

**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:

5 “§ 2276. Commercial space launch cooperation

6 “(a) AUTHORITY.—The Secretary of Defense may
7 take such actions as the Secretary considers to be in the
8 best interest of the Federal Government to—

9 “(1) maximize the use of the capacity of the
10 space transportation infrastructure of the Department of Defense by the private sector in the United
11 States;

12 “(2) maximize the effectiveness and efficiency
13 of the space transportation infrastructure of the Department of Defense;

14 “(3) reduce the cost of services provided by the
15 Department of Defense related to space transpor-
17

1 tation infrastructure at launch support facilities and
2 space recovery support facilities;

3 “(4) encourage commercial space activities by
4 enabling investment by covered entities in the space
5 transportation infrastructure of the Department of
6 Defense; and

7 “(5) foster cooperation between the Department
8 of Defense and covered entities.

9 “(b) AUTHORITY FOR CONTRACTS AND OTHER
10 AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-
11 FRASTRUCTURE.—The Secretary of Defense—

12 “(1) may enter into an agreement with a cov-
13 ered entity to provide the covered entity with sup-
14 port and services related to the space transportation
15 infrastructure of the Department of Defense; and

16 “(2) upon the request of such covered entity,
17 may include such support and services in the space
18 launch and reentry range support requirements of
19 the Department of Defense if—

20 “(A) the Secretary determines that the in-
21 clusion of such support and services in such re-
22 quirements—

23 “(i) is in the best interest of the Fed-
24 eral Government;

1 “(ii) does not interfere with the re-
2 quirements of the Department of Defense;
3 and

4 “(iii) does not compete with the com-
5 mercial space activities of other covered en-
6 tities, unless that competition is in the na-
7 tional security interests of the United
8 States; and

9 “(B) any commercial requirement included
10 in the agreement has full non-Federal funding
11 before the execution of the agreement.

12 “(c) CONTRIBUTIONS.—

13 “(1) IN GENERAL.—The Secretary of Defense
14 may enter into an agreement with a covered entity
15 on a cooperative and voluntary basis to accept con-
16 tributions of funds, services, and equipment to carry
17 out this section.

18 “(2) USE OF CONTRIBUTIONS.—Any funds,
19 services, or equipment accepted by the Secretary
20 under this subsection—

21 “(A) may be used only for the objectives
22 specified in this section in accordance with
23 terms of use set forth in the agreement entered
24 into under this subsection; and

1 “(B) shall be managed by the Secretary in
2 accordance with regulations of the Department
3 of Defense.

4 “(3) REQUIREMENTS WITH RESPECT TO
5 AGREEMENTS.—An agreement entered into with a
6 covered entity under this subsection—

7 “(A) shall address the terms of use, owner-
8 ship, and disposition of the funds, services, or
9 equipment contributed pursuant to the agree-
10 ment; and

11 “(B) shall include a provision that the cov-
12 ered entity will not recover the costs of its con-
13 tribution through any other agreement with the
14 United States.

15 “(d) DEFENSE COOPERATION SPACE LAUNCH AC-
16 COUNT.—

17 “(1) ESTABLISHMENT.—There is established in
18 the Treasury of the United States a special account
19 to be known as the ‘Defense Cooperation Space
20 Launch Account’.

21 “(2) CREDITING OF FUNDS.—Funds received
22 by the Secretary of Defense under subsection (c)
23 shall be credited to the Defense Cooperation Space
24 Launch Account.

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

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

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

16 “(g) DEFINITIONS.—In this section:

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

19 “(A) is organized under the laws of the
20 United States or of any jurisdiction within the
21 United States; and

22 “(B) is engaged in commercial space ac-
23 tivities.

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

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

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

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

“2276. Commercial space launch cooperation.”.

