

117TH CONGRESS  
1ST SESSION

# H. R. 3902

To amend title 49, United States Code, to establish a pilot program for intermodal transportation infrastructure grants, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2021

Mr. GRAVES of Louisiana introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to establish a pilot program for intermodal transportation infrastructure grants, and for other purposes.

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 “21st Century Aero-  
5       space Infrastructure Act of 2021”.

6       **SEC. 2. INTERMODAL TRANSPORTATION INFRASTRUCTURE**  
7       **IMPROVEMENT PILOT PROGRAM.**

8       (a) IN GENERAL.—Section 47115 of title 49, United  
9       States Code, is amended by adding at the end the fol-  
10      lowing:

1       “(1) INTERMODAL TRANSPORTATION INFRASTRUC-  
2       TURE IMPROVEMENT PILOT PROGRAM.—

3               “(1) IN GENERAL.—The Secretary shall estab-  
4       lish a pilot program to issue grants to operators of  
5       launch and reentry sites for projects to construct,  
6       repair, maintain, or improve transportation infra-  
7       structure and facilities at such sites. The Secretary  
8       may enter into agreements to provide grants under  
9       this subsection.

10              “(2) PILOT PROGRAM QUALIFICATIONS.—The  
11       Secretary may only issue a grant under this sub-  
12       section to an operator if the operator—

13                      “(A) has submitted an application to the  
14       Secretary in such form, at such time, and con-  
15       taining such information as prescribed by the  
16       Secretary;

17                      “(B) demonstrates to the Secretary’s satis-  
18       faction that the project for which the applica-  
19       tion has been submitted is for an eligible pur-  
20       pose under paragraph (3); and

21                      “(C) agrees to maintain such records relat-  
22       ing to the grant as the Secretary may require  
23       and to make such records available to the Sec-  
24       retary or the Comptroller General of the United  
25       States upon request.

1           “(3) PERMITTED USE OF PILOT PROGRAM  
2           GRANTS.—An operator may use a grant provided  
3           under this subsection for a project to construct, re-  
4           pair, maintain, or improve infrastructure and facili-  
5           ties that—

6                   “(A) are located at, or adjacent to, a  
7           launch or reentry site; and

8                   “(B) directly enable or support transpor-  
9           tation safety or covered transportation activi-  
10          ties.

11          “(4) PILOT PROGRAM GRANTS.—

12                   “(A) GRANT FORMULA.—At the beginning  
13          of each fiscal year after fiscal year 2021, the  
14          Secretary shall issue a grant to an operator  
15          that qualifies for the pilot program under para-  
16          graph (2) an amount equal to the sum of—

17                           “(i) \$250,000 for each licensed launch  
18                           or reentry operation conducted from the  
19                           applicable launch or reentry site or at any  
20                           adjacent Federal launch range in the pre-  
21                           vious fiscal year; and

22                           “(ii) \$100,000 for each permitted  
23                           launch or reentry operation conducted  
24                           from the applicable launch or reentry site

1 or at any adjacent Federal launch range in  
2 the previous fiscal year.

3 “(B) MAXIMUM GRANT.—Except as pro-  
4 vided in paragraph (5)(E), a grant issued to an  
5 operator under this subsection shall not exceed  
6 \$2,500,000 for a fiscal year.

7 “(C) ADJACENCY.—

8 “(i) IN GENERAL.—In issuing a grant  
9 to an operator under subparagraph (A),  
10 the Secretary shall determine whether a  
11 launch or reentry site is adjacent to a Fed-  
12 eral launch range.

13 “(ii) LIMITATION.—Only 1 operator  
14 may receive an amount under subpara-  
15 graph (A) for each licensed or permitted  
16 launch or reentry operation described in  
17 such subparagraph.

18 “(iii) MULTIPLE LAUNCH OR RE-  
19 ENTRY SITES OPERATED BY 1 OPER-  
20 ATOR.—If an operator holds a license to  
21 operate more than 1 launch site or more  
22 than 1 reentry site that are adjacent to a  
23 Federal launch range, the Secretary shall  
24 consider such launch or reentry sites as 1

1 launch or reentry site for purposes of sub-  
2 paragraph (A).

3 “(5) SUPPLEMENTAL GRANTS IN SUPPORT OF  
4 STATE, LOCAL, OR PRIVATE MATCHING.—

5 “(A) IN GENERAL.—The Secretary may  
6 issue a supplemental grant to an operator, sub-  
7 ject to the requirements of this paragraph.

8 “(B) DOLLAR-FOR-DOLLAR MATCHING.—If  
9 a qualified entity provides an operator an  
10 amount equal to or greater than the amount of  
11 a grant provided in a fiscal year under para-  
12 graph (4) (for the explicit purpose of matching  
13 such grant), the Secretary may issue a supple-  
14 mental grant to the operator that is equal to 25  
15 percent of such grant in the following fiscal  
16 year.

17 “(C) ADDITIONAL NON-FEDERAL MATCH-  
18 ING.—If a qualified entity provides an operator  
19 an amount equal to or greater than two times  
20 the amount of a grant provided in a fiscal year  
21 to the operator under paragraph (4) (for the  
22 explicit purpose of matching such grant), the  
23 Secretary may issue a supplemental grant to  
24 the operator that is equal to 50 percent of such  
25 grant in the following fiscal year.

“(D) SUPPLEMENTAL GRANT LIMITATIONS.—

“(i) MATCH TIMING.—The Secretary may issue a supplemental grant under subparagraph (B) or (C) only if an amount provided by a qualified entity is provided to the operator in the same fiscal year as the grant issued under paragraph (4).

“(ii) NON-DUPLICATION OF MATCHING GRANTS.—If the Secretary issues a supplemental grant to the operator of a launch site under subparagraph (C), the Secretary may not issue a supplemental grant under subparagraph (B) to the same operator in the same fiscal year.

“(E) NON-APPLICATION OF GRANT CEILING.—The limitation on a grant amount under paragraph (4)(B) shall not apply to supplemental grants issued under this paragraph.

“(6) PROGRAM ADMINISTRATION.—

“(A) AWARD TIMING.—Amounts designated to carry out this section that are not obligated for grants under paragraphs (4) or (5) by July 1 of the fiscal year in which the amounts were made available shall be made

1 available for projects in accordance with sub-  
2 section (j).

3 “(B) GRANT ASSURANCE APPLICA-  
4 BILITY.—Except as provided in subparagraph  
5 (C), a grant issued under this subsection shall  
6 not be subject to the conditions of sections  
7 47106 or 47107, including any regulations pre-  
8 scribed thereunder, or any other conditions as-  
9 sociated with grants made under this sub-  
10 chapter pursuant to the Secretary’s authority  
11 under chapter 471 or 475 (excluding section  
12 47112 and 47113).

13 “(C) COMBINATION WITH OTHER FEDERAL  
14 FUNDS.—If an operator combines amounts re-  
15 ceived under this subsection with Federal funds  
16 from any other source (including funds received  
17 under chapter 471 and 475), the applicable  
18 statutory or regulatory requirements associated  
19 with such funds shall apply to the total project  
20 being funded and to the funds provided under  
21 this subsection.

22 “(7) FUNDING.—

23 “(A) PILOT PROGRAM GRANT FUNDS.—  
24 The grants issued under this subsection shall be

1 issued from funds made available under sub-  
2 section (j)(4).

3 “(B) MAXIMUM ANNUAL LIMIT ON PILOT  
4 PROGRAM.—

5 “(i) IN GENERAL.—The total amount  
6 of all grants issued under this subsection  
7 shall not exceed \$20,000,000 in any fiscal  
8 year.

9 “(ii) GRANT REDUCTION.—In com-  
10 plying with clause (i), the Secretary—

11 “(I) may proportionally reduce  
12 the amount of, or decline to issue, a  
13 supplemental grant under paragraph  
14 (5); and

15 “(II) if the reduction under sub-  
16 clause (I) is insufficient, shall propor-  
17 tionally reduce grants issued under  
18 paragraph (4).

19 “(8) DEFINITIONS.—In this subsection, the fol-  
20 lowing definitions apply:

21 “(A) COVERED TRANSPORTATION ACTIV-  
22 ITY.—The term ‘covered transportation activity’  
23 means the movement of people or property to,  
24 from, or within a launch site and the necessary



or incidental activities associated with such movement, including through use of—

“(i) a vehicle;

“(ii) a vessel;

“(iii) a railroad (as defined in section 20102);

“(iv) an aircraft (as defined in section 40102);

“(v) a pipeline facility (as defined in section 60101); or

“(vi) a launch vehicle or reentry vehicle.

“(B) LAUNCH; LAUNCH SITE; LAUNCH VEHICLE; REENTRY SITE; REENTRY VEHICLE.—The terms ‘launch’, ‘launch site’, ‘launch vehicle’, ‘reentry site’, and ‘reentry vehicle’ have the meanings given those terms in section 50902 of title 51.

“(C) OPERATOR.—The term ‘operator’ means a person licensed by the Secretary to operate a launch or reentry site.

“(D) QUALIFIED ENTITY.—The term ‘qualified entity’ means a State, local, or tribal government or private sector entity, or any combination thereof.

1           “(9) PILOT PROGRAM SUNSET.—This sub-  
2       section shall cease to be effective on October 1,  
3       2023.”.

4       (b)       CONFORMING       AMENDMENT.—Section  
5       47115(j)(4) of title 49, United States Code, is amended  
6       by inserting “and subsection (l)” after “this subsection”.

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