

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;

(iv) the United States approves all equipment to be located at such ground monitoring stations;

(v) appropriate actions are taken to ensure that any such ground monitoring stations do not pose a cyber espionage or other threat, including intelligence or counterintelligence, to the national security of the United States; and

(vi) any improvements to such ground monitoring stations do not reduce or compete with the advantages of Global Positioning System technology for users.

(3) **WAIVER REPORT.**—For each waiver under paragraph (2), the Secretary of Defense and the Director of National Intelligence, in consultation with the Secretary of State, shall jointly submit to the appropriate congressional committees a report containing—

(A) the reason why it is not possible to provide the certification under paragraph (1) for the ground monitoring stations covered by such waiver;

(B) an assessment of the impact of the exercise of authority under paragraph (2) with respect to such ground monitoring stations on the national security of the United States;

(C) a description of the means to be used to mitigate any such impact to the United States for the duration that such ground monitoring stations are operated in the territory of the United States; and

(D) any other information in connection with the waiver that the Secretary of Defense and the Director of National Intelligence, in consultation with the Secretary of State, consider appropriate.

(4) **NOTICE.**—Not later than 30 days before the exercise of the authority to waive under paragraph (2) the certification requirement under paragraph (1) for a ground monitoring station, the Secretary of Defense and the Director of National Intelligence shall jointly provide to the appropriate congressional committees notice of the exercise of such authority and the report required under paragraph (3) with respect to such ground monitoring station.

(5) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) **EXCEPTION.**—The limitation in subsection (a) shall not apply to foreign governments that are allies of the United States.

(c) **SUNSET.**—The limitation in subsection (a) shall terminate on December 31, 2023.

(Added and amended Pub. L. 115–91, div. A, title XVI, § 1602, Dec. 12, 2017, 131 Stat. 1721, § 2279c; renumbered § 2279d, Pub. L. 115–232, div. A, title X, § 1081(a)(18)(A), Aug. 13, 2018, 132 Stat. 1984.)

CODIFICATION

Section 1602(b) of Pub. L. 113–66, formerly set out as a note under section 2281 of this title, which was transferred to and inserted as the first subsection of this section, redesignated as subsec. (a), and amended by Pub. L. 115–91, § 1602(b), was based on Pub. L. 113–66, div. A, title XVI, § 1602(b), Dec. 26, 2013, 127 Stat. 943.

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 2279c of this title as this section.

2017—Subsec. (a), Pub. L. 115–91, § 1602(b), transferred section 1602(b) of Pub. L. 113–66 to this section, inserted it as the first subsection of this section, designated it as subsec. (a), substituted “Limitation” for “Limitation on Construction on United States Territory of Satellite Positioning Ground Monitoring Stations of Foreign Governments” in heading, and struck out par. (6). Prior to amendment, text of par. (6) read as follows: “Effective on the date that is five years after the date of the enactment of this Act, paragraphs (1) through (5) are repealed.” See Codification note above.

CHAPTER 136—PROVISIONS RELATING TO SPECIFIC PROGRAMS

Sec.	
2281.	Global Positioning System.
[2282.]	Repealed.]
2283.	Department of Defense small business strategy.
2284.	Explosive Ordnance Disposal Defense Program.

AMENDMENTS

2018—Pub. L. 115–232, div. A, title III, § 311(b), title VIII, § 851(c), Aug. 13, 2018, 132 Stat. 1709, 1884, added items 2283 and 2284.

2016—Pub. L. 114–328, div. A, title XII, § 1241(d)(6), Dec. 23, 2016, 130 Stat. 2505, struck out item 2282 “Authority to build the capacity of foreign security forces”.

2014—Pub. L. 113–291, div. A, title XII, § 1205(a)(2), Dec. 19, 2014, 128 Stat. 3536, added item 2282.

2011—Pub. L. 112–81, div. A, title X, § 1061(13)(B), Dec. 31, 2011, 125 Stat. 1583, struck out item 2282 “B–2 bomber: annual report”.

2000—Pub. L. 106–398, § 1 [[div. A], title I, § 131(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–29, added item 2282.

§ 2281. Global Positioning System

(a) **SUSTAINMENT AND OPERATION FOR MILITARY PURPOSES.**—The Secretary of Defense shall provide for the sustainment of the capabilities of the Global Positioning System (hereinafter in this section referred to as the “GPS”), and the operation of basic GPS services, that are beneficial for the national security interests of the United States. In doing so, the Secretary shall—