

Subsec. (a)(1), (2). Pub. L. 105-303, §102(a)(5)(B), inserted “or reentry site, or to reenter a reentry vehicle,” after “operate a launch site”.

Subsec. (a)(3), (4). Pub. L. 105-303, §102(a)(5)(B), (C), inserted “or reentry site, or to reenter a reentry vehicle,” after “operate a launch site” and “or reentry” after “launch or operation”.

Subsec. (b). Pub. L. 105-303, §102(a)(5)(D), struck out “launch” before “license” and inserted “or reenter” after “may launch” and “or reentering” after “related to launching”.

Subsec. (c). Pub. L. 105-303, §102(a)(5)(E), substituted “Preventing Launches and Reentries” for “Preventing Launches” in heading and inserted “or reentry” after “prevent the launch” and after “decides the launch” in second sentence.

#### § 50905. License applications and requirements

(a) APPLICATIONS.—(1) A person may apply to the Secretary of Transportation for a license or transfer of a license under this chapter in the form and way the Secretary prescribes. Consistent with the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than 180 days after accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D),<sup>1</sup> shall issue or transfer a license if the Secretary decides in writing that the applicant complies, and will continue to comply, with this chapter and regulations prescribed under this chapter. The Secretary shall inform the applicant of any pending issue and action required to resolve the issue if the Secretary has not made a decision not later than 120 days after accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D).<sup>1</sup> The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when the Secretary has not taken action on a license application within the deadline established by this subsection.

(2) In carrying out paragraph (1), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel (including approval procedures for the purpose of protecting the health and safety of crew, government astronauts, and space flight participants, to the extent permitted by subsections (b) and (c)) that may be used in conducting licensed commercial space launch or reentry activities.

(b) REQUIREMENTS.—(1) Except as provided in this subsection, all requirements of the laws of the United States applicable to the launch of a launch vehicle or the operation of a launch site or a reentry site, or the reentry of a reentry vehicle, are requirements for a license or permit under this chapter.

(2) The Secretary may prescribe—

(A) any term necessary to ensure compliance with this chapter, including on-site verification that a launch, operation, or reentry complies with representations stated in the application;

(B) any additional requirement necessary to protect the public health and safety, safety of

property, national security interests, and foreign policy interests of the United States;

(C) by regulation that a requirement of a law of the United States not be a requirement for a license or permit if the Secretary, after consulting with the head of the appropriate executive agency, decides that the requirement is not necessary to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States;

(D) additional license requirements, for a launch vehicle carrying a human being for compensation or hire, necessary to protect the health and safety of crew, government astronauts, or space flight participants, only if such requirements are imposed pursuant to final regulations issued in accordance with subsection (c); and

(E) regulations establishing criteria for accepting or rejecting an application for a license or permit under this chapter within 60 days after receipt of such application.

(3) The Secretary may waive a requirement, including the requirement to obtain a license, for an individual applicant if the Secretary decides that the waiver is in the public interest and will not jeopardize the public health and safety, safety of property, and national security and foreign policy interests of the United States. The Secretary may not grant a waiver under this paragraph that would permit the launch or reentry of a launch vehicle or a reentry vehicle without a license or permit if a human being will be on board.

(4) The holder of a license or a permit under this chapter may launch or reenter crew only if—

(A) the crew has received training and has satisfied medical or other standards specified in the license or permit in accordance with regulations promulgated by the Secretary;

(B) the holder of the license or permit has informed any individual serving as crew in writing, prior to executing any contract or other arrangement to employ that individual (or, in the case of an individual already employed as of the date of enactment of the Commercial Space Launch Amendments Act of 2004, as early as possible, but in any event prior to any launch in which the individual will participate as crew), that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants; and

(C) the holder of the license or permit and crew have complied with all requirements of the laws of the United States that apply to crew.

(5) The holder of a license or a permit under this chapter may launch or reenter a space flight participant only if—

(A) in accordance with regulations promulgated by the Secretary, the holder of the license or permit has informed the space flight participant in writing about the risks of the launch and reentry, including the safety record of the launch or reentry vehicle type, and the Secretary has informed the space flight participant in writing of any relevant

<sup>1</sup> See References in Text note below.

information related to risk or probable loss during each phase of flight gathered by the Secretary in making the determination required by section 50914(a)(2) and (c);

(B) the holder of the license or permit has informed any space flight participant in writing, prior to receiving any compensation from that space flight participant or (in the case of a space flight participant not providing compensation) otherwise concluding any agreement to fly that space flight participant, that the United States Government has not certified the launch vehicle as safe for carrying crew or space flight participants;

(C) in accordance with regulations promulgated by the Secretary, the space flight participant has provided written informed consent to participate in the launch and reentry and written certification of compliance with any regulations promulgated under paragraph (6)(A); and

(D) the holder of the license or permit has complied with any regulations promulgated by the Secretary pursuant to paragraph (6).

(6)(A) The Secretary may issue regulations requiring space flight participants to undergo an appropriate physical examination prior to a launch or reentry under this chapter. This subparagraph shall cease to be in effect three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.

(B) The Secretary may issue additional regulations setting reasonable requirements for space flight participants, including medical and training requirements. Such regulations shall not be effective before the expiration of 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.

(c) SAFETY REGULATIONS.—

(1) IN GENERAL.—The Secretary may issue regulations governing the design or operation of a launch vehicle to protect the health and safety of crew, government astronauts, and space flight participants.

(2) REGULATIONS.—Regulations issued under this subsection shall—

(A) describe how such regulations would be applied when the Secretary is determining whether to issue a license under this chapter;

(B) apply only to launches in which a vehicle will be carrying a human being for compensation or hire;

(C) be limited to restricting or prohibiting design features or operating practices that—

(i) have resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew, government astronauts, or space flight participants during a licensed or permitted commercial human space flight; or

(ii) contributed to an unplanned event or series of events during a licensed or permitted commercial human space flight that posed a high risk of causing a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew, government astronauts, or space flight participants; and

(D) be issued with a description of the instance or instances when the design feature

or operating practice being restricted or prohibited contributed to a result or event described in subparagraph (C).

(3) FACILITATION OF STANDARDS.—The Secretary shall continue to work with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, to facilitate the development of voluntary industry consensus standards based on recommended best practices to improve the safety of crew, government astronauts, and space flight participants as the commercial space sector continues to mature.

(4) COMMUNICATION AND TRANSPARENCY.—Nothing in this subsection shall be construed to limit the authority of the Secretary to discuss potential regulatory approaches, potential performance standards, or any other topic related to this subsection with the commercial space industry, including observations, findings, and recommendations from the Commercial Space Transportation Advisory Committee, or its successor organization, prior to the issuance of a notice of proposed rulemaking. Such discussions shall not be construed to permit the Secretary to promulgate industry regulations except as otherwise provided in this section.

(5) INTERIM VOLUNTARY INDUSTRY CONSENSUS STANDARDS REPORTS.—

(A) IN GENERAL.—Not later than December 31, 2016, and every 30 months thereafter until December 31, 2021, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the progress of the commercial space transportation industry in developing voluntary industry consensus standards that promote best practices to improve industry safety.

(B) CONTENTS.—The report shall include, at a minimum—

(i) any voluntary industry consensus standards that have been accepted by the industry at large;

(ii) the identification of areas that have the potential to become voluntary industry consensus standards that are currently under consideration by the industry at large;

(iii) an assessment from the Secretary on the general progress of the industry in adopting voluntary industry consensus standards;

(iv) any lessons learned about voluntary industry consensus standards, best practices, and commercial space launch operations;

(v) any lessons learned associated with the development, potential application, and acceptance of voluntary industry consensus standards, best practices, and commercial space launch operations; and

(vi) recommendations, findings, or observations from the Commercial Space Trans-

portation Advisory Committee, or its successor organization, on the progress of the industry in developing voluntary industry consensus standards that promote best practices to improve industry safety.

(6) REPORT.—Not later than 270 days after the date of enactment of the SPACE Act of 2015, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report specifying key industry metrics that might indicate readiness of the commercial space sector and the Department of Transportation to transition to a safety framework that may include regulations under paragraph (9) that considers space flight participant, government astronaut, and crew safety.

(7) REPORTS.—Not later than March 31 of each of 2018 and 2022, the Secretary, in consultation and coordination with the commercial space sector, including the Commercial Space Transportation Advisory Committee, or its successor organization, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that identifies the activities, described in this subsection and subsection (d) most appropriate for a new safety framework that may include regulatory action, if any, and a proposed transition plan for such safety framework.

(8) INDEPENDENT REVIEW.—Not later than December 31, 2022, an independent systems engineering and technical assistance organization or standards development organization contracted by the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives an assessment of the readiness of the commercial space industry and the Federal Government to transition to a safety framework that may include regulations. As part of the review, the contracted organization shall evaluate—

(A) the progress of the commercial space industry in adopting voluntary industry consensus standards as reported by the Secretary in the interim assessments included in the reports under paragraph (5);

(B) the progress of the commercial space industry toward meeting the key industry metrics identified by the report under paragraph (6), including the knowledge and operational experience obtained by the commercial space industry while providing services for compensation or hire; and

(C) whether the areas identified in the reports under paragraph (5) are appropriate for regulatory action, or further development of voluntary industry consensus standards, considering the progress evaluated in subparagraphs (A) and (B) of this paragraph.

(9) LEARNING PERIOD.—Beginning on October 1, 2023, the Secretary may propose regulations under this subsection without regard to subparagraphs (C) and (D) of paragraph (2). The development of any such regulations shall take into consideration the evolving standards of the commercial space flight industry as identified in the reports published under paragraphs (5), (6), and (7).

(10) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Secretary to issue requirements or regulations to protect the public health and safety, safety of property, national security interests, and foreign policy interests of the United States.

(d) PROCEDURES AND TIMETABLES.—The Secretary shall establish procedures and timetables that expedite review of a license or permit application and reduce the regulatory burden for an applicant.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1333, § 70105 of title 49; Pub. L. 105–303, title I, § 102(a)(6), Oct. 28, 1998, 112 Stat. 2848; Pub. L. 108–492, § 2(c)(6)–(15), Dec. 23, 2004, 118 Stat. 3976–3979; renumbered § 70105 then § 50905 of title 51 and amended Pub. L. 111–314, § 4(d)(2), (3)(E), (5)(F), Dec. 18, 2010, 124 Stat. 3440, 3441; Pub. L. 112–95, title VIII, § 827, Feb. 14, 2012, 126 Stat. 133; Pub. L. 114–55, title I, § 102(e), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114–90, title I, §§ 111, 112(l), Nov. 25, 2015, 129 Stat. 709, 713.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)   | Source (Statutes at Large)   |
|-----------------|--|--|
| 70105(a) .....  | 49 App.:2606 (1st sentence).                                   | Oct. 30, 1984, Pub. L. 98–575, §§ 7 (1st sentence), 8, 9(a), (b), 98 Stat. 3058. |
|                 | 49 App.:2608(a) (1st sentence), (b) (1st, 3d, last sentences). |  |
| 70105(b)(1) ..  | 49 App.:2607(a)(1).  |  |
| 70105(b)(2)(A). | 49 App.:2608(b) (2d sentence).                                 |  |
| 70105(b)(2)(B). | 49 App.:2607(b).   |  |
| 70105(b)(2)(C). | 49 App.:2607(a)(2).  |  |
| 70105(b)(3) ..  | 49 App.:2607(c).   |  |
| 70105(c) .....  | 49 App.:2608(a) (last sentence).                               |  |

In subsection (a), the words “for launching one or more launch vehicles or for operating one or more launch sites, or both” in 49 App.:2606 are omitted as surplus.

In subsection (b)(2)(C), the words “that would otherwise apply to the launch of a launch vehicle or the operation of a launch site” are omitted as surplus. The words “the head of” are added for consistency in the revised title and with other titles of the United States Code.

#### Editorial Notes

##### REFERENCES IN TEXT

Subsection (b)(2)(D), referred to in subsec. (a)(1), was redesignated subsection (b)(2)(E) by Pub. L. 108–492, § 2(c)(10), Dec. 23, 2004, 118 Stat. 3977.

The date of enactment of the Commercial Space Launch Amendments Act of 2004, referred to in subsec. (b)(4)(B), (6), is the date of enactment of Pub. L. 108–492, which was approved Dec. 23, 2004.

The date of enactment of the SPACE Act of 2015, referred to in subsec. (c)(6), is the date of enactment of title I of Pub. L. 114–90, which was approved Nov. 25, 2015.

## AMENDMENTS

2015—Subsec. (a)(2). Pub. L. 114-90, §112(l)(1), substituted “crew, government astronauts, and space flight participants” for “crews and space flight participants”.

Subsec. (b)(2)(D). Pub. L. 114-90, §112(l)(2), substituted “crew, government astronauts, or space flight participants” for “crew or space flight participants”.

Subsec. (c)(1). Pub. L. 114-90, §§111(1), 112(l)(3)(A), inserted “IN GENERAL.—” before “The Secretary” and substituted “crew, government astronauts, and space flight participants” for “crew and space flight participants”.

Subsec. (c)(2). Pub. L. 114-90, §111(2), inserted “REGULATIONS.—” before “Regulations” in introductory provisions.

Subsec. (c)(2)(C). Pub. L. 114-90, §112(l)(3)(B), substituted “to crew, government astronauts, or space flight participants” for “to crew or space flight participants” in cls. (i) and (ii).

Subsec. (c)(3). Pub. L. 114-90, §111(3), (5), added par. (3) and struck out former par. (3) which read as follows: “Beginning on April 1, 2016, the Secretary may propose regulations under this subsection without regard to paragraph (2)(C) and (D). Any such regulations shall take into consideration the evolving standards of safety in the commercial space flight industry.”

Pub. L. 114-55 substituted “April 1, 2016,” for “October 1, 2015.”

Subsec. (c)(4). Pub. L. 114-90, §111(5), added par. (4). Former par. (4) redesignated (10).

Subsec. (c)(5) to (9). Pub. L. 114-90, §111(5), added pars. (5) to (9).

Subsec. (c)(10). Pub. L. 114-90, §111(4), (6), redesignated par. (4) as (10) and inserted “RULE OF CONSTRUCTION.—” before “Nothing”.

2012—Subsec. (c)(3). Pub. L. 112-95 substituted “Beginning on October 1, 2015,” for “Beginning 8 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004.”

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

Subsec. (b)(5)(A). Pub. L. 111-314, §4(d)(5)(F), substituted “section 50914(a)(2) and (c)” for “section 70112(a)(2) and (c)”.

2004—Subsec. (a)(1). Pub. L. 108-492, §2(c)(6)(A), substituted “the Secretary has not taken action on a license application” for “a license is not issued”.

Subsec. (a)(2). Pub. L. 108-492, §2(c)(6)(B), inserted “(including approval procedures for the purpose of protecting the health and safety of crews and space flight participants, to the extent permitted by subsections (b) and (c))” after “or personnel”.

Subsec. (b)(1). Pub. L. 108-492, §2(c)(7), inserted “or permit” after “for a license”.

Subsec. (b)(2)(B). Pub. L. 108-492, §2(c)(8), substituted “any” for “an”.

Subsec. (b)(2)(C). Pub. L. 108-492, §2(c)(9), inserted “or permit” after “for a license” and struck out “and” at end.

Subsec. (b)(2)(D). Pub. L. 108-492, §2(c)(10), added subpar. (D). Former subpar. (D) redesignated (E).

Subsec. (b)(2)(E). Pub. L. 108-492, §2(c)(10), (11), redesignated subpar. (D) as (E) and inserted “or permit” after “for a license”.

Subsec. (b)(3). Pub. L. 108-492, §2(c)(12), inserted at end “The Secretary may not grant a waiver under this paragraph that would permit the launch or reentry of a launch vehicle or a reentry vehicle without a license or permit if a human being will be on board.”

Subsec. (b)(4) to (6). Pub. L. 108-492, §2(c)(13), added pars. (4) to (6).

Subsec. (c). Pub. L. 108-492, §2(c)(14), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 108-492, §2(c)(14), (15), redesignated subsec. (c) as (d) and inserted “or permit” after “of a license”.

1998—Subsec. (a). Pub. L. 105-303, §102(a)(6)(B), substituted “accepting an application in accordance with

criteria established pursuant to subsection (b)(2)(D)” for “receiving an application” in two places.

Pub. L. 105-303, §102(a)(6)(A), (C), designated existing provisions as par. (1), inserted “The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when a license is not issued within the deadline established by this subsection.” at end of par. (1), and added par. (2).

Subsec. (b)(1). Pub. L. 105-303, §102(a)(6)(D), inserted “or a reentry site, or the reentry of a reentry vehicle,” after “operation of a launch site”.

Subsec. (b)(2)(A). Pub. L. 105-303, §102(a)(6)(E), substituted “, operation, or reentry” for “or operation”.

Subsec. (b)(2)(D). Pub. L. 105-303, §102(a)(6)(F)–(H), added subpar. (D).

Subsec. (b)(3). Pub. L. 105-303, §102(a)(6)(I), inserted “, including the requirement to obtain a license,” after “waive a requirement”.

## Statutory Notes and Related Subsidiaries

## 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.

## § 50906. Experimental permits

(a) A person may apply to the Secretary of Transportation for an experimental permit under this section in the form and manner the Secretary prescribes. Consistent with the protection of the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than 120 days after receiving an application pursuant to this section, shall issue a permit if the Secretary decides in writing that the applicant complies, and will continue to comply, with this chapter and regulations prescribed under this chapter. The Secretary shall inform the applicant of any pending issue and action required to resolve the issue if the Secretary has not made a decision not later than 90 days after receiving an application. The Secretary shall transmit to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 15 days after any occurrence when the Secretary has failed to act on a permit within the deadline established by this section.

(b) In carrying out subsection (a), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting commercial space launch or reentry activities pursuant to a permit.

(c) In order to encourage the development of a commercial space flight industry, the Secretary may when issuing permits use the authority granted under section 50905(b)(2)(C).

(d) The Secretary may issue a permit only for reusable suborbital rockets or reusable launch vehicles that will be launched into a suborbital trajectory or reentered under that permit solely for—