

HISTORICAL AND REVISION NOTES—CONTINUED

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

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