

(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

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

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