

118TH CONGRESS
2D SESSION

S. 3823

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2024

Mr. RUBIO (for himself and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Finance

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 2024”.

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

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

10 “(1) airports and spaceports,”.

1 (b) TREATMENT OF GROUND LEASES.—Section
 2 142(b)(1) of such Code is amended by adding at the end
 3 the following new subparagraph:

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

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

15 “(p) SPACEPORT.—

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

20 “(A) manufacturing, assembling, or repair-
 21 ing spacecraft, space cargo, other facilities de-
 22 scribed in this paragraph, or any component of
 23 the foregoing,

24 “(B) flight control operations,

1 “(C) providing launch services and reentry
2 services, or

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

5 “(2) ADDITIONAL TERMS.—For purposes of
6 paragraph (1)—

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

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

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

22 “(3) PUBLIC USE REQUIREMENT.—Notwith-
23 standing any other provision of law, a facility shall
24 not be required to be available for use by the general

1 public to be treated as a spaceport for purposes of
2 this section.

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

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

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

19 (e) EXCLUSION FROM STATE CEILING.—Section
20 146(g) of such Code is amended by striking “and” at the
21 end of paragraph (5), by striking the period and inserting
22 “, and” at the end of paragraph (6), and by inserting after
23 paragraph (6) the following new paragraph:

24 “(7) any exempt facility bond issued as part of
25 an issue 95 percent or more of the net proceeds of

1 which are to be used to provide a spaceport (as de-
2 fined in section 142).”.

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

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

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