AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 1735
OFFERED BY MR. HUNTER OF CALIFORNIA

At the end of title XVI, insert the following new section:

SEC. 16. ENSURING EELV LAUNCH CAPABILITY AVAILABILITY.

(a) Certification.—The Secretary of Defense shall not approve the withdrawal from service of a covered launch vehicle provided by a covered contractor until the Secretary certifies to the congressional defense committees that—

(1) the United States will retain access to two or more certified launch vehicles of the same class as the launch vehicle to be withdrawn, excluding any launch vehicles that are designed or manufactured in a covered country or that incorporate rocket engines designed or manufactured in a covered country;

(2) any funds that the Department has provided for the development of the launch vehicle have been fully accounted for, and the covered contractor has fulfilled all of the terms of any contract, grant,
or other agreement with the Department concerning such funds; and

(3) the withdrawal is not adverse to the best interests of the United States.

(b) UNAPPROVED WITHDRAWAL.—If a covered contractor withdraws from service a covered launch vehicle without the approval of the Secretary of Defense, as provided for in subsection (a), the Secretary of Defense shall disqualify the covered contractor from consideration for any future contract award or renewal under the EELV Launch Capability arrangement and shall decline to exercise any options under existing contracts with the covered contractor. The Secretary shall further determine whether it is appropriate and lawful to attempt to recover any government investment in the withdrawn launch vehicle.

(e) REGULATIONS.—The Secretary of Defense shall prescribe such regulations as are necessary to carry out this section.

(d) DEFINITIONS.—As used in this section—

(1) a “covered contractor” shall mean any entity that holds a contract with the Department of Defense or the Department of the Air Force under the EELV Launch Capability arrangement;

(2) a “covered country” shall mean any foreign country that is not in full compliance with its obliga-
tions to any international agreement concerning nu-
clear, biological, or chemical weapons, including—

(A) the Intermediate-range Nuclear Forces
Treaty;

(B) the Biological Weapons Convention;

(C) the Chemical Weapons Convention;

(D) the Budapest Memorandum on Secu-
rity Assurances;

(E) the Presidential Nuclear Initiatives;

and

(F) the Missile Technology Control Re-
gime;

(3) a “covered launch vehicle” shall mean any
domestically designed and manufactured space
launch vehicle certified for use in national security
space missions that has been used for a national se-
curity space mission within the previous 5 years; and

(4) to “withdraw from service” shall mean to
cease to continue providing the capability to provide
to the Department of Defense the services of a cov-
ered launch vehicle, including manufacturing capac-
ity, management support, and launch services.

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