

112TH CONGRESS
2D SESSION

H. R. 4401

To direct the Secretary of Defense to work with non-Federal entities and accept non-Federal funding under strict implementation guidelines to promote efficiencies of the space transportation infrastructure of the Department of Defense in commercial space activities.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2012

Mr. POSEY introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To direct the Secretary of Defense to work with non-Federal entities and accept non-Federal funding under strict implementation guidelines to promote efficiencies of the space transportation infrastructure of the Department of Defense in commercial space activities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Revitalizing America’s
5 Commercial Entrepreneurs for Space Act” or the “RACE
6 for Space Act”.

1 **SEC. 2. 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 fol-
4 lowing new section:

5 **“§ 2275. Commercial space launch cooperation.**

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

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

18 “(2) Maximize the effectiveness and efficiency
19 of the space transportation infrastructure of the De-
20 partment of Defense.

21 “(3) Reduce the cost of services provided by the
22 Department of Defense related to space transpor-
23 tation infrastructure at launch support facilities and
24 space recovery support facilities.

25 “(4) Encourage commercial space activities by
26 enabling investment in the space transportation in-

1 frastructure of the Department of Defense by cov-
2 ered entities.

3 “(5) Foster cooperation between the Depart-
4 ment of Defense and covered entities.

5 “(b) AUTHORITY FOR CONTRACT AND OTHER
6 AGREEMENT RELATING TO SPACE TRANSPORTATION IN-
7 FRASTRUCTURE.—The Secretary of Defense—

8 “(1) may enter into a contract or other agree-
9 ment with a covered entity to provide to the covered
10 entity support and services related to the space
11 transportation infrastructure of the Department of
12 Defense; and

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

17 “(A) the Secretary determines that the in-
18 clusion of such support and services in such re-
19 quirements—

20 “(i) is in the best interest of the Fed-
21 eral Government;

22 “(ii) does not interfere with the re-
23 quirements of the Department of Defense;
24 and

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

6 “(B) any commercial requirement included
7 in a contract or other agreement entered into
8 under this subsection has full non-Federal fund-
9 ing before the execution of the contract or other
10 agreement.

11 “(c) CONTRIBUTIONS.—

12 “(1) IN GENERAL.—The Secretary of Defense
13 may enter into contracts or other agreements with
14 covered entities on a cooperative and voluntary basis
15 to accept contributions of funds, services, and equip-
16 ment to carry out this section.

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

20 “(A) may be used only for the objectives
21 specified in this section in accordance with
22 terms of use set forth in the contract or other
23 agreement entered into under this subsection;
24 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.—A contract or other agreement en-
6 tered into under this subsection shall address the
7 terms of use, ownership and disposition of the funds,
8 and services or equipment contributed pursuant to
9 the contract or other agreement.

10 “(d) DEFENSE COOPERATION SPACE LAUNCH AC-
11 COUNT.—

12 “(1) ESTABLISHMENT.—There is established in
13 the Treasury of the United States a special account
14 to be known as the ‘Defense Cooperation Space
15 Launch Account’.

16 “(2) CREDITING OF FUNDS.—Funds received
17 by the Secretary of Defense under subsection (c)
18 shall be credited to the Defense Cooperation Space
19 Launch Account and shall be available until ex-
20 pended without further authorization or appropria-
21 tion only for the objectives specified in this section.

22 “(e) ANNUAL REPORT.—Not later than January 31
23 of each year, the Secretary of Defense shall submit to the
24 congressional defense committees a report on the funds

1 and equipment accepted and used by the Secretary under
2 this section during the previous fiscal year.

3 “(f) DEFINITIONS.—In this section:

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

6 “(A) is organized under the laws of the
7 United States or of any jurisdiction within the
8 United States; and

9 “(B) is engaged in commercial space ac-
10 tivities.

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

14 “(3) SPACE RECOVERY SUPPORT FACILITIES.—
15 The term ‘space recovery support facilities’ has the
16 meaning given that term in section 50501(11) of
17 title 51.

18 “(4) SPACE TRANSPORTATION INFRASTRUC-
19 TURE.—The term ‘space transportation infrastruc-
20 ture’ has the meaning given that term in section
21 50501(12) of title 51.”.

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

“2275. Commercial space launch cooperation.”.

1 (c) REGULATIONS.—The Secretary of Defense shall
2 prescribe regulations relating to the activities of the De-
3 partment of Defense under section 2275 of title 10,
4 United States Code, as added by subsection (a).

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