

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:

1 **SEC. 16__ . REQUIREMENTS RELATING TO SPACE-BASED**
2 **TACTICAL SENSORS.**

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

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

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

17 (1) how a commander of a geographic combat-
18 ant command may request and exercise tactical com-

1 mand and control of a covered space-based tactical
2 sensor; and

3 (2) how other organizations of the Department
4 of Defense and other departments and agencies of
5 the Federal Government authorized to use such sen-
6 sors may be allowed to exercise command and con-
7 trol of the sensors during periods in which the sen-
8 sors are not otherwise subject to the control of a
9 commander of a geographic combatant command.

10 (d) WAIVER.—

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

14 (A) determines that the primary applica-
15 tion of a covered space-based tactical sensor is
16 for intelligence purposes and any tactical applica-
17 tions are minimal and incidental to such pur-
18 pose; and

19 (B) not later than 30 days after making
20 such determination, submits to the congress-
21 sional defense committees notice of such deter-
22 mination together with an explanation of the
23 rationale for the waiver.

1 (2) AUTHORITY NOT DELEGABLE.—The author-
2 ity to issue a waiver under paragraph (1) may not
3 be delegated.

4 (e) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall submit to the congressional defense committees a re-
7 port that—

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

11 (2) includes a plan for compliance with the re-
12 quirements of this section.

13 (f) COVERED SPACE-BASED TACTICAL SENSOR DE-
14 FINED.—In this section, the term “covered space-based
15 tactical sensor” means a sensor that—

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

19 (B) has tactical applications; and

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

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

