

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 106-405, §2, Nov. 1, 2000, 114 Stat. 1751, provided that: “The Congress finds that—

“(1) a robust United States space transportation industry is vital to the Nation’s economic well-being and national security;

“(2) enactment of a 5-year extension of the excess third party claims payment provision of [former] chapter 701 of title 49, United States Code [now 51 U.S.C. 50901 et seq.] (Commercial Space Launch Activities), will have a beneficial impact on the international competitiveness of the United States space transportation industry;

“(3) space transportation may evolve into airplane-style operations;

“(4) during the next 3 years the Federal Government and the private sector should analyze the liability risk-sharing regime to determine its appropriateness and effectiveness, and, if needed, develop and propose a new regime to Congress at least 2 years prior to the expiration of the extension contained in this Act [see Tables for classification];

“(5) the areas of responsibility of the Office of the Associate Administrator for Commercial Space Transportation have significantly increased as a result of—

“(A) the rapidly expanding commercial space transportation industry and associated government licensing requirements;

“(B) regulatory activity as a result of the emerging commercial reusable launch vehicle industry; and

“(C) the increased regulatory activity associated with commercial operation of launch and reentry sites; and

“(6) the Office of the Associate Administrator for Commercial Space Transportation should continue to limit its promotional activities to those which support its regulatory mission.”

§ 50902. Definitions

In this chapter—

(1) “citizen of the United States” means—

(A) an individual who is a citizen of the United States;

(B) an entity organized or existing under the laws of the United States or a State; or

(C) an entity organized or existing under the laws of a foreign country if the controlling interest (as defined by the Secretary of Transportation) is held by an individual or entity described in subclause (A) or (B) of this clause.

(2) “crew” means any employee of a licensee or transferee, or of a contractor or subcontractor of a licensee or transferee, who performs activities in the course of that employment directly relating to the launch, reentry, or other operation of or in a launch vehicle or reentry vehicle that carries human beings.

(3) “executive agency” has the same meaning given that term in section 105 of title 5.

(4) “government astronaut” means an individual who—

(A) is designated by the National Aeronautics and Space Administration under section 20113(n);

(B) is carried within a launch vehicle or reentry vehicle in the course of his or her employment, which may include performance of activities directly relating to the launch, reentry, or other operation of the launch vehicle or reentry vehicle; and

(C) is either—

(i) an employee of the United States Government, including the uniformed services, engaged in the performance of a Federal function under authority of law or an Executive act; or

(ii) an international partner astronaut.

(5) “international partner astronaut” means an individual designated under Article 11 of the International Space Station Intergovernmental Agreement, by a partner to that agreement other than the United States, as qualified to serve as an International Space Station crew member.

(6) “International Space Station Intergovernmental Agreement” means the Agreement Concerning Cooperation on the International Space Station, signed at Washington January 29, 1998 (TIAS 12927).

(7) “launch” means to place or try to place a launch vehicle or reentry vehicle and any payload or human being from Earth—

(A) in a suborbital trajectory;

(B) in Earth orbit in outer space; or

(C) otherwise in outer space,

including activities involved in the preparation of a launch vehicle or payload for launch, when those activities take place at a launch site in the United States.

(8) “launch property” means an item built for, or used in, the launch preparation or launch of a launch vehicle.

(9) “launch services” means—

(A) activities involved in the preparation of a launch vehicle, payload, crew (including crew training), government astronaut, or space flight participant for launch; and

(B) the conduct of a launch.

(10) “launch site” means the location on Earth from which a launch takes place (as defined in a license the Secretary issues or transfers under this chapter) and necessary facilities at that location.

(11) “launch vehicle” means—

(A) a vehicle built to operate in, or place a payload or human beings in, outer space; and

(B) a suborbital rocket.

(12) “obtrusive space advertising” means advertising in outer space that is capable of being recognized by a human being on the surface of the Earth without the aid of a telescope or other technological device.

(13) “payload” means an object that a person undertakes to place in outer space by means of a launch vehicle or reentry vehicle, including components of the vehicle specifically designed or adapted for that object.

(14) except in section 50904(c), “permit” means an experimental permit issued under section 50906.

(15) “person” means an individual and an entity organized or existing under the laws of a State or country.

(16) “reenter” and “reentry” mean to return or attempt to return, purposefully, a reentry vehicle and its payload or human beings, if any, from Earth orbit or from outer space to Earth.

(17) “reentry services” means—

(A) activities involved in the preparation of a reentry vehicle and payload, crew (including crew training), government astronaut, or space flight participant, if any, for reentry; and

(B) the conduct of a reentry.

(18) “reentry site” means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

(19) “reentry vehicle” means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from Earth orbit or outer space to Earth, substantially intact.

(20) “space flight participant” means an individual, who is not crew or a government astronaut, carried within a launch vehicle or reentry vehicle.

(21) “space support vehicle flight” means a flight in the air that—

(A) is not a launch or reentry; but

(B) is conducted by a space support vehicle.

(22) “space support vehicle” means a vehicle that is—

(A) a launch vehicle;

(B) a reentry vehicle; or

(C) a component of a launch or reentry vehicle.

(23) “State” means a State of the United States, the District of Columbia, and a territory or possession of the United States.

(24) unless and until regulations take effect under section 50922(c)(2), “suborbital rocket” means a vehicle, rocket-propelled in whole or in part, intended for flight on a suborbital trajectory, and the thrust of which is greater than its lift for the majority of the rocket-powered portion of its ascent.

(25) “suborbital trajectory” means the intentional flight path of a launch vehicle, reentry vehicle, or any portion thereof, whose vacuum instantaneous impact point does not leave the surface of the Earth.

(26) “third party” means a person except—

(A) the United States Government or the Government’s contractors or subcontractors involved in launch services or reentry services;

(B) a licensee or transferee under this chapter;

(C) a licensee’s or transferee’s contractors, subcontractors, or customers involved in launch services or reentry services;

(D) the customer’s contractors or subcontractors involved in launch services or reentry services; or

(E) crew, government astronauts, or space flight participants.

(27) “United States” means the States of the United States, the District of Columbia, and the territories and possessions of the United States.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1331, §70102 of title 49; Pub. L. 104–287, §5(92), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 105–303, title I, §102(a)(3), Oct. 28, 1998, 112 Stat. 2846; Pub. L.

106–391, title III, §322(a), Oct. 30, 2000, 114 Stat. 1598; Pub. L. 108–492, §2(b), Dec. 23, 2004, 118 Stat. 3975; renumbered §70102 then §50902 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(B), (5)(A), (B), Dec. 18, 2010, 124 Stat. 3440, 3441; Pub. L. 114–90, title I, §112(c), (e)–(j), Nov. 25, 2015, 129 Stat. 712, 713; Pub. L. 115–254, div. B, title V, §581(a), Oct. 5, 2018, 132 Stat. 3397.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
70102(1)	49 App.:2603(9). 49 App.:2603(12).	Oct. 30, 1984, Pub. L. 98–575, §4(1)–(9), 98 Stat. 3056. Oct. 30, 1984, Pub. L. 98–575, §4(12), 98 Stat. 3056; Nov. 15, 1988, Pub. L. 100–657, §3(2), 102 Stat. 3900.
70102(2)–(9) 70102(10)	49 App.:2603(1)–(8). 49 App.:2603(10).	Oct. 30, 1984, Pub. L. 98–575, §4(10), 98 Stat. 3056; Nov. 15, 1988, Pub. L. 100–657, §3(1), 102 Stat. 3900.
70102(11)	49 App.:2603(11).	Oct. 30, 1984, Pub. L. 98–575, 98 Stat. 3055, §4(11); added Nov. 15, 1988, Pub. L. 100–657, §3(3), 102 Stat. 3900.
70102(12)	49 App.:2603(10).	

In this chapter, the word “country” is substituted for “nation” for consistency in the revised title and with other titles of the United States Code.

In clause (1), before subclause (A), the text of 49 App.:2603(9) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. In subclauses (B) and (C), the words “corporation, partnership, joint venture, association, or other” are omitted as surplus. In subclause (C), the words “in regulations” and “in such entity” are omitted as surplus.

In clause (4), the words “propellants, launch vehicles and components thereof, and other physical” are omitted as surplus.

In clause (6), the words “includes all . . . located on a launch site which are . . . to conduct a launch” are omitted as surplus.

In clause (9), the words “corporation, partnership, joint venture, association, or other” are omitted as surplus.

Clauses (10) and (12) are substituted for 49 App.:2603(10) to eliminate unnecessary words.

In clause (11), before subclause (A), the words “or entity” are omitted as surplus. In subclause (A), the words “its agencies” are omitted as surplus.

PUB. L. 104–287

This amends 49:70102(6) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1331).

Editorial Notes

AMENDMENTS

2018—Pars. (21) to (27). Pub. L. 115–254 added pars. (21) and (22) and redesignated former pars. (21) to (25) as (23) to (27), respectively.

2015—Pars. (4) to (6). Pub. L. 114–90, §112(c)(2), added pars. (4) to (6). Former pars. (4) to (6) redesignated (7) to (9), respectively.

Par. (7). Pub. L. 114–90, §112(c)(1), (e), redesignated par. (4) as (7) and substituted “and any payload or human being” for “and any payload, crew, or space flight participant” in introductory provisions. Former par. (7) redesignated (10).

Par. (8). Pub. L. 114–90, §112(c)(1), redesignated par. (5) as (8). Former par. (8) redesignated (11).

Par. (9). Pub. L. 114–90, §112(c)(1), (f), redesignated par. (6) as (9) and substituted “payload, crew (including crew training), government astronaut, or space flight

participant” for “payload, crew (including crew training), or space flight participant” in subpar. (A). Former par. (9) redesignated (12).

Pars. (10) to (15). Pub. L. 114-90, §112(c)(1), redesignated pars. (7) to (12) as (10) to (15), respectively. Former pars. (10) to (15) redesignated (13) to (18), respectively.

Par. (16). Pub. L. 114-90, §112(c)(1), (g), redesignated par. (13) as (16) and substituted “and its payload or human beings, if any,” for “and its payload, crew, or space flight participants, if any.”. Former par. (16) redesignated (19).

Par. (17). Pub. L. 114-90, §112(c)(1), (h), redesignated par. (14) as (17) and substituted “payload, crew (including crew training), government astronaut, or space flight participant, if any,” for “payload, crew (including crew training), or space flight participant, if any,” in subpar. (A). Former par. (17) redesignated (20).

Pars. (18), (19). Pub. L. 114-90, §112(c)(1), redesignated pars. (15) and (16) as (18) and (19), respectively. Former pars. (18) and (19) redesignated (21) and (22), respectively.

Par. (20). Pub. L. 114-90, §112(c)(1), (i), redesignated par. (17) as (20) and amended it generally. Prior to amendment, par. (20) read as follows: “‘space flight participant’ means an individual, who is not crew, carried within a launch vehicle or reentry vehicle.”

Pars. (21) to (23). Pub. L. 114-90, §112(c)(1), redesignated pars. (18) to (20) as (21) to (23), respectively. Former pars. (21) and (22) redesignated (24) and (25), respectively.

Par. (24). Pub. L. 114-90, §112(c)(1), (j), redesignated par. (21) as (24) and inserted “, government astronauts,” after “crew” in subpar. (E).

Par. (25). Pub. L. 114-90, §112(c)(1), redesignated par. (22) as (25).

2010—Pub. L. 111-314, §4(d)(2), (3)(B), successively renumbered section 70102 of title 49 and section 70102 of this title as this section.

Par. (11). Pub. L. 111-314, §4(d)(5)(A), substituted “section 50904(c)” for “section 70104(c)” and “section 50906” for “section 70105a”.

Par. (19). Pub. L. 111-314, §4(d)(5)(B), substituted “section 50922(c)(2)” for “section 70120(c)(2)”.

2004—Par. (2). Pub. L. 108-492, §2(b)(2), added par. (2). Former par. (2) redesignated (3).

Par. (3). Pub. L. 108-492, §2(b)(1), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Par. (4). Pub. L. 108-492, §2(b)(1), (3), redesignated par. (3) as (4) and inserted “, crew, or space flight participant” after “any payload” in introductory provisions. Former par. (4) redesignated (5).

Par. (5). Pub. L. 108-492, §2(b)(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Par. (6). Pub. L. 108-492, §2(b)(1), (4), redesignated par. (5) as (6) and substituted “, payload, crew (including crew training), or space flight participant” for “and payload” in subpar. (A). Former par. (6) redesignated (7).

Par. (7). Pub. L. 108-492, §2(b)(1), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Par. (8). Pub. L. 108-492, §2(b)(1), (5), redesignated par. (7) as (8) and inserted “or human beings” after “place a payload” in subpar. (A). Former par. (8) redesignated (9).

Pars. (9), (10). Pub. L. 108-492, §2(b)(1), redesignated pars. (8) and (9) as (9) and (10), respectively. Former par. (10) redesignated (12).

Par. (11). Pub. L. 108-492, §2(b)(6), added par. (11). Former par. (11) redesignated (13).

Par. (12). Pub. L. 108-492, §2(b)(1), redesignated par. (10) as (12). Former par. (12) redesignated (14).

Par. (13). Pub. L. 108-492, §2(b)(1), (7), redesignated par. (11) as (13) and inserted “crew, or space flight participants,” after “and its payload.”. Former par. (13) redesignated (15).

Par. (14). Pub. L. 108-492, §2(b)(1), (8), redesignated par. (12) as (14) and substituted “and payload, crew (including crew training), or space flight participant” for “and its payload” in subpar. (A). Former par. (14) redesignated (16).

Pars. (15), (16). Pub. L. 108-492, §2(b)(1), redesignated pars. (13) and (14) as (15) and (16), respectively. Former pars. (15) and (16) redesignated (18) and (21), respectively.

Par. (17). Pub. L. 108-492, §2(b)(9), added par. (17). Former par. (17) redesignated (22).

Par. (18). Pub. L. 108-492, §2(b)(1), redesignated par. (15) as (18).

Pars. (19), (20). Pub. L. 108-492, §2(b)(10), added pars. (19) and (20).

Par. (21). Pub. L. 108-492, §2(b)(1), (11), redesignated par. (16) as (21) and added subpar. (E).

Par. (22). Pub. L. 108-492, §2(b)(1), redesignated par. (17) as (22).

2000—Pars. (8) to (17). Pub. L. 106-391 added par. (8) and redesignated former pars. (8) to (16) as (9) to (17), respectively.

1998—Par. (3). Pub. L. 105-303, §102(a)(3)(A), substituted “or reentry vehicle and any payload from Earth” for “and any payload” in introductory provisions and a comma for the period at end of subpar. (C) and inserted concluding provisions.

Par. (8). Pub. L. 105-303, §102(a)(3)(B), inserted “or reentry vehicle” after “means of a launch vehicle”.

Pars. (10) to (13). Pub. L. 105-303, §102(a)(3)(D), added pars. (10) to (13). Former pars. (10) to (12) redesignated (14) to (16), respectively.

Par. (14). Pub. L. 105-303, §102(a)(3)(C), redesignated par. (10) as (14).

Par. (15). Pub. L. 105-303, §102(a)(3)(C), (E), redesignated par. (11) as (15) and inserted “or reentry services” after “launch services” wherever appearing.

Par. (16). Pub. L. 105-303, §102(a)(3)(C), redesignated par. (12) as (16).

1996—Par. (6). Pub. L. 104-287 substituted “facilities at that location” for “facilities”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of Title 49, Transportation.

§ 50903. General authority

(a) GENERAL.—The Secretary of Transportation shall carry out this chapter.

(b) FACILITATING COMMERCIAL LAUNCHES AND REENTRIES.—In carrying out this chapter, the Secretary shall—

(1) encourage, facilitate, and promote commercial space launches and reentries by the private sector, including those involving space flight participants; and

(2) take actions to facilitate private sector involvement in commercial space transportation activity, and to promote public-private partnerships involving the United States Government, State governments, and the private sector to build, expand, modernize, or operate a space launch and reentry infrastructure.

(c) SAFETY.—In carrying out the responsibilities under subsection (b), the Secretary shall encourage, facilitate, and promote the continuous improvement of the safety of launch vehicles designed to carry humans, and the Secretary may, consistent with this chapter, promulgate regulations to carry out this subsection.

(d) EXECUTIVE AGENCY ASSISTANCE.—When necessary, the head of an executive agency shall assist the Secretary in carrying out this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1332, §70103 of title 49; Pub. L. 105-303, title I,