

108-492, §2(a), Dec. 23, 2004, 118 Stat. 3974; renumbered §70101 then §50901 of title 51, Pub. L. 111-314, §4(d)(2), (3)(A), Dec. 18, 2010, 124 Stat. 3440.)

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

2010—Pub. L. 111-314 successively renumbered section 70101 of title 49 and section 70101 of this title as this section.

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.”

FINDINGS

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

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

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

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

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

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

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

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

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

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

§ 50902. Definitions

In this chapter—

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

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

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

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

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

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

(4) “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 50904(c), “permit” means an experimental permit issued under section 50906.

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

(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, §70102 of title 49; Pub. L. 104–287, §5(92), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 105–303, title I, §102(a)(3), Oct. 28, 1998, 112 Stat. 2846; Pub. L. 106–391, title III, §322(a), Oct. 30, 2000, 114 Stat. 1598; Pub. L. 108–492, §2(b), Dec. 23, 2004, 118 Stat. 3975; renumbered §70102 then §50902 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(B), (5)(A), (B), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES
 PUB. L. 103–272

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

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

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

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

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

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

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

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

PUB. L. 104–287

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

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE OF 1996 AMENDMENT

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

§ 50903. General authority

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

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

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

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

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

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

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1332, §71013 of title 49; 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; renumbered §70103 then §50903 of title 51, Pub. L. 111-314, §4(d)(2), (3)(C), Dec. 18, 2010, 124 Stat. 3440.)

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

2010—Pub. L. 111-314 successively renumbered section 70103 of title 49 and section 70103 of this title as this section.

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”.

LAUNCH SERVICES STRATEGY

Pub. L. 110-422, title VI, §621, Oct. 15, 2008, 122 Stat. 4801, provided that:

“(a) IN GENERAL.—In preparation for the award of contracts to follow up on the current NASA [National Aeronautics and Space Administration] Launch Services (NLS) contracts, the Administrator shall develop a