

(ii) techniques, tactics, and procedures of the military departments; and

(iii) military exercises, demonstrations, and war games.

(5) Such other elements as the Secretary of Defense may consider necessary.

(e) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:

(1) The Department of Defense Executive Agent for Space shall be the senior acquisition executive of the Office.

(2) The Joint Capabilities Integration and Development System process shall not apply to acquisitions by the Office for operational experimentation.

(3) The commander of the United States Strategic Command, or the designee of the commander, shall—

(A) validate all system requirements for systems to be acquired by the Office; and

(B) participate in the approval of any acquisition program initiated by the Office.

(4) To the maximum extent practicable, the procurement unit cost of a launch vehicle procured by the Office for launch to low earth orbit should not exceed \$20,000,000 (in constant dollars).

(5) To the maximum extent practicable, the procurement unit cost of an integrated satellite procured by the Office should not exceed \$40,000,000 (in constant dollars).

(f) REQUIRED PROGRAM ELEMENT.—(1) The Secretary of Defense shall ensure that, within budget program elements for space programs of the Department of Defense, that—

(A) there is a separate, dedicated program element for operationally responsive space;

(B) to the extent applicable, relevant program elements should be consolidated into the program element required by subparagraph (A); and

(C) the Office executes its responsibilities through this program element.

(2) The Office shall manage the program element required by paragraph (1)(A).

(Added Pub. L. 108–375, div. A, title IX, §913(a)(1), Oct. 28, 2004, 118 Stat. 2028; amended Pub. L. 109–364, div. A, title IX, §913(b)(1), Oct. 17, 2006, 120 Stat. 2355.)

AMENDMENTS

2006—Pub. L. 109–364 amended section catchline and text generally, substituting provisions relating to establishment, control, mission, elements, and authority of the Operationally Responsive Space Program Office within the Department of Defense for provisions relating to requirement for a separate, dedicated program element for operationally responsive national security payloads and buses within budget program elements for space programs of the Department of Defense.

EFFECTIVE DATE

Pub. L. 108–375, div. A, title IX, §913(b), Oct. 28, 2004, 118 Stat. 2028, provided that: “Subsection (a) of section 2273a of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 2005.”

UNITED STATES POLICY ON OPERATIONALLY RESPONSIVE SPACE

Pub. L. 109–364, div. A, title IX, §913(a), Oct. 17, 2006, 120 Stat. 2355, provided that: “It is the policy of the

United States to demonstrate, acquire, and deploy an effective capability for operationally responsive space to support military users and operations from space, which shall consist of—

“(1) responsive satellite payloads and busses built to common technical standards;

“(2) low-cost space launch vehicles and supporting range operations that facilitate the timely launch and on-orbit operations of satellites;

“(3) responsive command and control capabilities; and

“(4) concepts of operations, tactics, techniques, and procedures that permit the use of responsive space assets for combat and military operations other than war.”

JOINT OPERATIONALLY RESPONSIVE SPACE PAYLOAD TECHNOLOGY ORGANIZATION

Pub. L. 109–163, div. A, title IX, §913(a), Jan. 6, 2006, 119 Stat. 3408, which directed the Secretary of Defense to establish or designate an organization in the Department of Defense to coordinate joint operationally responsive space payload technology, was repealed by Pub. L. 109–364, div. A, title IX, §913(d), Oct. 17, 2006, 120 Stat. 2358.

§ 2274. Space situational awareness services and information: provision to non-United States Government entities

(a) AUTHORITY.—The Secretary of Defense may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities in accordance with this section. Any such action may be taken only if the Secretary determines that such action is consistent with the national security interests of the United States.

(b) ELIGIBLE ENTITIES.—The Secretary may provide services and information under subsection (a) to, and may obtain data and information under subsection (a) from, any non-United States Government entity, including any of the following:

- (1) A State.
- (2) A political subdivision of a State.
- (3) A United States commercial entity.
- (4) The government of a foreign country.
- (5) A foreign commercial entity.

(c) AGREEMENT.—The Secretary may not provide space situational awareness services and information under subsection (a) to a non-United States Government entity unless that entity enters into an agreement with the Secretary under which the entity—

- (1) agrees to pay an amount that may be charged by the Secretary under subsection (d);
- (2) agrees not to transfer any data or technical information received under the agreement, including the analysis of data, to any other entity without the express approval of the Secretary; and
- (3) agrees to any other terms and conditions considered necessary by the Secretary.

(d) CHARGES.—(1) As a condition of an agreement under subsection (c), the Secretary may (except as provided in paragraph (2)) require the non-United States Government entity entering into the agreement to pay to the Department of Defense such amounts as the Secretary determines appropriate to reimburse the Department for the costs to the Department of providing

space situational awareness services or information under the agreement.

(2) The Secretary may not require the government of a State, or of a political subdivision of a State, to pay any amount under paragraph (1).

(e) CREDITING OF FUNDS RECEIVED.—(1) Funds received for the provision of space situational awareness services or information pursuant to an agreement under this section shall be credited, at the election of the Secretary, to the following:

(A) The appropriation, fund, or account used in incurring the obligation.

(B) An appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

(2) Funds credited under paragraph (1) shall be merged with, and remain available for obligation with, the funds in the appropriation, fund, or account to which credited.

(f) PROCEDURES.—The Secretary shall establish procedures by which the authority under this section shall be carried out. As part of those procedures, the Secretary may allow space situational awareness services or information to be provided through a contractor of the Department of Defense.

(g) IMMUNITY.—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.

(h) NOTICE OF CONCERNS OF DISCLOSURE OF INFORMATION.—If the Secretary determines that a commercial or foreign entity has declined or is reluctant to provide data or information to the Secretary in accordance with this section due to the concerns of such entity about the potential disclosure of such data or information, the Secretary shall, not later than 60 days after the Secretary makes that determination, provide notice to the congressional defense committees of the declination or reluctance of such entity. (Added Pub. L. 108-136, div. A, title IX, §913(a), Nov. 24, 2003, 117 Stat. 1565; amended Pub. L. 109-364, div. A, title IX, §912, Oct. 17, 2006, 120 Stat. 2355; Pub. L. 110-417, [div. A], title IX, §911, Oct. 14, 2008, 122 Stat. 4571; Pub. L. 111-84, div. A, title IX, §912(a), Oct. 28, 2009, 123 Stat. 2429.)

PRIOR PROVISIONS

Prior sections 2274 to 2279 were repealed by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

Section 2274, act Aug. 10, 1956, ch. 1041, 70A Stat. 126, related to procurement for experimental purposes.

Section 2275, act Aug. 10, 1956, ch. 1041, 70A Stat. 126, related to award of contracts and review of decisions.

Section 2276, acts Aug. 10, 1956, ch. 1041, 70A Stat. 126; Sept. 7, 1962, Pub. L. 87-651, title I, §131, 76 Stat. 514, related to inspection and audit of plants and books of contractors and provided criminal penalties for violations.

Section 2277, act Aug. 10, 1956, ch. 1041, 70A Stat. 127, related to availability of appropriations.

Section 2278, act Aug. 10, 1956, ch. 1041, 70A Stat. 127, related to purchases of sample aircraft.

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.

AMENDMENTS

2009—Pub. L. 111-84 amended section generally. Prior to amendment, section related to space surveillance network: pilot program for provision of satellite tracking support to entities outside United States Government.

2008—Subsec. (i). Pub. L. 110-417 substituted “September 30, 2010” for “September 30, 2009”.

2006—Subsec. (i). Pub. L. 109-364 substituted “may be conducted through September 30, 2009” for “shall be conducted during the three-year period beginning on a date specified by the Secretary of Defense, which date shall be not later than 180 days after the date of the enactment of this section”.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title IX, §912(c), Oct. 28, 2009, 123 Stat. 2431, provided that: “The amendments made by this section [amending this section] shall take effect on October 1, 2009, or the date of the enactment of this Act [Oct. 28, 2009], whichever is later.”

CHAPTER 136—PROVISIONS RELATING TO SPECIFIC PROGRAMS

Sec.	
2281.	Global Positioning System.
[2282.	Repealed.]

AMENDMENTS

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 prepared jointly by the Secretary of Defense and the Secretary of Transportation pursuant to subsection (c);

(2) shall coordinate with the Secretary of Transportation regarding the development and implementation by the Government of aug-