

TERMINATION OF CERTAIN POSITIONS AND ENTITIES

Pub. L. 115-91, div. A, title XVI, § 1601(b)(1), Dec. 12, 2017, 131 Stat. 1719, provided that:

“(1) IN GENERAL.—Effective 30 days after the date of the enactment of this Act [Dec. 12, 2017]—

“(A) the position, and the office of, the Principal Department of Defense Space Advisor (previously known as the Department of Defense Executive Agent for Space) shall be terminated;

“(B) the duties, responsibilities, and personnel of such office specified in subparagraph (A) shall be transferred to a single official selected by the Deputy Secretary of Defense, without delegation, except the Deputy Secretary may not select the Secretary of the Air Force nor the Under Secretary of Defense for Intelligence;

“(C) any reference in Federal law, regulations, guidance, instructions, or other documents of the Federal Government to the Principal Department of Defense Space Advisor or the Department of Defense Executive Agent for Space shall be deemed to be a reference to the official selected by the Deputy Secretary under subparagraph (B);

“(D) the position, and the office of, the Deputy Chief of Staff of the Air Force for Space Operations shall be terminated; and

“(E) the Defense Space Council shall be terminated.”

§ 2279b. Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise

(a) ESTABLISHMENT.—There is within the Department of Defense a council to be known as the “Council on Oversight of the Department of Defense Positioning, Navigation, and Timing Enterprise” (in this section referred to as the “Council”).

(b) MEMBERSHIP.—The members of the Council shall be as follows:

- (1) The Under Secretary of Defense for Policy.
- (2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.
- (3) The Vice Chairman of the Joint Chiefs of Staff.
- (4) The Commander of the United States Strategic Command.
- (5) The Commander of the United States Northern Command.
- (6) The Commander of United States Cyber Command.
- (7) The Director of the National Security Agency.
- (8) The Chief Information Officer of the Department of Defense.
- (9) The Secretaries of the military departments, who shall be ex officio members.
- (10) Such other officers of the Department of Defense as the Secretary may designate.

(c) CO-CHAIR.—The Council shall be co-chaired by the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Vice Chairman of the Joint Chiefs of Staff.

(d) RESPONSIBILITIES.—(1) The Council shall be responsible for oversight of the Department of Defense positioning, navigation, and timing enterprise, including positioning, navigation, and timing services provided to civil, commercial, scientific, and international users.

(2) In carrying out the responsibility for oversight of the Department of Defense positioning, navigation, and timing enterprise as specified in

paragraph (1), the Council shall be responsible for the following:

- (A) Oversight of performance assessments (including interoperability).
- (B) Vulnerability identification and mitigation.
- (C) Architecture development.
- (D) Resource prioritization.
- (E) Such other responsibilities as the Secretary of Defense shall specify for purposes of this section.

(e) ANNUAL REPORTS.—At the same time each year that the budget of the President is submitted to Congress under section 1105(a) of title 31, the Council shall submit to the congressional defense committees a report on the activities of the Council. Each report shall include the following:

(1) A description and assessment of the activities of the Council during the previous fiscal year.

(2) A description of the activities proposed to be undertaken by the Council during the period covered by the current future-years defense program under section 221 of this title.

(3) Any changes to the requirements of the Department of Defense positioning, navigation, and timing enterprise made during the previous year, along with an explanation for why the changes were made and a description of the effects of the changes to the capability of such enterprise.

(4) A breakdown of each program element in such budget that relates to the Department of Defense positioning, navigation, and timing enterprise, including how such program element relates to the operation and sustainment, research and development, procurement, or other activity of such enterprise.

(f) BUDGET AND FUNDING MATTERS.—(1) Not later than 30 days after the President submits to Congress the budget for a fiscal year under section 1105(a) of title 31, the Commander of the United States Strategic Command shall submit to the Chairman of the Joint Chiefs of Staff an assessment of—

(A) whether such budget allows the Federal Government to meet the required capabilities of the Department of Defense positioning, navigation, and timing enterprise during the fiscal year covered by the budget and the four subsequent fiscal years; and

(B) if the Commander determines that such budget does not allow the Federal Government to meet such required capabilities, a description of the steps being taken to meet such required capabilities.

(2) Not later than 30 days after the date on which the Chairman of the Joint Chiefs of Staff receives the assessment of the Commander of the United States Strategic Command under paragraph (1), the Chairman shall submit to the congressional defense committees—

(A) such assessment as it was submitted to the Chairman; and

(B) any comments of the Chairman.

(3) If a House of Congress adopts a bill authorizing or appropriating funds for the activities of the Department of Defense positioning, naviga-

tion, and timing enterprise that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.

(g) NOTIFICATION OF ANOMALIES.—(1) The Secretary of Defense shall submit to the congressional defense committees written notification of an anomaly in the Department of Defense positioning, navigation, and timing enterprise that is reported to the Secretary or the Council by not later than 14 days after the date on which the Secretary or the Council learns of such anomaly, as the case may be.

(2) In this subsection, the term “anomaly” means any unplanned, irregular, or abnormal event, whether unexplained or caused intentionally or unintentionally by a person or a system.

(h) TERMINATION.—The Council shall terminate on the date that is 10 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.

(Added Pub. L. 114-92, div. A, title XVI, §1603(a), Nov. 25, 2015, 129 Stat. 1096.)

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2016, referred to in subsec. (h), is the date of enactment of Pub. L. 114-92, which was approved Nov. 25, 2015.

§ 2279c.¹ Air Force Space Command

(a) COMMANDER.—(1) The head of the Air Force Space Command shall be the Commander of the Air Force Space Command, who shall be appointed in accordance with section 601 of this title. The officer serving as Commander, while so serving, has the grade of general without vacating the permanent grade of the officer.

(2) The Commander shall be appointed to serve a term of six years. The Secretary may propose to promote the individual serving as the Commander during that term of appointment.

(3) The incumbent Commander may serve as the first Commander after the date of the enactment of this Act.

(b) AUTHORITIES.—In addition to the authorities and responsibilities assigned to the Commander before the date of the enactment of this section, the Commander has the sole authority with respect to each of the following:

(1) Organizing, training, and equipping personnel and operations of the space forces of the Air Force.

(2) Subject to the direction of the Secretary of the Air Force, serving as the service acquisition executive under section 1704 of this title for defense space acquisitions.

(3) In consultation with the Chief Information Officer of the Department of Defense, procurement of commercial satellite communications services for the Department of Defense for such services entered into on or after the date that is one year after the date of the enactment of this section.

(Added Pub. L. 115-91, div. A, title XVI, §1601(a)(1), Dec. 12, 2017, 131 Stat. 1718.)

¹ Another section 2279c is set out after this section.

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (a)(3), probably means the date of enactment of Pub. L. 115-91, which enacted this section and was approved Dec. 12, 2017.

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

CONSTRUCTION

Pub. L. 115-91, div. A, title XVI, §1601(a)(3), Dec. 12, 2017, 131 Stat. 1719, provided that: “Nothing in subsection (b)(1) of section 2279c of title 10, United States Code, as added by paragraph (1), may be construed to prohibit or otherwise affect the authority of the Secretary of the Air Force to provide to the space forces of the Air Force the services of the Department of the Air Force relating to basic personnel functions, the United States Air Force Academy, recruitment, and basic training.”

§ 2279c.¹ Limitation on construction on United States territory of satellite positioning ground monitoring stations of certain foreign governments.²

(a) LIMITATION.—

(1) CERTIFICATION.—

(A) IN GENERAL.—The President may not authorize or permit the construction of a global navigation satellite system ground monitoring station directly or indirectly controlled by a foreign government (including a ground monitoring station owned, operated, or controlled on behalf of a foreign government) in the territory of the United States unless the Secretary of Defense and the Director of National Intelligence jointly certify to the appropriate congressional committees that such ground monitoring station will not possess the capability or potential to be used for the purpose of gathering intelligence in the United States or improving any foreign weapon system.

(B) FORM.—Each certification under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(2) NATIONAL SECURITY WAIVER.—The Secretary of Defense and the Director of National Intelligence may jointly waive the certification requirement in paragraph (1) for a ground monitoring station if—

(A) the Secretary and the Director jointly determine that the waiver is in the vital interests of the national security of the United States; and

(B) the Secretary and the Director ensure that—

(i) all data collected or transmitted from ground monitoring stations covered by the waiver are not encrypted;

(ii) all persons involved in the construction, operation, and maintenance of such ground monitoring stations are United States persons;

(iii) such ground monitoring stations are not located in geographic proximity to sensitive United States national security sites;

¹ Another section 2279c is set out preceding this section.

² So in original. The period probably should not appear.