

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).	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.
70116(c) .....	49 App.:2604(a)(2).	
	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.

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 ap-

provals 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

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 subsec. (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 subsec. (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.