

[(e) Repealed. Pub. L. 115-232, div. A, title VIII, § 813(a)(2), Aug. 13, 2018, 132 Stat. 1851.]

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term “covered entity” means a non-Federal entity that—

(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

(B) is engaged in commercial space activities.

(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; amended Pub. L. 115-232, div. A, title VIII, § 813(a)(2), Aug. 13, 2018, 132 Stat. 1851.)

#### 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related to inspection and audit of plants and books of contractors and provided criminal penalties for violations, was repealed by Pub.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.

#### AMENDMENTS

2018—Subsec. (e). Pub. L. 115-232 struck out subsec. (e). Text read as follows: “Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the preceding fiscal year.”

#### **[§ 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 Repealed.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 subsections (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 consequences 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; Pub. L. 115-232, div. A, title X, §1081(a)(16), Aug. 13, 2018, 132 Stat. 1984.)

#### 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

2018—Subsec. (c). Pub. L. 115-232 substituted “subsections (a) and (b)” for “subsection (a) and (b)” in introductory provisions.

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.

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