



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 au	AMENDMENT N^o 4277	military
a		military
c	By <u>Lee</u>	Depart-
n	To: _____	sonnel
s	<u>5.2943</u>	poses.
Refer	<u>6</u>	and
	Page(s)	
	GPO: 2010 63-070 (mac)	

AMENDMENT intended to be proposed by Mr. LEE

Viz:

1 At the end of subtitle A of title XVI, add the fol-
2 lowing:

3 **SEC. 1613. COMMERCIAL USE OF EXCESS INTERCONTI-**
4 **NENTAL BALLISTIC MISSILES BY UNITED**
5 **STATES COMMERCIAL SPACE TRANSPOR-**
6 **TATION SERVICES PROVIDERS.**

7 (a) IN GENERAL.—Section 50134(b) of title 51,
8 United States Code, is amended—

1 (1) in the subsection heading, by inserting
2 “AND UNITED STATES COMMERCIAL” after “AU-
3 THORIZED FEDERAL”; and

4 (2) in paragraph (1)—

5 (A) in the matter preceding subparagraph
6 (A), by striking “A missile described” and all
7 that follows through “such missile—” and in-
8 serting the following: “A missile described in
9 subsection (c) may be converted for use as a
10 space transportation vehicle by the Federal
11 Government or a United States commercial pro-
12 vider if, except as provided in paragraph (2)
13 and at least 30 days before such conversion, the
14 agency seeking to use the missile as a space
15 transportation vehicle, or to provide the missile
16 to a United States commercial provider for use
17 as a space transportation vehicle, as the case
18 may be, transmits to the Committee on Armed
19 Services and the Committee on Science and
20 Technology of the House of Representatives,
21 and to the Committee on Armed Services and
22 the Committee on Commerce, Science, and
23 Transportation of the Senate, a certification
24 that the use of such missile, or the provision of

1 such missile to a United States commercial pro-
2 vider for such use, as applicable—”;

3 (B) in subparagraph (A), by striking
4 “when compared” and all that follows and in-
5 serting a semicolon; and

6 (C) by striking subparagraph (B) and in-
7 serting the following new subparagraph (B):

8 “(B) if such missile is being provided to a
9 United States commercial provider, such missile
10 was made broadly available to United States
11 commercial providers before being provided to
12 the United States commercial provider con-
13 cerned;”.

14 (b) ADDITIONAL LIMITATIONS; TERMINATION.—Sec-
15 tion 50134 of such title is further amended by adding at
16 the end the following new subsection:

17 “(d) ADDITIONAL LIMITATIONS.—

18 “(1) NUMBER OF FLIGHT VEHICLES PRODUCED
19 YEARLY BY ANY SINGLE PROVIDER.—The total num-
20 ber of space transportation vehicles produced by any
21 United States commercial provider in a year using
22 motors from missiles transferred or otherwise pro-
23 vided to the United States commercial provider
24 under this section in any year may not 5 exceed ve-
25 hicles.

1 “(2) NUMBER OF FLIGHT VEHICLES PRODUCED
2 YEARLY BY ALL PROVIDERS.—The total number of
3 space transportation vehicles produced by United
4 States commercial providers in a year using motors
5 from missiles transferred or otherwise provided to
6 United States commercial providers under this sec-
7 tion may not exceed 15 vehicles.

8 “(3) MINIMUM PAYLOAD MASS.—No space
9 transportation vehicle produced by a United States
10 commercial provider in any year using motors from
11 missiles transferred or otherwise provided to the
12 United States commercial provider under this sec-
13 tion may be used to launch multiple payloads from
14 more than one manufacturer that have a combined
15 mass of 200 kg or less.

16 “(e) TERMINATION OF UNITED STATES COMMER-
17 CIAL PROVIDER AUTHORITY.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), the authority under this section to trans-
20 fer or otherwise provide a missile described in sub-
21 section (c) to a United States commercial provider
22 for use as a space transportation vehicle shall termi-
23 nate on the date that is 5 years after the date of the
24 enactment of the National Defense Authorization
25 Act for Fiscal Year 2017.

1 “(2) EXCEPTION.—The termination of author-
2 ity under paragraph (1) shall not affect the use of
3 motors from missiles transferred or provided to a
4 United States commercial provider under this sec-
5 tion pursuant to contracts entered into before such
6 termination.”.

7 (c) MULTIAGENCY REVIEW.—Not later than 36
8 months after the date of the enactment of this Act, the
9 Secretary of Defense, the Secretary of Commerce, the Sec-
10 retary of Transportation, and the Administrator of the
11 National Aeronautics and Space Administration shall
12 jointly conduct a multiagency review of the authority pro-
13 vided under section 50134 of title 51, United States Code,
14 as amended by this section, to provide excess interconti-
15 nental ballistic missiles to United States commercial space
16 transportation services providers for use as space trans-
17 portation vehicles, and the limitations under subsection
18 (d) of that section, including an assessment of the costs
19 and benefits of that authority and those limitations and
20 the consequences of that authority and those limitations
21 for the industrial base of the United States.

22 (d) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that, if no significant consequences to the industrial
24 base of the United States are found in the multiagency
25 review required by subsection (c), the authority to provide

1 excess intercontinental ballistic missiles to United States
2 commercial space transportation services providers for use
3 as space transportation vehicles under section 50134 of
4 title 51, United States Code, should be extended before
5 the termination date under subsection (e) of that section.