To authorize the President to determine the appropriate export controls of satellites and related items based on the national security and foreign policy objectives of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safeguarding United States Satellite Leadership and Security Act of 2012”.
SEC. 2. AUTHORITY TO DETERMINE APPROPRIATE EXPORT

CONTROLS FOR SATELLITES AND RELATED

ITEMS.

Notwithstanding any other provision of law, the
President is authorized to determine the appropriate ex-
port controls of satellites and related items and transfer
such items based on national security and foreign policy
objectives from the jurisdiction of the International Traf-
fic in Arms Regulations (22 C.F.R. part 120 et seq.) to
the Export Administration Regulations (15 C.F.R. part
730 et seq.), consistent with the procedures in section
38(f) of the Arms Export Control Act (22 U.S.C.
2778(f)).

SEC. 3. PROHIBITION ON TRANSFERS TO THE PEOPLE’S RE-

PUBLIC OF CHINA.

No satellite or related item made subject to the juris-
diction of the Export Administration Regulations pursu-
ant to section 2 may be transferred, directly or indirectly,
to the Government of the People’s Republic of China or
any entity or person in or acting for or on behalf of the
People’s Republic of China or launched in the People’s Re-
public of China or as part of a launch vehicle owned, oper-
ated, or manufactured by the Government of the People’s
Republic of China.
SEC. 4. PROHIBITION ON TRANSFERS TO STATE SPONSORS
OF TERRORISM AND NORTH KOREA.

No satellite or related item made subject to the jurisdic-
tion of the Export Administration Regulations pursuant to section 2 may be transferred, directly or indirectly,
to—

(1) North Korea, Cuba, Iran, Sudan, Syria, or any country that is designated by the Secretary of State as supporting international terrorism under section 6 of the Export Administration Act (50 U.S.C. App. 2405(j) (as continued in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.)), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(2) any entity or person in or acting for or on behalf of such a country; or

(3) as part of a launch vehicle owned, operated, or manufactured by the government of such a country.

SEC. 5. RULE OF CONSTRUCTION REGARDING PRESI-
DENTIAL WAIVER AUTHORITY.

Nothing in this Act shall be construed as removing or limiting the waiver authority of the President under part 126 of the International Traffic in Arms Regulations.
SEC. 6. RULE OF CONSTRUCTION REGARDING SPECIAL EXPORT CONTROL AUTHORITIES.

Nothing in this Act shall be construed as removing or limiting existing authorities of the President under section 1514 (a) and (b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 22 U.S.C. 2778 note) with respect to defense articles that remain subject to the jurisdiction of the International Traffic in Arms Regulations or to otherwise take such actions as are necessary to implement requirements for improving national security controls in the export licensing of satellites, launch vehicles, and related items.