AMENDMENT NO. _______  Calendar No. _______

Purpose: To authorize the provision of excess intercontinental ballistic missiles to United States commercial space transportation services providers for use as space transportation vehicles.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2943

To authorize the commercial use of excess intercontinental ballistic missiles by United States commercial space transportation services providers.

AMENDMENT N° 4277

By: Lee

To: S. 2943

Ref: 6

AMENDMENT intended to be proposed by Mr. Lee

Viz:

1. At the end of subtitle A of title XVI, add the following:

2. SEC. 1613. COMMERCIAL USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES BY UNITED STATES COMMERCIAL SPACE TRANSPORTATION SERVICES PROVIDERS.

3. (a) In general.—Section 50134(b) of title 51,

4. United States Code, is amended—
(1) in the subsection heading, by inserting
"AND UNITED STATES COMMERCIAL" after "AU-
THORIZED FEDERAL"; and

(2) in paragraph (1)—

(A) in the matter preceding subparagraph
(A), by striking "A missile described" and all
that follows through "such missile—" and in-
serting the following: "A missile described in
subsection (c) may be converted for use as a
space transportation vehicle by the Federal
Government or a United States commercial pro-
vider if, except as provided in paragraph (2)
and at least 30 days before such conversion, the
agency seeking to use the missile as a space
transportation vehicle, or to provide the missile
to a United States commercial provider for use
as a space transportation vehicle, as the case
may be, transmits to the Committee on Armed
Services and the Committee on Science and
Technology of the House of Representatives,
and to the Committee on Armed Services and
the Committee on Commerce, Science, and
Transportation of the Senate, a certification
that the use of such missile, or the provision of
such missile to a United States commercial provider for such use, as applicable—’’;

(B) in subparagraph (A), by striking ‘‘when compared’’ and all that follows and inserting a semicolon; and

(C) by striking subparagraph (B) and inserting the following new subparagraph (B):

‘‘(B) if such missile is being provided to a United States commercial provider, such missile was made broadly available to United States commercial providers before being provided to the United States commercial provider concerned;’’.

(b) ADDITIONAL LIMITATIONS; TERMINATION.—Section 50134 of such title is further amended by adding at the end the following new subsection:

‘‘(d) ADDITIONAL LIMITATIONS.—

‘‘(1) NUMBER OF FLIGHT VEHICLES PRODUCED YEARLY BY ANY SINGLE PROVIDER.—The total number of space transportation vehicles produced by any United States commercial provider in a year using motors from missiles transferred or otherwise provided to the United States commercial provider under this section in any year may not exceed vehicles.'
“(2) Number of Flight Vehicles Produced Yearly by All Providers.—The total number of space transportation vehicles produced by United States commercial providers in a year using motors from missiles transferred or otherwise provided to United States commercial providers under this section may not exceed 15 vehicles.

“(3) Minimum Payload Mass.—No space transportation vehicle produced by a United States commercial provider in any year using motors from missiles transferred or otherwise provided to the United States commercial provider under this section may be used to launch multiple payloads from more than one manufacturer that have a combined mass of 200 kg or less.

“(e) Termination of United States Commercial Provider Authority.—

“(1) In General.—Except as provided in paragraph (2), the authority under this section to transfer or otherwise provide a missile described in subsection (c) to a United States commercial provider for use as a space transportation vehicle shall terminate on the date that is 5 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.
“(2) EXCEPTION.—The termination of authority under paragraph (1) shall not affect the use of motors from missiles transferred or provided to a United States commercial provider under this section pursuant to contracts entered into before such termination.”.

(c) MULTIAGENCY REVIEW.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Defense, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a multiagency review of the authority provided under section 50134 of title 51, United States Code, as amended by this section, to provide excess intercontinental ballistic missiles to United States commercial space transportation services providers for use as space transportation vehicles, and the limitations under subsection (d) of that section, including an assessment of the costs and benefits of that authority and those limitations and the consequences of that authority and those limitations for the industrial base of the United States.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, if no significant consequences to the industrial base of the United States are found in the multiagency review required by subsection (c), the authority to provide
excess intercontinental ballistic missiles to United States

commercial space transportation services providers for use

as space transportation vehicles under section 50134 of

title 51, United States Code, should be extended before

the termination date under subsection (e) of that section.