

Bill Nelson

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve section 623.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 3346

To authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. NELSON (for

Viz: HIMSELF, AND Mr. CRUZ, AND MR. RUBIO)

1 Strike section 623, and insert the following:

2 **SEC. 623. COMMERCIAL SPACE LAUNCH COOPERATION.**

3 (a) FINDING.—Congress recognized the benefit of
4 commercial space launch cooperation between the Federal
5 Government and the private sector when it granted the
6 Secretary of Defense authority to foster cooperation be-
7 tween the Department of Defense and certain covered en-
8 tities relating to space transportation infrastructure under
9 section 2276 of title 10, United States Code.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the Administrator should take into account
13 the unique needs and obligations that multi-user,

1 public State spaceports may have with the State
2 government as well as current and prospective con-
3 tractual arrangements with commercial and govern-
4 ment customers when developing and carrying out
5 agreements under section 50507 of title 51, United
6 States Code, with State spaceports operating on
7 NASA facilities; and

8 (2) that the authority granted under section
9 50507 of title 51, United States Code, is not in-
10 tended to supersede or conflict with the congres-
11 sional intent and purposes codified in chapter 509 of
12 that title, the responsibilities of the Secretary of
13 Transportation under section 50913 of that title, or
14 with the intent of section 50504 of that title.

15 (c) IN GENERAL.—Chapter 505 of title 51, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 50507. Commercial launch cooperation**

19 “(a) AUTHORITY FOR AGREEMENTS RELATING TO
20 SPACE TRANSPORTATION INFRASTRUCTURE.—The Ad-
21 ministrator—

22 “(1) may enter into an agreement with a cov-
23 ered entity to provide the covered entity with sup-
24 port and services related to the space transportation
25 infrastructure of the Administration—

1 “(A) to maximize the use of the space
2 transportation infrastructure of the Administra-
3 tion by the private sector in the United States;

4 “(B) to maximize the effectiveness and ef-
5 ficiency of the space transportation infrastruc-
6 ture of the Administration;

7 “(C) to reduce the cost of services provided
8 by the Administration related to space trans-
9 portation infrastructure at launch support fa-
10 cilities and space recovery support facilities;
11 and

12 “(D) to encourage commercial space activi-
13 ties by enabling investment by covered entities
14 in the space transportation infrastructure of the
15 Administration; and

16 “(2) at the request of the covered entity, may
17 include that support and services in the contracted
18 space launch and reentry range support require-
19 ments of the Administration if—

20 “(A) the Administrator determines that in-
21 cluding that support and services in the 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 Administration;

3 “(iii) does not compete with the com-
4 mercial space activities of other covered en-
5 tities; and

6 “(iv) does not result in the Adminis-
7 tration retaining ownership of assets which
8 are no longer needed to meet a pro-
9 grammatic mission of the Administration;
10 and

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

14 “(b) CONTRIBUTIONS.—

15 “(1) IN GENERAL.—The Administrator may
16 enter into an agreement with a covered entity on a
17 cooperative and voluntary basis to accept funds,
18 services, and equipment to carry out the purposes in
19 subsection (a)(1).

20 “(2) USE OF CONTRIBUTIONS.—Any funds,
21 services, or equipment accepted by the Administrator
22 under this subsection—

23 “(A) may be used only for the objectives
24 specified in this section in accordance with

1 terms of use set forth in the agreement entered
2 into under this subsection; and

3 “(B) shall be managed by the Adminis-
4 trator in accordance with procedures prescribed
5 under subsection (d).

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

9 “(A) address the terms of use, ownership,
10 and disposition of the funds, services, or equip-
11 ment contributed under the agreement;

12 “(B) include a provision that the covered
13 entity will not recover the costs of its contribu-
14 tion through any other agreement with the
15 United States; and

16 “(C) include a provision that the contribu-
17 tion of a covered entity will not preclude access
18 to or use by another covered entity.

19 “(c) ANNUAL REPORT.—Not later than January 31
20 of each year, the Administrator shall submit to the appro-
21 priate committees of Congress a report on the process
22 used to establish agreements under subsections (a) and
23 (b), including noticing announcements of opportunities
24 and criteria for selecting a covered entity, and the funds,
25 services, and equipment accepted and used by the Admin-

1 istrator under this section during the preceding fiscal
2 year.

3 “(d) PROCEDURES.—The Administrator shall pre-
4 scribe procedures to carry out this section consistent with
5 sections 50504 and 50913.

6 “(e) DEFINITIONS.—In this section:

7 “(1) COVERED ENTITY.—In this section, the
8 term ‘covered entity’ means—

9 “(A) a non-Federal entity that—

10 “(i) is organized under the laws of the
11 United States or of any jurisdiction within
12 the United States; and

13 “(ii) is engaged in commercial space
14 activities; or

15 “(B) an entity that controls, is controlled
16 by, or is under common control with, a non-
17 Federal entity described in subparagraph (A).

18 “(2) LAUNCH SUPPORT FACILITIES.—The term
19 ‘launch support facilities’ has the meaning given the
20 term in section 50501.

21 “(3) SPACE RECOVERY SUPPORT FACILITIES.—
22 The term ‘space recovery support facilities’ has the
23 meaning given the term in section 50501.

24 “(4) SPACE TRANSPORTATION INFRASTRUC-
25 TURE.—The term ‘space transportation infrastruc-

1 ture' has the meaning given that term in section
2 50501.”.

3 (d) TABLE OF CONTENTS.—The table of contents for
4 chapter 505 of title 51, United States Code, is amended
5 by adding after the item relating to section 50506 the fol-
6 lowing:

 “50507. Commercial space launch cooperation.”.