

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, navigation, 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; amended Pub. L. 116-92, div. A, title IX, §902(31), Dec. 20, 2019, 133 Stat. 1546.)

#### 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.

#### AMENDMENTS

2019—Subsec. (b)(2) to (11). Pub. L. 116-92, §902(31)(A), added pars. (2) and (3), redesignated former pars. (3) to

(10) as (4) to (11), respectively, and struck out former par. (2) which read as follows: “The Under Secretary of Defense for Acquisition, Technology, and Logistics.”

Subsec. (c). Pub. L. 116-92, §902(31)(B), substituted “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,” for “the Under Secretary of Defense for Acquisition, Technology, and Logistics”.

#### [§ 2279c. Renumbered § 9081]

##### PRIOR PROVISIONS

A prior section 2279c was renumbered section 2279d of this title.

#### § 2279d. Limitation on construction on United States territory of satellite positioning ground monitoring stations of certain foreign governments

(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;

(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; Pub. L. 116–92, div. A, title XVII, § 1731(a)(35), Dec. 20, 2019, 133 Stat. 1814.)

#### 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

2019—Pub. L. 116–92 struck out period at end of section catchline.

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—

(1) develop appropriate measures for preventing hostile use of the GPS so as to make it unnecessary for the Secretary to use the selective availability feature of the system continuously while not hindering the use of the GPS by the United States and its allies for military purposes; and

(2) ensure that United States armed forces have the capability to use the GPS effectively despite hostile attempts to prevent the use of the system by such forces.

(b) **SUSTAINMENT AND OPERATION FOR CIVILIAN PURPOSES.**—The Secretary of Defense shall provide for the sustainment and operation of the GPS Standard Positioning Service for peaceful civil, commercial, and scientific uses on a continuous worldwide basis free of direct user fees. In doing so, the Secretary—

(1) shall provide for the sustainment and operation of the GPS Standard Positioning Service in order to meet the performance requirements of the Federal Radionavigation Plan