

2017, 131 Stat. 1561, 1719, 1720, 1723, added item 2279c “Air Force Space Command”, substituted “Space Rapid Capabilities Office” for “Operationally Responsive Space Program Office” in item 2273a and “Foreign commercial satellite services and foreign launches” for “Foreign commercial satellite services” in item 2279, and struck out items 2277 “Report on foreign counter-space programs” and 2279a “Principal Advisor on Space Control”.

2015—Pub. L. 114-92, div. A, title XVI, §§1602(b), 1603(b), Nov. 25, 2015, 129 Stat. 1096, 1098, added items 2279a and 2279b.

2013—Pub. L. 113-66, div. A, title IX, §911(b), title XVI, §1602(a)(2), Dec. 26, 2013, 127 Stat. 823, 942, added items 2278 and 2279.

Pub. L. 112-239, div. A, title IX, §§911(b), 912(b), 913(c)(2), Jan. 2, 2013, 126 Stat. 1872, 1874, 1876, added items 2275 to 2277.

2009—Pub. L. 111-84, div. A, title IX, §912(b), Oct. 28, 2009, 123 Stat. 2431, added item 2274 and struck out former item 2274 “Space surveillance network: pilot program for provision of satellite tracking support to entities outside United States Government”.

2006—Pub. L. 109-364, div. A, title IX, §913(b)(2), Oct. 17, 2006, 120 Stat. 2357, substituted “Operationally Responsive Space Program Office” for “Operationally responsive national security payloads and buses: separate program element required” in item 2273a.

2004—Pub. L. 108-375, div. A, title IX, §913(a)(2), Oct. 28, 2004, 118 Stat. 2028, added item 2273a.

2003—Pub. L. 108-136, div. A, title IX, §§911(a)(2), 912(b), 913(b), Nov. 24, 2003, 117 Stat. 1564, 1565, 1567, added items 2272 to 2274.

§ 2271. Management of space programs: joint program offices and officer management programs

(a) JOINT PROGRAM OFFICES.—The Secretary of Defense shall take appropriate actions to ensure, to the maximum extent practicable, that space development and acquisition programs of the Department of Defense are carried out through joint program offices.

(b) OFFICER MANAGEMENT PROGRAMS.—(1) The Secretary of Defense shall take appropriate actions to ensure, to the maximum extent practicable, that—

(A) Army, Navy, and Marine Corps officers, as well as Air Force officers, are assigned to the space development and acquisition programs of the Department of Defense; and

(B) Army, Navy, and Marine Corps officers, as well as Air Force officers, are eligible, on the basis of qualification, to hold leadership positions within the joint program offices referred to in subsection (a).

(2) The Secretary of Defense shall designate those positions in the Office of the National Security Space Architect of the Department of Defense (or any successor office) that qualify as joint duty assignment positions for purposes of chapter 38 of this title.

(Added Pub. L. 107-107, div. A, title IX, §911(a), Dec. 28, 2001, 115 Stat. 1195.)

PRIOR PROVISIONS

A prior section 2271, act Aug. 10, 1956, ch. 1041, 70A Stat. 123, related to competitions for designs of aircraft, aircraft parts, and aeronautical accessories, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

AIR FORCE SPACE CONTRACTOR RESPONSIBILITY WATCH LIST

Pub. L. 115-91, div. A, title XVI, §1612, Dec. 12, 2017, 131 Stat. 1729, provided that:

“(a) IN GENERAL.—The Commander of the Air Force Space and Missile Systems Center shall establish and maintain a watch list of contractors with a history of poor performance on space procurement contracts or research, development, test, and evaluation space program contracts.

“(b) BASIS FOR INCLUSION ON LIST.—

“(1) DETERMINATION.—The Commander may place a contractor on the watch list established under subsection (a) upon determining that the ability of the contractor to perform a contract specified in such subsection is uncertain because of any of the following issues:

“(A) Poor performance or award fee scores below 50 percent.

“(B) Financial concerns.

“(C) Felony convictions or civil judgements.

“(D) Security or foreign ownership and control issues.

“(2) DISCRETION OF THE COMMANDER.—The Commander shall be responsible for determining which contractors to place on the watch list, whether an entire company or a specific division should be included, and when to remove a contractor from the list.

“(c) EFFECT OF LISTING.—

“(1) PRIME CONTRACTS.—The Commander may not solicit an offer from, award a contract to, execute an engineering change proposal with, or exercise an option on any space program of the Air Force with a contractor included on the list established under subsection (a) without the prior approval of the Commander.

“(2) SUBCONTRACTS.—A prime contractor on a contract entered into with the Air Force Space and Missile Systems Center may not enter into a subcontract valued in excess of \$3,000,000 or five percent of the prime contract value, whichever is lesser, with a contractor included on the watch list established under subsection (a) without the prior approval of the Commander.

“(d) REQUEST FOR REMOVAL FROM LIST.—A contractor may submit to the Commander a written request for removal from the watch list, including evidence that the contractor has resolved the issue that was the basis for inclusion on the list.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing the suspension or debarment of a contractor, but inclusion on the watch list shall not be construed as a punitive measure or de facto suspension or debarment of a contractor.”

BRIEFINGS ON THE JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER

Pub. L. 115-31, div. N, title VI, §605(e)(2), May 5, 2017, 131 Stat. 832, provided that: “The Director of the National Reconnaissance Office and the Commander of the United States Strategic Command, in coordination with the Director of National Intelligence and Under Secretary of Defense for Intelligence, shall provide to the appropriate committees of Congress briefings providing updates on activities and progress of the Joint Interagency Combined Space Operations Center to begin 30 days after the date of the enactment of this Act [May 5, 2017]. Such briefings shall be quarterly for the first year following enactment, and annually thereafter.”

[Pub. L. 115-31, div. N, title VI, §605(a), May 5, 2017, 131 Stat. 830, provided that: “In this section [enacting provisions set out as a note above], the term ‘appropriate committees of Congress’ means the congressional intelligence committees [Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives], the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives.”]

SPACE-BASED ENVIRONMENTAL MONITORING

Pub. L. 114-328, div. A, title XVI, §1607, Dec. 23, 2016, 130 Stat. 2586, provided that:

“(a) ROLES OF DOD AND NOAA.—

“(1) MECHANISMS.—The Secretary of Defense and the Administrator of the National Oceanic and Atmospheric Administration shall jointly establish mechanisms to collaborate and coordinate in defining the roles and responsibilities of the Department of Defense and the National Oceanic and Atmospheric Administration to—

“(A) carry out space-based environmental monitoring; and

“(B) plan for future non-governmental space-based environmental monitoring capabilities, as appropriate.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to authorize a joint satellite program of the Department of Defense and the National Oceanic and Atmospheric Administration.

“(b) REPORT.—Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2016], the Secretary and the Administrator shall jointly submit to the appropriate congressional committees a report on the mechanisms established under subsection (a)(1).

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives];

“(2) the Committee on Science, Space, and Technology of the House of Representatives; and

“(3) the Committee on Commerce, Science, and Transportation of the Senate.”

CONSOLIDATION OF ACQUISITION OF WIDEBAND
SATELLITE COMMUNICATIONS

Pub. L. 114–92, div. A, title XVI, § 1610, Nov. 25, 2015, 129 Stat. 1102, provided that:

“(a) PLAN.—

“(1) CONSOLIDATION.—Not later than one year after the date of the enactment of this Act [Nov. 25, 2015], the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan for the consolidation, during the one-year period beginning on the date on which the plan is submitted, of the acquisition of wideband satellite communications necessary to meet the requirements of the Department of Defense for such communications, including with respect to military and commercial satellite communications.

“(2) ELEMENTS.—The plan under paragraph (1) shall include—

“(A) an assessment of the management and overhead costs relating to the acquisition of commercial satellite communications services across the Department of Defense;

“(B) an estimate of—

“(i) the costs of implementing the consolidation of the acquisition of such services described in paragraph (1); and

“(ii) the projected savings of the consolidation;

“(C) the identification and designation of a single acquisition agent pursuant to paragraph (3)(A); and

“(D) the roles and responsibilities of officials of the Department, including pursuant to paragraph (3).

“(3) SINGLE ACQUISITION AGENT.—

“(A) Except as provided by subparagraph (B), under the plan under paragraph (1), the Secretary of Defense shall identify and designate a single senior official of the Department of Defense to procure wideband satellite communications necessary to meet the requirements of the Department of Defense for such communications, including with respect to military and commercial satellite communications.

“(B) Notwithstanding subparagraph (A), under the plan under paragraph (1), an official described in subparagraph (C) may carry out the procurement

of commercial wideband satellite communications if the official determines that such procurement is required to meet an urgent need.

“(C) An official described in this subparagraph is any of the following:

“(i) A Secretary of a military department.

“(ii) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(iii) The Chief Information Office[r] of the Department of Defense.

“(iv) A commander of a combatant command.

“(4) VALIDATION.—The Director of Cost Assessment and Program Evaluation shall validate the assessment required by subparagraph (A) of paragraph (2) and the estimates required by subparagraph (B) of such paragraph.

“(b) IMPLEMENTATION.—

“(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary of Defense shall complete the implementation of the plan under subsection (a) by not later than one year after the date on which the Secretary submits the plan under such paragraph.

“(2) WAIVER.—The Secretary may waive the implementation of the plan under subsection (a) if the Secretary—

“(A) determines that—

“(i) such implementation will require significant additional funding; or

“(ii) such waiver is in the interests of national security; and

“(B) submits to the congressional defense committees notice of such waiver and the justifications for such waiver.”

SATELLITE COMMUNICATIONS RESPONSIBILITIES OF
EXECUTIVE AGENT FOR SPACE

Pub. L. 113–291, div. A, title XVI, § 1603, Dec. 19, 2014, 128 Stat. 3622, directed the revision of Department of Defense guidance relating to acquisition of satellite communications no later than 180 days after Dec. 19, 2014.

PROHIBITION ON CONTRACTING WITH RUSSIAN SUPPLIERS
OF ROCKET ENGINES FOR THE EVOLVED EXPENDABLE
LAUNCH VEHICLE PROGRAM

Pub. L. 113–291, div. A, title XVI, § 1608, Dec. 19, 2014, 128 Stat. 3626, as amended by Pub. L. 114–92, div. A, title XVI, § 1607, Nov. 25, 2015, 129 Stat. 1100; Pub. L. 114–328, div. A, title XVI, § 1602, Dec. 23, 2016, 130 Stat. 2582, provided that:

“(a) IN GENERAL.—Except as provided by subsections (b) and (c), beginning on the date of the enactment of this Act [Dec. 19, 2014], the Secretary of Defense may not award or renew a contract for the procurement of property or services for space launch activities under the evolved expendable launch vehicle program if such contract carries out such space launch activities using rocket engines designed or manufactured in the Russian Federation.

“(b) WAIVER.—The Secretary may waive the prohibition under subsection (a) with respect to a contract for the procurement of property or services for space launch activities if the Secretary determines, and certifies to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] not later than 30 days before the waiver takes effect, that—

“(1) the waiver is necessary for the national security interests of the United States; and

“(2) the space launch services and capabilities covered by the contract could not be obtained at a fair and reasonable price without the use of rocket engines designed or manufactured in the Russian Federation.

“(c) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following:

“(1) The placement of orders or the exercise of options under the contract numbered FA8811–13–C–0003 and awarded on December 18, 2013.

“(2) Contracts that are awarded during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 [Dec. 23, 2016] and ending December 31, 2022, for the procurement of property or services for space launch activities that include the use of a total of 18 rocket engines designed or manufactured in the Russian Federation, in addition to the Russian-designed or Russian-manufactured engines to which paragraph (1) applies.”

INTEGRATED SPACE ARCHITECTURES

Pub. L. 111-383, div. A, title IX, §911, Jan. 7, 2011, 124 Stat. 4328, as amended by Pub. L. 113-291, div. A, title X, §1071(d)(1)(A), Dec. 19, 2014, 128 Stat. 3509, provided that: “The Secretary of Defense and the Director of National Intelligence shall develop an integrated process for national security space architecture planning, development, coordination, and analysis that—

“(1) encompasses defense and intelligence space plans, programs, budgets, and organizations;

“(2) provides mid-term to long-term recommendations to guide space-related defense and intelligence acquisitions, requirements, and investment decisions;

“(3) is independent of, but coordinated with, the space architecture planning, development, coordination, and analysis activities of each military department and each element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))); and

“(4) makes use of, to the maximum extent practicable, joint duty assignment (as defined in section 668 of title 10, United States Code) positions.”

SPACE PROTECTION STRATEGY

Pub. L. 110-181, div. A, title IX, §911(a)-(f), Jan. 28, 2008, 122 Stat. 279, 280, as amended by Pub. L. 113-66, div. A, title IX, §912(c), Dec. 26, 2013, 127 Stat. 824; Pub. L. 113-291, div. A, title X, §1071(d)(1)(B), title XVI, §1606(e), Dec. 19, 2014, 128 Stat. 3509, 3625, provided that:

“(a) SENSE OF CONGRESS.—It is the Sense of Congress that the United States should place greater priority on the protection of national security space systems.

“(b) STRATEGY.—The Secretary of Defense, in conjunction with the Director of National Intelligence, shall develop a strategy, to be known as the Space Protection Strategy, for the development and fielding by the United States of the capabilities that are necessary to ensure freedom of action in space for the United States.

“(c) MATTERS INCLUDED.—The strategy required by subsection (b) shall include each of the following:

“(1) An identification of the threats to, and the vulnerabilities of, the national security space systems of the United States.

“(2) A description of the capabilities currently contained in the program of record of the Department of Defense and the intelligence community that ensure freedom of action in space.

“(3) For each period covered by the strategy, a description of the capabilities that are needed for the period, including—

“(A) the hardware, software, and other materials or services to be developed or procured;

“(B) the management and organizational changes to be achieved; and

“(C) concepts of operations, tactics, techniques, and procedures to be employed.

“(4) For each period covered by the strategy, an assessment of the gaps and shortfalls between the capabilities that are needed for the period and the capabilities currently contained in the program of record.

“(5) For each period covered by the strategy, a comprehensive plan for investment in capabilities that identifies specific program and technology investments to be made in that period.

“(6) A description of the current processes by which the systems protection requirements of the Department of Defense and the intelligence community are

addressed in space acquisition programs and during key milestone decisions, an assessment of the adequacy of those processes, and an identification of the actions of the Department and the intelligence community for addressing any inadequacies in those processes.

“(7) A description of the current processes by which the Department of Defense and the intelligence community program and budget for capabilities (including capabilities that are incorporated into single programs and capabilities that span multiple programs), an assessment of the adequacy of those processes, and an identification of the actions of the Department and the intelligence community for addressing any inadequacies in those processes.

“(8) A description of the organizational and management structure of the Department of Defense and the intelligence community for addressing policy, planning, acquisition, and operations with respect to capabilities, a description of the roles and responsibilities of each organization, and an identification of the actions of the Department and the intelligence community for addressing any inadequacies in that structure.

“(d) PERIODS COVERED.—The strategy required by subsection (b) shall cover the following periods:

“(1) Fiscal years 2008 through 2013.

“(2) Fiscal years 2014 through 2019.

“(3) Fiscal years 2020 through 2025.

“(4) Fiscal years 2026 through 2030.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘capabilities’ means space, airborne, and ground systems and capabilities for space situational awareness and for space systems protection; and

“(2) the term ‘intelligence community’ has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(f) REPORT; BIENNIAL UPDATE.—

“(1) REPORT.—Not later than six months after the date of the enactment of this Act [Jan. 28, 2008], the Secretary of Defense, in conjunction with the Director of National Intelligence, shall submit to Congress a report on the strategy required by subsection (b), including—

“(A) each of the matters required by subsection (c); and

“(B) a description of how the Department of Defense and the intelligence community plan to provide necessary national security capabilities, through alternative space, airborne, or ground systems, if a foreign actor degrades, denies access to, or destroys United States national security space capabilities.

“(2) BIENNIAL UPDATE.—Not later than March 15 of each even-numbered year after 2008, the Secretary of Defense, in conjunction with the Director of National Intelligence, shall submit to Congress an update to the report required by paragraph (1).

“(3) CLASSIFICATION.—The report required by paragraph (1), and each update required by paragraph (2), shall be in unclassified form, but may include a classified annex.”

[For termination, effective Dec. 31, 2021, of reporting provisions in section 911(f)(2) of Pub. L. 110-181, set out above, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.]

MAINTENANCE OF CAPABILITY FOR SPACE-BASED NUCLEAR DETECTION

Pub. L. 110-181, div. A, title X, §1065, Jan. 28, 2008, 122 Stat. 324, provided that: “The Secretary of Defense shall maintain the capability for space-based nuclear detection at a level that meets or exceeds the level of capability as of the date of the enactment of this Act [Jan. 28, 2008].”

SPACE SITUATIONAL AWARENESS STRATEGY AND SPACE CONTROL MISSION REVIEW

Pub. L. 109-163, div. A, title IX, §911, Jan. 6, 2006, 119 Stat. 3405, required the Secretary of Defense to develop

a “Space Situational Awareness Strategy” for ensuring freedom to operate United States space assets affecting national security, and to provide for a review and assessment of the requirements of the Department of Defense for the space control mission, prior to repeal by Pub. L. 110-181, div. A, title IX, §911(g), Jan. 28, 2008, 122 Stat. 280.

SPACE PERSONNEL CAREER FIELDS

Pub. L. 108-136, div. A, title V, §547, Nov. 24, 2003, 117 Stat. 1480, as amended by Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

“(a) STRATEGY REQUIRED.—The Secretary of Defense shall develop a strategy for the Department of Defense that will—

“(1) promote the development of space personnel career fields within each of the military departments; and

“(2) ensure that the space personnel career fields developed by the military departments are integrated with each other to the maximum extent practicable.

“(b) REPORT.—Not later than February 1, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the strategy developed under subsection (a). The report shall include the following:

“(1) A statement of the strategy developed under subsection (a), together with an explanation of that strategy.

“(2) An assessment of the measures required for the Department of Defense and the military departments to integrate the space personnel career fields of the military departments.

“(3) A comprehensive assessment of the adequacy of the actions of the Secretary of Air Force pursuant to section 8084 of title 10, United States Code, to establish for Air Force officers a career field for space.

“(c) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW AND REPORTS.—(1) The Comptroller General shall review the strategy developed under subsection (a) and the status of efforts by the military departments in developing space personnel career fields.

“(2) The Comptroller General shall submit to the committees referred to in subsection (b) two reports on the review under paragraph (1), as follows:

“(A) Not later than June 15, 2004, the Comptroller General shall submit a report that assesses how effective that Department of Defense strategy and the efforts by the military departments, when implemented, are likely to be for developing the personnel required by each of the military departments who are expert in development of space doctrine and concepts of space operations, the development of space systems, and operation of space systems.

“(B) Not later than March 15, 2005, the Comptroller General shall submit a report that assesses, as of the date of the report—

“(i) the effectiveness of that Department of Defense strategy and the efforts by the military departments in developing the personnel required by each of the military departments who are expert in development of space doctrine and concepts of space operations, the development of space systems, and in operation of space systems; and

“(ii) progress made in integrating the space career fields of the military departments.”

COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF SPACE COMMISSION

Pub. L. 107-107, div. A, title IX, §914, Dec. 28, 2001, 115 Stat. 1197, directed the Comptroller General to carry out an assessment through Feb. 15, 2003, of the actions taken by the Secretary of Defense in implementing the recommendations in the report of the Space Commission submitted to Congress pursuant to Pub. L. 106-65, §1623, formerly set out as a note under section 111 of this title, that were applicable to the Department of Defense, and to submit reports to committees of Congress, not later than Feb. 15, 2002, and Feb. 15, 2003, setting forth the results of the assessment.

§ 2272. Space science and technology strategy: coordination

The Secretary of Defense and the Director of National Intelligence shall jointly develop and implement a space science and technology strategy and shall review and, as appropriate, revise the strategy biennially. Functions of the Secretary under this section shall be carried out jointly by the Assistant Secretary of Defense for Research and Engineering and the official of the Department of Defense designated as the Department of Defense Executive Agent for Space.¹

(Added Pub. L. 108-136, div. A, title IX, §911(a)(1), Nov. 24, 2003, 117 Stat. 1563; amended Pub. L. 111-84, div. A, title IX, §911(a)(1)–(3), Oct. 28, 2009, 123 Stat. 2428, 2429; Pub. L. 111-383, div. A, title IX, §901(j)(2), Jan. 7, 2011, 124 Stat. 4324; Pub. L. 114-92, div. A, title XVI, §1604, Nov. 25, 2015, 129 Stat. 1098.)

PRIOR PROVISIONS

A prior section 2272, act Aug. 10, 1956, ch. 1041, 70A Stat. 124, related to contracts to obtain designs submitted in design competitions, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

AMENDMENTS

2015—Pub. L. 114-92 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to space science and technology strategy, required coordination, and definitions.

2011—Subsecs. (a), (b). Pub. L. 111-383 substituted “Assistant Secretary of Defense for Research and Engineering” for “Director of Defense Research and Engineering” wherever appearing.

2009—Subsec. (a)(1). Pub. L. 111-84, §911(a)(1), substituted “The Secretary of Defense and the Director of National Intelligence shall jointly develop” for “The Secretary of Defense shall develop”.

Subsec. (a)(2)(D). Pub. L. 111-84, §911(a)(2), added subpar. (D).

Subsec. (a)(5). Pub. L. 111-84, §911(a)(3), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “The strategy shall be available for review by the congressional defense committees.”

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-383 effective Jan. 1, 2011, see section 901(p) of Pub. L. 111-383, set out as a note under section 131 of this title.

TRANSFER OF FUNCTIONS

For termination and transfer of functions of the Department of Defense Executive Agent for Space, see section 1601(b)(1) of Pub. L. 115-91, set out as a Termination of Certain Positions and Entities note under former section 2279a of this title.

INITIAL REPORT

Pub. L. 111-84, div. A, title IX, §911(a)(4), Oct. 28, 2009, 123 Stat. 2429, required the first space science and technology strategy required to be submitted under former 10 U.S.C. 2272(a)(5) to be submitted on the date on which the President submitted to Congress the budget for fiscal year 2012 under 31 U.S.C. 1105.

§ 2273. Policy regarding assured access to space: national security payloads

(a) POLICY.—It is the policy of the United States for the President to undertake actions appropriate to ensure, to the maximum extent

¹ See Transfer of Functions note below.