

- (3) a vehicle operating under a permit shall be considered to be licensed; and
- (4) the issuance of a permit shall be considered licensing.

This subsection shall not be construed to allow the transfer of a permit.

(Added Pub. L. 108–492, §2(c)(16), Dec. 23, 2004, 118 Stat. 3979, §70105a of title 49; renumbered §70105a then §50906 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(F), (5)(G), (H), Dec. 18, 2010, 124 Stat. 3440–3442.)

AMENDMENTS

2010—Pub. L. 111–314, §4(d)(2), (3)(F), successively renumbered section 70105a of title 49 and section 70105a of this title as this section.

Subsec. (c). Pub. L. 111–314, §4(d)(5)(G), substituted “section 50905(b)(2)(C)” for “section 70105(b)(2)(C)”.

Subsec. (i). Pub. L. 111–314, §4(d)(5)(H), substituted “sections 50907, 50908, 50909, 50910, 50912, 50914, 50917, 50918, 50919, and 50923” for “sections 70106, 70107, 70108, 70109, 70110, 70112, 70115, 70116, 70117, and 70121” in introductory provisions.

CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 50907. Monitoring activities

(a) GENERAL REQUIREMENTS.—A licensee under this chapter must allow the Secretary of Transportation to place an officer or employee of the United States Government or another individual as an observer at a launch site or reentry site the licensee uses, at a production facility or assembly site a contractor of the licensee uses to produce or assemble a launch vehicle or reentry vehicle, at a site used for crew or space flight participant training, or at a site at which a payload is integrated with a launch vehicle or reentry vehicle. The observer will monitor the activity of the licensee or contractor at the time and to the extent the Secretary considers reasonable to ensure compliance with the license or to carry out the duties of the Secretary under sections 50904(c), 50905, and 50906 of this title. A licensee must cooperate with an observer carrying out this subsection.

(b) CONTRACTS.—To the extent provided in advance in an appropriation law, the Secretary may make a contract with a person to carry out subsection (a) of this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1334, §70106 of title 49; Pub. L. 105–303, title I, §102(a)(7), Oct. 28, 1998, 112 Stat. 2848; Pub. L. 108–492, §2(c)(17), Dec. 23, 2004, 118 Stat. 3980; renumbered §70106 then §50907 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(G), (5)(I), Dec. 18, 2010, 124 Stat. 3440–3442.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                         |
|-----------------|--------------------|--|
| 70106(a) .....  | 49 App.:2613(a).   | Oct. 30, 1984, Pub. L. 98–575, §14, 98 Stat. 3060. |

HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 70106(b) .....  | 49 App.:2613(b).   |                            |

In subsection (a), the word “duties” is substituted for “responsibilities” for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

2010—Pub. L. 111–314, §4(d)(2), (3)(G), successively renumbered section 70106 of title 49 and section 70106 of this title as this section.

Subsec. (a). Pub. L. 111–314, §4(d)(5)(I), substituted “sections 50904(c), 50905, and 50906” for “sections 70104(c), 70105, and 70105a”.

2004—Subsec. (a). Pub. L. 108–492 inserted “at a site used for crew or space flight participant training,” after “assemble a launch vehicle or reentry vehicle,” and substituted “sections 70104(c), 70105, and 70105a” for “section 70104(c)”.

1998—Subsec. (a). Pub. L. 105–303, in first sentence, inserted “or reentry site” after “observer at a launch site” and “or reentry vehicle” after “assemble a launch vehicle” and after “with a launch vehicle”.

§ 50908. Effective periods, and modifications, suspensions, and revocations, of licenses

(a) EFFECTIVE PERIODS OF LICENSES.—The Secretary of Transportation shall specify the period for which a license issued or transferred under this chapter is in effect.

(b) MODIFICATIONS.—(1) On the initiative of the Secretary or on application of the licensee, the Secretary may modify a license issued or transferred under this chapter if the Secretary decides the modification will comply with this chapter.

(2) The Secretary shall modify a license issued or transferred under this chapter whenever a modification is needed for the license to be in conformity with a regulation that was issued pursuant to section 50905(c) after the issuance of the license. This paragraph shall not apply to permits.

(c) SUSPENSIONS AND REVOCATIONS.—The Secretary may suspend or revoke a license if the Secretary decides that—

- (1) the licensee has not complied substantially with a requirement of this chapter or a regulation prescribed under this chapter; or
- (2) the suspension or revocation is necessary to protect the public health and safety, the safety of property, or a national security or foreign policy interest of the United States.

(d) ADDITIONAL SUSPENSIONS.—(1) The Secretary may suspend a license when a previous launch or reentry under the license has resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants and the Secretary has determined that continued operations under the license are likely to cause additional serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants.

(2) Any suspension imposed under this subsection shall be for as brief a period as possible and, in any event, shall cease when the Secretary—

- (A) has determined that the licensee has taken sufficient steps to reduce the likelihood

of a recurrence of the serious or fatal injury; or

(B) has modified the license pursuant to subsection (b) to sufficiently reduce the likelihood of a recurrence of the serious or fatal injury.

(3) This subsection shall not apply to permits.

(e) EFFECTIVE PERIODS OF MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS.—Unless the Secretary specifies otherwise, a modification, suspension, or revocation under this section takes effect immediately and remains in effect during a review under section 50912 of this title.

(f) NOTIFICATION.—The Secretary shall notify the licensee in writing of the decision of the Secretary under this section and any action the Secretary takes or proposes to take based on the decision.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1334, §70107 of title 49; Pub. L. 108–492, §2(c)(18), (19), Dec. 23, 2004, 118 Stat. 3980; renumbered §70107 then §50908 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(H), (5)(J), (K), Dec. 18, 2010, 124 Stat. 3440–3442.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)            | Source (Statutes at Large)   |
|-----------------|-------------------------------|--|
| 70107(a) .....  | 49 App.:2606 (last sentence). | Oct. 30, 1984, Pub. L. 98–575, §§7 (last sentence), 10, 98 Stat. 3058, 3059. |
| 70107(b) .....  | 49 App.:2609(b).              |  |
| 70107(c) .....  | 49 App.:2609(a).              |  |
| 70107(d) .....  | 49 App.:2609(c).              |  |
| 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.

#### AMENDMENTS

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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                         |
|-----------------|--------------------|--|
| 70108(a) .....  | 49 App.:2610(a).   | Oct. 30, 1984, Pub. L. 98–575, §11, 98 Stat. 3059. |
| 70108(b) .....  | 49 App.:2610(b).   |  |

#### 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.)