

**AMENDMENT TO H.R. 2670**  
**OFFERED BY MR. CARBAJAL OF CALIFORNIA**

At the appropriate place in title XVI, insert the following:

1 **SEC. 16 \_\_\_\_ . ENHANCED AUTHORITY TO INCREASE SPACE**  
2 **LAUNCH CAPACITY THROUGH SPACE**  
3 **LAUNCH SUPPORT SERVICES.**

4 Chapter 135 of title 10, United States Code, is  
5 amended by inserting after section 2276 the following new  
6 section:

7 **“§ 2276b. Special authority for provision of space**  
8 **launch support services to increase space**  
9 **launch capacity**

10 **“(a) IN GENERAL.—**The Secretary of a military de-  
11 partment, pursuant to the authorities in this section or  
12 any other provision of law, may increase Federal and com-  
13 mercial space launch capacity on any domestic real prop-  
14 erty under the control of the Secretary through the provi-  
15 sion of space launch support services.

16 **“(b) PROVISION OF LAUNCH EQUIPMENT AND SERV-**  
17 **ICES TO COMMERCIAL ENTITIES.—**

18 **“(1) AGREEMENT AUTHORITY.—**The Secretary  
19 concerned may enter into contracts or other trans-

1 actions with commercial entities that intend to con-  
2 duct space launch activities on a military installation  
3 under the jurisdiction of the Secretary. Any such  
4 agreement may include the provision of supplies,  
5 services, equipment, and construction needed for  
6 commercial space launch.

7 “(2) AGREEMENT COSTS.—

8 “(A) DIRECT COSTS.—An agreement en-  
9 tered into under paragraph (1) shall include a  
10 provision that requires the commercial entity  
11 entering into the agreement to reimburse the  
12 Department of Defense for all direct costs to  
13 the United States that are associated with the  
14 goods, services, and equipment provided to the  
15 commercial entity under the agreement.

16 “(B) INDIRECT COSTS.—In addition, the  
17 contract may include a provision that requires  
18 the commercial entity to reimburse the Depart-  
19 ment of Defense for such indirect costs as the  
20 Secretary concerned considers to be appro-  
21 priate. In such a case, the contract may provide  
22 for the recovery of indirect costs through estab-  
23 lishment of a rate, fixed price, or similar mech-  
24 anism the Secretary concerned finds reasonable.

1           “(3) RETENTION OF FUNDS COLLECTED FROM  
2           COMMERCIAL USERS.—Amounts collected from a  
3           commercial entity pursuant to paragraph (2) shall  
4           be credited to the appropriation accounts under  
5           which the costs associated with the agreement (di-  
6           rect and indirect) were incurred.

7           “(c) DEFINITIONS.—In this section:

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

14          “(2) COMMERCIAL ENTITY.—The term ‘com-  
15          mercial entity’ or ‘commercial’ means a non-Federal  
16          entity organized under the laws of the United States  
17          or of any jurisdiction within the United States.

18          “(d) TRANSITION LIMITATIONS AND REPORTING RE-  
19          QUIREMENTS.—For fiscal years 2024, 2025, and 2026,  
20          the Secretary concerned shall—

21                 “(1) limit indirect costs reimbursed pursuant to  
22                 subsection (b)(2)(B) to no more than 30 percent,  
23                 not to exceed \$5,000,000 annually, of total direct  
24                 cost reimbursements required under any agreement  
25                 authorized by subsection (b); and

1           “(2) not later than 90 days after each such fis-  
2           cal year, submit to each of the congressional defense  
3           committees a briefing that—

4                   “(A) identifies total direct and indirect  
5           amount reimbursed to each spaceport for the  
6           prior fiscal year;

7                   “(B) describes support provided by reim-  
8           bursed indirect costs for the prior fiscal year;  
9           and

10                   “(C) identifies indirect rate and analysis  
11           used to determine the indirect rate for the next  
12           fiscal year.”.

