

109TH CONGRESS  
1ST SESSION

# H. R. 3643

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2005

Mr. WELDON of Florida introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to treat spaceports like airports under the 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 “Spaceport Equality  
5       Act of 2005”.

6       **SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EX-**  
7       **EMPT FACILITY BOND RULES.**

8       (a) IN GENERAL.—Paragraph (1) of section 142(a)  
9       of the Internal Revenue Code of 1986 (relating to exempt  
10       facility bonds) is amended to read as follows:

1 “(1) airports and spaceports,”.

2 (b) TREATMENT OF GROUND LEASES.—Paragraph  
3 (1) of section 142(b) of the Internal Revenue Code of  
4 1986 (relating to certain facilities must be governmentally  
5 owned) is amended by adding at the end the following new  
6 subparagraph:

7 “(C) SPECIAL RULE FOR SPACEPORT  
8 GROUND LEASES.—For purposes of subpara-  
9 graph (A), spaceport property which is located  
10 on land owned by the United States and which  
11 is used by a governmental unit pursuant to a  
12 lease (as defined in section 168(h)(7)) from the  
13 United States shall be treated as owned by such  
14 unit if—

15 “(i) the lease term (within the mean-  
16 ing of section 168(i)(3)) is at least 15  
17 years, and

18 “(ii) such unit would be treated as  
19 owning such property if such lease term  
20 were equal to the useful life of such prop-  
21 erty.”.

22 (c) DEFINITION OF SPACEPORT.—Section 142 of the  
23 Internal Revenue Code of 1986 is amended by adding at  
24 the end the following new subsection:

25 “(m) SPACEPORT.—

1           “(1) IN GENERAL.—For purposes of subsection  
2       (a)(1), the term ‘spaceport’ means—

3           “(A) any facility directly related and essen-  
4       tial to servicing spacecraft, enabling spacecraft  
5       to launch or reenter, or transferring passengers  
6       or space cargo to or from spacecraft, but only  
7       if such facility is located at, or in close prox-  
8       imity to, the launch site or reentry site, and

9           “(B) any other functionally related and  
10      subordinate facility at or adjacent to the launch  
11      site or reentry site at which launch services or  
12      reentry services are provided, including a  
13      launch control center, repair shop, maintenance  
14      or overhaul facility, and rocket assembly facil-  
15      ity.

16          “(2) ADDITIONAL TERMS.—For purposes of  
17      paragraph (1)—

18          “(A) SPACE CARGO.—The term ‘space  
19      cargo’ includes satellites, scientific experiments,  
20      other property transported into space, and any  
21      other type of payload, whether or not such  
22      property returns from space.

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

“(C) OTHER TERMS.—The terms ‘launch’, ‘launch site’, ‘launch services’, ‘launch vehicle’, ‘payload’, ‘reenter’, ‘reentry services’, ‘reentry site’, and ‘reentry vehicle’ shall have the respective meanings given to such terms by section 70102 of title 49, United States Code (as in effect on the date of enactment of this subsection).”.

(d) EXCEPTION FROM FEDERALLY GUARANTEED BOND PROHIBITION.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

“(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

“(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

1                   “(ii) the payment of the rent, user  
2                   fees, or other charges is for, and condi-  
3                   tioned upon, the use of the spaceport by  
4                   the United States (or any agency or in-  
5                   strumentality thereof).”.

6           (e) CONFORMING AMENDMENT.—The heading for  
7   section 142(c) of the Internal Revenue Code of 1986 is  
8   amended by inserting “SPACEPORTS,” after “AIRPORTS,”.

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

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