

strategy for providing domestic commercial launch services in support of NASA's small and medium-sized Science, Space Operations, and Exploration missions, consistent with current law and policy.

“(b) REPORT.—The Administrator [of NASA] shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the strategy developed under subsection (a) not later than 90 days after the date of enactment of this Act [Oct. 15, 2008]. The report shall provide, at a minimum—

“(1) the results of the Request for Information on small to medium-sized launch services released on April 22, 2008;

“(2) an analysis of possible alternatives to maintain small and medium-sized lift capabilities after June 30, 2010, including the use of the Department of Defense's Evolved Expendable Launch Vehicle (EELV);

“(3) the recommended alternatives, and associated 5-year budget plans starting in October 2010 that would enable their implementation; and

“(4) a contingency plan in the event the recommended alternatives described in paragraph (3) are not available when needed.”

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.

§ 50904. 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 50902(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 50902(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 50902(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, §70104 of title 49; 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; renumbered §70104 then §50904 of title 51 and amended Pub. L. 111–314, §4(d)(2), (3)(D), (5)(C)–(E), Dec. 18, 2010, 124 Stat. 3440, 3441.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

2010—Pub. L. 111–314, §4(d)(2), (3)(D), successively renumbered section 70104 of title 49 and section 70104 of this title as this section.

Subsec. (a)(2). Pub. L. 111–314, §4(d)(5)(C), substituted “section 50902(1)(A) or (B)” for “section 70102(1)(A) or (B)”.

Subsec. (a)(3). Pub. L. 111–314, §4(d)(5)(D), substituted “section 50902(1)(C)” for “section 70102(1)(C)”.

Subsec. (a)(4). Pub. L. 111–314, §4(d)(5)(E), substituted “section 50902(1)(C)” for “section 70102(1)(C)”.

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 vehicle,” after “operate a launch site” and “or reentry” after “launch or operation”.

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

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

§ 50905. License applications and requirements

(a) APPLICATIONS.—(1) A person may apply to the Secretary of Transportation for a license or transfer of a license under this chapter in the form and way the Secretary prescribes. Consistent with the public health and safety, safety of property, and national security and foreign policy interests of the United States, the Secretary, not later than 180 days after accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D),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

¹ See References in Text note below.