

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

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