(l)(2), substituted “crew, government astronauts, or space flight participants” for “crew or space flight participants”.

Subsec. (c)(1). Pub. L. 114-90, §§111(1), 112(l)(3)(A), inserted “IN GENERAL,—” before “The Secretary” and substituted “crew, government astronauts, and space flight participants” for “crew and space flight participants”.

Subsec. (c)(2). Pub. L. 114-90, §111(2), inserted “REGULATIONS,—” before “Regulations” in introductory provisions.

Subsec. (c)(2)(C). Pub. L. 114-90, §112(l)(3)(B), substituted “to crew, government astronauts, or space flight participants” for “to crew or space flight participants” in cls. (i) and (ii).

Subsec. (c)(3). Pub. L. 114-90, §111(3), (5), added par. (3) and struck out former par. (3) which read as follows: “Beginning on April 1, 2016, the Secretary may propose regulations under this subsection without regard to paragraph (2)(C) and (D). Any such regulations shall take into consideration the evolving standards of safety in the commercial space flight industry.”

Pub. L. 114-55 substituted “April 1, 2016,” for “October 1, 2015.”

Subsec. (c)(4). Pub. L. 114-90, §111(5), added par. (4). Former par. (4) redesignated (10).

Subsec. (c)(5) to (9). Pub. L. 114-90, §111(5), added pars. (5) to (9).

Subsec. (c)(10). Pub. L. 114-90, §111(4), (6), redesignated par. (4) as (10) and inserted “RULE OF CONSTRUCTION,—” before “Nothing”.

2012—Subsec. (c)(3). Pub. L. 112-95 substituted “Beginning on October 1, 2015,” for “Beginning 8 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.”

2010—Pub. L. 111-314, §4(d)(2), (3)(E), successively renumbered section 70105 of title 49 and section 70105 of this title as this section.

Subsec. (b)(5)(A). Pub. L. 111-314, §4(d)(5)(F), substituted “section 50914(a)(2) and (c)” for “section 70112(a)(2) and (c)”.

2004—Subsec. (a)(1). Pub. L. 108-492, §2(c)(6)(A), substituted “the Secretary has not taken action on a license application” for “a license is not issued”.

Subsec. (a)(2). Pub. L. 108-492, §2(c)(6)(B), inserted “(including approval procedures for the purpose of protecting the health and safety of crews and space flight participants, to the extent permitted by subsections (b) and (c))” after “or personnel”.

Subsec. (b)(1). Pub. L. 108-492, §2(c)(7), inserted “or permit” after “for a license”.

Subsec. (b)(2)(B). Pub. L. 108-492, §2(c)(8), substituted “any” for “an”.

Subsec. (b)(2)(C). Pub. L. 108-492, §2(c)(9), inserted “or permit” after “for a license” and struck out “and” at end.

Subsec. (b)(2)(D). Pub. L. 108-492, §2(c)(10), added subpar. (D). Former subpar. (D) redesignated (E).

Subsec. (b)(2)(E). Pub. L. 108-492, §2(c)(10), (11), redesignated subpar. (D) as (E) and inserted “or permit” after “for a license”.

Subsec. (b)(3). Pub. L. 108-492, §2(c)(12), inserted at end “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.”

Subsec. (b)(4) to (6). Pub. L. 108-492, §2(c)(13), added pars. (4) to (6).

Subsec. (c). Pub. L. 108-492, §2(c)(14), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 108-492, §2(c)(14), (15), redesignated subsec. (c) as (d) and inserted “or permit” after “of a license”.

1998—Subsec. (a). Pub. L. 105-303, §102(a)(6)(B), substituted “accepting an application in accordance with

criteria established pursuant to subsection (b)(2)(D)” for “receiving an application” in two places.

Pub. L. 105-303, §102(a)(6)(A), (C), designated existing provisions as par. (1), inserted “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 a license is not issued within the deadline established by this subsection.” at end of par. (1), and added par. (2).

Subsec. (b)(1). Pub. L. 105-303, §102(a)(6)(D), inserted “or a reentry site, or the reentry of a reentry vehicle,” after “operation of a launch site”.

Subsec. (b)(2)(A). Pub. L. 105-303, §102(a)(6)(E), substituted “, operation, or reentry” for “or operation”.

Subsec. (b)(2)(D). Pub. L. 105-303, §102(a)(6)(F)–(H), added subpar. (D).

Subsec. (b)(3). Pub. L. 105-303, §102(a)(6)(I), inserted “, including the requirement to obtain a license,” after “waive a requirement”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 50906. Experimental permits

(a) A person may apply to the Secretary of Transportation for an experimental permit under this section in the form and manner the Secretary prescribes. Consistent with the protection of the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than 120 days after receiving an application pursuant to this section, shall issue a permit 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 90 days after receiving an application. The Secretary shall transmit to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 15 days after any occurrence when the Secretary has failed to act on a permit within the deadline established by this section.

(b) In carrying out subsection (a), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting commercial space launch or reentry activities pursuant to a permit.

(c) In order to encourage the development of a commercial space flight industry, the Secretary may when issuing permits use the authority granted under section 50905(b)(2)(C).

(d) The Secretary may issue a permit only for reusable suborbital rockets or reusable launch vehicles that will be launched into a suborbital trajectory or reentered under that permit solely for—

(1) research and development to test design concepts, equipment, or operating techniques;
 (2) showing compliance with requirements as part of the process for obtaining a license under this chapter; or
 (3) crew training for a launch or reentry using the design of the rocket or vehicle for which the permit would be issued.

(e) Permits issued under this section shall—

(1) authorize an unlimited number of launches and reentries for a particular sub-orbital rocket or suborbital rocket design, or for a particular reusable launch vehicle or reusable launch vehicle design, for the uses described in subsection (d); and

(2) specify the type of modifications that may be made to the suborbital rocket or launch vehicle without changing the design to an extent that would invalidate the permit.

(f) Permits shall not be transferable.

(g) The Secretary may issue a permit under this section notwithstanding any license issued under this chapter. The issuance of a license under this chapter may not invalidate a permit issued under this section.

(h) No person may operate a reusable sub-orbital rocket or reusable launch vehicle under a permit for carrying any property or human being for compensation or hire.

(i) For the purposes of sections 50907, 50908, 50909, 50910, 50912, 50914, 50917, 50918, 50919, and 50923 of this chapter—

(1) a permit shall be considered a license;

(2) the holder of a permit shall be considered a licensee;

(3) a vehicle operating under a permit shall be considered to be licensed; and

(4) the issuance of a permit shall be considered licensing.

This subsection shall not be construed to allow the transfer of a permit.

(Added Pub. L. 108-492, §2(c)(16), Dec. 23, 2004, 118 Stat. 3979, §70105a of title 49; renumbered §70105a then §50906 of title 51 and amended Pub. L. 111-314, §4(d)(2), (3)(F), (5)(G), (H), Dec. 18, 2010, 124 Stat. 3440-3442; Pub. L. 114-90, title I, §104, Nov. 25, 2015, 129 Stat. 706.)

Editorial Notes

AMENDMENTS

2015—Subsec. (d). Pub. L. 114-90, §104(1)(A), substituted “or reusable launch vehicles that will be launched into a suborbital trajectory or reentered under that permit” for “that will be launched or reentered” in introductory provisions.

Subsec. (d)(1). Pub. L. 114-90, §104(1)(B), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “research and development to test new design concepts, new equipment, or new operating techniques;”.

Subsec. (d)(3). Pub. L. 114-90, §104(1)(C), struck out “prior to obtaining a license” after “crew training” and inserted “or vehicle” after “design of the rocket”.

Subsec. (e)(1). Pub. L. 114-90, §104(2)(A), substituted “suborbital rocket or suborbital rocket design, or for a particular reusable launch vehicle or reusable launch vehicle design,” for “suborbital rocket design”.

Subsec. (e)(2). Pub. L. 114-90, §104(2)(B), inserted “or launch vehicle” after “the suborbital rocket”.

Subsec. (g). Pub. L. 114-90, §104(3), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as

follows: “A permit may not be issued for, and a permit that has already been issued shall cease to be valid for, a particular design for a reusable suborbital rocket after a license has been issued for the launch or reentry of a rocket of that design.”

Subsec. (h). Pub. L. 114-90, §104(4), inserted “or reusable launch vehicle” after “suborbital rocket”.

2010—Pub. L. 111-314, §4(d)(2), (3)(F), successively renumbered section 70105a of title 49 and section 70105a of this title as this section.

Subsec. (c). Pub. L. 111-314, §4(d)(5)(G), substituted “section 50905(b)(2)(C)” for “section 70105(b)(2)(C)”.

Subsec. (i). Pub. L. 111-314, §4(d)(5)(H), substituted “sections 50907, 50908, 50909, 50910, 50912, 50914, 50917, 50918, 50919, and 50923” for “sections 70106, 70107, 70108, 70109, 70110, 70112, 70115, 70116, 70117, and 70121” in introductory provisions.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 50907. Monitoring activities

(a) GENERAL REQUIREMENTS.—A licensee under this chapter must allow the Secretary of Transportation to place an officer or employee of the United States Government or another individual as an observer at a launch site or reentry site the licensee uses, at a production facility or assembly site a contractor of the licensee uses to produce or assemble a launch vehicle or reentry vehicle, at a site not owned or operated by the Federal Government or a foreign government used for crew, government astronaut, or space flight participant training, or at a site at which a payload is integrated with a launch vehicle or reentry vehicle. The observer will monitor the activity of the licensee or contractor at the time and to the extent the Secretary considers reasonable to ensure compliance with the license or to carry out the duties of the Secretary under sections 50904(c), 50905, and 50906 of this title. A licensee must cooperate with an observer carrying out this subsection.

(b) CONTRACTS.—To the extent provided in advance in an appropriation law, the Secretary may make a contract with a person to carry out subsection (a) of this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1334, §70106 of title 49; Pub. L. 105-303, title I, §102(a)(7), Oct. 28, 1998, 112 Stat. 2848; Pub. L. 108-492, §2(c)(17), Dec. 23, 2004, 118 Stat. 3980; renumbered §70106 then §50907 of title 51 and amended Pub. L. 111-314, §4(d)(2), (3)(G), (5)(I), Dec. 18, 2010, 124 Stat. 3440-3442; Pub. L. 114-90, title I, §112(m), Nov. 25, 2015, 129 Stat. 713.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70106(a)	49 App.:2613(a).	Oct. 30, 1984, Pub. L. 98-575, §14, 98 Stat. 3060.
70106(b)	49 App.:2613(b).	

In subsection (a), the word “duties” is substituted for “responsibilities” for consistency in the revised title and with other titles of the United States Code.

Editorial Notes**AMENDMENTS**

2015—Subsec. (a). Pub. L. 114-90 substituted “at a site not owned or operated by the Federal Government or a foreign government used for crew, government astronaut, or space flight participant training” for “at a site used for crew or space flight participant training”.

2010—Pub. L. 111-314, §4(d)(2), (3)(G), successively renumbered section 70106 of title 49 and section 70106 of this title as this section.

Subsec. (a). Pub. L. 111-314, §4(d)(5)(I), substituted “sections 50904(c), 50905, and 50906” for “sections 70104(c), 70105, and 70105a”.

2004—Subsec. (a). Pub. L. 108-492 inserted “at a site used for crew or space flight participant training,” after “assemble a launch vehicle or reentry vehicle,” and substituted “sections 70104(c), 70105, and 70105a” for “section 70104(c)”.

1998—Subsec. (a). Pub. L. 105-303, in first sentence, inserted “or reentry site” after “observer at a launch site” and “or reentry vehicle” after “assemble a launch vehicle” and after “with a launch vehicle”.

§ 50908. Effective periods, and modifications, suspensions, and revocations, of licenses

(a) **EFFECTIVE PERIODS OF LICENSES.**—The Secretary of Transportation shall specify the period for which a license issued or transferred under this chapter is in effect.

(b) **MODIFICATIONS.**—(1) On the initiative of the Secretary or on application of the licensee, the Secretary may modify a license issued or transferred under this chapter if the Secretary decides the modification will comply with this chapter.

(2) The Secretary shall modify a license issued or transferred under this chapter whenever a modification is needed for the license to be in conformity with a regulation that was issued pursuant to section 50905(c) after the issuance of the license. This paragraph shall not apply to permits.

(c) **SUSPENSIONS AND REVOCATIONS.**—The Secretary may suspend or revoke a license if the Secretary decides that—

- (1) the licensee has not complied substantially with a requirement of this chapter or a regulation prescribed under this chapter; or
- (2) the suspension or revocation is necessary to protect the public health and safety, the safety of property, or a national security or foreign policy interest of the United States.

(d) **ADDITIONAL SUSPENSIONS.**—(1) The Secretary may suspend a license when a previous launch or reentry under the license has resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to any human being and the Secretary has determined that continued operations under the license are likely to cause additional serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to any human being.

(2) Any suspension imposed under this subsection shall be for as brief a period as possible and, in any event, shall cease when the Secretary—

- (A) has determined that the licensee has taken sufficient steps to reduce the likelihood of a recurrence of the serious or fatal injury; or
- (B) has modified the license pursuant to subsection (b) to sufficiently reduce the likeli-

hood of a recurrence of the serious or fatal injury.

(3) This subsection shall not apply to permits.

(e) **EFFECTIVE PERIODS OF MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS.**—Unless the Secretary specifies otherwise, a modification, suspension, or revocation under this section takes effect immediately and remains in effect during a review under section 50912 of this title.

(f) **NOTIFICATION.**—The Secretary shall notify the licensee in writing of the decision of the Secretary under this section and any action the Secretary takes or proposes to take based on the decision.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1334, §70107 of title 49; Pub. L. 108-492, §2(c)(18), (19), Dec. 23, 2004, 118 Stat. 3980; renumbered §70107 then §50908 of title 51 and amended Pub. L. 111-314, §4(d)(2), (3)(H), (5)(J), (K), Dec. 18, 2010, 124 Stat. 3440-3442; Pub. L. 114-90, title I, §112(n), Nov. 25, 2015, 129 Stat. 713.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70107(a)	49 App.:2606 (last sentence).	Oct. 30, 1984, Pub. L. 98-575, §§7 (last sentence), 10, 98 Stat. 3058, 3059.
70107(b)	49 App.:2609(b).	
70107(c)	49 App.:2609(a).	
70107(d)	49 App.:2609(c).	
70107(e)	49 App.:2609(d).	

In subsection (a), the words “of time” and “in accordance with regulations issued under this chapter” are omitted as surplus.

In subsection (b), the words “the requirements of” are omitted as surplus.

In subsection (e), the words “Whenever the Secretary takes any action” are omitted as surplus.

Editorial Notes**AMENDMENTS**

2015—Subsec. (d)(1). Pub. L. 114-90 substituted “to any human being” for “to crew or space flight participants” in two places.

2010—Pub. L. 111-314, §4(d)(2), (3)(H), successively renumbered section 70107 of title 49 and section 70107 of this title as this section.

Subsec. (b)(2). Pub. L. 111-314, §4(d)(5)(J), substituted “section 50905(c)” for “section 70105(c)”.

Subsec. (e). Pub. L. 111-314, §4(d)(5)(K), substituted “section 50912” for “section 70110”.

2004—Subsec. (b). Pub. L. 108-492, §2(c)(18), designated existing text as par. (1) and added par. (2).

Subsecs. (d) to (f). Pub. L. 108-492, §2(c)(19), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

§ 50909. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries

(a) **GENERAL AUTHORITY.**—The Secretary of Transportation may prohibit, suspend, or end immediately the launch of a launch vehicle or the operation of a launch site or reentry site, or reentry of a reentry vehicle, licensed under this chapter if the Secretary decides the launch or operation or reentry is detrimental to the public health and safety, the safety of property, or a national security or foreign policy interest of the United States.

(b) **EFFECTIVE PERIODS OF ORDERS.**—An order under this section takes effect immediately and

remains in effect during a review under section 50912 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1334, §70108 of title 49; Pub. L. 105-303, title I, §102(a)(8), Oct. 28, 1998, 112 Stat. 2848; renumbered §70108 then §50909 of title 51 and amended Pub. L. 111-314, §4(d)(2), (3)(I), (5)(L), Dec. 18, 2010, 124 Stat. 3440-3442.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70108(a)	49 App.:2610(a).	Oct. 30, 1984, Pub. L. 98-575, §11, 98 Stat. 3059.
70108(b)	49 App.:2610(b).	

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314, §4(d)(2), (3)(I), successively renumbered section 70108 of title 49 and section 70108 of this title as this section.

Subsec. (b). Pub. L. 111-314, §4(d)(5)(L), substituted “section 50912” for “section 70110”.

1998—Pub. L. 105-303, §102(a)(8)(A), substituted “Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries” for “Prohibition, suspension, and end of launches and operation of launch sites” in section catchline.

Subsec. (a). Pub. L. 105-303, §102(a)(8)(B), inserted “or reentry site, or reentry of a reentry vehicle,” after “operation of a launch site” and “or reentry” after “launch or operation”.

§ 50910. Preemption of scheduled launches or reentries

(a) GENERAL.—With the cooperation of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation shall act to ensure that a launch or reentry of a payload is not preempted from access to a United States Government launch site, reentry site, or launch property, except for imperative national need, when a launch date commitment or reentry date commitment from the Government has been obtained for a launch or reentry licensed under this chapter. A licensee or transferee preempted from access to a launch site, reentry site, or launch property does not have to pay the Government any amount for launch services, or services related to a reentry, attributable only to the scheduled launch or reentry prevented by the preemption.

(b) IMPERATIVE NATIONAL NEED DECISIONS.—In consultation with the Secretary of Transportation, the Secretary of Defense or the Administrator shall decide when an imperative national need requires preemption under subsection (a) of this section. That decision may not be delegated.

(c) REPORTS.—In cooperation with the Secretary of Transportation, the Secretary of Defense or the Administrator, as appropriate, shall submit to Congress not later than 7 days after a decision to preempt under subsection (a) of this section, a report that includes an explanation of the circumstances justifying the decision and a schedule for ensuring the prompt launching or reentry of a preempted payload.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1335, §70109 of title 49; Pub. L. 105-303, title I,

§102(a)(9), Oct. 28, 1998, 112 Stat. 2849; renumbered §70109 then §50910 of title 51, Pub. L. 111-314, §4(d)(2), (3)(J), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70109(a)	49 App.:2614(b)(4)(A) (1st, last sentences).	Oct. 30, 1984, Pub. L. 98-575, 98 Stat. 3055, §15(b)(4); added Nov. 15, 1988, Pub. L. 100-657, §7, 102 Stat. 3906.
70109(b)	49 App.:2614(b)(4)(A) (2d sentence).	
70109(c)	49 App.:2614(b)(4)(B).	

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70109 of title 49 and section 70109 of this title as this section.

1998—Pub. L. 105-303, §102(a)(9)(A), substituted “Preemption of scheduled launches or reentries” for “Preemption of scheduled launches” in section catchline.

Subsec. (a). Pub. L. 105-303, §102(a)(9)(B), inserted “or reentry” after “ensure that a launch”, “, reentry site,” after “United States Government launch site”, “or reentry date commitment” after “launch date commitment”, “or reentry” after “obtained for a launch”, “, reentry site,” after “access to a launch site”, “, or services related to a reentry,” after “amount for launch services”, and “or reentry” after “the scheduled launch”.

Subsec. (c). Pub. L. 105-303, §102(a)(9)(C), inserted “or reentry” after “prompt launching”.

§ 50911. Space advertising

(a) LICENSING.—Notwithstanding the provisions of this chapter or any other provision of law, the Secretary may not, for the launch of a payload containing any material to be used for the purposes of obtrusive space advertising—

- (1) issue or transfer a license under this chapter; or
- (2) waive the license requirements of this chapter.

(b) LAUNCHING.—No holder of a license under this chapter may launch a payload containing any material to be used for purposes of obtrusive space advertising.

(c) COMMERCIAL SPACE ADVERTISING.—Nothing in this section shall apply to nonobtrusive commercial space advertising, including advertising on—

- (1) commercial space transportation vehicles;
- (2) space infrastructure payloads;
- (3) space launch facilities; and
- (4) launch support facilities.

(Added Pub. L. 106-391, title III, §322(b), Oct. 30, 2000, 114 Stat. 1598, §70109a of title 49; renumbered §70109a then §50911 of title 51, Pub. L. 111-314, §4(d)(2), (3)(K), Dec. 18, 2010, 124 Stat. 3440, 3441.)

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70109a of title 49 and section 70109a of this title as this section.

Statutory Notes and Related Subsidiaries**NEGOTIATION WITH FOREIGN LAUNCHING NATIONS**

Pub. L. 106-391, title III, §322(c), Oct. 30, 2000, 114 Stat. 1598, provided that:

“(1) The President is requested to negotiate with foreign launching nations for the purpose of reaching one or more agreements that prohibit the use of outer space for obtrusive space advertising purposes.

“(2) It is the sense of the Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

“(3) As used in this subsection, the term ‘foreign launching nation’ means a nation—

“(A) that launches, or procures the launching of, a payload into outer space; or

“(B) from the territory or facility of which a payload is launched into outer space.”

§ 50912. Administrative hearings and judicial review

(a) **ADMINISTRATIVE HEARINGS.**—The Secretary of Transportation shall provide an opportunity for a hearing on the record to—

(1) an applicant under this chapter, for a decision of the Secretary under section 50905(a) or 50906 of this title to issue or transfer a license with terms or deny the issuance or transfer of a license;

(2) an owner or operator of a payload under this chapter, for a decision of the Secretary under section 50904(c) of this title to prevent the launch or reentry of the payload; and

(3) a licensee under this chapter, for a decision of the Secretary under—

(A) section 50908(b) or (c) of this title to modify, suspend, or revoke a license; or

(B) section 50909(a) of this title to prohibit, suspend, or end a launch or operation of a launch site or reentry site, or reentry of a reentry vehicle, licensed by the Secretary.

(b) **JUDICIAL REVIEW.**—A final action of the Secretary under this chapter is subject to judicial review as provided in chapter 7 of title 5.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1335, §70110 of title 49; Pub. L. 105-303, title I, §102(a)(10), Oct. 28, 1998, 112 Stat. 2849; Pub. L. 108-492, §2(c)(20), Dec. 23, 2004, 118 Stat. 3981; renumbered §70110 then §50912 of title 51 and amended Pub. L. 111-314, §4(d)(2), (3)(L), (5)(M)–(P), Dec. 18, 2010, 124 Stat. 3440–3442.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70110(a)(1) ..	49 App.:2611(a)(1) (1st sentence).	Oct. 30, 1984, Pub. L. 98-575, §12, 98 Stat. 3060.
70110(a)(2) ..	49 App.:2611(a)(1) (last sentence).	
70110(a)(3) ..	49 App.:2611(a)(2).	
70110(b)	49 App.:2611(b).	

In subsection (a), before clause (1), the words “The Secretary of Transportation shall provide an opportunity for a hearing on the record to” are substituted for “shall be entitled to a determination on the record after an opportunity for a hearing” for consistency in the revised title. The words “in accordance with section 554 of title 5” are omitted for consistency and because 5:554 applies to a hearing on the record unless otherwise stated. In clause (1), the words “and a proposed transferee of a license” are omitted as being included in “applicant”.

In subsection (b), the words “to issue, transfer, deny the issuance or transfer of, suspend, revoke, or modify a license or to terminate, prohibit, or suspend any launch or operation of a launch site licensed by the Secretary or to prevent the launch of a payload” are omitted as surplus.

Editorial Notes**AMENDMENTS**

2010—Pub. L. 111-314, §4(d)(2), (3)(L), successively renumbered section 70110 of title 49 and section 70110 of this title as this section.

Subsec. (a)(1). Pub. L. 111-314, §4(d)(5)(M), substituted “section 50905(a) or 50906” for “section 70105(a) or 70105a”.

Subsec. (a)(2). Pub. L. 111-314, §4(d)(5)(N), substituted “section 50904(c)” for “section 70104(c)”.

Subsec. (a)(3)(A). Pub. L. 111-314, §4(d)(5)(O), substituted “section 50908(b) or (c)” for “section 70107(b) or (c)”.

Subsec. (a)(3)(B). Pub. L. 111-314, §4(d)(5)(P), substituted “section 50909(a)” for “section 70108(a)”.

2004—Subsec. (a)(1). Pub. L. 108-492 inserted “or 70105a” after “70105(a)”.

1998—Subsec. (a)(2). Pub. L. 105-303, §102(a)(10)(A), inserted “or reentry” after “prevent the launch”.

Subsec. (a)(3)(B). Pub. L. 105-303, §102(a)(10)(B), inserted “or reentry site, or reentry of a reentry vehicle,” after “operation of a launch site”

§ 50913. Acquiring United States Government property and services

(a) **GENERAL REQUIREMENTS AND CONSIDERATIONS.**—(1) The Secretary of Transportation shall facilitate and encourage the acquisition by the private sector and State governments of—

(A) launch or reentry property of the United States Government that is excess or otherwise is not needed for public use; and

(B) launch services and reentry services, including utilities, of the Government otherwise not needed for public use.

(2) In acting under paragraph (1) of this subsection, the Secretary shall consider the commercial availability on reasonable terms of substantially equivalent launch property or launch services or reentry services from a domestic source, whether such source is located on or off a Federal range.

(b) **PRICE.**—(1) In this subsection, “direct costs” means the actual costs that—

(A) can be associated unambiguously with a commercial launch or reentry effort; and

(B) the Government would not incur if there were no commercial launch or reentry effort.

(2) In consultation with the Secretary, the head of the executive agency providing the property or service under subsection (a) of this section shall establish the price for the property or service. The price for—

(A) acquiring launch property by sale or transaction instead of sale is the fair market value;

(B) acquiring launch property (except by sale or transaction instead of sale) is an amount equal to the direct costs, including specific wear and tear and property damage, the Government incurred because of acquisition of the property; and

(C) launch services or reentry services is an amount equal to the direct costs, including the basic pay of Government civilian and con-

tractor personnel, the Government incurred because of acquisition of the services.

(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.

(c) **COLLECTION BY SECRETARY.**—The Secretary may collect a payment under this section with the consent of the head of the executive agency establishing the price. Amounts collected under this subsection shall be deposited in the Treasury. Amounts (except for excess launch property) shall be credited to the appropriation from which the cost of providing the property or services was paid.

(d) **COLLECTION BY OTHER GOVERNMENTAL HEADS.**—The head of a department, agency, or instrumentality of the Government may collect a payment for an activity involved in producing a launch vehicle or reentry vehicle, or the payload of either, for launch or reentry if the activity was agreed to by the owner or manufacturer of the launch vehicle, reentry vehicle, or payload.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1335, §70111 of title 49; Pub. L. 105-303, title I, §102(a)(11), Oct. 28, 1998, 112 Stat. 2849; renumbered §70111 then §50913 of title 51, Pub. L. 111-314, §4(d)(2), (3)(M), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70111(a)	49 App.:2614(a).	Oct. 30, 1984, Pub. L. 98-575, §15(a), 98 Stat. 3060; Nov. 15, 1988, Pub. L. 100-657, §4(a), 102 Stat. 3900; Nov. 16, 1990, Pub. L. 101-611, §117(b), 104 Stat. 3202.
70111(b)	49 App.:2614(b)(1).	Oct. 30, 1984, Pub. L. 98-575, §15(b)(1), 98 Stat. 3061; Nov. 15, 1988, Pub. L. 100-657, §4(b), 102 Stat. 3901.
70111(c)	49 App.:2614(b)(2), (3).	Oct. 30, 1984, Pub. L. 98-575, §15(b)(2), (3), 98 Stat. 3061.
70111(d)	49 App.:2614(d).	Oct. 30, 1984, Pub. L. 98-575, §9 Stat. 3055, §15(d); added Nov. 15, 1988, Pub. L. 100-657, §4(c), 102 Stat. 3901.

In subsection (a)(1), before clause (A), the words “take such actions as may be necessary to” and “(by lease, sale, transaction in lieu of sale, or otherwise)” are omitted as surplus.

In subsections (b)(2) and (c), the words “the head of” are added for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(2), before clause (A), the word “price” is substituted for “amount to be paid to the United States” and “the amount of such payment” to eliminate unnecessary words. The words “by any person who acquires launch property or launch services, including utilities” are omitted as surplus. In clause (C), the words “including utilities” are omitted as surplus. The words “basic pay” are substituted for “salaries” for clarity.

In subsection (c), the word “collected” is substituted for “received” for consistency in this section. The words “by the United States for launch property or launch services, including utilities” and “the general fund of” are omitted as surplus.

In subsection (d), the words “department, agency, or instrumentality of the Government” are substituted for “Federal agency or department” for consistency in the revised title and with other titles of the Code.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70111 of title 49 and section 70111 of this title as this section.

1998—Subsec. (a)(1)(A). Pub. L. 105-303, §102(a)(11)(A), inserted “or reentry” after “launch”.

Subsec. (a)(1)(B). Pub. L. 105-303, §102(a)(11)(B), inserted “and reentry services” after “launch services”.

Subsec. (a)(2). Pub. L. 105-303, §102(a)(11)(C), (D), inserted “or reentry services” after “or launch services” and substituted “source, whether such source is located on or off a Federal range” for “source”.

Subsec. (b)(1)(A), (B). Pub. L. 105-303, §102(a)(11)(E), inserted “or reentry” after “commercial launch”.

Subsec. (b)(2)(C). Pub. L. 105-303, §102(a)(11)(F), inserted “or reentry services” after “launch services”.

Subsec. (b)(3). Pub. L. 105-303, §102(a)(11)(G), added par. (3).

Subsec. (d). Pub. L. 105-303, §102(a)(11)(H), (I), substituted “or reentry vehicle, or the payload of either, for launch or reentry” for “or its payload for launch” and inserted “, reentry vehicle,” after “manufacturer of the launch vehicle”.

§ 50914. Liability insurance and financial responsibility requirements

(a) **GENERAL REQUIREMENTS.**—(1) When a launch or reentry license is issued or transferred under this chapter, the licensee or transferee shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

(A) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out under the license; and

(B) the United States Government against a person for damage or loss to Government property resulting from an activity carried out under the license.

(2) The Secretary of Transportation shall determine the amounts required under paragraph (1)(A) and (B) of this subsection, after consulting with the Administrator of the National Aeronautics and Space Administration, the Secretary of the Air Force, and the heads of other appropriate executive agencies.

(3) For the total claims related to one launch or reentry, a licensee or transferee is not required to obtain insurance or demonstrate financial responsibility of more than—

(A)(i) \$500,000,000 under paragraph (1)(A) of this subsection; or

(ii) \$100,000,000 under paragraph (1)(B) of this subsection; or

(B) the maximum liability insurance available on the world market at reasonable cost if the amount is less than the applicable amount in clause (A)(i) or (ii) of this paragraph.

(4) An insurance policy or demonstration of financial responsibility under this subsection shall protect the following, to the extent of their potential liability for involvement in launch services or reentry services, at no cost to the Government:

(A) the Government.

(B) executive agencies and personnel, contractors, and subcontractors of the Government.

(C) contractors, subcontractors, and customers of the licensee or transferee.

(D) contractors and subcontractors of the customer.

(E) space flight participants.

(5) Subparagraph (E) of paragraph (4) ceases to be effective September 30, 2025.

(b) **RECIPROCAL WAIVER OF CLAIMS.**—(1)(A) A launch or reentry license issued or transferred under this chapter shall contain a provision requiring the licensee or transferee to make a reciprocal waiver of claims with applicable parties involved in launch services or reentry services under which each party to the waiver agrees to be responsible for personal injury to, death of, or property damage or loss sustained by it or its own employees resulting from an activity carried out under the applicable license.

(B) In this paragraph, the term “applicable parties” means—

(i) contractors, subcontractors, and customers of the licensee or transferee;

(ii) contractors and subcontractors of the customers; and

(iii) space flight participants.

(C) Clause (iii) of subparagraph (B) ceases to be effective September 30, 2025.

(2) The Secretary of Transportation shall make, for the Government, executive agencies of the Government involved in launch services or reentry services, and contractors and subcontractors involved in launch services or reentry services, a reciprocal waiver of claims with the licensee or transferee, contractors, subcontractors, crew, space flight participants, and customers of the licensee or transferee, and contractors and subcontractors of the customers, involved in launch services or reentry services under which each party to the waiver agrees to be responsible for property damage or loss it sustains, or for personal injury to, death of, or property damage or loss sustained by its own employees or by space flight participants, resulting from an activity carried out under the applicable license. The waiver applies only to the extent that claims are more than the amount of insurance or demonstration of financial responsibility required under subsection (a)(1)(B) of this section. After consulting with the Administrator and the Secretary of the Air Force, the Secretary of Transportation may waive, for the Government and a department, agency, and instrumentality of the Government, the right to recover damages for damage or loss to Government property to the extent insurance is not available because of a policy exclusion the Secretary of Transportation decides is usual for the type of insurance involved.

(c) **DETERMINATION OF MAXIMUM PROBABLE LOSSES.**—The Secretary of Transportation shall determine the maximum probable losses under subsection (a)(1)(A) and (B) of this section associated with an activity under a license not later than 90 days after a licensee or transferee requires a determination and submits all information the Secretary requires. The Secretary shall amend the determination as warranted by new information.

(d) **ANNUAL REPORT.**—(1) Not later than November 15 of each year, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the

Senate and the Committee on Science of the House of Representatives a report on current determinations made under subsection (c) of this section related to all issued licenses and the reasons for the determinations.

(2) Not later than May 15 of each year, the Secretary of Transportation shall review the amounts specified in subsection (a)(3)(A) of this section and submit a report to Congress that contains proposed adjustments in the amounts to conform with changed liability expectations and availability of insurance on the world market. The proposed adjustment takes effect 30 days after a report is submitted.

(e) **LAUNCHES OR REENTRIES INVOLVING GOVERNMENT FACILITIES AND PERSONNEL.**—The Secretary of Transportation shall establish requirements consistent with this chapter for proof of financial responsibility and other assurances necessary to protect the Government and its executive agencies and personnel from liability, death, bodily injury, or property damage or loss as a result of a launch or operation of a launch site or reentry site or a reentry involving a facility or personnel of the Government. The Secretary may not relieve the Government of liability under this subsection for death, bodily injury, or property damage or loss resulting from the willful misconduct of the Government or its agents.

(f) **COLLECTION AND CREDITING PAYMENTS.**—The head of a department, agency, or instrumentality of the Government shall collect a payment owed for damage or loss to Government property under its jurisdiction or control resulting from an activity carried out under a launch or reentry license issued or transferred under this chapter. The payment shall be credited to the current applicable appropriation, fund, or account of the department, agency, or instrumentality.

(g) **FEDERAL JURISDICTION.**—Any claim by a third party or space flight participant for death, bodily injury, or property damage or loss resulting from an activity carried out under the license shall be the exclusive jurisdiction of the Federal courts.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1336, § 70112 of title 49; Pub. L. 104–287, § 5(74), (93), Oct. 11, 1996, 110 Stat. 3396, 3398; Pub. L. 105–303, title I, § 102(a)(12), Oct. 28, 1998, 112 Stat. 2850; Pub. L. 108–492, § 2(c)(21), Dec. 23, 2004, 118 Stat. 3981; renumbered § 70112 then § 50914 of title 51, Pub. L. 111–314, § 4(d)(2), (3)(N), Dec. 18, 2010, 124 Stat. 3440, 3441; Pub. L. 114–90, title I, §§ 103(a)(1), 106, 107, Nov. 25, 2015, 129 Stat. 706, 707.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70112(a)(1), (2).	49 App.:2615(a)(1)(A) (1st sentence), (B) (1st sentence).	Oct. 30, 1984, Pub. L. 98–575, § 16(a), (c), 98 Stat. 3061; restated Nov. 15, 1988, Pub. L. 100–657, § 5(a), 102 Stat. 3901, 3905.
70112(a)(3) ..	49 App.:2615(a)(1)(A) (last sentence), (B) (last sentence).	
70112(a)(4) ..	49 App.:2615(a)(2).	
70112(b)(1) ..	49 App.:2615(a)(1)(C).	
70112(b)(2) ..	49 App.:2615(a)(1)(D).	
70112(c)	49 App.:2615(a)(3) (1st, 2d sentences).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70112(d)(1) ..	49 App.:2615(a)(3) (last sentence).	Oct. 30, 1984, Pub. L. 98-575, §15(c), 98 Stat. 3061; re-stated Nov. 15, 1988, Pub. L. 100-657, §5(b), 102 Stat. 3905.
70112(d)(2) ..	49 App.:2615(a)(4).	
70112(e)	49 App.:2614(c).	
70112(f)	49 App.:2615(c).	

In subsection (a), the word “particular” is omitted as surplus.

In subsection (a)(1), before clause (A), the word “sufficient” is omitted as surplus. In clauses (A) and (B), the words “in connection with any particular launch” are omitted as surplus.

In subsection (a)(4), before clause (A), the words “made . . . a requirement described in” are omitted as surplus.

In subsection (b)(2), the words “department, agency, and instrumentality of the Government” are substituted for “Federal agency” for consistency in the revised title and with other titles of the United States Code.

In subsection (d)(2), the words “if appropriate” are omitted as surplus.

In subsection (f), the words “department, agency, or instrumentality of the Government” are substituted for “Federal agency or department” for consistency in the revised title and with other titles of the Code. The words “insurance proceeds or . . . other” and “proceeds or other” are omitted as surplus.

PUB. L. 104-287, §5(93)

This amends 49:70112(a)(3)(B) to clarify a cross-reference in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1337).

Editorial Notes

AMENDMENTS

2015—Subsec. (a)(4)(E). Pub. L. 114-90, §103(a)(1)(A), added subpar. (E).

Subsec. (a)(5). Pub. L. 114-90, §103(a)(1)(B), added par. (5).

Subsec. (b)(1). Pub. L. 114-90, §107, amended par. (1) generally. Prior to amendment, par. (1) read as follows: “A launch or reentry license issued or transferred under this chapter shall contain a provision requiring the licensee or transferee to make a reciprocal waiver of claims with its contractors, subcontractors, and customers, and contractors and subcontractors of the customers, involved in launch services or reentry services under which each party to the waiver agrees to be responsible for property damage or loss it sustains, or for personal injury to, death of, or property damage or loss sustained by its own employees resulting from an activity carried out under the applicable license.”

Subsec. (g). Pub. L. 114-90, §106, added subsec. (g).

2010—Pub. L. 111-314 successively renumbered section 70112 of title 49 and section 70112 of this title as this section.

2004—Subsec. (b)(2). Pub. L. 108-492 inserted “crew, space flight participants,” after “transferee, contractors, subcontractors,” and “or by space flight participants,” after “its own employees”.

1998—Subsec. (a)(1). Pub. L. 105-303, §102(a)(12)(A), inserted “launch or reentry” before “license is issued”.

Subsec. (a)(3). Pub. L. 105-303, §102(a)(12)(B), inserted “or reentry” after “one launch” in introductory provisions.

Subsec. (a)(4). Pub. L. 105-303, §102(a)(12)(C), inserted “or reentry services” after “launch services” in introductory provisions.

Subsec. (b)(1). Pub. L. 105-303, §102(a)(12)(D)–(F), inserted “launch or reentry” before “license issued or

transferred”, “or reentry services” after “launch services”, and “applicable” after “carried out under the”.

Subsec. (b)(2). Pub. L. 105-303, §102(a)(12)(E), (F), inserted “or reentry services” after “launch services” wherever appearing and “applicable” after “carried out under the”.

Subsec. (e). Pub. L. 105-303, §102(a)(12)(G), (H), inserted “or Reentries” after “Launches” in heading and “or reentry site or a reentry” after “launch site” in text.

Subsec. (f). Pub. L. 105-303, §102(a)(12)(I), inserted “launch or reentry” before “license issued or transferred”.

1996—Subsec. (a)(3)(B). Pub. L. 104-287, §5(93), substituted “clause (A)(i) or (ii)” for “clause (A)”.

Subsec. (d)(1). Pub. L. 104-287, §5(74), substituted “Committee on Science” for “Committee on Science, Space, and Technology”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 5(93) of Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of Title 49, Transportation.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 2nd item on page 133 identifies a reporting provision which, as subsequently amended, is contained in subsec. (d)(1) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§50915. Paying claims exceeding liability insurance and financial responsibility requirements

(a) GENERAL REQUIREMENTS.—(1) To the extent provided in advance in an appropriation law or to the extent additional legislative authority is enacted providing for paying claims in a compensation plan submitted under subsection (d) of this section, the Secretary of Transportation shall provide for the payment by the United States Government of a successful claim (including reasonable litigation or settlement expenses) of a third party against a person described in paragraph (3)(A) resulting from an activity carried out under the license issued or transferred under this chapter for death, bodily injury, or property damage or loss resulting from an activity carried out under the license. However, claims may be paid under this section only to the extent the total amount of successful claims related to one launch or reentry—

(A) is more than the amount of insurance or demonstration of financial responsibility required under section 50914(a)(1)(A) of this title; and

(B) is not more than \$1,500,000,000 (plus additional amounts necessary to reflect inflation

occurring after January 1, 1989) above that insurance or financial responsibility amount.

(2) The Secretary may not provide for paying a part of a claim for which death, bodily injury, or property damage or loss results from willful misconduct by the licensee or transferee. To the extent insurance required under section 50914(a)(1)(A) of this title is not available to cover a successful third party liability claim because of an insurance policy exclusion the Secretary decides is usual for the type of insurance involved, the Secretary may provide for paying the excluded claims without regard to the limitation contained in section 50914(a)(1).

(3)(A) A person described in this subparagraph is—

- (i) a licensee or transferee under this chapter;
- (ii) a contractor, subcontractor, or customer of the licensee or transferee;
- (iii) a contractor or subcontractor of a customer; or
- (iv) a space flight participant.

(B) Clause (iv) of subparagraph (A) ceases to be effective September 30, 2025.

(b) NOTICE, PARTICIPATION, AND APPROVAL.—Before a payment under subsection (a) of this section is made—

(1) notice must be given to the Government of a claim, or a civil action related to the claim, against a party described in subsection (a)(1) of this section for death, bodily injury, or property damage or loss;

(2) the Government must be given an opportunity to participate or assist in the defense of the claim or action; and

(3) the Secretary must approve any part of a settlement to be paid out of appropriations of the Government.

(c) WITHHOLDING PAYMENTS.—The Secretary may withhold a payment under subsection (a) of this section if the Secretary certifies that the amount is not reasonable. However, the Secretary shall deem to be reasonable the amount of a claim finally decided by a court of competent jurisdiction.

(d) SURVEYS, REPORTS, AND COMPENSATION PLANS.—(1) If as a result of an activity carried out under a license issued or transferred under this chapter the total of claims related to one launch or reentry is likely to be more than the amount of required insurance or demonstration of financial responsibility, the Secretary shall—

(A) survey the causes and extent of damage; and

(B) submit expeditiously to Congress a report on the results of the survey.

(2) Not later than 90 days after a court determination indicates that the liability for the total of claims related to one launch or reentry may be more than the required amount of insurance or demonstration of financial responsibility, the President, on the recommendation of the Secretary, shall submit to Congress a compensation plan that—

(A) outlines the total dollar value of the claims;

(B) recommends sources of amounts to pay for the claims;

(C) includes legislative language required to carry out the plan if additional legislative authority is required; and

(D) for a single event or incident, may not be for more than \$1,500,000,000.

(3) A compensation plan submitted to Congress under paragraph (2) of this subsection shall—

(A) have an identification number; and

(B) be submitted to the Senate and the House of Representatives on the same day and when the Senate and House are in session.

(e) CONGRESSIONAL RESOLUTIONS.—(1) In this subsection, “resolution”—

(A) means a joint resolution of Congress the matter after the resolving clause of which is as follows: “That the Congress approves the compensation plan numbered _____ submitted to the Congress on _____, 20____,” with the blank spaces being filled appropriately; but

(B) does not include a resolution that includes more than one compensation plan.

(2) The Senate shall consider under this subsection a compensation plan requiring additional appropriations or legislative authority not later than 60 calendar days of continuous session of Congress after the date on which the plan is submitted to Congress.

(3) A resolution introduced in the Senate shall be referred immediately to a committee by the President of the Senate. All resolutions related to the same plan shall be referred to the same committee.

(4)(A) If the committee of the Senate to which a resolution has been referred does not report the resolution within 20 calendar days after it is referred, a motion is in order to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of the plan.

(B) A motion to discharge may be made only by an individual favoring the resolution and is highly privileged (except that the motion may not be made after the committee has reported a resolution on the plan). Debate on the motion is limited to one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order. A motion to reconsider the vote by which the motion is agreed to or disagreed to is not in order.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed and another motion to discharge the committee from another resolution on the same plan may not be made.

(5)(A) After a committee of the Senate reports, or is discharged from further consideration of, a resolution, a motion to proceed to the consideration of the resolution is in order at any time, even though a similar previous motion has been disagreed to. The motion is highly privileged and is not debatable. An amendment to the motion is not in order. A motion to reconsider the vote by which the motion is agreed to or disagreed to is not in order.

(B) Debate on the resolution referred to in subparagraph (A) of this paragraph is limited to not more than 10 hours, to be divided equally be-

tween those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(6) The following shall be decided in the Senate without debate:

(A) a motion to postpone related to the discharge from committee.

(B) a motion to postpone consideration of a resolution.

(C) a motion to proceed to the consideration of other business.

(D) an appeal from a decision of the chair related to the application of the rules of the Senate to the procedures related to a resolution.

(f) APPLICATION.—This section applies to a license issued or transferred under this chapter for which the Secretary receives a complete and valid application not later than September 30, 2025. This section does not apply to permits.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1338, §70113 of title 49; Pub. L. 104-287, §5(94), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 105-303, title I, §102(a)(13), Oct. 28, 1998, 112 Stat. 2850; Pub. L. 106-74, title IV, §433, Oct. 20, 1999, 113 Stat. 1097; Pub. L. 106-377, §1(a)(1) [title IV, §429], Oct. 27, 2000, 114 Stat. 1441, 1441A-56; Pub. L. 106-405, §§5(b), 6(a), Nov. 1, 2000, 114 Stat. 1752; Pub. L. 108-428, §1, Nov. 30, 2004, 118 Stat. 2432; Pub. L. 108-492, §2(c)(22), (23), Dec. 23, 2004, 118 Stat. 3981; Pub. L. 111-125, §1, Dec. 28, 2009, 123 Stat. 3486; renumbered §70113 then §50915 of title 51 and amended Pub. L. 111-314, §4(d)(2), (3)(O), (5)(Q), (R), Dec. 18, 2010, 124 Stat. 3440-3442; Pub. L. 112-273, §3, Jan. 14, 2013, 126 Stat. 2454; Pub. L. 113-76, §8, Jan. 17, 2014, 128 Stat. 7; Pub. L. 114-90, title I, §§102(d), 103(a)(2), Nov. 25, 2015, 129 Stat. 706.)

HISTORICAL AND REVISION NOTES PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70113(a)	49 App.:2615(b)(1).	Oct. 30, 1984, Pub. L. 98-575, §16(b)(1)-(4), 98 Stat. 3061; restated Nov. 15, 1988, Pub. L. 100-657, §5(a), 102 Stat. 3903.
70113(b)	49 App.:2615(b)(2).	
70113(c)	49 App.:2615(b)(3).	
70113(d)(1) ..	49 App.:2615(b)(4)(A).	
70113(d)(2) ..	49 App.:2615(b)(4)(B).	
70113(d)(3) ..	49 App.:2615(b)(4)(C).	
70113(e)(1) ..	49 App.:2615(b)(4)(D)(i), (iii).	
70113(e)(2) ..	49 App.:2615(b)(4)(D)(ii).	
70113(e)(3) ..	49 App.:2615(b)(4)(D)(iv).	
70113(e)(4) ..	49 App.:2615(b)(4)(D)(v).	
70113(e)(5) ..	49 App.:2615(b)(4)(D)(vi).	
70113(e)(6) ..	49 App.:2615(b)(4)(D)(vii).	
70113(f)	49 App.:2615(b)(5).	Oct. 30, 1984, Pub. L. 98-575, §16(b)(5), 98 Stat. 3061; restated Nov. 15, 1988, Pub. L. 100-657, §5(a), 102 Stat. 3903; Nov. 4, 1992, Pub. L. 102-588, §503, 106 Stat. 5124.

In subsection (a)(1), before clause (A), the word “particular” is omitted as surplus. In clause (B), the words “the level that is” are omitted as surplus.

In subsection (b)(1), the words “civil action” are substituted for “suit” for consistency in the revised title

and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (b)(2), the words “the Government must be given an opportunity” are substituted for “by the United States, at its election” for clarity.

In subsection (c), the words “just and” and “judgment” are omitted as surplus.

In subsection (d), the word “particular” is omitted as surplus.

In subsection (d)(2), before clause (A), the words “or plans” are omitted because of 1:1.

In subsection (e)(1), before clause (A), the text of 49 App.:2615(b)(4)(D)(i) is omitted as surplus. In clause (A), the word “only” is omitted as surplus. The word “Congress” is substituted for “the first blank space therein being filled with the name of the resolving House” to correct an error in the law.

In subsection (e)(3), the words “once introduced with respect to a compensation plan” are omitted as surplus.

In subsection (e)(4)(A), the word “either” is omitted as surplus.

In subsection (f), the word “only” is omitted as surplus.

PUB. L. 104-287

This amends 49:70113(e)(6)(D) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1340).

Editorial Notes

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-90, §103(a)(2)(A), in introductory provisions, substituted “a person described in paragraph (3)(A)” for “a licensee or transferee under this chapter, a contractor, subcontractor, or customer of the licensee or transferee, or a contractor or subcontractor of a customer, but not against a space flight participant,”.

Subsec. (a)(3). Pub. L. 114-90, §103(a)(2)(B), added par. (3).

Subsec. (f). Pub. L. 114-90, §102(d), substituted “September 30, 2025” for “December 31, 2016”.

2014—Subsec. (f). Pub. L. 113-76 substituted “December 31, 2016” for “December 31, 2013”.

2013—Subsec. (f). Pub. L. 112-273 substituted “December 31, 2013” for “December 31, 2012”.

2010—Pub. L. 111-314, §4(d)(2), (3)(O), successively renumbered section 70113 of title 49 and section 70113 of this title as this section.

Subsec. (a)(1)(A). Pub. L. 111-314, §4(d)(5)(Q), substituted “section 50914(a)(1)(A)” for “section 70112(a)(1)(A)”.

Subsec. (a)(2). Pub. L. 111-314, §4(d)(5)(R), substituted “section 50914(a)(1)(A)” for “section 70112(a)(1)(A)” and “section 50914(a)(1)” for “section 70112(a)(1)”.

2009—Subsec. (f). Pub. L. 111-125 substituted “December 31, 2012.” for “December 31, 2009.”

2004—Subsec. (a)(1). Pub. L. 108-492, §2(c)(22), inserted “but not against a space flight participant,” after “subcontractor of a customer,”.

Subsec. (f). Pub. L. 108-492, §2(c)(23), inserted at end “This section does not apply to permits.”

Pub. L. 108-428 substituted “December 31, 2009” for “December 31, 2004”.

2000—Subsec. (e)(1)(A). Pub. L. 106-405, §6(a), substituted “20” for “19”.

Subsec. (f). Pub. L. 106-405, §5(b), substituted “December 31, 2004” for “December 31, 2001”.

Pub. L. 106-377 substituted “December 31, 2001” for “December 31, 2000”.

1999—Subsec. (f). Pub. L. 106-74 substituted “December 31, 2000” for “December 31, 1999”.

1998—Subsecs. (a)(1), (d)(1), (2). Pub. L. 105-303 inserted “or reentry” after “one launch”.

1996—Subsec. (e)(6)(D). Pub. L. 104-287 substituted “related to a resolution” for “related to resolution”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2000 AMENDMENT**

Pub. L. 106–405, §6(b), Nov. 1, 2000, 114 Stat. 1752, provided that: “The amendment made by subsection (a) [amending this section] takes effect on January 1, 2000.”

§ 50916. Disclosing information

The Secretary of Transportation, an officer or employee of the United States Government, or a person making a contract with the Secretary under section 50907(b) of this title may disclose information under this chapter that qualifies for an exemption under section 552(b)(4) of title 5 or is designated as confidential by the person or head of the executive agency providing the information only if the Secretary decides withholding the information is contrary to the public or national interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1340, §70114 of title 49; renumbered §70114 then §50916 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(P), (5)(S), Dec. 18, 2010, 124 Stat. 3440–3442.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70114	49 App.:2608(c).	Oct. 30, 1984, Pub. L. 98–575, §9(c), 98 Stat. 3059.

The words “data or” are omitted as surplus. The words “the head of” and “executive” are added for consistency in the revised title and with other titles of the United States Code.

Editorial Notes**AMENDMENTS**

2010—Pub. L. 111–314, §4(d)(5)(S), substituted “section 50907(b)” for “section 70106(b)”.

Pub. L. 111–314, §4(d)(2), (3)(P), successively renumbered section 70114 of title 49 and section 70114 of this title as this section.

§ 50917. Enforcement and penalty

(a) **PROHIBITIONS.**—A person may not violate this chapter, a regulation prescribed under this chapter, or any term of a license issued or transferred under this chapter.

(b) **GENERAL AUTHORITY.**—(1) In carrying out this chapter, the Secretary of Transportation may—

- (A) conduct investigations and inquiries;
- (B) administer oaths;
- (C) take affidavits; and
- (D) under lawful process—

(i) enter at a reasonable time a launch site, reentry site, production facility, assembly site of a launch vehicle or reentry vehicle, crew or space flight participant training site, or site at which a payload is integrated with a launch vehicle or reentry vehicle to inspect an object to which this chapter applies or a record or report the Secretary requires be made or kept under this chapter; and

(ii) seize the object, record, or report when there is probable cause to believe the object, record, or report was used, is being used, or likely will be used in violation of this chapter.

(2) The Secretary may delegate a duty or power under this chapter related to enforcement to an officer or employee of another executive agency with the consent of the head of the agency.

(c) **CIVIL PENALTY.**—(1) After notice and an opportunity for a hearing on the record, a person the Secretary finds to have violated subsection (a) of this section is liable to the United States Government for a civil penalty of not more than \$100,000. A separate violation occurs for each day the violation continues.

(2) In conducting a hearing under paragraph (1) of this subsection, the Secretary may—

(A) subpoena witnesses and records; and

(B) enforce a subpoena in an appropriate district court of the United States.

(3) The Secretary shall impose the civil penalty by written notice. The Secretary may compromise or remit a penalty imposed, or that may be imposed, under this section.

(4) The Secretary shall recover a civil penalty not paid after the penalty is final or after a court enters a final judgment for the Secretary.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1341, §70115 of title 49; Pub. L. 105–303, title I, §102(a)(14), Oct. 28, 1998, 112 Stat. 2850; Pub. L. 108–492, §2(c)(24), Dec. 23, 2004, 118 Stat. 3981; renumbered §70115 then §50917 of title 51, Pub. L. 111–314, §4(d)(2), (3)(Q), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70115(a)	49 App.:2617.	Oct. 30, 1984, Pub. L. 98–575, §§17–19, 98 Stat. 3061.
70115(b)(1) ..	49 App.:2616(b).	
70115(b)(2) ..	49 App.:2616(a).	
70115(c)(1) ..	49 App.:2618(a) (1st, 2d sentences).	
70115(c)(2) ..	49 App.:2618(c).	
70115(c)(3) ..	49 App.:2618(a) (3d, last sentences).	
70115(c)(4) ..	49 App.:2618(b).	

In subsection (a), the words “a requirement of” are omitted as surplus. The word “prescribed” is substituted for “issued” for consistency in the revised title and with other titles of the United States Code. The words “condition, or restriction” are omitted as surplus.

In subsection (b)(1)(A)–(C), the words “concerning any matter relating to enforcement of this chapter” are omitted as surplus.

In subsection (b)(1)(B) and (C), the words “from any person” are omitted as surplus.

In subsection (b)(1)(B), the word “affirmation” is omitted because of 1:1.

In subsection (b)(2), the text of 49 App.:2616(a) (1st sentence) is omitted as surplus because the Secretary of Transportation enforces programs the Secretary carries out unless otherwise provided. The words “the exercise of” are omitted as surplus. The words “duty or power” are substituted for “authority” for consistency in the revised title and with other titles of the Code. The words “to any officer or employee of the Department of Transportation” are omitted as surplus because of 49:322(b).

In subsection (c)(1), the words “in accordance with section 554 of title 5” are omitted for consistency in the revised title and because 5:554 applies to a hearing on the record unless otherwise stated. The words “for each violation” are omitted as surplus.

In subsection (c)(2), the words “relevant papers, books, documents, and other” are omitted as surplus.

The words “(3) administer oaths and affirmatives” are omitted as surplus because of subsection (b)(1)(B) of this section.

In subsection (c)(3), the word “impose” is substituted for “assessed” for consistency in the revised title and with other titles of the Code. The words “amount of such” and “modify . . . with or without conditions” are omitted as surplus.

Subsection (c)(4) is substituted for 49 App.:2618(b) to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70115 of title 49 and section 70115 of this title as this section.

2004—Subsec. (b)(1)(D)(i). Pub. L. 108-492 inserted “crew or space flight participant training site,” after “site of a launch vehicle or reentry vehicle.”

1998—Subsec. (b)(1)(D)(i). Pub. L. 105-303 inserted “reentry site,” after “launch site,” and inserted “or reentry vehicle” after “launch vehicle” in two places.

§ 50918. Consultation

(a) MATTERS AFFECTING NATIONAL SECURITY.—The Secretary of Transportation shall consult with the Secretary of Defense on a matter under this chapter affecting national security. The Secretary of Defense shall identify and notify the Secretary of Transportation of a national security interest relevant to an activity under this chapter.

(b) MATTERS AFFECTING FOREIGN POLICY.—The Secretary of Transportation shall consult with the Secretary of State on a matter under this chapter affecting foreign policy. The Secretary of State shall identify and notify the Secretary of Transportation of a foreign policy interest or obligation relevant to an activity under this chapter.

(c) OTHER MATTERS.—In carrying out this chapter, the Secretary of Transportation shall consult with the head of another executive agency—

- (1) to provide consistent application of licensing requirements under this chapter;
- (2) to ensure fair treatment for all license applicants; and
- (3) when appropriate.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1341, §70116 of title 49; renumbered §70116 then §50918 of title 51, Pub. L. 111-314, §4(d)(2), (3)(R), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70116(a)	49 App.:2619(a).	Oct. 30, 1984, Pub. L. 98-575, § 20, 98 Stat. 3062.
70116(b)	49 App.:2619(b).	
70116(c)	49 App.:2604(a)(2).	Oct. 30, 1984, Pub. L. 98-575, § 5(a)(2), 98 Stat. 3057; Nov. 16, 1990, Pub. L. 101-611, § 117(e)(2), 104 Stat. 3203.
	49 App.:2619(c).	

In subsections (a) and (b), the words “including the issuance or transfer of each license” and “be responsible for” are omitted as surplus.

In subsection (c), before clause (1), the words “the head of” and “executive” are added for consistency in the revised title and with other titles of the United States Code. In clause (2), the words “and equitable” in 49 App.:2604(a)(2) are omitted as surplus.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70116 of title 49 and section 70116 of this title as this section.

Statutory Notes and Related Subsidiaries

STREAMLINE COMMERCIAL SPACE LAUNCH ACTIVITIES

Pub. L. 114-92, div. A, title XVI, §1617, Nov. 25, 2015, 129 Stat. 1106, as amended by Pub. L. 115-232, div. A, title XVI, §1606, Aug. 13, 2018, 132 Stat. 2107, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that eliminating duplicative requirements and approvals for commercial launch and reentry operations will promote and encourage the development of the commercial space sector.

“(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Secretary of Transportation, in overseeing and coordinating commercial launch and reentry operations, should—

“(1) promote commercial space launches and reentries by the private sector;

“(2) facilitate Government, State, and private sector involvement in enhancing United States launch sites and facilities;

“(3) protect public health and safety, safety of property, national security interests, and foreign policy interests of the United States; and

“(4) consult with the head of another executive agency, including the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration, as necessary to provide consistent application of licensing requirements under chapter 509 of title 51, United States Code.

“(c) REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary of Transportation under section 50918 of title 51, United States Code, and subject to section 50905(b)(2)(C) of that title, shall consult with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and the heads of other executive agencies, as appropriate—

“(A) to identify all requirements that are imposed to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle; and

“(B) to evaluate the requirements identified in subparagraph (A) and, in coordination with the licensee or transferee and the heads of the relevant executive agencies—

“(i) determine whether the satisfaction of a requirement of one agency could result in the satisfaction of a requirement of another agency; and

“(ii) resolve any inconsistencies and remove any outmoded or duplicative requirements or approvals of the Federal Government relevant to any commercial launch of a launch vehicle or commercial reentry of a reentry vehicle.

“(2) STREAMLINING.—

“(A) IN GENERAL.—With respect to any licensed activity under chapter 509 of title 51, United States Code, the Secretary of Defense may not impose any requirement on a licensee or transferee that is duplicative of, or overlaps in intent with, any requirement imposed by the Secretary of Transportation under that chapter.

“(B) WAIVER.—The Secretary of the Air Force may waive the limitation under subparagraph (A) if—

“(i) the Secretary determines that imposing a requirement described in that subparagraph is necessary to avoid negative consequences for the national security space program; and

“(ii) the Secretary notifies the Secretary of Transportation of such determination before making such waiver.

“(3) REPORTS.—Not later than 180 days after the date of enactment of this Act [Nov. 25, 2015], and annually thereafter until the Secretary of Transportation determines no outmoded or duplicative requirements or approvals of the Federal Government exist, the Secretary of Transportation, in consultation with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the commercial space sector, and the heads of other executive agencies, as appropriate, shall submit to the appropriate congressional committees a report that includes the following:

“(A) A description of the process for the application for and approval of a permit or license under chapter 509 of title 51, United States Code, for the commercial launch of a launch vehicle or commercial reentry of a reentry vehicle, including the identification of—

“(i) any unique requirements for operating on a United States Government launch site, reentry site, or launch property; and

“(ii) any inconsistent, outmoded, or duplicative requirements or approvals.

“(B) A description of current efforts, if any, to coordinate and work across executive agencies to define interagency processes and procedures for sharing information, avoiding duplication of effort, and resolving common agency requirements.

“(C) Recommendations for legislation that may further—

“(i) streamline requirements in order to improve efficiency, reduce unnecessary costs, resolve inconsistencies, remove duplication, and minimize unwarranted constraints; and

“(ii) consolidate or modify requirements across affected agencies into a single application set that satisfies the requirements identified in paragraph (1)(A).

“(4) DEFINITIONS.—For purposes of this subsection—

“(A) any applicable definitions set forth in section 50902 of title 51, United States Code, shall apply;

“(B) the term ‘appropriate congressional committees’ means—

“(i) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives];

“(ii) the Committee on Commerce, Science, and Transportation of the Senate;

“(iii) the Committee on Science, Space, and Technology of the House of Representatives; and

“(iv) the Committee on Transportation and Infrastructure of the House of Representatives;

“(C) the terms ‘launch’, ‘reenter’, and ‘reentry’ include landing of a launch vehicle or reentry vehicle; and

“(D) the terms ‘United States Government launch site’ and ‘United States Government reentry site’ include any necessary facility, at that location, that is commercially operated on United States Government property.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Secretary of Defense to consult with the Secretary of Transportation with respect to requirements and approvals under chapter 509 of title 51, United States Code.”

Substantially identical provisions were contained in the following act:

Pub. L. 114-90, title I, § 113, Nov. 25, 2015, 129 Stat. 714.

§ 50919. Relationship to other executive agencies, laws, and international obligations

(a) EXECUTIVE AGENCIES.—Except as provided in this chapter, a person is not required to obtain from an executive agency a license, approval, waiver, or exemption to launch a launch vehicle or operate a launch site or reentry site, or to reenter a reentry vehicle.

(b) FEDERAL COMMUNICATIONS COMMISSION AND SECRETARY OF COMMERCE.—This chapter does not affect the authority of—

(1) the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.); or

(2) the Secretary of Commerce under chapter 601 of this title.

(c) STATES AND POLITICAL SUBDIVISIONS.—A State or political subdivision of a State—

(1) may not adopt or have in effect a law, regulation, standard, or order inconsistent with this chapter; but

(2) may adopt or have in effect a law, regulation, standard, or order consistent with this chapter that is in addition to or more stringent than a requirement of, or regulation prescribed under, this chapter.

(d) CONSULTATION.—The Secretary of Transportation is encouraged to consult with a State to simplify and expedite the approval of a space launch or reentry activity.

(e) FOREIGN COUNTRIES.—The Secretary of Transportation shall—

(1) carry out this chapter consistent with an obligation the United States Government assumes in a treaty, convention, or agreement in force between the Government and the government of a foreign country; and

(2) consider applicable laws and requirements of a foreign country when carrying out this chapter.

(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports, except that payloads launched pursuant to foreign trade zone procedures as provided for under the Foreign Trade Zones Act (19 U.S.C. 81a–81u) shall be considered exports with regard to customs entry.

(g) NONAPPLICATION.—

(1) IN GENERAL.—This chapter does not apply to—

(A) a launch, reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site, or other space activity the Government carries out for the Government; or

(B) planning or policies related to the launch, reentry, operation, or activity under subparagraph (A).

(2) RULE OF CONSTRUCTION.—The following activities are not space activities the Government carries out for the Government under paragraph (1):

(A) A government astronaut being carried within a launch vehicle or reentry vehicle under this chapter.

(B) A government astronaut performing activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle under this chapter.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1342, § 70117 of title 49; Pub. L. 104-287, § 5(95), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 105-303, title I, § 102(a)(15), Oct. 28, 1998, 112 Stat. 2850; renumbered § 70117 then § 50919 of title 51 and amended

Pub. L. 111-314, §4(d)(2), (3)(S), (5)(T), Dec. 18, 2010, 124 Stat. 3440-3442; Pub. L. 114-90, title I, §112(o), Nov. 25, 2015, 129 Stat. 713.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70117(a)	49 App.:2605(c)(1).	Oct. 30, 1984, Pub. L. 98-575, §§6(c), 21, 98 Stat. 3058, 3063.
70117(b)	49 App.:2605(c)(2).	
70117(c)	49 App.:2620(a) (1st, 2d sentences).	
70117(d)	49 App.:2620(a) (last sentence).	
70117(e)	49 App.:2620(d).	
70117(f)	49 App.:2620(b).	
70117(g)	49 App.:2620(c).	

In subsection (e)(1), the words “government of a foreign country” are substituted for “foreign nation” for consistency in the revised title and with other titles of the United States Code.

PUB. L. 104-287

This amends 49:70117(b)(2) by updating a cross-reference. Section 4 of the Land Remote Sensing Policy Act of 1992 (Public Law 102-555, 106 Stat. 4166) repealed the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.). The substantive provisions of the Land Remote Sensing Policy Act of 1992, which replaced the Land Remote-Sensing Commercialization Act of 1984, were classified to the United States Code at 15 U.S.C. 5601 et seq.

Editorial Notes

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsec. (b)(1), is act June 19, 1934, ch. 652, 48 Stat. 1064, which is classified principally to section 151 et seq. of Title 47, Telecommunications. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

The Foreign Trade Zones Act, referred to in subsec. (f), is act June 18, 1934, ch. 590, 48 Stat. 998, which is classified generally to chapter 1A (§81a et seq.) of Title 19, Customs Duties. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2015—Subsec. (g). Pub. L. 114-90 amended subsec. (g) generally. Prior to amendment, text read as follows: “This chapter does not apply to—

“(1) a launch, reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site, or other space activity the Government carries out for the Government; or

“(2) planning or policies related to the launch, reentry, operation, or activity.”

2010—Pub. L. 111-314, §4(d)(2), (3)(S), successively renumbered section 70117 of title 49 and section 70117 of this title as this section.

Subsec. (b)(2). Pub. L. 111-314, §4(d)(5)(T), substituted “chapter 601 of this title” for “the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)”.

1998—Subsec. (a). Pub. L. 105-303, §102(a)(15)(A), inserted “or reentry site, or to reenter a reentry vehicle” after “operate a launch site”.

Subsec. (d). Pub. L. 105-303, §102(a)(15)(B), inserted “or reentry” after “approval of a space launch”.

Subsec. (f). Pub. L. 105-303, §102(a)(15)(C), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “A launch vehicle or payload that is launched is not, because of the launch, an export for purposes of a law controlling exports.”

Subsec. (g)(1). Pub. L. 105-303, §102(a)(15)(D)(i), substituted “reentry, operation of a launch vehicle or re-

entry vehicle, operation of a launch site or reentry site,” for “operation of a launch vehicle or launch site,”.

Subsec. (g)(2). Pub. L. 105-303, §102(a)(15)(D)(ii), inserted “reentry,” after “launch,”.

1996—Subsec. (b)(2). Pub. L. 104-287 substituted “Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)” for “Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.)”.

§ 50920. User fees

The Secretary of Transportation may collect a user fee for a regulatory or other service conducted under this chapter only if specifically authorized by this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1342, §70118 of title 49; renumbered §70118 then §50920 of title 51, Pub. L. 111-314, §4(d)(2), (3)(T), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70118	49 App.:2623 (last sentence).	Oct. 30, 1984, Pub. L. 98-575, §24 (last sentence), 98 Stat. 3064; Dec. 5, 1985, Pub. L. 99-170, §301, 99 Stat. 1018; Oct. 30, 1987, Pub. L. 100-147, §120, 101 Stat. 868; Nov. 17, 1988, Pub. L. 100-685, §213, 102 Stat. 4093; Nov. 16, 1990, Pub. L. 101-611, §117(a), 104 Stat. 3202; restated Dec. 9, 1991, Pub. L. 102-195, §13, 105 Stat. 1613; Nov. 4, 1992, Pub. L. 102-588, §211, 106 Stat. 5115.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70118 of title 49 and section 70118 of this title as this section.

§ 50921. Office of Commercial Space Transportation

There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

(1) \$11,941,000 for fiscal year 2005;

(2) \$12,299,000 for fiscal year 2006;

(3) \$12,668,000 for fiscal year 2007;

(4) \$13,048,000 for fiscal year 2008; and

(5) \$13,440,000 for fiscal year 2009.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1343, §70119 of title 49, Pub. L. 105-303, title I, §102(b), Oct. 28, 1998, 112 Stat. 2851; Pub. L. 106-405, §3(a), Nov. 1, 2000, 114 Stat. 1752; Pub. L. 108-360, title III, §301, Oct. 25, 2004, 118 Stat. 1680; renumbered §70119 then §50921 of title 51, Pub. L. 111-314, §4(d)(2), (3)(U), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70119	49 App.:2623 (less last sentence).	Oct. 30, 1984, Pub. L. 98-575, § 24 (less last sentence), 98 Stat. 3064; Dec. 5, 1985, Pub. L. 99-170, § 301, 99 Stat. 1018; Oct. 30, 1987, Pub. L. 100-147, § 120, 101 Stat. 868; Nov. 17, 1988, Pub. L. 100-685, § 213, 102 Stat. 4093; Nov. 16, 1990, Pub. L. 101-611, § 117(a), 104 Stat. 3202; restated Dec. 9, 1991, Pub. L. 102-195, § 13, 105 Stat. 1613; Nov. 4, 1992, Pub. L. 102-588, § 211, 106 Stat. 5115.

In this section, the amendment by section 211 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (Pub. L. 102-588, 106 Stat. 5115) was executed to carry out the probable intent of Congress by omitting the period after “1993”.

As to the applicability of section 219 of the Act (Pub. L. 102-588, 106 Stat. 5118) to amounts authorized by this section for fiscal year 1993, see section 6(b) of the bill.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70119 of title 49 and section 70119 of this title as this section.

2004—Pars. (1) to (5). Pub. L. 108-360 added pars. (1) to (5) and struck out former pars. (1) and (2) which read as follows:

“(1) \$12,607,000 for fiscal year 2001; and
“(2) \$16,478,000 for fiscal year 2002.”

2000—Pub. L. 106-405 amended section catchline and text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of the Associate Administrator for Commercial Space Transportation—

“(1) \$6,275,000 for the fiscal year ending September 30, 1999; and

“(2) \$6,600,000 for the fiscal year ending September 30, 2000.”

1998—Pub. L. 105-303 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “The following amounts may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 1993:

“(1) \$4,900,000 to carry out this chapter.

“(2) \$20,000,000 for a program to ensure the resiliency of the space launch infrastructure of the United States if a law is enacted to establish that program in the Department of Transportation.”

§ 50922. Regulations

(a) IN GENERAL.—The Secretary of Transportation, within 9 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

(1) guidelines for industry and State governments to obtain sufficient insurance coverage for potential damages to third parties;

(2) procedures for requesting and obtaining licenses to launch a commercial launch vehicle;

(3) procedures for requesting and obtaining operator licenses for launch;

(4) procedures for requesting and obtaining launch site operator licenses; and

(5) procedures for the application of government indemnification.

(b) REENTRY.—The Secretary of Transportation, within 6 months after the date of the en-

actment of this section, shall issue a notice of proposed rulemaking to carry out this chapter that includes—

(1) procedures for requesting and obtaining licenses to reenter a reentry vehicle;

(2) procedures for requesting and obtaining operator licenses for reentry; and

(3) procedures for requesting and obtaining reentry site operator licenses.

(c) AMENDMENTS.—(1) Not later than 12 months after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall publish proposed regulations to carry out that Act, including regulations relating to crew, space flight participants, and permits for launch or reentry of reusable suborbital rockets. Not later than 18 months after such date of enactment, the Secretary shall issue final regulations.

(2)(A) Starting 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary may issue final regulations changing the definition of suborbital rocket under this chapter. No such regulation may take effect until 180 days after the Secretary has submitted the regulation to the Congress.

(B) The Secretary may issue regulations under this paragraph only if the Secretary has determined that the definition in section 50902 does not describe, or will not continue to describe, all appropriate vehicles and only those vehicles. In making that determination, the Secretary shall take into account the evolving nature of the commercial space launch industry.

(d) EFFECTIVE DATE.—(1) Licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board and permits may be issued by the Secretary prior to the issuance of the regulations described in subsection (c).

(2) As soon as practicable after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall issue guidelines or advisory circulars to guide the implementation of that Act until regulations are issued.

(3) Notwithstanding paragraphs (1) and (2), no licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board or permits may be issued starting three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004 unless the final regulations described in subsection (c) have been issued.

(Added Pub. L. 105-303, title I, §102(a)(16), Oct. 28, 1998, 112 Stat. 2850, §70120 of title 49; amended Pub. L. 108-492, §2(c)(25), Dec. 23, 2004, 118 Stat. 3981; renumbered §70120 then §50922 of title 51 and amended Pub. L. 111-314, §4(d)(2), (3)(V), (5)(U), Dec. 18, 2010, 124 Stat. 3440-3442.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a) and (b), is the date of enactment of Pub. L. 105-303, which was approved Oct. 28, 1998.

The Commercial Space Launch Amendments Act of 2004, referred to in subsecs. (c) and (d), is Pub. L. 108-492, Dec. 23, 2004, 118 Stat. 3974, which was approved

Dec. 23, 2004. For complete classification of this Act to the Code, see Short Title of 2004 Act note set out under section 10101 of this title and Tables.

AMENDMENTS

2010—Pub. L. 111-314, §4(d)(2), (3)(V), successively renumbered section 70120 of title 49 and section 70120 of this title as this section.

Subsec. (c)(2)(B). Pub. L. 111-314, §4(d)(5)(U), substituted “section 50902” for “section 70102”.

2004—Subsecs. (c), (d). Pub. L. 108-492 added subsecs. (c) and (d).

§ 50923. Report to Congress

The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.

(Added Pub. L. 105-303, title I, §102(a)(16), Oct. 28, 1998, 112 Stat. 2851, §70121 of title 49; renumbered §70121 then §50923 of title 51, Pub. L. 111-314, §4(d)(2), (3)(W), Dec. 18, 2010, 124 Stat. 3440, 3441.)

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70121 of title 49 and section 70121 of this title as this section.

CHAPTER 511—SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS

Sec.	
51101.	Definitions.
51102.	Grant authority.
51103.	Grant applications.
51104.	Environmental requirements.
51105.	Authorization of appropriations.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314, §4(d)(2), (4), Dec. 18, 2010, 124 Stat. 3440, 3441, transferred analysis for chapter 703 of Title 49, Transportation, and renumbered as analysis for chapter 511 of this title and renumbered items 70301 to 70305 as 51101 to 51105, respectively.

§ 51101. Definitions

In this chapter—

(1) the definitions in section 50501 of this title apply.

(2) “commercial space transportation infrastructure development” includes—

(A) construction, improvement, design, and engineering of space transportation infrastructure in the United States; and

(B) technical studies to define how new or enhanced space transportation infrastructure can best meet the needs of the United States commercial space transportation industry.

(3) “project” means a project (or separate projects submitted together) to carry out com-

mercial space transportation infrastructure development, including the combined submission of all projects to be undertaken at a particular site in a fiscal year.

(4) “project grant” means a grant of an amount by the Secretary of Transportation to a sponsor for one or more projects.

(5) “public agency” means a State or an agency of a State, a political subdivision of a State, or a tax-supported organization.

(6) “sponsor” means a public agency that, individually or jointly with one or more other public agencies, submits to the Secretary under this chapter an application for a project grant.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1343, §70301 of title 49; renumbered §70301 then §51101 of title 51 and amended Pub. L. 111-314, §4(d)(2), (4)(A), (6)(A), Dec. 18, 2010, 124 Stat. 3440-3442.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70301	15:5804(a).	Nov. 4, 1992, Pub. L. 102-588, §505(a), 106 Stat. 5124.

Clause (1) is added to incorporate the definitions in 15:5802.

In clause (2), the word “includes” is substituted for “may include” for consistency in the revised title and with other titles of the United States Code.

In clause (5), the words “municipality or other” are omitted for consistency.

The text of 15:5804(5) is omitted as unnecessary because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314, §4(d)(2), (4)(A), successively renumbered section 70301 of title 49 and section 70301 of this title as this section.

Par. (1). Pub. L. 111-314, §4(d)(6)(A), substituted “section 50501 of this title” for “section 502 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5802)”.

§ 51102. Grant authority

(a) GENERAL AUTHORITY.—To ensure the resiliency of the space transportation infrastructure of the United States, the Secretary of Transportation may make project grants to sponsors as provided in this chapter.

(b) LIMITATIONS.—The Secretary may make a project grant under this chapter only if—

(1) at least 10 percent of the total cost of the project will be paid by the private sector; and

(2) the grant will not be for more than 50 percent of the total cost of the project.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1343, §70302 of title 49; renumbered §70302 then §51102 of title 51, Pub. L. 111-314, §4(d)(2), (4)(B), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70302(a)	15:5804(b) (1st sentence).	Nov. 4, 1992, Pub. L. 102-588, §505(b) (1st sentence), (f), 106 Stat. 5125, 5127.
70302(b)	15:5804(f).	

In subsection (a), the words “of the United States” are substituted for “Nation’s” for consistency.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70302 of title 49 and section 70302 of this title as this section.

§ 51103. Grant applications

(a) GENERAL.—A sponsor may submit to the Secretary of Transportation an application for a project grant. The application must state the project to be undertaken and be in the form and contain the information the Secretary requires.

(b) CONSIDERATIONS AND CONSULTATION.—(1) In selecting proposed projects for grants under this section, the Secretary of Transportation shall consider—

(A) the contribution of the project to industry capabilities that serve the United States Government’s space transportation needs;

(B) the extent of industry’s financial contribution to the project;

(C) the extent of industry’s participation in the project;

(D) the positive impact of the project on the international competitiveness of the United States space transportation industry;

(E) the extent of State contributions to the project; and

(F) the impact of the project on launch operations and other activities at Government launch ranges.

(2) The Secretary of Transportation shall consult with the Secretary of Defense, the Administrator of the National Space and Aeronautics Administration, and the heads of other appropriate agencies of the Government about paragraph (1)(A) and (F) of this subsection.

(c) REQUIREMENTS.—The Secretary of Transportation may approve an application only if the Secretary is satisfied that—

(1) the project will contribute to the purposes of this chapter;

(2) the project is reasonably consistent with plans (existing at the time of approval of the project) of public agencies that are—

(A) authorized by the State in which the project is located; and

(B) responsible for the development of the area surrounding the project site;

(3) if the application proposes to use Government property, the specific consent of the head of the appropriate agency has been obtained;

(4) the project will be completed without unreasonable delay;

(5) the sponsor submitting the application has the legal authority to engage in the project; and

(6) any additional requirements prescribed by the Secretary have been met.

(d) PREFERENCE FOR INDUSTRY CONTRIBUTIONS.—The Secretary of Transportation shall give preference to applications for projects for which there will be greater industry financial contributions, all other factors being equal.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1344, §70303 of title 49; renumbered §70303 then §51103

of title 51, Pub. L. 111-314, §4(d)(2), (4)(C), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70303(a)	15:5804(d)(1).	Nov. 4, 1992, Pub. L. 102-588, §505(c), (d), 106 Stat. 5125.
70303(b)(1) ..	15:5804(c)(1).	
70303(b)(2) ..	15:5804(c)(2).	
70303(c)	15:5804(d)(2).	
70303(d)	15:5804(c)(3).	

In subsection (a), the words “for one or more projects” are omitted as unnecessary because of the definition of “project” in section 70301 of the revised title.

In subsection (c)(5), the words “as proposed” are omitted as surplus.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70303 of title 49 and section 70303 of this title as this section.

§ 51104. Environmental requirements

(a) POLICY.—It is the policy of the United States that projects selected under this chapter shall provide for the protection and enhancement of the natural resources and the quality of the environment of the United States. In carrying out this policy, the Secretary of Transportation shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about a project that may have a significant effect on natural resources, including fish and wildlife, natural, scenic, and recreational assets, water and air quality, and other factors affecting the environment. If the Secretary of Transportation finds that a project will have a significant adverse effect, the Secretary may approve the application for the project only if, after a complete review that is a matter of public record, the Secretary makes a written finding that no feasible and prudent alternative to the project exists and that all reasonable steps have been taken to minimize the adverse effect.

(b) PUBLIC HEARING REQUIREMENT.—The Secretary of Transportation may approve an application only if the sponsor of the project certifies to the Secretary that an opportunity for a public hearing has been provided to consider the economic, social, and environmental effects of the project and its consistency with the goals of any planning carried out by the community. When a hearing is held under this paragraph, the sponsor shall submit a copy of the transcript of the hearing to the Secretary.

(c) COMPLIANCE WITH AIR AND WATER QUALITY STANDARDS.—(1) The Secretary of Transportation may approve an application only if the chief executive officer of the State in which the project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated to comply with applicable air and water quality standards. If the Administrator has not prescribed those standards, certification shall be obtained from the Administrator. Notice of certification or refusal to cer-

tify shall be provided not later than 60 days after the Secretary receives the application.

(2) The Secretary of Transportation shall condition the approval of an application on compliance with applicable air and water quality standards during construction and operation.

(d) **COMPLIANCE WITH LAWS AND REGULATIONS.**—The Secretary of Transportation may require a certification from a sponsor that the sponsor will comply with all applicable laws and regulations. The Secretary may rescind at any time acceptance of a certification from a sponsor under this subsection. This subsection does not affect any responsibility of the Secretary under another law, including—

(1) section 303 of title 49;

(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(3) title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.);

(4) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(5) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1344, § 70304 of title 49; renumbered § 70304 then § 51104 of title 51 and amended Pub. L. 111–314, § 4(d)(2), (4)(D), (6)(B), Dec. 18, 2010, 124 Stat. 3440, 3441, 3443.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70304	15:5804(e).	Nov. 4, 1992, Pub. L. 102–588, § 505(e), 106 Stat. 5126.

In subsection (a), the words “policy of the United States” are substituted for “national policy”, and the words “of the United States” are substituted for “of the Nation”, for consistency. The words “included in a project grant application” and “full and” are omitted as surplus.

In subsection (b), the words “of objectives” are omitted as surplus.

In subsection (c), the words “chief executive officer” are substituted for “Governor” for consistency in the revised title and because the word “State” includes the territories and possessions of the United States.

In subsection (d), before clause (1), the words “in connection with any project”, “imposed on such sponsor under this section in connection with such project”, and “or discharge” are omitted as surplus. The words “laws and regulations” are substituted for “statutory and administrative requirements” for consistency in the revised title.

Editorial Notes

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (d)(2), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Title VIII of the Act of April 11, 1968, referred to in subsec. (d)(3), is title VIII of Pub. L. 90–284, Apr. 11, 1968, 82 Stat. 81, known as the Fair Housing Act, which is classified principally to subchapter I (§ 3601 et seq.) of chapter 45 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (d)(4), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d)(5), is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1894, which is classified principally to chapter 61 (§ 4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

AMENDMENTS

2010—Pub. L. 111–314, § 4(d)(2), (4)(D), successively renumbered section 70304 of title 49 and section 70304 of this title as this section.

Subsec. (d)(1). Pub. L. 111–314, § 4(d)(6)(B), substituted “section 303 of title 49” for “section 303 of this title”.

§ 51105. Authorization of appropriations

Not more than \$10,000,000 may be appropriated to the Secretary of Transportation to make grants under this chapter. Amounts appropriated under this section remain available until expended.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1345, § 70305 of title 49; renumbered § 70305 then § 51105 of title 51, Pub. L. 111–314, § 4(d)(2), (4)(E), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70305	15:5804(b) (2d, last sentences).	Nov. 4, 1992, Pub. L. 102–588, § 505(b) (2d, last sentences), 106 Stat. 5125.

Editorial Notes

AMENDMENTS

2010—Pub. L. 111–314 successively renumbered section 70305 of title 49 and section 70305 of this title as this section.

CHAPTER 513—SPACE RESOURCE COMMERCIAL EXPLORATION AND UTILIZATION

Sec.

51301. Definitions.

51302. Commercial exploration and commercial recovery.

51303. Asteroid resource and space resource rights.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114–90, title IV, § 402(a), Nov. 25, 2015, 129 Stat. 720, added chapter 513 and items 51301 to 51303.

§ 51301. Definitions

In this chapter:

(1) **ASTEROID RESOURCE.**—The term “asteroid resource” means a space resource found on or within a single asteroid.

(2) **SPACE RESOURCE.**—

(A) **IN GENERAL.**—The term “space resource” means an abiotic resource in situ in outer space.

(B) **INCLUSIONS.**—The term “space resource” includes water and minerals.

(3) UNITED STATES CITIZEN.—The term “United States citizen” has the meaning given the term “citizen of the United States” in section 50902.

(Added Pub. L. 114–90, title IV, § 402(a), Nov. 25, 2015, 129 Stat. 721.)

§ 51302. Commercial exploration and commercial recovery

(a) IN GENERAL.—The President, acting through appropriate Federal agencies, shall—

(1) facilitate commercial exploration for and commercial recovery of space resources by United States citizens;

(2) discourage government barriers to the development in the United States of economically viable, safe, and stable industries for commercial exploration for and commercial recovery of space resources in manners consistent with the international obligations of the United States; and

(3) promote the right of United States citizens to engage in commercial exploration for and commercial recovery of space resources free from harmful interference, in accordance with the international obligations of the United States and subject to authorization and continuing supervision by the Federal Government.

(b) REPORT.—Not later than 180 days after the date of enactment of this section, the President shall submit to Congress a report on commercial exploration for and commercial recovery of space resources by United States citizens that specifies—

(1) the authorities necessary to meet the international obligations of the United States, including authorization and continuing supervision by the Federal Government; and

(2) recommendations for the allocation of responsibilities among Federal agencies for the activities described in paragraph (1).

(Added Pub. L. 114–90, title IV, § 402(a), Nov. 25, 2015, 129 Stat. 721.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 114–90, which was approved Nov. 25, 2015.

Executive Documents

EX. ORD. NO. 13914. ENCOURAGING INTERNATIONAL SUPPORT FOR THE RECOVERY AND USE OF SPACE RESOURCES

Ex. Ord. No. 13914, Apr. 6, 2020, 85 F.R. 20381, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including title IV of the U.S. Commercial Space Launch Competitiveness Act (Public Law 114–90) [enacting this chapter], it is hereby ordered as follows:

SECTION 1. *Policy.* Space Policy Directive–1 of December 11, 2017 (Reinvigorating America’s Human Space Exploration Program) [82 F.R. 59501], provides that commercial partners will participate in an “innovative and sustainable program” headed by the United States to “lead the return of humans to the Moon for long-term exploration and utilization, followed by human missions to Mars and other destinations.” Successful

long-term exploration and scientific discovery of the Moon, Mars, and other celestial bodies will require partnership with commercial entities to recover and use resources, including water and certain minerals, in outer space.

Uncertainty regarding the right to recover and use space resources, including the extension of the right to commercial recovery and use of lunar resources, however, has discouraged some commercial entities from participating in this enterprise. Questions as to whether the 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (the “Moon Agreement”) establishes the legal framework for nation states concerning the recovery and use of space resources have deepened this uncertainty, particularly because the United States has neither signed nor ratified the Moon Agreement. In fact, only 18 countries have ratified the Moon Agreement, including just 17 of the 95 Member States of the United Nations Committee on the Peaceful Uses of Outer Space. Moreover, differences between the Moon Agreement and the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies—which the United States and 108 other countries have joined—also contribute to uncertainty regarding the right to recover and use space resources.

Americans should have the right to engage in commercial exploration, recovery, and use of resources in outer space, consistent with applicable law. Outer space is a legally and physically unique domain of human activity, and the United States does not view it as a global commons. Accordingly, it shall be the policy of the United States to encourage international support for the public and private recovery and use of resources in outer space, consistent with applicable law.

SEC. 2. *The Moon Agreement.* The United States is not a party to the Moon Agreement. Further, the United States does not consider the Moon Agreement to be an effective or necessary instrument to guide nation states regarding the promotion of commercial participation in the long-term exploration, scientific discovery, and use of the Moon, Mars, or other celestial bodies. Accordingly, the Secretary of State shall object to any attempt by any other state or international organization to treat the Moon Agreement as reflecting or otherwise expressing customary international law.

SEC. 3. *Encouraging International Support for the Recovery and Use of Space Resources.* The Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive department or agency the Secretary of State determines to be appropriate, shall take all appropriate actions to encourage international support for the public and private recovery and use of resources in outer space, consistent with the policy set forth in section 1 of this order. In carrying out this section, the Secretary of State shall seek to negotiate joint statements and bilateral and multilateral arrangements with foreign states regarding safe and sustainable operations for the public and private recovery and use of space resources.

SEC. 4. *Report on Efforts to Encourage International Support for the Recovery and Use of Space Resources.* No later than 180 days after the date of this order [Apr. 6, 2020], the Secretary of State shall report to the President, through the Chair of the National Space Council and the Assistant to the President for National Security Affairs, regarding activities carried out under section 3 of this order.

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 51303. Asteroid resource and space resource rights

A United States citizen engaged in commercial recovery of an asteroid resource or a space resource under this chapter shall be entitled to any asteroid resource or space resource obtained, including to possess, own, transport, use, and sell the asteroid resource or space resource obtained in accordance with applicable law, including the international obligations of the United States.

(Added Pub. L. 114-90, title IV, § 402(a), Nov. 25, 2015, 129 Stat. 721.)

CHAPTER 515—OFFICE OF SPACEPORTS

Sec.¹

51501.¹ Establishment of Office of Spaceports.¹

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, div. B, title V, § 580(b)(1), Oct. 5, 2018, 132 Stat. 3395, added chapter 515 and item 51501.

§ 51501. Establishment of Office of Spaceports

(a) ESTABLISHMENT OF OFFICE.—Not later than 90 days after the date of enactment of this section, the Secretary of Transportation shall identify, within the Office of Commercial Space Transportation, a centralized policy office to be known as the Office of Spaceports.

(b) FUNCTIONS.—The Office of Spaceports shall—

- (1) support licensing activities for operation of launch and reentry sites;
- (2) develop policies that promote infrastructure improvements at spaceports;
- (3) provide technical assistance and guidance to spaceports;
- (4) promote United States spaceports within the Department; and
- (5) strengthen the Nation's competitiveness in commercial space transportation infrastructure and increase resilience for the Federal Government and commercial customers.

(c) RECOGNITION.—In carrying out the functions assigned in subsection (b), the Secretary shall recognize the unique needs and distinctions of spaceports that host—¹

- (1) launches to or reentries from orbit; and
- (2) are involved in suborbital launch activities.

(d) DIRECTOR.—The head of the Office of the Associate Administrator for Commercial Space Transportation shall designate a Director of the Office of Spaceports.

(e) DEFINITION.—In this section the term “spaceport” means a launch or reentry site that

¹ Editorially supplied. Section added by Pub. L. 115-254 without corresponding amendment of chapter analysis.

¹ So in original. The dash probably should follow “that” and the word “host” probably should appear at the beginning of par. (1).

is operated by an entity licensed by the Secretary of Transportation.

(Added Pub. L. 115-254, div. B, title V, § 580(b)(1), Oct. 5, 2018, 132 Stat. 3395.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 115-254, which was approved Oct. 5, 2018.

Subtitle VI—Earth Observations

CHAPTER 601—LAND REMOTE SENSING POLICY

SUBCHAPTER I—GENERAL

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SUBCHAPTER III—LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

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60161. Prohibition.

60162. Future considerations.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-90, title II, § 201(b), Nov. 25, 2015, 129 Stat. 719, added item 60126.

SUBCHAPTER I—GENERAL

§ 60101. Definitions

In this chapter:

(1) COST OF FULFILLING USER REQUESTS.—The term “cost of fulfilling user requests” means the incremental costs associated with providing product generation, reproduction, and distribution of unenhanced data in response to user requests and shall not include any acqui-