

118TH CONGRESS
1ST SESSION

S. 2232

To provide special authority for the provision of commercial space launch support services.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2023

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide special authority for the provision of commercial space launch support services.

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 “Enhancing Spaceport
5 Operations Act”.

6 **SEC. 2. SPECIAL AUTHORITY FOR PROVISION OF COMMER-**
7 **CIAL SPACE LAUNCH SUPPORT SERVICES.**

8 (a) IN GENERAL.—Chapter 135 of title 10, United
9 States Code, is amended by inserting after section 2276
10 the following new section:

1 **“§ 2276a. Special authority for provision of commer-**
2 **cial space launch support services**

3 “(a) IN GENERAL.—The Secretary of a military de-
4 partment, pursuant to the authority provided by this sec-
5 tion and any other provision of law, may support Federal
6 and commercial space launch capacity on any domestic
7 real property under the control of the Secretary through
8 the provision of space launch support services.

9 “(b) PROVISION OF LAUNCH EQUIPMENT AND SERV-
10 ICES TO COMMERCIAL ENTITIES.—

11 “(1) AGREEMENT AUTHORITY.—

12 “(A) IN GENERAL.—The Secretary con-
13 cerned may enter into a contract, or conduct
14 any other transaction, with a commercial entity
15 that intends to conduct space launch activities
16 on a military installation under the jurisdiction
17 of the Secretary, including a contract or other
18 transaction for the provision of supplies, serv-
19 ices, equipment, and construction needed for
20 commercial space launch.

21 “(B) NONDELEGATION.—The Secretary
22 may not delegate the authority provided in sub-
23 paragraph (A).

24 “(2) AGREEMENT COSTS.—

25 “(A) DIRECT COSTS.—A contract entered
26 into, or a transaction conducted, under para-

1 graph (1) shall include a provision that requires
2 the commercial entity entering into the contract
3 or conducting the transaction to reimburse the
4 Department of Defense for all direct costs to
5 the United States that are associated with the
6 goods, services, and equipment provided to the
7 commercial entity under the contract or trans-
8 action.

9 “(B) INDIRECT COSTS.—A contract en-
10 tered into, or a transaction conducted, under
11 paragraph (1) may—

12 “(i) include a provision that requires
13 the commercial entity to reimburse the De-
14 partment of Defense for such indirect costs
15 as the Secretary concerned considers to be
16 fair and reasonable; and

17 “(ii) provide for the recovery of indi-
18 rect costs through establishment of a rate,
19 fixed price, or similar mechanism the Sec-
20 retary concerned considers to be fair and
21 reasonable.

22 “(3) RETENTION OF FUNDS COLLECTED FROM
23 COMMERCIAL USERS.—Amounts collected from a
24 commercial entity under paragraph (2) shall be cred-
25 ited to the appropriation accounts under which the

1 costs associated with the contract (direct and indi-
2 rect) were incurred.

3 “(4) REGULATIONS.—The Secretary shall pro-
4 mulgate regulations to carry out this subsection.

5 “(c) DEFINITIONS.—In this section:

6 “(1) SPACE LAUNCH.—The term ‘space launch’
7 includes all activities, supplies, equipment, facilities,
8 and services supporting launch preparation, launch,
9 reentry, recovery, and other launch-related activities
10 for the payload and the space transportation vehicle.

11 “(2) COMMERCIAL ENTITY; COMMERCIAL.—The
12 terms ‘commercial entity’ and ‘commercial’ means a
13 non-Federal entity organized under the laws of the
14 United States or of any jurisdiction within the
15 United States.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for chapter 135 of title 10, United States Code, is amend-
18 ed by inserting after the item relating to section 2276 the
19 following:

“2276a. Special authority for provision of commercial space launch support serv-
ices.”.

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