

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

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

1 **SEC. 16** \_\_\_\_ . **ENHANCED AUTHORITY TO INCREASE SPACE**  
2 **LAUNCH CAPACITY THROUGH COMMERCIAL**  
3 **DEVELOPMENT.**

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

7 **“§ 2276a. Special authority for the commercial devel-**  
8 **opment of space launch facilities**

9 “(a) IN GENERAL.—The Secretary of a military de-  
10 partment, pursuant to the authorities in this section or  
11 any other provision of law, may increase Federal and com-  
12 mercial space launch capacity on any domestic real prop-  
13 erty under the control of the Secretary through commer-  
14 cial development.

15 “(b) LEASE AUTHORITY.—

16 “(1) IN GENERAL.—The Secretary concerned,  
17 consistent with national security interests of the  
18 United States, may lease any real property under  
19 the control of the Secretary that the Secretary deter-

1 mines is suitable for use as a commercial space  
2 launch or space launch support site.

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

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

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

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

19 “(D) shall provide for the payment of con-  
20 sideration by the lessee to the Secretary con-  
21 cerned, in cash, in an amount the Secretary  
22 concerned determines appropriate to promote  
23 the national defense or serve the public interest  
24 and;

1           “(E) The consideration approved by the  
2           Secretary concerned pursuant to paragraph (D)  
3           shall not exceed the value of the property, as  
4           negotiated by the Secretary concerned.

5           “(3) DISPOSITION OF CONTRACTOR-CON-  
6           STRUCTED FACILITIES, IMPROVEMENTS, AND INFRA-  
7           STRUCTURE UPON LEASE TERMINATION.—At termi-  
8           nation of a lease entered into pursuant to this sub-  
9           section, at the discretion of the Secretary concerned,  
10          any lessee constructed facilities, improvements or  
11          other infrastructure shall be transferred to the  
12          United States or demolished and removed at no cost  
13          to the United States and to the satisfaction of the  
14          Secretary concerned.

15          “(4) CASH CONSIDERATION.—Subsection (e)(1)  
16          of section 2667 of this title shall apply with respect  
17          to any cash proceeds received by the Secretary con-  
18          cerned in connection with a lease granted under this  
19          section in the same manner as such subsection ap-  
20          plies to money rent received pursuant to leases en-  
21          tered into under such section, except that at least 90  
22          percent of the rents collected under this section shall  
23          be used to support Federal or commercial space  
24          launch capability.

1           “(5) ADDITIONAL TERMS AND CONDITIONS.—

2           The Secretary concerned may negotiate such addi-  
3           tional terms and conditions in a lease under this sec-  
4           tion as the Secretary concerned considers appro-  
5           priate to protect the interests of the United States.

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

9                   “(A) Sections 2662, 2667 (except as spe-  
10                   cifically provided for under this section), and  
11                   2801 through 2815 of this title.

12                   “(B) Subtitle I of title 40 and division C  
13                   (except sections 3302, 3501(b), 3509, 3906,  
14                   4710, and 4711) of subtitle I of title 41.

15                   “(C) Section 1302 of title 40.

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

18           “(c) DEFINITIONS.—In this section:

19                   “(1) SPACE LAUNCH.—The term ‘space launch’  
20                   includes all activities, supplies, equipment, facilities  
21                   or services supporting launch preparation, launch,  
22                   reentry, recovery and other launch-related activities  
23                   for both the payload and the space transportation  
24                   vehicle.

1           “(2) COMMERCIAL ENTITY.—The term ‘com-  
2           mercial entity’ or ‘commercial’ means a non-Federal  
3           entity organized under the laws of the United States  
4           or of any jurisdiction within the United States.”.

