AMENDMENT TO RULES COMMITTEE PRINT 118-10

OFFERED BY MR. CUellar OF TEXAS

At the end of subtitle A of title XVI, add the following new section:

SEC. 16. REQUIREMENTS RELATING TO SPACE-BASED TACTICAL SENSORS.

(a) COMMAND AND CONTROL REQUIREMENT.—The Secretary of Defense shall ensure that any covered space-based tactical sensor includes a function that enables the commander of a geographic combatant command to exercise tactical command and control of the sensor when the sensor’s field of regard is within the area of responsibility of such command.

(b) PROHIBITION.—The Secretary of Defense may not procure or field a covered space-based tactical sensor unless the sensor meets the requirements of subsection (a).

(c) POLICY REQUIRED.—In carrying out subsection (a), the Secretary of Defense shall develop and implement policies and procedures to address—

(1) how a commander of a geographic combatant command may request and exercise tactical com-
mand and control of a covered space-based tactical sensor; and

(2) how other organizations of the Department of Defense and other departments and agencies of the Federal Government authorized to use such sensors may be allowed to exercise command and control of the sensors during periods in which the sensors are not otherwise subject to the control of a commander of a geographic combatant command.

(d) WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the requirements of subsections (a) and (b), on a case by case basis, if the Secretary—

(A) determines that the primary application of a covered space-based tactical sensor is for intelligence purposes and any tactical applications are minimal and incidental to such purpose; and

(B) not later than 30 days after making such determination, submits to the congressional defense committees notice of such determination together with an explanation of the rationale for the waiver.
(2) Authority Not Delegable.—The authority to issue a waiver under paragraph (1) may not be delegated.

e) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that—

(1) identifies any covered space-based tactical sensors in research or development phase that are subject to the requirements of this section; and

(2) includes a plan for compliance with the requirements of this section.

f) Covered Space-Based Tactical Sensor Defined.—In this section, the term “covered space-based tactical sensor” means a sensor that—

(1)(A) is deployed in space, or expected to be deployed in space, by the Department of Defense; and

(B) has tactical applications; and

(2)(A) is in research or development phase as of the date of the enactment of this Act; or

(B) is developed, procured, or fielded by the Department of Defense after such date.