

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70117(a) .....	49 App.:2605(c)(1).	Oct. 30, 1984, Pub. L. 98–575, §§6(c), 21, 98 Stat. 3058, 3063.

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

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

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

thorization 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 enactment 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 per-