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AMENDMENT TO H.R. 4310
OFFERED BY MR. LAMBORN OF COLORADO

At the appropriate place in title IX, insert the following new section:

1 **SEC. 9___ . PROHIBITION ON USE OF FUNDS TO IMPLE-**
2 **MENT INTERNATIONAL AGREEMENT ON**
3 **SPACE ACTIVITIES THAT HAS NOT BEEN**
4 **RATIFIED BY THE SENATE OR AUTHORIZED**
5 **BY STATUTE.**

6 (a) PROHIBITION.—None of the funds authorized to
7 be appropriated by this Act or any other Act may be used
8 by the Secretary of Defense or the Director of National
9 Intelligence to limit the activities of the Department of
10 Defense or the intelligence community (as defined in sec-
11 tion 3(4) of the National Security Act of 1947 (50 U.S.C.
12 401a(4))) in outer space to implement or comply with an
13 international agreement concerning outer space activities
14 unless such agreement is ratified by the Senate or author-
15 ized by statute.

16 (b) REPORT ON INTERNATIONAL AGREEMENT NEGO-
17 TIATIONS.—

18 (1) REPORT REQUIRED.—Not later than 90
19 days after the date of the enactment of this Act, and

1 every 90 days thereafter, the Secretary of State and
2 the Secretary of Defense shall submit to the appro-
3 priate congressional committees a report on the
4 progress of negotiations on an international agree-
5 ment concerning outer space activities. Such report
6 shall include a description of which foreign countries
7 have agreed to sign such an international agreement
8 and any implications that the draft of the agreement
9 being negotiated may have on both classified and un-
10 classified military and intelligence activities of the
11 United States in outer space.

12 (2) FORM.—

13 (A) UNCLASSIFIED.—Except as provided
14 in subparagraph (B), each report required
15 under paragraph (1) shall be submitted in un-
16 classified form.

17 (B) CLASSIFIED ANNEX.—The Secretary
18 of Defense may submit to the Committee on
19 Armed Services and the Permanent Select Com-
20 mittee on Intelligence of the House of Rep-
21 resentatives and the Committee on Armed Serv-
22 ices and the Select Committee on Intelligence of
23 the Senate a classified annex to a report re-
24 quired under paragraph (1) containing any clas-

1 sified information required to be submitted for
2 such report.

3 (3) TERMINATION DATE.—The requirement to
4 submit a report under paragraph (1) shall cease to
5 apply on the date on which the President submits to
6 the appropriate congressional committees a certifi-
7 cation that the United States is no longer involved
8 in negotiations on an international agreement con-
9 cerning outer space activities.

10 (4) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—In this subsection, the term “appropriate
12 congressional committees” means—

13 (A) the Committee on Armed Services, the
14 Permanent Select Committee on Intelligence,
15 the Committee on Foreign Affairs, and the
16 Committee on Science, Space, and Technology
17 of the House of Representatives; and

18 (B) the Committee on Armed Services, the
19 Select Committee on Intelligence, the Com-
20 mittee on Foreign Relations, and the Com-
21 mittee on Commerce, Science, and Transpor-
22 tation of the Senate.

23 (c) REPORT ON FOREIGN COUNTER-SPACE PRO-
24 GRAMS.—

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1 (1) REPORT REQUIRED.—Chapter 135 of title
2 10, United States Code, is amended by adding at
3 the end the following new section:

4 **“§ 2275. Report on foreign counter-space programs**

5 “(a) REPORT REQUIRED.—Not later than January 1
6 of each year, the Secretary of Defense shall submit to Con-
7 gress a report on the counter-space programs of foreign
8 countries.

9 “(b) CONTENTS.—Each report required under sub-
10 section (a) shall include—

11 “(1) an explanation of whether any foreign
12 country has a counter-space program that could be
13 a threat to the national security or commercial space
14 systems of the United States; and

15 “(2) the name of each country with a counter-
16 space program described in paragraph (1).

17 “(c) FORM.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graphs (2) and (3), each report required under sub-
20 section (a) shall be submitted in unclassified form.

21 “(2) CLASSIFIED ANNEX.—The Secretary of
22 Defense may submit to the covered congressional
23 committees a classified annex to a report required
24 under subsection (a) containing any classified infor-
25 mation required to be submitted for such report.

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1 “(3) FOREIGN COUNTRY NAMES.—

2 “(A) UNCLASSIFIED FORM.—Subject to
3 subparagraph (B), each report required under
4 subsection (a) shall include the information re-
5 quired under subsection (b)(2) in unclassified
6 form.

7 “(B) NATIONAL SECURITY WAIVER.—The
8 Secretary of Defense may waive the require-
9 ment under subparagraph (A) if the Secretary
10 determines it is in the interests of national se-
11 curity to waive such requirement and submits
12 to Congress an explanation of why the Sec-
13 retary waived such requirement.

14 “(d) PROHIBITION ON USE OF FUNDS FOR NON-
15 COMPLIANCE.—If in any fiscal year the Secretary of De-
16 fense does not submit a report required under subsection
17 (a) on or before the date on which such report is required
18 to be submitted, none of the funds authorized to be appro-
19 priated by any Act for such fiscal year for activities of
20 the Department of Defense may be used for travel related
21 to the negotiation of an international agreement con-
22 cerning outer space activities until such report is sub-
23 mitted.

24 “(e) COVERED CONGRESSIONAL COMMITTEES DE-
25 FINED.—In this section, the term ‘covered congressional

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1 committees' means the Committee on Armed Services and
2 the Permanent Select Committee on Intelligence of the
3 House of Representatives and the Committee on Armed
4 Services and the Select Committee on Intelligence of the
5 Senate.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 135 of title 10,
8 United States Code, is amended by adding at the
9 end the following new item:

“2275. Report on foreign counter-space programs.”.

