

(2) LAUNCH SUPPORT FACILITIES.—The term “launch support facilities” has the meaning given the term in section 50501(7) of title 51.

(3) SPACE RECOVERY SUPPORT FACILITIES.—The term “space recovery support facilities” has the meaning given the term in section 50501(11) of title 51.

(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term “space transportation infrastructure” has the meaning given that term in section 50501(12) of title 51.

(Added Pub. L. 112-239, div. A, title IX, §912(a), Jan. 2, 2013, 126 Stat. 1872.)

PRIOR PROVISIONS

A prior section 2276, acts Aug. 10, 1956, ch. 1041, 70A Stat. 126; Sept. 7, 1962, Pub. L. 87-651, title I, §131, 76 Stat. 514, which related to inspection and audit of plants and books of contractors and provided criminal penalties for violations, was repealed by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (e) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

[§ 2277. Repealed. Pub. L. 115-91, div. A, title X, § 1051(a)(13)(A), Dec. 12, 2017, 131 Stat. 1561]

Section, added Pub. L. 112-239, div. A, title IX, §913(c)(1), Jan. 2, 2013, 126 Stat. 1875, related to report on foreign counter-space programs.

A prior section 2277, act Aug. 10, 1956, ch. 1041, 70A Stat. 127, related to availability of appropriations, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

§ 2278. Notification of foreign interference of national security space

(a) NOTICE REQUIRED.—The Commander of the United States Strategic Command shall, with respect to each intentional attempt by a foreign actor to disrupt, degrade, or destroy a United States national security space capability, provide to the appropriate congressional committees—

(1) not later than 48 hours after the Commander determines that there is reason to believe such attempt occurred, notice of such attempt; and

(2) not later than 10 days after the date on which the Commander determines that there is reason to believe such attempt occurred, a notification described in subsection (b) with respect to such attempt.

(b) NOTIFICATION DESCRIPTION.—A notification described in this subsection is a written notification that includes—

(1) the name and a brief description of the national security space capability that was impacted by an attempt by a foreign actor to disrupt, degrade, or destroy a United States national security space capability;

(2) a description of such attempt, including the foreign actor, the date and time of such attempt, and any related capability outage and the mission impact of such outage; and

(3) any other information the Commander considers relevant.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) with respect to a notice or notification related to an attempt by a foreign actor to disrupt, degrade, or destroy a United States national security space capability that is intelligence-related, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(Added Pub. L. 113-66, div. A, title IX, §911(a), Dec. 26, 2013, 127 Stat. 823.)

PRIOR PROVISIONS

A prior section 2278, act Aug. 10, 1956, ch. 1041, 70A Stat. 127, related to purchases of sample aircraft, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

§ 2279. Foreign commercial satellite services and foreign launches

(a) PROHIBITION.—Except as provided in subsection (c), the Secretary of Defense may not enter into a contract for satellite services with a foreign entity if the Secretary reasonably believes that—

(1) the foreign entity is an entity in which the government of a covered foreign country has an ownership interest that enables that government to affect satellite operations;

(2) the foreign entity plans to or is expected to provide satellite services under the contract from a covered foreign country; or

(3) entering into such contract would create an unacceptable cybersecurity risk for the Department of Defense.

(b) LAUNCHES AND MANUFACTURERS.—

(1) LIMITATION.—In addition to the prohibition in subsection (a), and except as provided in paragraph (2) and in subsection (c), the Secretary may not enter into a contract for satellite services with any entity if the Secretary reasonably believes that such satellite services will be provided using satellites that will be—

(A) designed or manufactured in a covered foreign country, or by an entity controlled in whole or in part by, or acting on behalf of, the government of a covered foreign country; or

(B) launched using a launch vehicle that is designed or manufactured in a covered foreign country, or that is provided by the government of a covered foreign country or by an entity controlled in whole or in part by, or acting on behalf of, the government of a covered foreign country, regardless of the location of the launch (unless such location is in the United States).

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply with respect to—

(A) a launch that occurs prior to December 31, 2022; or

(B) a contract or other agreement relating to launch services that, prior to the date that is 180 days after the date of the enactment of this subsection, was either fully

paid for by the contractor or covered by a legally binding commitment of the contractor to pay for such services.

(3) LAUNCH VEHICLE DEFINED.—In this subsection, the term “launch vehicle” means a fully integrated space launch vehicle.

(c) NOTICE AND EXCEPTION.—The prohibitions in subsection¹ (a) and (b) shall not apply to a contract if—

(1) the Secretary determines it is in the national security of the United States to enter into such contract; and

(2) not later than 7 days before entering into such contract, the Secretary, in consultation with the Director of National Intelligence, submits to the congressional defense committees a national security assessment for such contract that includes the following:

(A) The projected period of performance (including any period covered by options to extend the contract), the financial terms, and a description of the services to be provided under the contract.

(B) To the extent practicable, a description of the ownership interest that a covered foreign country has in the foreign entity providing satellite services to the Department of Defense under the contract and the launch or other satellite services that will be provided in a covered foreign country under the contract.

(C) A justification for entering into a contract with such foreign entity and a description of the actions necessary to eliminate the need to enter into such a contract with such foreign entity in the future.

(D) A risk assessment of entering into a contract with such foreign entity, including an assessment of mission assurance and security of information and a description of any measures necessary to mitigate risks found by such risk assessment.

(d) DELEGATION OF NOTICE AND EXCEPTION AUTHORITY.—The Secretary of Defense may only delegate the authority under subsection (c) to enter into a contract subject to the prohibition under subsection (a) or (b) to the Deputy Secretary of Defense, the Under Secretary of Defense for Policy, or the Under Secretary of Defense for Acquisition, Technology, and Logistics and such authority may not be further delegated.

(e) FORM OF ASSESSMENTS.—Each assessment under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(f) DEFINITIONS.—In this section:

(1) The term “covered foreign country” means any of the following:

(A) A country described in section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2019).

(B) The Russian Federation.

(2) The term “cybersecurity risk” means threats to and vulnerabilities of information or information systems and any related conse-

quences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism.

(Added Pub. L. 113-66, div. A, title XVI, §1602(a)(1), Dec. 26, 2013, 127 Stat. 941; amended Pub. L. 115-91, div. A, title XVI, §1603(a)-(d)(1), Dec. 12, 2017, 131 Stat. 1722, 1723.)

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (b)(2)(B), is the date of enactment of Pub. L. 115-91, which was approved Dec. 12, 2017.

Section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013, referred to in subsec. (f)(1)(A), is section 1261(c)(2) of Pub. L. 112-239, which is set out in a note under section 2778 of Title 22, Foreign Relations and Intercourse.

PRIOR PROVISIONS

A prior section 2279, act Aug. 10, 1956, ch. 1041, 70A Stat. 127, related to restrictions on alien employees of contractors as to access to plans and specifications, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

AMENDMENTS

2017—Pub. L. 115-91, §1603(d)(1)(A), substituted “services and foreign launches” for “services” in section catchline.

Subsec. (a). Pub. L. 115-91, §1603(d)(1)(B), substituted “subsection (c)” for “subsection (b)” in introductory provisions.

Subsec. (a)(2). Pub. L. 115-91, §1603(d)(1)(C), struck out “launch or other” before “satellite services”.

Subsec. (a)(3). Pub. L. 115-91, §1603(a), added par. (3).

Subsec. (b). Pub. L. 115-91, §1603(b)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 115-91, §1603(b)(1), (d)(1)(D), redesignated subsec. (b) as (c) and substituted “prohibitions in subsection (a) and (b)” for “prohibition in subsection (a)” in introductory provisions. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 115-91, §1603(b)(1), (d)(1)(B), (E), redesignated subsec. (c) as (d) and substituted “subsection (c)” for “subsection (b)” and “prohibition under subsection (a) or (b)” for “prohibition under subsection (a)”. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 115-91, §1603(b)(1), (d)(1)(B), redesignated subsec. (d) as (e) and substituted “subsection (c)” for “subsection (b)”. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 115-91, §1603(b)(1), (c), redesignated subsec. (e) as (f) and amended it generally. Prior to amendment, text read as follows: “In this section, the term ‘covered foreign country’ means a country described in section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2019).”

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-91, div. A, title XVI, §1603(e), Dec. 12, 2017, 131 Stat. 1723, provided that: “Except as otherwise specifically provided, the amendments made by this section [amending this section] shall apply with respect to contracts for satellite services awarded by the Secretary of Defense on or after the date of the enactment of this Act [Dec. 12, 2017].”

[§ 2279a. Repealed. Pub. L. 115-91, div. A, title XVI, § 1601(b)(2)(A), Dec. 12, 2017, 131 Stat. 1719]

Section, added Pub. L. 114-92, div. A, title XVI, §1602(a), Nov. 25, 2015, 129 Stat. 1096, related to principal advisor on space control.

¹ So in original. Probably should be “subsections”.