(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1329.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60503	49:101 (note prec.).	Oct. 31, 1988, Pub. L. 100–561, § 308, 102 Stat. 2817.

The words ''the Act of January 12, 1983 (Public Law 97–449, 96 Stat. 2413), and the Act enacting this section'' are added for clarity. The words ''department, agency, or instrumentality of the United States Government'' are substituted for ''Federal department or agency'', and the words ''officer or employee'' are substituted for ''official'', for consistency in the revised title and with other titles of the United States Code.

REFERENCES IN TEXT

Act of October 17, 1978, referred to in text, is Pub. L. 95–473, Oct. 17, 1978, 92 Stat. 1337, the first section of which enacted subtitle IV of this title. For complete classification of this Act to the Code, see Tables.

Act of January 12, 1983, referred to in text, is Pub. L. 97–449, Jan. 12, 1983, 96 Stat. 2413, the first section of which enacted subtitles I and II of this title. For complete classification of this Act to the Code, see Tables.

The Act enacting this section, referred to in text, is Pub. L. 103–272, July 5, 1994, 108 Stat. 745, the first section of which enacted subtitles II, III, and V to X of this title. For complete classification of this Act to the Code, see Tables.

The Interstate Commerce Act, referred to in text, is act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended, which was classified to chapters 1 (§ 1 et seq.), 8 (§ 301 et seq.), 12 (§ 901 et seq.), 13 (§ 1001 et seq.), and 19 (1231 et seq.) of former Title 49, Transportation. The Act was repealed by Pub. L. 95–473, § 4(b), Oct. 17, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§ 10101 et seq.) of Title 49, Transportation. For disposition of sections of former Title 49, see Table at the beginning of Title 49.

Act of August 29, 1916, referred to in text, is act Aug. 29, 1916, ch. 415, 39 Stat. 538, as amended, known as the Pomerene Bills of Lading Act, which was classified generally to chapter 4 (§ 81 et seq.) of former Title 49, and was repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as chapter 801 of this title.

SUBTITLE IX—COMMERCIAL SPACE TRANSPORTATION

Chapter Sec.

701. Commercial Space Launch Activities 70101

703. Space Transportation Infrastructure Matching Grants 70301

CHAPTER 701—COMMERCIAL SPACE LAUNCH ACTIVITIES

Sec.

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AMENDMENTS

2004—Pub. L. 108–492, § 2(c)(26), Dec. 23, 2004, 118 Stat. 3982, added item 70105a.

2000—Pub. L. 106–405, § 3(b), Nov. 1, 2000, 114 Stat. 1752, substituted ''Office of Commercial Space Transportation'' for ''Authorization of appropriations'' in item 70119.

Pub. L. 106–391, title III, § 322(d), Oct. 30, 2000, 114 Stat. 1598, added item 70109a.

1998—Pub. L. 105–303, title I, § 102(a)(1), Oct. 28, 1998, 112 Stat. 2846, substituted ''launches, operations, and reentries'' for ''launches and operations'' in item 70104, ''launches, operation of launch sites and reentry sites, and reentries'' for ''launches and operation of launch sites'' in item 70108, inserted ''or reentries'' after ''scheduled launches'' in item 70109, and added items 70120 and 70121.

1994—Pub. L. 103–429, § 6(78), Oct. 31, 1994, 108 Stat. 4388, made technical amendment to chapter heading.

§ 70101. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) the peaceful uses of outer space continue to be of great value and to offer benefits to all mankind;

(2) private applications of space technology have achieved a significant level of commercial and economic activity and offer the potential for growth in the future, particularly in the United States;

(3) new and innovative equipment and services are being sought, produced, and offered by entrepreneurs in telecommunications, information services, microgravity research, human space flight, and remote sensing technologies;

(4) the private sector in the United States has the capability of developing and providing private launching, reentry, and associated services that would complement the launching, reentry, and associated capabilities of the United States Government;

(5) the development of commercial launch vehicles, reentry vehicles, and associated services would enable the United States to retain its competitive position internationally, contributing to the national interest and economic well-being of the United States;

(6) providing launch services and reentry services by the private sector is consistent with the national security and foreign policy interests of the United States and would be facilitated by stable, minimal, and appropriate regulatory guidelines that are fairly and expeditiously applied;

(7) the United States should encourage private sector launches, reentries, and associated

services and, only to the extent necessary, regulate those launches, reentries, and services to ensure compliance with international obligations of the United States and to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States;

(8) space transportation, including the establishment and operation of launch sites, reentry sites, and complementary facilities, the providing of launch services and reentry services, the establishment of support facilities, and the providing of support services, is an important element of the transportation system of the United States, and in connection with the commerce of the United States there is a need to develop a strong space transportation infrastructure with significant private sector involvement;

(9) the participation of State governments in encouraging and facilitating private sector involvement in space-related activity, particularly through the establishment of a space transportation-related infrastructure, including launch sites, reentry sites, complementary facilities, and launch site and reentry site support facilities, is in the national interest and is of significant public benefit;

(10) the goal of safely opening space to the American people and their private commercial, scientific, and cultural enterprises should guide Federal space investments, policies, and regulations;

(11) private industry has begun to develop commercial launch vehicles capable of carrying human beings into space and greater private investment in these efforts will stimulate the Nation's commercial space transportation industry as a whole;

(12) space transportation is inherently risky, and the future of the commercial human space flight industry will depend on its ability to continually improve its safety performance;

(13) a critical area of responsibility for the Department of Transportation is to regulate the operations and safety of the emerging commercial human space flight industry;

(14) the public interest is served by creating a clear legal, regulatory, and safety regime for commercial human space flight; and

(15) the regulatory standards governing human space flight must evolve as the industry matures so that regulations neither stifle technology development nor expose crew or space flight participants to avoidable risks as the public comes to expect greater safety for crew and space flight participants from the industry.

(b) PURPOSES.—The purposes of this chapter are—

(1) to promote economic growth and entrepreneurial activity through use of the space environment for peaceful purposes;

(2) to encourage the United States private sector to provide launch vehicles, reentry vehicles, and associated services by—

(A) simplifying and expediting the issuance and transfer of commercial licenses;

(B) facilitating and encouraging the use of Government-developed space technology; and

(C) promoting the continuous improvement of the safety of launch vehicles designed to carry humans, including through the issuance of regulations, to the extent permitted by this chapter;

(3) to provide that the Secretary of Transportation is to oversee and coordinate the conduct of commercial launch and reentry operations, issue permits and commercial licenses and transfer commercial licenses authorizing those operations, and protect the public health and safety, safety of property, and national security and foreign policy interests of the United States; and

(4) to facilitate the strengthening and expansion of the United States space transportation infrastructure, including the enhancement of United States launch sites and launch-site support facilities, and development of reentry sites, with Government, State, and private sector involvement, to support the full range of United States space-related activities.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1330; Pub. L. 105–303, title I, § 102(a)(2), Oct. 28, 1998, 112 Stat. 2846; Pub. L. 108–492, § 2(a), Dec. 23, 2004, 118 Stat. 3974.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70101(a)	49 App.:2601.	Oct. 30, 1984, Pub. L. 98–575, §§ 2, 3, 98 Stat. 3055; Nov. 16, 1990, Pub. L. 101–611, § 117(c), (d), 104 Stat. 3202.
70101(b)	49 App.:2602.	

In subsection (a), before clause (1), the words ''and declares'' are omitted as surplus.

In subsection (b), before clause (1), the word ''therefore'' is omitted as surplus.

AMENDMENTS

2004—Subsec. (a)(3). Pub. L. 108–492, § 2(a)(1), inserted ''human space flight,'' after ''microgravity research,''.

Subsec. (a)(4). Pub. L. 108–492, § 2(a)(2), struck out ''satellite'' after ''providing private'' and substituted ''capabilities of'' for ''services now available from''.

Subsec. (a)(10) to (15). Pub. L. 108–492, § 2(a)(3)–(5), added pars. (10) to (15).

Subsec. (b)(2)(C). Pub. L. 108–492, § 2(a)(6), added subpar. (C).

Subsec. (b)(3). Pub. L. 108–492, § 2(a)(7), substituted ''issue permits and commercial licenses and transfer'' for ''issue and transfer''.

1998—Subsec. (a)(3). Pub. L. 105–303, § 102(a)(2)(A), inserted ''microgravity research,'' after ''information services,''.

Subsec. (a)(4). Pub. L. 105–303, § 102(a)(2)(B), inserted '', reentry,'' after ''launching'' in two places.

Subsec. (a)(5). Pub. L. 105–303, § 102(a)(2)(C), inserted '', reentry vehicles,'' after ''launch vehicles''.

Subsec. (a)(6). Pub. L. 105–303, § 102(a)(2)(D), inserted ''and reentry services'' after ''launch services''.

Subsec. (a)(7). Pub. L. 105–303, § 102(a)(2)(E), inserted '', reentries,'' after ''launches'' in two places.

Subsec. (a)(8). Pub. L. 105–303, § 102(a)(2)(F), (G), inserted '', reentry sites,'' after ''launch sites'' and ''and reentry services'' after ''launch services''.

Subsec. (a)(9). Pub. L. 105–303, § 102(a)(2)(H), (I), inserted ''reentry sites,'' after ''launch sites,'' and ''and reentry site'' after ''launch site''.

Subsec. (b)(2). Pub. L. 105–303, § 102(a)(2)(J), inserted '', reentry vehicles,'' after ''launch vehicles'' in introductory provisions.

Subsec. (b)(2)(A). Pub. L. 105–303, § 102(a)(2)(K), struck out ''launch'' before ''licenses''.

Subsec. (b)(3). Pub. L. 105–303, §102(a)(2)(L), (M), inserted ''and reentry'' after ''conduct of commercial launch'' and struck out ''launch'' before ''licenses''.

Subsec. (b)(4). Pub. L. 105–303, §102(a)(2)(N), inserted ''and development of reentry sites,'' after ''launch-site support facilities,''.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–492, §1, Dec. 23, 2004, 118 Stat. 3974, provided that: ''This Act [enacting section 70105a of this title, amending this section and sections 70102 to 70105, 70106, 70107, 70110, 70112, 70113, 70115, and 70120 of this title, and repealing provisions set out as a note under section 70105 of this title] may be cited as the 'Commercial Space Launch Amendments Act of 2004'.''

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–405, §1, Nov. 1, 2000, 114 Stat. 1751, provided that: ''This Act [amending sections 70113 and 70119 of this title and enacting provisions set out as notes under this section and sections 70112 and 70113 of this title and section 2281 of Title 10, Armed Forces] may be cited as the 'Commercial Space Transportation Competitiveness Act of 2000'.''

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 chapter 701 of title 49, United States Code (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 Short Title of 2000 Amendment note above];

''(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.''

§ 70102. 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) ''launch'' means to place or try to place a launch vehicle or reentry vehicle and any payload, crew, or space flight participant 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.

(5) ''launch property'' means an item built for, or used in, the launch preparation or launch of a launch vehicle.

(6) ''launch services'' means—

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

(B) the conduct of a launch.

(7) ''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.

(8) ''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.

(9) ''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.

(10) ''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.

(11) except in section 70104(c), ''permit'' means an experimental permit issued under section 70105a.

(12) ''person'' means an individual and an entity organized or existing under the laws of a State or country.

(13) ''reenter'' and ''reentry'' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, crew, or space flight participants, if any, from Earth orbit or from outer space to Earth.

(14) ''reentry services'' means—

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

(B) the conduct of a reentry.

(15) ''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).

(16) ''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.

(17) ''space flight participant'' means an individual, who is not crew, carried within a launch vehicle or reentry vehicle.

(18) ''State'' means a State of the United States, the District of Columbia, and a territory or possession of the United States.

(19) unless and until regulations take effect under section 70120(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.

(20) ''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.

(21) ''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 or space flight participants.

(22) ''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; 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.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70102(1)	49 App.:2603(9).	Oct. 30, 1984, Pub. L. 98–575, § 4(1)–(9), 98 Stat. 3056.
	49 App.:2603(12).	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)	49 App.:2603(1)–(8).	
70102(10)	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).

AMENDMENTS

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''.

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 this title.

§ 70103. 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; Pub. L. 105–303, title I, §102(a)(4), Oct. 28, 1998, 112 Stat. 2847; Pub. L. 108–492, §2(c)(1), (2), Dec. 23, 2004, 118 Stat. 3976.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70103(a)	49 App.:2604(a) (1st–10th words).	Oct. 30, 1984, Pub. L. 98–575, §5(a) (1st–10th words, (b)), 98 Stat. 3057.
70103(b)	49 App.:2604(a) (11th–15th words, cls. (1), (3)).	Oct. 30, 1984, Pub. L. 98–575, §5(a) (11th–15th words, cls. (1), (3)), 98 Stat. 3057; Nov. 16, 1990, Pub. L. 101–611, §117(e)(1), (3), 104 Stat. 3203.
70103(c)	49 App.:2604(b).	

In subsection (a), the words ''be responsible for'' are omitted as surplus.

In subsection (c), the words ''To the extent permitted by law'' are omitted as surplus. The words ''the head of an executive agency'' are substituted for ''Federal agencies'' for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108–492, §2(c)(1), inserted '', including those involving space flight participants'' after ''private sector''.

Subsecs. (c), (d). Pub. L. 108–492, §2(c)(2), added subsec. (c) and redesignated former subsec. (c) as (d).

1998—Subsec. (b). Pub. L. 105–303, §102(a)(4)(A), inserted ''and Reentries'' after ''Launches'' in heading.

Subsec. (b)(1). Pub. L. 105–303, §102(a)(4)(B), inserted ''and reentries'' after ''commercial space launches''.

Subsec. (b)(2). Pub. L. 105–303, §102(a)(4)(C), inserted ''and reentry'' after ''space launch''.

EX. ORD. NO. 12465. COORDINATION AND ENCOURAGEMENT OF COMMERCIAL EXPENDABLE LAUNCH VEHICLE ACTIVITIES

Ex. Ord. No. 12465, Feb. 24, 1984, 49 F.R. 7211, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to encourage, facilitate and coordinate the development of commercial expendable launch vehicle (ELV) operations by private United States enterprises, it is hereby ordered as follows:

SECTION 1. The Department of Transportation is designated as the lead agency within the Federal government for encouraging and facilitating commercial ELV activities by the United States private sector.

SEC. 2. *Responsibilities of Lead Agency*. The Secretary of Transportation shall, to the extent permitted by law and subject to the availability of appropriations, perform the following functions:

(a) act as a focal point within the Federal government for private sector space launch contacts related to commercial ELV operations;

(b) promote and encourage commercial ELV operations in the same manner that other private United States commercial enterprises are promoted by United States agencies;

(c) provide leadership in the establishment, within affected departments and agencies, of procedures that expedite the processing of private sector requests to obtain licenses necessary for commercial ELV launches and the establishment and operation of commercial launch ranges;

(d) consult with other affected agencies to promote consistent application of ELV licensing requirements for the private sector and assure fair and equitable treatment for all private sector applicants;

(e) serve as a single point of contact for collection and dissemination of documentation related to commercial ELV licensing applications;

(f) make recommendations to affected agencies and, as appropriate, to the President, concerning administrative measures to streamline Federal government procedures for licensing of commercial ELV activities;

(g) identify Federal statutes, treaties, regulations and policies which may have an adverse impact on ELV commercialization efforts and recommend appropriate changes to affected agencies and, as appropriate, to the President; and

(h) conduct appropriate planning regarding long-term effects of Federal activities related to ELV commercialization.

SEC. 3. An interagency group, chaired by the Secretary of Transportation and composed of representatives from the Department of State, the Department of Defense, the Department of Commerce, the Federal Communications Commission, and the National Aeronautics and Space Administration, is hereby established. This group shall meet at the call of the Chair and shall advise and assist the Department of Transportation in performing its responsibilities under this Order.

SEC. 4. *Responsibilities of Other Agencies.* All executive departments and agencies shall assist the Secretary of Transportation in carrying out this Order. To the extent permitted by law and in consultation with the Secretary of Transportation, they shall:

(a) provide the Secretary of Transportation with information concerning agency regulatory actions which may affect development of commercial ELV operations;

(b) review and revise their regulations and procedures to eliminate unnecessary regulatory obstacles to the development of commercial ELV operations and to ensure that those regulations and procedures found essential are administered as efficiently as possible; and

(c) establish timetables for the expeditious handling of and response to applications for licenses and approvals for commercial ELV activities.

SEC. 5. The powers granted to the Secretary of Transportation to encourage, facilitate and coordinate the overall ELV commercialization process shall not diminish or abrogate any statutory or operational authority exercised by any other Federal agency.

SEC. 6. Nothing contained in this Order or in any procedures promulgated hereunder shall confer any substantive or procedural right or privilege on any person or organization, enforceable against the United States, its agencies, its officers or any person.

SEC. 7. This Order shall be effective immediately.

RONALD REAGAN.

§ 70104. Restrictions on launches, operations, and reentries

(a) REQUIREMENT.—A license issued or transferred under this chapter, or a permit, is required for the following:

(1) for a person to launch a launch vehicle or to operate a launch site or reentry site, or to reenter a reentry vehicle, in the United States.

(2) for a citizen of the United States (as defined in section 70102(1)(A) or (B) of this title) to launch a launch vehicle or to operate a launch site or reentry site, or to reenter a reentry vehicle, outside the United States.

(3) for a citizen of the United States (as defined in section 70102(1)(C) of this title) to launch a launch vehicle or to operate a launch site or reentry site, or to reenter a reentry vehicle, outside the United States and outside the territory of a foreign country unless there is an agreement between the United States Government and the government of the foreign country providing that the government of the foreign country has jurisdiction over the launch or operation or reentry.

(4) for a citizen of the United States (as defined in section 70102(1)(C) of this title) to launch a launch vehicle or to operate a launch site or reentry site, or to reenter a reentry vehicle, in the territory of a foreign country if there is an agreement between the United States Government and the government of the foreign country providing that the United States Government has jurisdiction over the launch or operation or reentry.

Notwithstanding this subsection, a permit shall not authorize a person to operate a launch site or reentry site.

(b) COMPLIANCE WITH PAYLOAD REQUIREMENTS.—The holder of a license or permit under this chapter may launch or reenter a payload only if the payload complies with all requirements of the laws of the United States related to launching or reentering a payload.

(c) PREVENTING LAUNCHES AND REENTRIES.—The Secretary of Transportation shall establish whether all required licenses, authorizations, and permits required for a payload have been obtained. If no license, authorization, or permit is required, the Secretary may prevent the launch or reentry if the Secretary decides the launch or reentry would jeopardize the public health and safety, safety of property, or national security or foreign policy interest of the United States.

(d) SINGLE LICENSE OR PERMIT.—The Secretary of Transportation shall ensure that only 1 license or permit is required from the Department of Transportation to conduct activities involving crew or space flight participants, including launch and reentry, for which a license or permit is required under this chapter. The Secretary shall ensure that all Department of Transportation regulations relevant to the licensed or permitted activity are satisfied.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1332; Pub. L. 105–303, title I, § 102(a)(5), Oct. 28, 1998, 112 Stat. 2847; Pub. L. 108–492, § 2(c)(3)–(5), Dec. 23, 2004, 118 Stat. 3976.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70104(a)	49 App.:2605(a).	Oct. 30, 1984, Pub. L. 98–575, § 6(a), (b), 98 Stat. 3057.
70104(b)	49 App.:2605(b)(1) (1st sentence).	
70104(c)	49 App.:2605(b)(1) (last sentence), (2).	

In subsection (a)(2)–(4), the cross-reference is to section 70102(1) of the revised title (restating 49 App.:2603(12)) rather than to section 70102(11) (restating 49 App.:2603(11)) to correct a mistake. Section 3(2) of the Commercial Space Launch Act Amendments of 1988 (Public Law 100–657, 102 Stat. 3900) redesignated 49 App.:2603(11) as 49 App.:2603(12) but did not amend the cross-reference in 49 App.:2605(a).

In subsection (a)(3) and (4), the words ''the government of'' are added for consistency in the revised title and with other titles of the United States Code. The words ''in force'' are omitted as surplus.

In subsection (a)(3), the words ''at any place which is both'' are omitted as surplus.

In subsection (a)(4), the text of 49 App.:2605(a)(3)(B)(i) is omitted as surplus.

In subsection (c), the words ''by Federal law'', ''which is to be launched'', ''by any Federal law'', ''take such action under this chapter as the Secretary deems necessary to'', and ''of a payload by a holder of a launch license under this chapter'' are omitted as surplus.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–492, § 2(c)(3), substituted ''Requirement'' for ''License Requirement'' in heading and ''A license issued or transferred under this chapter, or a permit,'' for ''A license issued or transferred under this chapter'' in introductory provisions and inserted concluding provisions.

Subsec. (b). Pub. L. 108–492, § 2(c)(4), inserted ''or permit'' after ''holder of a license''.

Subsec. (d). Pub. L. 108–492, § 2(c)(5), added subsec. (d).

1998—Pub. L. 105–303, § 102(a)(5)(A), substituted ''Restrictions on launches, operations, and reentries'' for ''Restrictions on launches and operations'' in section catchline.

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 vehi-

cle,'' 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.

§ 70105. 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),[1] 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).[1] 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 crews 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 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 information related to risk or probable loss during each phase of flight gathered by the Secretary in making the determination required by section 70112(a)(2) and (c);

(B) the holder of the license or permit has informed any space flight participant in writ-

[1] See References in Text note below.

ing, 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) The Secretary may issue regulations governing the design or operation of a launch vehicle to protect the health and safety of crew and space flight participants.

(2) 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 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 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) Beginning 8 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004, 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.

(4) 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; 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.)

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.

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 subsecs. (b)(4)(B), (6) and (c)(3), is the date of enactment of Pub. L. 108–492, which was approved Dec. 23, 2004.

AMENDMENTS

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''.

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.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–303, title I, §102(c), Oct. 28, 1998, 112 Stat. 2851, which provided that amendments made by section 102(a)(6)(B) of Pub. L. 105–303 (amending this section) were to take effect upon the effective date of final regulations issued pursuant to subsection (b)(2)(D) of this section, was repealed by Pub. L. 108–492, §4, Dec. 23, 2004, 118 Stat. 3983.

§ 70105a. 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 70105(b)(2)(C).

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

(1) research and development to test new design concepts, new equipment, or new operating techniques;

(2) showing compliance with requirements as part of the process for obtaining a license under this chapter; or

(3) crew training prior to obtaining a license for a launch or reentry using the design of the rocket for which the permit would be issued.

(e) Permits issued under this section shall—

(1) authorize an unlimited number of launches and reentries for a particular suborbital rocket design for the uses described in subsection (d); and

(2) specify the type of modifications that may be made to the suborbital rocket without changing the design to an extent that would invalidate the permit.

(f) Permits shall not be transferable.

(g) A permit may not be issued for, and a permit that has already been issued shall cease to be valid for, a particular design for a reusable suborbital rocket after a license has been issued for the launch or reentry of a rocket of that design.

(h) No person may operate a reusable suborbital rocket under a permit for carrying any property or human being for compensation or hire.

(i) For the purposes of sections 70106, 70107, 70108, 70109, 70110, 70112, 70115, 70116, 70117, and 70121 of this chapter—

(1) a permit shall be considered a license;

(2) the holder of a permit shall be considered a licensee;

(3) a vehicle operating under a permit shall be considered to be licensed; and

(4) the issuance of a permit shall be considered licensing.

This subsection shall not be construed to allow the transfer of a permit.

(Added Pub. L. 108–492, §2(c)(16), Dec. 23, 2004, 118 Stat. 3979.)

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.

§ 70106. Monitoring activities

(a) GENERAL REQUIREMENTS.—A licensee under this chapter must allow the Secretary of Transportation to place an officer or employee of the United States Government or another individual

as an observer at a launch site or reentry site the licensee uses, at a production facility or assembly site a contractor of the licensee uses to produce or assemble a launch vehicle or reentry vehicle, at a site used for crew or space flight participant training, or at a site at which a payload is integrated with a launch vehicle or reentry vehicle. The observer will monitor the activity of the licensee or contractor at the time and to the extent the Secretary considers reasonable to ensure compliance with the license or to carry out the duties of the Secretary under sections 70104(c), 70105, and 70105a of this title. A licensee must cooperate with an observer carrying out this subsection.

(b) CONTRACTS.—To the extent provided in advance in an appropriation law, the Secretary may make a contract with a person to carry out subsection (a) of this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1334; Pub. L. 105–303, title I, § 102(a)(7), Oct. 28, 1998, 112 Stat. 2848; Pub. L. 108–492, § 2(c)(17), Dec. 23, 2004, 118 Stat. 3980.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70106(a)	49 App.:2613(a).	Oct. 30, 1984, Pub. L. 98–575, § 14, 98 Stat. 3060.
70106(b)	49 App.:2613(b).	

In subsection (a), the word ''duties'' is substituted for ''responsibilities'' for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–492 inserted ''at a site used for crew or space flight participant training,'' after ''assemble a launch vehicle or reentry vehicle,'' and substituted ''sections 70104(c), 70105, and 70105a'' for ''section 70104(c)''.

1998—Subsec. (a). Pub. L. 105–303, in first sentence, inserted ''or reentry site'' after ''observer at a launch site'' and ''or reentry vehicle'' after ''assemble a launch vehicle'' and after ''with a launch vehicle''.

§ 70107. Effective periods, and modifications, suspensions, and revocations, of licenses

(a) EFFECTIVE PERIODS OF LICENSES.—The Secretary of Transportation shall specify the period for which a license issued or transferred under this chapter is in effect.

(b) MODIFICATIONS.—(1) On the initiative of the Secretary or on application of the licensee, the Secretary may modify a license issued or transferred under this chapter if the Secretary decides the modification will comply with this chapter.

(2) The Secretary shall modify a license issued or transferred under this chapter whenever a modification is needed for the license to be in conformity with a regulation that was issued pursuant to section 70105(c) after the issuance of the license. This paragraph shall not apply to permits.

(c) SUSPENSIONS AND REVOCATIONS.—The Secretary may suspend or revoke a license if the Secretary decides that—

(1) the licensee has not complied substantially with a requirement of this chapter or a regulation prescribed under this chapter; or

(2) the suspension or revocation is necessary to protect the public health and safety, the safety of property, or a national security or foreign policy interest of the United States.

(d) ADDITIONAL SUSPENSIONS.—(1) The Secretary may suspend a license when a previous launch or reentry under the license has resulted in a serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants and the Secretary has determined that continued operations under the license are likely to cause additional serious or fatal injury (as defined in 49 CFR 830, as in effect on November 10, 2004) to crew or space flight participants.

(2) Any suspension imposed under this subsection shall be for as brief a period as possible and, in any event, shall cease when the Secretary—

(A) has determined that the licensee has taken sufficient steps to reduce the likelihood of a recurrence of the serious or fatal injury; or

(B) has modified the license pursuant to subsection (b) to sufficiently reduce the likelihood of a recurrence of the serious or fatal injury.

(3) This subsection shall not apply to permits.

(e) EFFECTIVE PERIODS OF MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS.—Unless the Secretary specifies otherwise, a modification, suspension, or revocation under this section takes effect immediately and remains in effect during a review under section 70110 of this title.

(f) NOTIFICATION.—The Secretary shall notify the licensee in writing of the decision of the Secretary under this section and any action the Secretary takes or proposes to take based on the decision.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1334; Pub. L. 108–492, § 2(c)(18), (19), Dec. 23, 2004, 118 Stat. 3980.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70107(a)	49 App.:2606 (last sentence).	Oct. 30, 1984, Pub. L. 98–575, §§ 7 (last sentence), 10, 98 Stat. 3058, 3059.
70107(b)	49 App.:2609(b).	
70107(c)	49 App.:2609(a).	
70107(d)	49 App.:2609(c).	
70107(e)	49 App.:2609(d).	

In subsection (a), the words ''of time'' and ''in accordance with regulations issued under this chapter'' are omitted as surplus.

In subsection (b), the words ''the requirements of'' are omitted as surplus.

In subsection (e), the words ''Whenever the Secretary takes any action'' are omitted as surplus.

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–492, § 2(c)(18), designated existing text as par. (1) and added par. (2).

Subsecs. (d) to (f). Pub. L. 108–492, § 2(c)(19), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries

(a) GENERAL AUTHORITY.—The Secretary of Transportation may prohibit, suspend, or end immediately the launch of a launch vehicle or

the operation of a launch site or reentry site, or reentry of a reentry vehicle, licensed under this chapter if the Secretary decides the launch or operation or reentry is detrimental to the public health and safety, the safety of property, or a national security or foreign policy interest of the United States.

(b) EFFECTIVE PERIODS OF ORDERS.—An order under this section takes effect immediately and remains in effect during a review under section 70110 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1334; Pub. L. 105–303, title I, § 102(a)(8), Oct. 28, 1998, 112 Stat. 2848.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70108(a)	49 App.:2610(a).	Oct. 30, 1984, Pub. L. 98–575, § 11, 98 Stat. 3059.
70108(b)	49 App.:2610(b).	

AMENDMENTS

1998—Pub. L. 105–303, § 102(a)(8)(A), substituted ''Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries'' for ''Prohibition, suspension, and end of launches and operation of launch sites'' in section catchline.

Subsec. (a). Pub. L. 105–303, § 102(a)(8)(B), inserted ''or reentry site, or reentry of a reentry vehicle,'' after ''operation of a launch site'' and ''or reentry'' after ''launch or operation''.

§ 70109. Preemption of scheduled launches or reentries

(a) GENERAL.—With the cooperation of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation shall act to ensure that a launch or reentry of a payload is not preempted from access to a United States Government launch site, reentry site, or launch property, except for imperative national need, when a launch date commitment or reentry date commitment from the Government has been obtained for a launch or reentry licensed under this chapter. A licensee or transferee preempted from access to a launch site, reentry site, or launch property does not have to pay the Government any amount for launch services, or services related to a reentry, attributable only to the scheduled launch or reentry prevented by the preemption.

(b) IMPERATIVE NATIONAL NEED DECISIONS.—In consultation with the Secretary of Transportation, the Secretary of Defense or the Administrator shall decide when an imperative national need requires preemption under subsection (a) of this section. That decision may not be delegated.

(c) REPORTS.—In cooperation with the Secretary of Transportation, the Secretary of Defense or the Administrator, as appropriate, shall submit to Congress not later than 7 days after a decision to preempt under subsection (a) of this section, a report that includes an explanation of the circumstances justifying the decision and a schedule for ensuring the prompt launching or reentry of a preempted payload.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1335; Pub. L. 105–303, title I, § 102(a)(9), Oct. 28, 1998, 112 Stat. 2849.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70109(a)	49 App.:2614(b)(4)(A) (1st, last sentences).	Oct. 30, 1984, Pub. L. 98–575, 98 Stat. 3055, § 15(b)(4); added Nov. 15, 1988, Pub. L. 100–657, § 7, 102 Stat. 3906.
70109(b)	49 App.:2614(b)(4)(A) (2d sentence).	
70109(c)	49 App.:2614(b)(4)(B).	

AMENDMENTS

1998—Pub. L. 105–303, § 102(a)(9)(A), substituted ''Preemption of scheduled launches or reentries'' for ''Preemption of scheduled launches'' in section catchline.

Subsec. (a). Pub. L. 105–303, § 102(a)(9)(B), inserted ''or reentry'' after ''ensure that a launch'', '', reentry site,'' after ''United States Government launch site'', ''or reentry date commitment'' after ''launch date commitment'', ''or reentry'' after ''obtained for a launch'', '', reentry site,'' after ''access to a launch site'', '', or services related to a reentry,'' after ''amount for launch services'', and ''or reentry'' after ''the scheduled launch''.

Subsec. (c). Pub. L. 105–303, § 102(a)(9)(C), inserted ''or reentry'' after ''prompt launching''.

§ 70109a. Space advertising

(a) LICENSING.—Notwithstanding the provisions of this chapter or any other provision of law, the Secretary may not, for the launch of a payload containing any material to be used for the purposes of obtrusive space advertising—

(1) issue or transfer a license under this chapter; or

(2) waive the license requirements of this chapter.

(b) LAUNCHING.—No holder of a license under this chapter may launch a payload containing any material to be used for purposes of obtrusive space advertising.

(c) COMMERCIAL SPACE ADVERTISING.—Nothing in this section shall apply to nonobtrusive commercial space advertising, including advertising on—

(1) commercial space transportation vehicles;

(2) space infrastructure payloads;

(3) space launch facilities; and

(4) launch support facilities.

(Added Pub. L. 106–391, title III, § 322(b), Oct. 30, 2000, 114 Stat. 1598.)

NEGOTIATION WITH FOREIGN LAUNCHING NATIONS

Pub. L. 106–391, title III, § 322(c), Oct. 30, 2000, 114 Stat. 1598, provided that:

''(1) The President is requested to negotiate with foreign launching nations for the purpose of reaching one or more agreements that prohibit the use of outer space for obtrusive space advertising purposes.

''(2) It is the sense of the Congress that the President should take such action as is appropriate and feasible to enforce the terms of any agreement to prohibit the use of outer space for obtrusive space advertising purposes.

''(3) As used in this subsection, the term 'foreign launching nation' means a nation—

''(A) that launches, or procures the launching of, a payload into outer space; or

''(B) from the territory or facility of which a payload is launched into outer space.''

§ 70110. Administrative hearings and judicial review

(a) ADMINISTRATIVE HEARINGS.—The Secretary of Transportation shall provide an opportunity for a hearing on the record to—

(1) an applicant under this chapter, for a decision of the Secretary under section 70105(a) or 70105a of this title to issue or transfer a license with terms or deny the issuance or transfer of a license;

(2) an owner or operator of a payload under this chapter, for a decision of the Secretary under section 70104(c) of this title to prevent the launch or reentry of the payload; and

(3) a licensee under this chapter, for a decision of the Secretary under—

(A) section 70107(b) or (c) of this title to modify, suspend, or revoke a license; or

(B) section 70108(a) of this title to prohibit, suspend, or end a launch or operation of a launch site or reentry site, or reentry of a reentry vehicle, licensed by the Secretary.

(b) JUDICIAL REVIEW.—A final action of the Secretary under this chapter is subject to judicial review as provided in chapter 7 of title 5.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1335; Pub. L. 105–303, title I, § 102(a)(10), Oct. 28, 1998, 112 Stat. 2849; Pub. L. 108–492, § 2(c)(20), Dec. 23, 2004, 118 Stat. 3981.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70110(a)(1) ..	49 App.:2611(a)(1) (1st sentence).	Oct. 30, 1984, Pub. L. 98–575, § 12, 98 Stat. 3060.
70110(a)(2) ..	49 App.:2611(a)(1) (last sentence).	
70110(a)(3) ..	49 App.:2611(a)(2).	
70110(b)	49 App.:2611(b).	

In subsection (a), before clause (1), the words ''The Secretary of Transportation shall provide an opportunity for a hearing on the record to'' are substituted for ''shall be entitled to a determination on the record after an opportunity for a hearing'' for consistency in the revised title. The words ''in accordance with section 554 of title 5'' are omitted for consistency and because 5:554 applies to a hearing on the record unless otherwise stated. In clause (1), the words ''and a proposed transferee of a license'' are omitted as being included in ''applicant''.

In subsection (b), the words ''to issue, transfer, deny the issuance or transfer of, suspend, revoke, or modify a license or to terminate, prohibit, or suspend any launch or operation of a launch site licensed by the Secretary or to prevent the launch of a payload'' are omitted as surplus.

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108–492 inserted ''or 70105a'' after ''70105(a)''.

1998—Subsec. (a)(2). Pub. L. 105–303, § 102(a)(10)(A), inserted ''or reentry'' after ''prevent the launch''.

Subsec. (a)(3)(B). Pub. L. 105–303, § 102(a)(10)(B), inserted ''or reentry site, or reentry of a reentry vehicle,'' after ''operation of a launch site''.

§ 70111. Acquiring United States Government property and services

(a) GENERAL REQUIREMENTS AND CONSIDERATIONS.—(1) The Secretary of Transportation shall facilitate and encourage the acquisition by the private sector and State governments of—

(A) launch or reentry property of the United States Government that is excess or otherwise is not needed for public use; and

(B) launch services and reentry services, including utilities, of the Government otherwise not needed for public use.

(2) In acting under paragraph (1) of this subsection, the Secretary shall consider the commercial availability on reasonable terms of substantially equivalent launch property or launch services or reentry services from a domestic source, whether such source is located on or off a Federal range.

(b) PRICE.—(1) In this subsection, ''direct costs'' means the actual costs that—

(A) can be associated unambiguously with a commercial launch or reentry effort; and

(B) the Government would not incur if there were no commercial launch or reentry effort.

(2) In consultation with the Secretary, the head of the executive agency providing the property or service under subsection (a) of this section shall establish the price for the property or service. The price for—

(A) acquiring launch property by sale or transaction instead of sale is the fair market value;

(B) acquiring launch property (except by sale or transaction instead of sale) is an amount equal to the direct costs, including specific wear and tear and property damage, the Government incurred because of acquisition of the property; and

(C) launch services or reentry services is an amount equal to the direct costs, including the basic pay of Government civilian and contractor personnel, the Government incurred because of acquisition of the services.

(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.

(c) COLLECTION BY SECRETARY.—The Secretary may collect a payment under this section with the consent of the head of the executive agency establishing the price. Amounts collected under this subsection shall be deposited in the Treasury. Amounts (except for excess launch property) shall be credited to the appropriation from which the cost of providing the property or services was paid.

(d) COLLECTION BY OTHER GOVERNMENTAL HEADS.—The head of a department, agency, or instrumentality of the Government may collect a payment for an activity involved in producing a launch vehicle or reentry vehicle, or the payload of either, for launch or reentry if the activity was agreed to by the owner or manufacturer of the launch vehicle, reentry vehicle, or payload.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1335; Pub. L. 105–303, title I, § 102(a)(11), Oct. 28, 1998, 112 Stat. 2849.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70111(a)	49 App.:2614(a).	Oct. 30, 1984, Pub. L. 98–575, §15(a), 98 Stat. 3060; Nov. 15, 1988, Pub. L. 100–657, §4(a), 102 Stat. 3900; Nov. 16, 1990, Pub. L. 101–611, §117(b), 104 Stat. 3202.
70111(b)	49 App.:2614(b)(1).	Oct. 30, 1984, Pub. L. 98–575, §15(b)(1), 98 Stat. 3061; Nov. 15, 1988, Pub. L. 100–657, §4(b), 102 Stat. 3901.
70111(c)	49 App.:2614(b)(2), (3).	Oct. 30, 1984, Pub. L. 98–575, §15(b)(2), (3), 98 Stat. 3061.
70111(d)	49 App.:2614(d).	Oct. 30, 1984, Pub. L. 98–575, 98 Stat. 3055, §15(d); added Nov. 15, 1988, Pub. L. 100–657, §4(c), 102 Stat. 3901.

In subsection (a)(1), before clause (A), the words ''take such actions as may be necessary to'' and ''(by lease, sale, transaction in lieu of sale, or otherwise)'' are omitted as surplus.

In subsections (b)(2) and (c), the words ''the head of'' are added for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(2), before clause (A), the word ''price'' is substituted for ''amount to be paid to the United States'' and ''the amount of such payment'' to eliminate unnecessary words. The words ''by any person who acquires launch property or launch services, including utilities'' are omitted as surplus. In clause (C), the words ''including utilities'' are omitted as surplus. The words ''basic pay'' are substituted for ''salaries'' for clarity.

In subsection (c), the word ''collected'' is substituted for ''received'' for consistency in this section. The words ''by the United States for launch property or launch services, including utilities'' and ''the general fund of'' are omitted as surplus.

In subsection (d), the words ''department, agency, or instrumentality of the Government'' are substituted for ''Federal agency or department'' for consistency in the revised title and with other titles of the Code.

AMENDMENTS

1998—Subsec. (a)(1)(A). Pub. L. 105–303, §102(a)(11)(A), inserted ''or reentry'' after ''launch''.

Subsec. (a)(1)(B). Pub. L. 105–303, §102(a)(11)(B), inserted ''and reentry services'' after ''launch services''.

Subsec. (a)(2). Pub. L. 105–303, §102(a)(11)(C), (D), inserted ''or reentry services'' after ''or launch services'' and substituted ''source, whether such source is located on or off a Federal range'' for ''source''.

Subsec. (b)(1)(A), (B). Pub. L. 105–303, §102(a)(11)(E), inserted ''or reentry'' after ''commercial launch''.

Subsec. (b)(2)(C). Pub. L. 105–303, §102(a)(11)(F), inserted ''or reentry services'' after ''launch services''.

Subsec. (b)(3). Pub. L. 105–303, §102(a)(11)(G), added par. (3).

Subsec. (d). Pub. L. 105–303, §102(a)(11)(H), (I), substituted ''or reentry vehicle, or the payload of either, for launch or reentry'' for ''or its payload for launch'' and inserted '', reentry vehicle,'' after ''manufacturer of the launch vehicle''.

§ 70112. Liability insurance and financial responsibility requirements

(a) GENERAL REQUIREMENTS.—(1) When a launch or reentry license is issued or transferred under this chapter, the licensee or transferee shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

(A) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out under the license; and

(B) the United States Government against a person for damage or loss to Government property resulting from an activity carried out under the license.

(2) The Secretary of Transportation shall determine the amounts required under paragraph (1)(A) and (B) of this subsection, after consulting with the Administrator of the National Aeronautics and Space Administration, the Secretary of the Air Force, and the heads of other appropriate executive agencies.

(3) For the total claims related to one launch or reentry, a licensee or transferee is not required to obtain insurance or demonstrate financial responsibility of more than—

(A)(i) $500,000,000 under paragraph (1)(A) of this subsection; or

(ii) $100,000,000 under paragraph (1)(B) of this subsection; or

(B) the maximum liability insurance available on the world market at reasonable cost if the amount is less than the applicable amount in clause (A)(i) or (ii) of this paragraph.

(4) An insurance policy or demonstration of financial responsibility under this subsection shall protect the following, to the extent of their potential liability for involvement in launch services or reentry services, at no cost to the Government:

(A) the Government.

(B) executive agencies and personnel, contractors, and subcontractors of the Government.

(C) contractors, subcontractors, and customers of the licensee or transferee.

(D) contractors and subcontractors of the customer.

(b) RECIPROCAL WAIVER OF CLAIMS.—(1) A launch or reentry license issued or transferred under this chapter shall contain a provision requiring the licensee or transferee to make a reciprocal waiver of claims with its contractors, subcontractors, and customers, and contractors and subcontractors of the customers, involved in launch services or reentry services under which each party to the waiver agrees to be responsible for property damage or loss it sustains, or for personal injury to, death of, or property damage or loss sustained by its own employees resulting from an activity carried out under the applicable license.

(2) The Secretary of Transportation shall make, for the Government, executive agencies of the Government involved in launch services or reentry services, and contractors and subcontractors involved in launch services or reentry services, a reciprocal waiver of claims with the licensee or transferee, contractors, subcontractors, crew, space flight participants, and customers of the licensee or transferee, and contractors and subcontractors of the customers, involved in launch services or reentry services under which each party to the waiver agrees to be responsible for property damage or loss it sustains, or for personal injury to, death of, or property damage or loss sustained by its own employees or by space flight participants, resulting from an activity carried out under the applicable license. The waiver applies only to the extent that claims are more than the

amount of insurance or demonstration of financial responsibility required under subsection (a)(1)(B) of this section. After consulting with the Administrator and the Secretary of the Air Force, the Secretary of Transportation may waive, for the Government and a department, agency, and instrumentality of the Government, the right to recover damages for damage or loss to Government property to the extent insurance is not available because of a policy exclusion the Secretary of Transportation decides is usual for the type of insurance involved.

(c) DETERMINATION OF MAXIMUM PROBABLE LOSSES.—The Secretary of Transportation shall determine the maximum probable losses under subsection (a)(1)(A) and (B) of this section associated with an activity under a license not later than 90 days after a licensee or transferee requires a determination and submits all information the Secretary requires. The Secretary shall amend the determination as warranted by new information.

(d) ANNUAL REPORT.—(1) Not later than November 15 of each year, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report on current determinations made under subsection (c) of this section related to all issued licenses and the reasons for the determinations.

(2) Not later than May 15 of each year, the Secretary of Transportation shall review the amounts specified in subsection (a)(3)(A) of this section and submit a report to Congress that contains proposed adjustments in the amounts to conform with changed liability expectations and availability of insurance on the world market. The proposed adjustment takes effect 30 days after a report is submitted.

(e) LAUNCHES OR REENTRIES INVOLVING GOVERNMENT FACILITIES AND PERSONNEL.—The Secretary of Transportation shall establish requirements consistent with this chapter for proof of financial responsibility and other assurances necessary to protect the Government and its executive agencies and personnel from liability, death, bodily injury, or property damage or loss as a result of a launch or operation of a launch site or reentry site or a reentry involving a facility or personnel of the Government. The Secretary may not relieve the Government of liability under this subsection for death, bodily injury, or property damage or loss resulting from the willful misconduct of the Government or its agents.

(f) COLLECTION AND CREDITING PAYMENTS.—The head of a department, agency, or instrumentality of the Government shall collect a payment owed for damage or loss to Government property under its jurisdiction or control resulting from an activity carried out under a launch or reentry license issued or transferred under this chapter. The payment shall be credited to the current applicable appropriation, fund, or account of the department, agency, or instrumentality.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1336; Pub. L. 104–287, § 5(74), (93), Oct. 11, 1996, 110 Stat. 3396, 3398; Pub. L. 105–303, title I, § 102(a)(12), Oct. 28, 1998, 112 Stat. 2850; Pub. L. 108–492, § 2(c)(21), Dec. 23, 2004, 118 Stat. 3981.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70112(a)(1), (2).	49 App.:2615(a)(1)(A) (1st sentence), (B) (1st sentence).	Oct. 30, 1984, Pub. L. 98–575, § 16(a), (c), 98 Stat. 3061; restated Nov. 15, 1988, Pub. L. 100–657, § 5(a), 102 Stat. 3901, 3905.
70112(a)(3) ..	49 App.:2615(a)(1)(A) (last sentence), (B) (last sentence).	
70112(a)(4) ..	49 App.:2615(a)(2).	
70112(b)(1) ..	49 App.:2615(a)(1)(C).	
70112(b)(2) ..	49 App.:2615(a)(1)(D).	
70112(c)	49 App.:2615(a)(3) (1st, 2d sentences).	
70112(d)(1) ..	49 App.:2615(a)(3) (last sentence).	
70112(d)(2) ..	49 App.:2615(a)(4).	
70112(e)	49 App.:2614(c).	Oct. 30, 1984, Pub. L. 98–575, § 15(c), 98 Stat. 3061; restated Nov. 15, 1988, Pub. L. 100–657, § 5(b), 102 Stat. 3905.
70112(f)	49 App.:2615(c).	

In subsection (a), the word ''particular'' is omitted as surplus.

In subsection (a)(1), before clause (A), the word ''sufficient'' is omitted as surplus. In clauses (A) and (B), the words ''in connection with any particular launch'' are omitted as surplus.

In subsection (a)(4), before clause (A), the words ''made . . . a requirement described in'' are omitted as surplus.

In subsection (b)(2), the words ''department, agency, and instrumentality of the Government'' are substituted for ''Federal agency'' for consistency in the revised title and with other titles of the United States Code.

In subsection (d)(2), the words ''if appropriate'' are omitted as surplus.

In subsection (f), the words ''department, agency, or instrumentality of the Government'' are substituted for ''Federal agency or department'' for consistency in the revised title and with other titles of the Code. The words ''insurance proceeds or . . . other'' and ''proceeds or other'' are omitted as surplus.

PUB. L. 104–287, § 5(93)

This amends 49:70112(a)(3)(B) to clarify a cross-reference in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1337).

AMENDMENTS

2004—Subsec. (b)(2). Pub. L. 108–492 inserted ''crew, space flight participants,'' after ''transferee, contractors, subcontractors,'' and ''or by space flight participants,'' after ''its own employees''.

1998—Subsec. (a)(1). Pub. L. 105–303, § 102(a)(12)(A), inserted ''launch or reentry'' before ''license is issued''.

Subsec. (a)(3). Pub. L. 105–303, § 102(a)(12)(B), inserted ''or reentry'' after ''one launch'' in introductory provisions.

Subsec. (a)(4). Pub. L. 105–303, § 102(a)(12)(C), inserted ''or reentry services'' after ''launch services'' in introductory provisions.

Subsec. (b)(1). Pub. L. 105–303, § 102(a)(12)(D)–(F), inserted ''launch or reentry'' before ''license issued or transferred'', ''or reentry services'' after ''launch services'', and ''applicable'' after ''carried out under the''.

Subsec. (b)(2). Pub. L. 105–303, § 102(a)(12)(E), (F), inserted ''or reentry services'' after ''launch services'' wherever appearing and ''applicable'' after ''carried out under the''.

Subsec. (e). Pub. L. 105–303, § 102(a)(12)(G), (H), inserted ''or Reentries'' after ''Launches'' in heading and ''or reentry site or a reentry'' after ''launch site'' in text.

Subsec. (f). Pub. L. 105–303, § 102(a)(12)(I), inserted ''launch or reentry'' before ''license issued or transferred''.

1996—Subsec. (a)(3)(B). Pub. L. 104–287, §5(93), substituted ''clause (A)(i) or (ii)'' for ''clause (A)''.

Subsec. (d)(1). Pub. L. 104–287, §5(74), substituted ''Committee on Science'' for ''Committee on Science, Space, and Technology''.

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.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 5(93) of 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 this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the 2nd item on page 133 identifies a reporting provision which, as subsequently amended, is contained in subsec. (d)(1) of this section), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

LIABILITY REGIME FOR COMMERCIAL SPACE TRANSPORTATION

Pub. L. 106–405, §7, Nov. 1, 2000, 114 Stat. 1752, provided that:

''(a) REPORT REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Transportation shall transmit to the Congress a report on the liability risk-sharing regime in the United States for commercial space transportation.

''(b) CONTENTS.—The report required by this section shall—

''(1) analyze the adequacy, propriety, and effectiveness of, and the need for, the current liability risk-sharing regime in the United States for commercial space transportation;

''(2) examine the current liability and liability risk-sharing regimes in other countries with space transportation capabilities;

''(3) examine the appropriateness of deeming all space transportation activities to be 'ultrahazardous activities' for which a strict liability standard may be applied and which liability regime should attach to space transportation activities, whether ultrahazardous activities or not;

''(4) examine the effect of relevant international treaties on the Federal Government's liability for commercial space launches and how the current domestic liability risk-sharing regime meets or exceeds the requirements of those treaties;

''(5) examine the appropriateness, as commercial reusable launch vehicles enter service and demonstrate improved safety and reliability, of evolving the commercial space transportation liability regime towards the approach of the airline liability regime;

''(6) examine the need for changes to the Federal Government's indemnification policy to accommodate the risks associated with commercial spaceport operations; and

''(7) recommend appropriate modifications to the commercial space transportation liability regime and the actions required to accomplish those modifications.

''(c) SECTIONS.—The report required by this section shall contain sections expressing the views and recommendations of—

''(1) interested Federal agencies, including—

''(A) the Office of the Associate Administrator for Commercial Space Transportation;

''(B) the National Aeronautics and Space Administration;

''(C) the Department of Defense; and

''(D) the Office of Space Commercialization; and

''(2) the public, received as a result of notice in Commerce Business Daily, the Federal Register, and appropriate Federal agency Internet websites.''

§ 70113. Paying claims exceeding liability insurance and financial responsibility requirements

(a) GENERAL REQUIREMENTS.—(1) To the extent provided in advance in an appropriation law or to the extent additional legislative authority is enacted providing for paying claims in a compensation plan submitted under subsection (d) of this section, the Secretary of Transportation shall provide for the payment by the United States Government of a successful claim (including reasonable litigation or settlement expenses) of a third party against a licensee or transferee under this chapter, a contractor, subcontractor, or customer of the licensee or transferee, or a contractor or subcontractor of a customer, but not against a space flight participant, resulting from an activity carried out under the license issued or transferred under this chapter for death, bodily injury, or property damage or loss resulting from an activity carried out under the license. However, claims may be paid under this section only to the extent the total amount of successful claims related to one launch or reentry—

(A) is more than the amount of insurance or demonstration of financial responsibility required under section 70112(a)(1)(A) of this title; and

(B) is not more than $1,500,000,000 (plus additional amounts necessary to reflect inflation occurring after January 1, 1989) above that insurance or financial responsibility amount.

(2) The Secretary may not provide for paying a part of a claim for which death, bodily injury, or property damage or loss results from willful misconduct by the licensee or transferee. To the extent insurance required under section 70112(a)(1)(A) of this title is not available to cover a successful third party liability claim because of an insurance policy exclusion the Secretary decides is usual for the type of insurance involved, the Secretary may provide for paying the excluded claims without regard to the limitation contained in section 70112(a)(1).

(b) NOTICE, PARTICIPATION, AND APPROVAL.—Before a payment under subsection (a) of this section is made—

(1) notice must be given to the Government of a claim, or a civil action related to the claim, against a party described in subsection (a)(1) of this section for death, bodily injury, or property damage or loss;

(2) the Government must be given an opportunity to participate or assist in the defense of the claim or action; and

(3) the Secretary must approve any part of a settlement to be paid out of appropriations of the Government.

(c) WITHHOLDING PAYMENTS.—The Secretary may withhold a payment under subsection (a) of this section if the Secretary certifies that the amount is not reasonable. However, the Secretary shall deem to be reasonable the amount

of a claim finally decided by a court of competent jurisdiction.

(d) SURVEYS, REPORTS, AND COMPENSATION PLANS.—(1) If as a result of an activity carried out under a license issued or transferred under this chapter the total of claims related to one launch or reentry is likely to be more than the amount of required insurance or demonstration of financial responsibility, the Secretary shall—

(A) survey the causes and extent of damage; and

(B) submit expeditiously to Congress a report on the results of the survey.

(2) Not later than 90 days after a court determination indicates that the liability for the total of claims related to one launch or reentry may be more than the required amount of insurance or demonstration of financial responsibility, the President, on the recommendation of the Secretary, shall submit to Congress a compensation plan that—

(A) outlines the total dollar value of the claims;

(B) recommends sources of amounts to pay for the claims;

(C) includes legislative language required to carry out the plan if additional legislative authority is required; and

(D) for a single event or incident, may not be for more than $1,500,000,000.

(3) A compensation plan submitted to Congress under paragraph (2) of this subsection shall—

(A) have an identification number; and

(B) be submitted to the Senate and the House of Representatives on the same day and when the Senate and House are in session.

(e) CONGRESSIONAL RESOLUTIONS.—(1) In this subsection, ''resolution''—

(A) means a joint resolution of Congress the matter after the resolving clause of which is as follows: ''That the Congress approves the compensation plan numbered _____ submitted to the Congress on _____ ____, 20____.'', with the blank spaces being filled appropriately; but

(B) does not include a resolution that includes more than one compensation plan.

(2) The Senate shall consider under this subsection a compensation plan requiring additional appropriations or legislative authority not later than 60 calendar days of continuous session of Congress after the date on which the plan is submitted to Congress.

(3) A resolution introduced in the Senate shall be referred immediately to a committee by the President of the Senate. All resolutions related to the same plan shall be referred to the same committee.

(4)(A) If the committee of the Senate to which a resolution has been referred does not report the resolution within 20 calendar days after it is referred, a motion is in order to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of the plan.

(B) A motion to discharge may be made only by an individual favoring the resolution and is highly privileged (except that the motion may not be made after the committee has reported a resolution on the plan). Debate on the motion is limited to one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order. A motion to reconsider the vote by which the motion is agreed to or disagreed to is not in order.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed and another motion to discharge the committee from another resolution on the same plan may not be made.

(5)(A) After a committee of the Senate reports, or is discharged from further consideration of, a resolution, a motion to proceed to the consideration of the resolution is in order at any time, even though a similar previous motion has been disagreed to. The motion is highly privileged and is not debatable. An amendment to the motion is not in order. A motion to reconsider the vote by which the motion is agreed to or disagreed to is not in order.

(B) Debate on the resolution referred to in subparagraph (A) of this paragraph is limited to not more than 10 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(6) The following shall be decided in the Senate without debate:

(A) a motion to postpone related to the discharge from committee.

(B) a motion to postpone consideration of a resolution.

(C) a motion to proceed to the consideration of other business.

(D) an appeal from a decision of the chair related to the application of the rules of the Senate to the procedures related to a resolution.

(f) APPLICATION.—This section applies to a license issued or transferred under this chapter for which the Secretary receives a complete and valid application not later than December 31, 2009. This section does not apply to permits.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1338; Pub. L. 104–287, § 5(94), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 105–303, title I, § 102(a)(13), Oct. 28, 1998, 112 Stat. 2850; Pub. L. 106–74, title IV, § 433, Oct. 20, 1999, 113 Stat. 1097; Pub. L. 106–377, § 1(a)(1) [title IV, § 429], Oct. 27, 2000, 114 Stat. 1441, 1441A–56; Pub. L. 106–405, §§ 5(b), 6(a), Nov. 1, 2000, 114 Stat. 1752; Pub. L. 108–428, § 1, Nov. 30, 2004, 118 Stat. 2432; Pub. L. 108–492, § 2(c)(22), (23), Dec. 23, 2004, 118 Stat. 3981.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70113(a)	49 App.:2615(b)(1).	Oct. 30, 1984, Pub. L. 98–575, § 16(b)(1)–(4), 98 Stat. 3061; restated Nov. 15, 1988, Pub. L. 100–657, § 5(a), 102 Stat. 3903.
70113(b)	49 App.:2615(b)(2).	
70113(c)	49 App.:2615(b)(3).	
70113(d)(1) ..	49 App.:2615(b)(4)(A).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70113(d)(2) ..	49 App.:2615(b)(4)(B).	
70113(d)(3) ..	49 App.:2615(b)(4)(C).	
70113(e)(1) ..	49 App.:2615(b)(4)(D)(i), (iii).	
70113(e)(2) ..	49 App.:2615(b)(4)(D)(ii).	
70113(e)(3) ..	49 App.:2615(b)(4)(D)(iv).	
70113(e)(4) ..	49 App.:2615(b)(4)(D)(v).	
70113(e)(5) ..	49 App.:2615(b)(4)(D)(vi).	
70113(e)(6) ..	49 App.:2615(b)(4)(D)(vii).	
70113(f)	49 App.:2615(b)(5).	Oct. 30, 1984, Pub. L. 98–575, §16(b)(5), 98 Stat. 3061; restated Nov. 15, 1988, Pub. L. 100–657, §5(a), 102 Stat. 3903; Nov. 4, 1992, Pub. L. 102–588, §503, 106 Stat. 5124.

In subsection (a)(1), before clause (A), the word ''particular'' is omitted as surplus. In clause (B), the words ''the level that is'' are omitted as surplus.

In subsection (b)(1), the words ''civil action'' are substituted for ''suit'' for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (b)(2), the words ''the Government must be given an opportunity'' are substituted for ''by the United States, at its election'' for clarity.

In subsection (c), the words ''just and'' and ''judgment'' are omitted as surplus.

In subsection (d), the word ''particular'' is omitted as surplus.

In subsection (d)(2), before clause (A), the words ''or plans'' are omitted because of 1:1.

In subsection (e)(1), before clause (A), the text of 49 App.:2615(b)(4)(D)(i) is omitted as surplus. In clause (A), the word ''only'' is omitted as surplus. The word ''Congress'' is substituted for ''the first blank space therein being filled with the name of the resolving House'' to correct an error in the law.

In subsection (e)(3), the words ''once introduced with respect to a compensation plan'' are omitted as surplus.

In subsection (e)(4)(A), the word ''either'' is omitted as surplus.

In subsection (f), the word ''only'' is omitted as surplus.

PUB. L. 104–287

This amends 49:70113(e)(6)(D) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1340).

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108–492, §2(c)(22), inserted ''but not against a space flight participant,'' after ''subcontractor of a customer,''.

Subsec. (f). Pub. L. 108–492, §2(c)(23), inserted at end ''This section does not apply to permits.''

Pub. L. 108–428 substituted ''December 31, 2009'' for ''December 31, 2004''.

2000—Subsec. (e)(1)(A). Pub. L. 106–405, §6(a), substituted ''20____'' for ''19____''.

Subsec. (f). Pub. L. 106–405, §5(b), substituted ''December 31, 2004'' for ''December 31, 2001''.

Pub. L. 106–377 substituted ''December 31, 2001'' for ''December 31, 2000''.

1999—Subsec. (f). Pub. L. 106–74 substituted ''December 31, 2000'' for ''December 31, 1999''.

1998—Subsecs. (a)(1), (d)(1), (2). Pub. L. 105–303 inserted ''or reentry'' after ''one launch''.

1996—Subsec. (e)(6)(D). Pub. L. 104–287 substituted ''related to a resolution'' for ''related to resolution''.

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.''

§ 70114. 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 70106(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.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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.

§ 70115. 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) subpena witnesses and records; and

(B) enforce a subpena 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; 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.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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

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.

§ 70116. 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.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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.

§ 70117. 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 the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.).

(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; 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.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70117(a)	49 App.:2605(c)(1).	Oct. 30, 1984, Pub. L. 98–575, §§ 6(c), 21, 98 Stat. 3058, 3063.
70117(b)	49 App.:2605(c)(2).	
70117(c)	49 App.:2620(a) (1st, 2d sentences).	
70117(d)	49 App.:2620(a) (last sentence).	
70117(e)	49 App.:2620(d).	
70117(f)	49 App.:2620(b).	
70117(g)	49 App.:2620(c).	

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, as amended, which is classified principally to section 151 et seq. of Title 47, Telegraphs, Telephones, and Radiotelegraphs. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

The Land Remote Sensing Policy Act of 1992, referred to in subsec. (b)(2), is Pub. L. 102–555, Oct. 28, 1992, 106 Stat. 4163, which is classified principally to chapter 82 (§ 5601 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 15 and Tables.

The Foreign Trade Zones Act, referred to in subsec. (f), is act June 18, 1934, ch. 590, 48 Stat. 998, as amended, 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

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.)''.

§ 70118. 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.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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.

§ 70119. 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; 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.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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

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.''

§ 70120. 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 proposed rulemaking to carry out this chapter that includes—

(1) procedures for requesting and obtaining licenses to reenter a reentry vehicle;

(2) procedures for requesting and obtaining operator licenses for reentry; and

(3) procedures for requesting and obtaining reentry site operator licenses.

(c) AMENDMENTS.—(1) Not later than 12 months after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall publish proposed regulations to carry out that Act, including regulations relating to crew, space flight participants, and permits for launch or reentry of reusable suborbital rockets. Not later than 18 months after such date of enactment, the Secretary shall issue final regulations.

(2)(A) Starting 3 years after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary may issue final regulations changing the definition of suborbital rocket under this chapter. No such regulation may take effect until 180 days after the Secretary has submitted the regulation to the Congress.

(B) The Secretary may issue regulations under this paragraph only if the Secretary has determined that the definition in section 70102 does not describe, or will not continue to describe, all appropriate vehicles and only those vehicles. In making that determination, the Secretary shall take into account the evolving nature of the commercial space launch industry.

(d) EFFECTIVE DATE.—(1) Licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board and permits may be issued by the Secretary prior to the issuance of the regulations described in subsection (c).

(2) As soon as practicable after the date of enactment of the Commercial Space Launch Amendments Act of 2004, the Secretary shall issue guidelines or advisory circulars to guide the implementation of that Act until regulations are issued.

(3) Notwithstanding paragraphs (1) and (2), no licenses for the launch or reentry of launch vehicles or reentry vehicles with human beings on board or permits may be issued starting three years after the date of enactment of the Commercial Space Launch Amendments Act of 2004 unless the final regulations described in subsection (c) have been issued.

(Added Pub. L. 105–303, title I, § 102(a)(16), Oct. 28, 1998, 112 Stat. 2850; amended Pub. L. 108–492, § 2(c)(25), Dec. 23, 2004, 118 Stat. 3981.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a) and (b), is the date of enactment of Pub. L. 105–303, which was approved Oct. 28, 1998.

The Commercial Space Launch Amendments Act of 2004, referred to in subsecs. (c) and (d), is Pub. L. 108–492, Dec. 23, 2004, 118 Stat. 3974, which was approved

Dec. 23, 2004. For complete classification of this Act to the Code, see Short Title of 2004 Amendment note set out under section 70101 of this title and Tables.

AMENDMENTS

2004—Subsecs. (c), (d). Pub. L. 108–492 added subsecs. (c) and (d).

§ 70121. Report to Congress

The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.

(Added Pub. L. 105–303, title I, § 102(a)(16), Oct. 28, 1998, 112 Stat. 2851.)

CHAPTER 703—SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS

Sec.
70301. Definitions.
70302. Grant authority.
70303. Grant applications.
70304. Environmental requirements.
70305. Authorization of appropriations.

§ 70301. Definitions

In this chapter—

(1) the definitions in section 502 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5802) apply.

(2) ''commercial space transportation infrastructure development'' includes—

(A) construction, improvement, design, and engineering of space transportation infrastructure in the United States; and

(B) technical studies to define how new or enhanced space transportation infrastructure can best meet the needs of the United States commercial space transportation industry.

(3) ''project'' means a project (or separate projects submitted together) to carry out commercial space transportation infrastructure development, including the combined submission of all projects to be undertaken at a particular site in a fiscal year.

(4) ''project grant'' means a grant of an amount by the Secretary of Transportation to a sponsor for one or more projects.

(5) ''public agency'' means a State or an agency of a State, a political subdivision of a State, or a tax-supported organization.

(6) ''sponsor'' means a public agency that, individually or jointly with one or more other public agencies, submits to the Secretary under this chapter an application for a project grant.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1343.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70301	15:5804(a).	Nov. 4, 1992, Pub. L. 102–588, § 505(a), 106 Stat. 5124.

Clause (1) is added to incorporate the definitions in 15:5802.

In clause (2), the word ''includes'' is substituted for ''may include'' for consistency in the revised title and with other titles of the United States Code.

In clause (5), the words ''municipality or other'' are omitted for consistency.

The text of 15:5804(5) is omitted as unnecessary because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

§ 70302. Grant authority

(a) GENERAL AUTHORITY.—To ensure the resiliency of the space transportation infrastructure of the United States, the Secretary of Transportation may make project grants to sponsors as provided in this chapter.

(b) LIMITATIONS.—The Secretary may make a project grant under this chapter only if—

(1) at least 10 percent of the total cost of the project will be paid by the private sector; and

(2) the grant will not be for more than 50 percent of the total cost of the project.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1343.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70302(a)	15:5804(b) (1st sentence).	Nov. 4, 1992, Pub. L. 102–588, § 505(b) (1st sentence), (f), 106 Stat. 5125, 5127.
70302(b)	15:5804(f).	

In subsection (a), the words ''of the United States'' are substituted for ''Nation's'' for consistency.

§ 70303. Grant applications

(a) GENERAL.—A sponsor may submit to the Secretary of Transportation an application for a project grant. The application must state the project to be undertaken and be in the form and contain the information the Secretary requires.

(b) CONSIDERATIONS AND CONSULTATION.—(1) In selecting proposed projects for grants under this section, the Secretary of Transportation shall consider—

(A) the contribution of the project to industry capabilities that serve the United States Government's space transportation needs;

(B) the extent of industry's financial contribution to the project;

(C) the extent of industry's participation in the project;

(D) the positive impact of the project on the international competitiveness of the United States space transportation industry;

(E) the extent of State contributions to the project; and

(F) the impact of the project on launch operations and other activities at Government launch ranges.

(2) The Secretary of Transportation shall consult with the Secretary of Defense, the Administrator of the National Space and Aeronautics

Administration, and the heads of other appropriate agencies of the Government about paragraph (1)(A) and (F) of this subsection.

(c) REQUIREMENTS.—The Secretary of Transportation may approve an application only if the Secretary is satisfied that—

(1) the project will contribute to the purposes of this chapter;

(2) the project is reasonably consistent with plans (existing at the time of approval of the project) of public agencies that are—

(A) authorized by the State in which the project is located; and

(B) responsible for the development of the area surrounding the project site;

(3) if the application proposes to use Government property, the specific consent of the head of the appropriate agency has been obtained;

(4) the project will be completed without unreasonable delay;

(5) the sponsor submitting the application has the legal authority to engage in the project; and

(6) any additional requirements prescribed by the Secretary have been met.

(d) PREFERENCE FOR INDUSTRY CONTRIBUTIONS.—The Secretary of Transportation shall give preference to applications for projects for which there will be greater industry financial contributions, all other factors being equal.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1344.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70303(a)	15:5804(d)(1).	Nov. 4, 1992, Pub. L. 102–588, § 505(c), (d), 106 Stat. 5125.
70303(b)(1) ..	15:5804(c)(1).	
70303(b)(2) ..	15:5804(c)(2).	
70303(c)	15:5804(d)(2).	
70303(d)	15:5804(c)(3).	

In subsection (a), the words ''for one or more projects'' are omitted as unnecessary because of the definition of ''project'' in section 70301 of the revised title.

In subsection (c)(5), the words ''as proposed'' are omitted as surplus.

§ 70304. Environmental requirements

(a) POLICY.—It is the policy of the United States that projects selected under this chapter shall provide for the protection and enhancement of the natural resources and the quality of the environment of the United States. In carrying out this policy, the Secretary of Transportation shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency about a project that may have a significant effect on natural resources, including fish and wildlife, natural, scenic, and recreational assets, water and air quality, and other factors affecting the environment. If the Secretary of Transportation finds that a project will have a significant adverse effect, the Secretary may approve the application for the project only if, after a complete review that is a matter of public record, the Secretary makes a written finding that no feasible and prudent alternative to the project exists and that all reasonable steps have been taken to minimize the adverse effect.

(b) PUBLIC HEARING REQUIREMENT.—The Secretary of Transportation may approve an application only if the sponsor of the project certifies to the Secretary that an opportunity for a public hearing has been provided to consider the economic, social, and environmental effects of the project and its consistency with the goals of any planning carried out by the community. When a hearing is held under this paragraph, the sponsor shall submit a copy of the transcript of the hearing to the Secretary.

(c) COMPLIANCE WITH AIR AND WATER QUALITY STANDARDS.—(1) The Secretary of Transportation may approve an application only if the chief executive officer of the State in which the project is located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated to comply with applicable air and water quality standards. If the Administrator has not prescribed those standards, certification shall be obtained from the Administrator. Notice of certification or refusal to certify shall be provided not later than 60 days after the Secretary receives the application.

(2) The Secretary of Transportation shall condition the approval of an application on compliance with applicable air and water quality standards during construction and operation.

(d) COMPLIANCE WITH LAWS AND REGULATIONS.—The Secretary of Transportation may require a certification from a sponsor that the sponsor will comply with all applicable laws and regulations. The Secretary may rescind at any time acceptance of a certification from a sponsor under this subsection. This subsection does not affect any responsibility of the Secretary under another law, including—

(1) section 303 of this title;

(2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(3) title VIII of the Act of April 11, 1968 (42 U.S.C. 3601 et seq.);

(4) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(5) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1344.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70304	15:5804(e).	Nov. 4, 1992, Pub. L. 102–588, § 505(e), 106 Stat. 5126.

In subsection (a), the words ''policy of the United States'' are substituted for ''national policy'', and the words ''of the United States'' are substituted for ''of the Nation'', for consistency. The words ''included in a project grant application'' and ''full and'' are omitted as surplus.

In subsection (b), the words ''of objectives'' are omitted as surplus.

In subsection (c), the words ''chief executive officer'' are substituted for ''Governor'' for consistency in the revised title and because the word ''State'' includes the territories and possessions of the United States.

In subsection (d), before clause (1), the words ''in connection with any project'', ''imposed on such sponsor

under this section in connection with such project'', and ''or discharge'' are omitted as surplus. The words ''laws and regulations'' are substituted for ''statutory and administrative requirements'' for consistency in the revised title.

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (d)(2), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Title VIII of the Act of April 11, 1968, referred to in subsec. (d)(3), is title VIII of Pub. L. 90–284, Apr. 11, 1968, 82 Stat. 81, as amended, known as the Fair Housing Act, which is classified principally to subchapter I (§ 3601 et seq.) of chapter 45 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (d)(4), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d)(5), is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1894, as amended, which is classified principally to chapter 61 (§ 4601 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

§ 70305. Authorization of appropriations

Not more than $10,000,000 may be appropriated to the Secretary of Transportation to make grants under this chapter. Amounts appropriated under this section remain available until expended.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1345.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70305	15:5804(b) (2d, last sentences).	Nov. 4, 1992, Pub. L. 102–588, § 505(b) (2d, last sentences), 106 Stat. 5125.

SUBTITLE X—MISCELLANEOUS

Chapter		Sec.
801.	**Bills of Lading**	**80101**
803.	**Contraband**	**80301**
805.	**Miscellaneous**	**80501**

CHAPTER 801—BILLS OF LADING

Sec.
80101. Definitions.
80102. Application.
80103. Negotiable and nonnegotiable bills.
80104. Form and requirements for negotiation.
80105. Title and rights affected by negotiation.
80106. Transfer without negotiation.
80107. Warranties and liability.
80108. Alterations and additions.
80109. Liens under negotiable bills.
80110. Duty to deliver goods.
80111. Liability for delivery of goods.
80112. Liability under negotiable bills issued in parts, sets, or duplicates.
80113. Liability for nonreceipt, misdescription, and improper loading.
80114. Lost, stolen, and destroyed negotiable bills.
80115. Limitation on use of judicial process to obtain possession of goods from common carriers.
80116. Criminal penalty.

AMENDMENTS

1994—Pub. L. 103–429, § 6(79), Oct. 31, 1994, 108 Stat. 4388, made technical amendment to chapter heading.

§ 80101. Definitions

In this chapter—

(1) ''consignee'' means the person named in a bill of lading as the person to whom the goods are to be delivered.

(2) ''consignor'' means the person named in a bill of lading as the person from whom the goods have been received for shipment.

(3) ''goods'' means merchandise or personal property that has been, is being, or will be transported.

(4) ''holder'' means a person having possession of, and a property right in, a bill of lading.

(5) ''order'' means an order by indorsement on a bill of lading.

(6) ''purchase'' includes taking by mortgage or pledge.

(7) ''State'' means a State of the United States, the District of Columbia, and a territory or possession of the United States.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1346.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80101	49 App.:122.	Aug. 29, 1916, ch. 415, § 42, 39 Stat. 545.

In this chapter, the words ''negotiable bill of lading'' are substituted for ''order bill'', and the words ''nonnegotiable bill of lading'' are substituted for ''straight bill'', for clarity and consistency in the revised title and with other titles of the United States Code.

In this section, before clause (1), the words ''unless the context of subject matter otherwise requires'' are omitted as unnecessary because of the restatement. The words '' 'Action' includes counterclaim, set-off, and suit in equity'' are omitted as unnecessary. The words '' 'Bill' means bill of lading, governed by this chapter'' are omitted because of section 80102 of the revised title. In clauses (1), (2), and (4), the words '' 'Person' includes a corporation or partnership, or two or more persons having a joint or common interest'' are omitted because of 1:1. In clause (3), the words ''personal property'' are substituted for ''chattels'' for clarity and consistency. The words ''is being'' are substituted for ''in course of'' for clarity. In clause (7), the words '' 'State' means a State of the United States'' are substituted for '' 'State' includes'' for clarity and consistency in the revised title and with other titles of the Code. The word ''possession'' is substituted for ''insular possession, or isthmian possession'' for consistency in the revised title.

§ 80102. Application

This chapter applies to a bill of lading when the bill is issued by a common carrier for the transportation of goods—

(1) between a place in the District of Columbia and another place in the District of Columbia;