

Statutory Notes and Related Subsidiaries

INITIAL REPORT

Pub. L. 116-92, div. E, title LV, § 5501(c), Dec. 20, 2019, 133 Stat. 2144, provided that: “The Director of the National Counterintelligence and Security Center shall submit to the congressional intelligence committees the first report under section 1108 of the National Security Act of 1947 [50 U.S.C. 3238], as added by subsection (a), by not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019].”

[For definition of “congressional intelligence committees” as used in section 5501(c) of Pub. L. 116-92, set out above, see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.]

§ 3239. Requirement to buy certain satellite component from American sources

(a) Definitions

In this section:

(1) Covered element of the intelligence community

The term “covered element of the intelligence community” means an element of the intelligence community that is not an element of the Department of Defense.

(2) National security satellite

The term “national security satellite” means a satellite weighing over 400 pounds whose principle purpose is to support the national security or intelligence needs of the United States Government.

(3) United States

The term “United States” means the several States, the District of Columbia, and the territories and possessions of the United States.

(b) Requirement

Beginning January 1, 2021, except as provided in subsection (c), a covered element of the intelligence community may not award a contract for a national security satellite if the satellite uses a star tracker that is not produced in the United States, including with respect to both the software and the hardware of the star tracker.

(c) Exception

The head of a covered element of the intelligence community may waive the requirement under subsection (b) if, on a case-by-case basis, the head certifies in writing to the congressional intelligence committees that—

(1) there is no available star tracker produced in the United States that meets the mission and design requirements of the national security satellite for which the star tracker will be used;

(2) the cost of a star tracker produced in the United States is unreasonable, based on a market survey; or

(3) such waiver is necessary for the national security interests of the United States based on an urgent and compelling need.

(July 26, 1947, ch. 343, title XI, §1109, as added Pub. L. 116-260, div. W, title III, §308(a), Dec. 27, 2020, 134 Stat. 2368.)

§ 3240. Report on best practices to protect privacy, civil liberties, and civil rights of Chinese Americans

(a) Sense of Congress

It is the sense of Congress that—

(1) the People’s Republic of China appears to be specifically targeting the Chinese-American community for intelligence purposes;

(2) such targeting carries a substantial risk that the loyalty of such Americans may be generally questioned and lead to unacceptable stereotyping, targeting, and racial profiling;

(3) the United States Government has a duty to warn and protect all Americans including those of Chinese descent from these intelligence efforts by the People’s Republic of China;

(4) the broad stereotyping, targeting, and racial profiling of Americans of Chinese descent is contrary to the values of the United States and reinforces the flawed narrative perpetuated by the People’s Republic of China that ethnically Chinese individuals worldwide have a duty to support the People’s Republic of China; and

(5) the United States efforts to combat the People’s Republic of China’s intelligence activities should actively safeguard and promote the constitutional rights of all Chinese Americans.

(b) Report

On an annual basis, the Director of National Intelligence, acting through the Office of Civil Liberties, Privacy, and Transparency, in coordination with the civil liberties and privacy officers of the elements of the intelligence community, shall submit a report to the congressional intelligence committees containing—

(1) a review of how the policies, procedures, and practices of the intelligence community that govern the intelligence activities and operations targeting the People’s Republic of China affect policies, procedures, and practices relating to the privacy, civil liberties, and civil rights of Americans of Chinese descent who may be targets of espionage and influence operations by China; and

(2) recommendations to ensure that the privacy, civil liberties, and civil rights of Americans of Chinese descent are sufficiently protected.

(c) Form

The report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(July 26, 1947, ch. 343, title XI, §1110, formerly Pub. L. 116-92, div. E, title LVII, §5712, Dec. 20, 2019, 133 Stat. 2171; renumbered §1110 of act July 26, 1947, and amended Pub. L. 116-260, div. W, title VI, §620(a), Dec. 27, 2020, 134 Stat. 2401.)

Editorial Notes

AMENDMENTS

2020—Pub. L. 116-260, § 620(a)(4)(A), substituted “, civil liberties, and civil rights” for “and civil liberties” in section catchline.

Subsec. (b). Pub. L. 116-260, § 620(a)(4)(B), substituted “On an annual basis,” for “Not later than 180 days after