

“(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.”

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 70117(a) through 70117(g) with corresponding source references.

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.

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.

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 Authorization 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.

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