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

Page 793, after line 23, insert the following new section:

SEC. 16. ENHANCED AUTHORITY TO INCREASE SPACE LAUNCH CAPACITY THROUGH COMMERCIAL DEVELOPMENT.

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

“§ 2276a. Special authority for the commercial development of space launch facilities

“(a) IN GENERAL.—The Secretary of a military department, pursuant to the authorities in this section or any other provision of law, may increase Federal and commercial space launch capacity on any domestic real property under the control of the Secretary through commercial development.

“(b) LEASE AUTHORITY.—

“(1) IN GENERAL.—The Secretary concerned, consistent with national security interests of the United States, may lease any real property under the control of the Secretary that the Secretary deter-
mines is suitable for use as a commercial space
launch or space launch support site.

“(2) CONDITION ON LEASES.—A lease under
this section—

“(A) shall not be for more than twenty-five
years, unless the Secretary concerned deter-
dines that a longer period will promote the na-
tional defense or serve the public interest;

“(B) may contain a provision to permit the
Secretary concerned to revoke the lease in ac-
cordance with the negotiated terms of the lease,
or omit such a provision if the Secretary deter-
dines that the omission will promote the na-
tional defense or serve the public interest;

“(C) shall require the lessee to develop, op-
erate, and maintain the real property as a com-
mercial space launch or space launch support
facility;

“(D) shall provide for the payment of con-
sideration by the lessee to the Secretary con-
cerned, in cash, in an amount the Secretary
determined appropriate to promote
the national defense or serve the public interest
and;
“(E) The consideration approved by the Secretary concerned pursuant to paragraph (D) shall not exceed the value of the property, as negotiated by the Secretary concerned.

“(3) Disposition of Contractor-constructed facilities, improvements, and infrastructure upon lease termination.—At termination of a lease entered into pursuant to this subsection, at the discretion of the Secretary concerned, any lessee constructed facilities, improvements or other infrastructure shall be transferred to the United States or demolished and removed at no cost to the United States and to the satisfaction of the Secretary concerned.

“(4) Cash consideration.—Subsection (e)(1) of section 2667 of this title shall apply with respect to any cash proceeds received by the Secretary concerned in connection with a lease granted under this section in the same manner as such subsection applies to money rent received pursuant to leases entered into under such section, except that at least 90 percent of the rents collected under this section shall be used to support Federal or commercial space launch capability.
“(5) ADDITIONAL TERMS AND CONDITIONS.—
The Secretary concerned may negotiate such addi-
tional terms and conditions in a lease under this sec-
tion as the Secretary concerned considers appro-
priate to protect the interests of the United States.

“(6) INAPPLICABILITY OF CERTAIN LAWS.—The
lease of property or facilities under this section shall
not be subject to the following provisions of law:

“(A) Sections 2662, 2667 (except as spe-
cifically provided for under this section), and
2801 through 2815 of this title.

“(B) Subtitle I of title 40 and division C
(except sections 3302, 3501(b), 3509, 3906,
4710, and 4711) of subtitle I of title 41.

“(C) Section 1302 of title 40.

“(D) Section 501 of the McKinney-Vento
Homeless Assistance Act (42 U.S.C. 11411).

“(e) DEFINITIONS.—In this section:

“(1) SPACE LAUNCH.—The term ‘space launch’
includes all activities, supplies, equipment, facilities
or services supporting launch preparation, launch,
reentry, recovery and other launch-related activities
for both the payload and the space transportation
vehicle.
“(2) COMMERCIAL ENTITY.—The term ‘commercial entity’ or ‘commercial’ means a non-Federal entity organized under the laws of the United States or of any jurisdiction within the United States.”.