

**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:

1 **SEC. 16__ . ENSURING EELV LAUNCH CAPABILITY AVAIL-**
2 **ABILITY.**

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

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10 as the launch vehicle to be withdrawn, excluding any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

14 (2) any funds that the Department has pro-
15 vided for the development of the launch vehicle have
16 been fully accounted for, and the covered contractor
17 has fulfilled all of the terms of any contract, grant,

1 or other agreement with the Department concerning
2 such funds; and

3 (3) the withdrawal is not adverse to the best in-
4 terests of the United States.

5 (b) UNAPPROVED WITHDRAWAL.—If a covered con-
6 tractor withdraws from service a covered launch vehicle
7 without the approval of the Secretary of Defense, as pro-
8 vided for in subsection (a), the Secretary of Defense shall
9 disqualify the covered contractor from consideration for
10 any future contract award or renewal under the EELV
11 Launch Capability arrangement and shall decline to exer-
12 cise any options under existing contracts with the covered
13 contractor. The Secretary shall further determine whether
14 it is appropriate and lawful to attempt to recover any gov-
15 ernment investment in the withdrawn launch vehicle.

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

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

20 (1) a “covered contractor” shall mean any enti-
21 ty that holds a contract with the Department of De-
22 fense or the Department of the Air Force under the
23 EELV Launch Capability arrangement;

24 (2) a “covered country” shall mean any foreign
25 country that is not in full compliance with its obliga-

1 tions to any international agreement concerning nu-
2 clear, biological, or chemical weapons, including—

3 (A) the Intermediate-range Nuclear Forces
4 Treaty;

5 (B) the Biological Weapons Convention;

6 (C) the Chemical Weapons Convention;

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

9 (E) the Presidential Nuclear Initiatives;

10 and

11 (F) the Missile Technology Control Re-
12 gime;

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

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

