

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 4310
OFFERED BY MR. POSEY OF FLORIDA**

At the end of subtitle B of title IX, add the following new section:

1 SEC. 916. COMMERCIAL SPACE LAUNCH COOPERATION.

2 (a) IN GENERAL.—Chapter 135 of title 10, United
3 States Code, is amended by adding at the end the following new section:

4 “§ 2276. Commercial space launch cooperation

5 “(a) AUTHORITY.—The Secretary of Defense may, to
6 assist the Secretary of Transportation in carrying out re-
7 sponsibilities set forth in titles 49 and 51 with respect to
8 private sector involvement in commercial space activities
9 and public-private partnerships pertaining to space trans-
10 portation infrastructure, take such actions as the Sec-
11 retary considers to be in the best interest of the Federal
12 Government to—

13 “(1) maximize the use of the capacity of the
14 space transportation infrastructure of the Depart-
15 ment of Defense by the private sector in the United
16 States;
17

1 “(2) maximize the effectiveness and efficiency
2 of the space transportation infrastructure of the De-
3 partment of Defense;

4 “(3) reduce the cost of services provided by the
5 Department of Defense related to space transpor-
6 tation infrastructure at launch support facilities and
7 space recovery support facilities;

8 “(4) encourage commercial space activities by
9 enabling investment by covered entities in the space
10 transportation infrastructure of the Department of
11 Defense; and

12 “(5) foster cooperation between the Department
13 of Defense and covered entities.

14 “(b) AUTHORITY FOR CONTRACTS AND OTHER
15 AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-
16 FRASTRUCTURE.—The Secretary of Defense—

17 “(1) may enter into an agreement with a cov-
18 ered entity to provide the covered entity with sup-
19 port and services related to the space transportation
20 infrastructure of the Department of Defense; and

21 “(2) upon the request of such covered entity,
22 may include such support and services in the space
23 launch and reentry range support requirements of
24 the Department of Defense if—

1 “(A) the Secretary determines that the in-
2 clusion of such support and services in such re-
3 quirements—

4 “(i) is in the best interest of the Fed-
5 eral Government;

6 “(ii) does not interfere with the re-
7 quirements of the Department of Defense;
8 and

9 “(iii) does not compete with the com-
10 mercial space activities of other covered en-
11 tities, unless that competition is in the na-
12 tional security interests of the United
13 States; and

14 “(B) any commercial requirement included
15 in the agreement has full non-Federal funding
16 before the execution of the agreement.

17 “(c) CONTRIBUTIONS.—

18 “(1) IN GENERAL.—The Secretary of Defense
19 may enter into an agreement with a covered entity
20 on a cooperative and voluntary basis to accept con-
21 tributions of funds, services, and equipment to carry
22 out this section.

23 “(2) USE OF CONTRIBUTIONS.—Any funds,
24 services, or equipment accepted by the Secretary
25 under this subsection—

1 “(A) may be used only for the objectives
2 specified in this section in accordance with
3 terms of use set forth in the agreement entered
4 into under this subsection; and

5 “(B) shall be managed by the Secretary in
6 accordance with regulations of the Department
7 of Defense.

8 “(3) REQUIREMENTS WITH RESPECT TO
9 AGREEMENTS.—An agreement entered into with a
10 covered entity under this subsection—

11 “(A) shall address the terms of use, owner-
12 ship, and disposition of the funds, services, or
13 equipment contributed pursuant to the agree-
14 ment; and

15 “(B) shall include a provision that the cov-
16 ered entity will not recover the costs of its con-
17 tribution through any other agreement with the
18 United States.

19 “(d) DEFENSE COOPERATION SPACE LAUNCH AC-
20 COUNT.—

21 “(1) ESTABLISHMENT.—There is established in
22 the Treasury of the United States a special account
23 to be known as the ‘Defense Cooperation Space
24 Launch Account’.

1 “(2) CREDITING OF FUNDS.—Funds received
2 by the Secretary of Defense under subsection (c)
3 shall be credited to the Defense Cooperation Space
4 Launch Account.

5 “(3) USE OF FUNDS.—Funds deposited in the
6 Defense Cooperation Space Launch Account under
7 paragraph (2) are authorized to be appropriated and
8 shall be available for obligation only to the extent
9 provided in advance in an appropriation Act for
10 costs incurred by the Department of Defense in car-
11 rying out subsection (b). Funds in the Account shall
12 remain available until expended.

13 “(e) ANNUAL REPORT.—Not later than January 31
14 of each year, the Secretary of Defense shall submit to the
15 congressional defense committees a report on the funds,
16 services, and equipment accepted and used by the Sec-
17 retary under this section during the preceding fiscal year.

18 “(f) REGULATIONS.—The Secretary of Defense shall
19 prescribe regulations to carry out this section.

20 “(g) DEFINITIONS.—In this section:

21 “(1) COVERED ENTITY.—The term ‘covered en-
22 tity’ means a non-Federal entity that—

23 “(A) is organized under the laws of the
24 United States or of any jurisdiction within the
25 United States; and

1 “(B) is engaged in commercial space ac-
2 tivities.

3 “(2) LAUNCH SUPPORT FACILITIES.—The term
4 ‘launch support facilities’ has the meaning given the
5 term in section 50501(7) of title 51.

6 “(3) SPACE RECOVERY SUPPORT FACILITIES.—
7 The term ‘space recovery support facilities’ has the
8 meaning given the term in section 50501(11) of title
9 51.

10 “(4) SPACE TRANSPORTATION INFRASTRUC-
11 TURE.—The term ‘space transportation infrastruc-
12 ture’ has the meaning given that term in section
13 50501(12) of title 51.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of such chapter is amended by adding
16 at the end the following new item:

“2276. Commercial space launch cooperation.”.

