

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 70110(a)(1), 70110(a)(2), 70110(a)(3), and 70110(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 contractor 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, 98 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).