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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

# H. R.

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To amend the Internal Revenue Code of 1986 to treat spaceports like airports for purposes of exempt facility bond rules.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. DUNN of Florida introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend the Internal Revenue Code of 1986 to treat spaceports like airports for purposes of exempt facility bond rules.

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 “Secure U.S. Leader-  
5 ship in Space Act of 2023”.

1 **SEC. 2. SPACEPORTS ARE TREATED LIKE AIRPORTS UNDER**  
2 **EXEMPT FACILITY BOND RULES.**

3 (a) IN GENERAL.—Section 142(a)(1) of the Internal  
4 Revenue Code of 1986 is amended to read as follows:

5 “(1) airports and spaceports,”.

6 (b) TREATMENT OF GROUND LEASES.—Section  
7 142(b)(1) of such Code is amended by adding at the end  
8 the following new subparagraph:

9 “(C) SPECIAL RULE FOR SPACEPORT  
10 GROUND LEASES.—For purposes of subpara-  
11 graph (A), spaceport property located on land  
12 leased by a governmental unit from the United  
13 States shall not fail to be treated as owned by  
14 a governmental unit if the requirements of this  
15 paragraph are met by the lease and any sub-  
16 leases of the property.”.

17 (c) DEFINITION OF SPACEPORT.—Section 142 of  
18 such Code is amended by adding at the end the following  
19 new subsection:

20 “(n) SPACEPORT.—

21 “(1) IN GENERAL.—For purposes of subsection  
22 (a)(1), the term ‘spaceport’ means any facility lo-  
23 cated at or in close proximity to a launch site or re-  
24 entry site used for—

25 “(A) manufacturing, assembling, or repair-  
26 ing spacecraft, space cargo, other facilities de-

1 scribed in this paragraph, or any component of  
2 the foregoing,

3 “(B) flight control operations,

4 “(C) providing launch services and reentry  
5 services, or

6 “(D) transferring crew, spaceflight partici-  
7 pants, or space cargo to or from spacecraft.

8 “(2) ADDITIONAL TERMS.—For purposes of  
9 paragraph (1)—

10 “(A) SPACE CARGO.—The term ‘space  
11 cargo’ includes satellites, scientific experiments,  
12 other property transported into space, and any  
13 other type of payload, whether or not such  
14 property returns from space.

15 “(B) SPACECRAFT.—The term ‘spacecraft’  
16 means a launch vehicle or a reentry vehicle.

17 “(C) OTHER TERMS.—The terms ‘launch’,  
18 ‘launch site’, ‘crew’, ‘space flight participant’,  
19 ‘launch services’, ‘launch vehicle’, ‘payload’, ‘re-  
20 enter’, ‘reentry services’, ‘reentry site’, a ‘re-  
21 entry vehicle’ shall have the respective meanings  
22 given to such terms by section 50902 of title  
23 51, United States Code (as in effect on the date  
24 of enactment of this subsection).

1           “(3) PUBLIC USE REQUIREMENT.—Notwith-  
2           standing any other provision of law, a facility shall  
3           not be required to be available for use by the general  
4           public to be treated as a spaceport for purposes of  
5           this section.

6           “(4) MANUFACTURING FACILITIES AND INDUS-  
7           TRIAL PARKS ALLOWED.—With respect to space-  
8           ports, subsection (c)(2)(E) shall not apply to space-  
9           port property described in paragraph (1)(A).”.

10          (d) EXCEPTION FROM FEDERALLY GUARANTEED  
11          BOND PROHIBITION.—Section 149(b)(3) of such Code is  
12          amended by adding at the end the following new subpara-  
13          graph:

14                 “(F) EXCEPTION FOR SPACEPORTS.—A  
15                 bond shall not be treated as federally guaran-  
16                 teed merely because of the payment of rent,  
17                 user fees, or other charges by the United States  
18                 (or any agency or instrumentality thereof) in  
19                 exchange for the use of the spaceport by the  
20                 United States (or any agency or instrumentality  
21                 thereof).”.

22          (e) EXCLUSION FROM STATE CEILING.—Section  
23          146(g) of such Code is amended by striking “and” at the  
24          end of paragraph (5), by striking the period and inserting

1 “, and” at the end of paragraph (6), and by inserting after  
2 paragraph (6) the following new paragraph:

3 “(7) any exempt facility bond issued as part of  
4 an issue 95 percent or more of the net proceeds of  
5 which are to be used to provide a spaceport (as de-  
6 fined in section 142).”.

7 (f) CONFORMING AMENDMENT.—The heading for  
8 section 142(c) of such Code is amended by inserting  
9 “SPACEPORTS,” after “AIRPORTS,”.

10 (g) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to obligations issued after the date  
12 of the enactment of this Act.