

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–405, §6(b), Nov. 1, 2000, 114 Stat. 1752, provided that: “The amendment made by subsection (a) [amending this section] takes effect on January 1, 2000.”

§ 50916. Disclosing information

The Secretary of Transportation, an officer or employee of the United States Government, or a person making a contract with the Secretary under section 50907(b) of this title may disclose information under this chapter that qualifies for an exemption under section 552(b)(4) of title 5 or is designated as confidential by the person or head of the executive agency providing the information only if the Secretary decides withholding the information is contrary to the public or national interest.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1340, §70114 of title 49; renumbered §70114 then §50916 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(P), (5)(S), 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>
70114	49 App.:2608(c).	Oct. 30, 1984, Pub. L. 98–575, §9(c), 98 Stat. 3059.

The words “data or” are omitted as surplus. The words “the head of” and “executive” are added for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

2010—Pub. L. 111–314, §4(d)(5)(S), substituted “section 50907(b)” for “section 70106(b)”.

Pub. L. 111–314, §4(d)(2), (3)(P), successively renumbered section 70114 of title 49 and section 70114 of this title as this section.

§ 50917. Enforcement and penalty

(a) PROHIBITIONS.—A person may not violate this chapter, a regulation prescribed under this chapter, or any term of a license issued or transferred under this chapter.

(b) GENERAL AUTHORITY.—(1) In carrying out this chapter, the Secretary of Transportation may—

- (A) conduct investigations and inquiries;
- (B) administer oaths;
- (C) take affidavits; and
- (D) under lawful process—

(i) enter at a reasonable time a launch site, reentry site, production facility, assembly site of a launch vehicle or reentry vehicle, crew or space flight participant training site, or site at which a payload is integrated with a launch vehicle or reentry vehicle to inspect an object to which this chapter applies or a record or report the Secretary requires be made or kept under this chapter; and

(ii) seize the object, record, or report when there is probable cause to believe the object, record, or report was used, is being used, or likely will be used in violation of this chapter.

(2) The Secretary may delegate a duty or power under this chapter related to enforcement to an officer or employee of another executive

agency with the consent of the head of the agency.

(c) CIVIL PENALTY.—(1) After notice and an opportunity for a hearing on the record, a person the Secretary finds to have violated subsection (a) of this section is liable to the United States Government for a civil penalty of not more than \$100,000. A separate violation occurs for each day the violation continues.

(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

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

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

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

AMENDMENTS

2010—Pub. L. 111-314 successively renumbered section 70116 of title 49 and section 70116 of this title as this section.

§ 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.—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.

(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.)