

“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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

LIMITATION ON USE OF COMMERCIAL SATELLITE SERVICES AND ASSOCIATED SYSTEMS

Pub. L. 117-81, div. A, title XVI, §1607(b), Dec. 27, 2021, 135 Stat. 2079, provided that:

“(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary of Defense may not rely solely on the

use of commercial satellite services and associated systems to carry out operational requirements, including command and control requirements, targeting requirements, or other requirements that are necessary to execute strategic and tactical operations.

“(2) MITIGATION MEASURES.—The Secretary may rely solely on the use of commercial satellite services and associated systems to carry out an operational requirement described in paragraph (1) if the Secretary has taken measures to mitigate the vulnerability of any such requirement.”

CLASSIFICATION REVIEW OF PROGRAMS OF THE SPACE FORCE

Pub. L. 117-81, div. A, title XVI, §1609, Dec. 27, 2021, 135 Stat. 2081, provided that:

“(a) CLASSIFICATION REVIEW.—The Secretary of Defense shall—

“(1) not later than 120 days after the date of the enactment of this Act [Dec. 27, 2021], conduct a review of each classified program managed under the authority of the Space Force to determine whether—

“(A) the level of classification of the program could be changed to a lower level; or

“(B) the program could be declassified; and

“(2) not later than 90 days after the date on which the Secretary completes such review, commence the change to the classification level or the declassification as determined in such review.

“(b) COORDINATION.—The Secretary shall carry out the review under subsection (a)(1) in coordination with the Assistant Secretary of Defense for Space Policy and, as the Secretary determines appropriate, the heads of other elements of the Department of Defense.

“(c) REPORT.—Not later than 60 days after the date on which the Secretary completes the review under subsection (a)(1), the Secretary, in coordination with the Assistant Secretary of Defense for Space Policy, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report identifying each program managed under the authority of the Space Force covered by a determination regarding changing the classification level of the program or declassifying the program, including—

“(1) the timeline for implementing such change or declassification; and

“(2) any risks that exist in implementing such change or declassification.”

COMMERCIAL SPACE DOMAIN AWARENESS CAPABILITIES

Pub. L. 116-283, div. A, title XVI, §1607, Jan. 1, 2021, 134 Stat. 4047, provided that:

“(a) PROCUREMENT.—Not later than 90 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of the Air Force shall procure commercial space domain awareness services by awarding at least two contracts for such services.

“(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2021 for the Office of the Secretary of the Air Force, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense, without delegation, certifies to the congressional committees that the Secretary of the Air Force has awarded the contracts under subsection (a).

“(c) REPORT.—Not later than January 31, 2021, the Chief of Space Operations, in coordination with the Secretary of the Air Force, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report detailing the commercial space domain awareness services, data, and analytics of objects in low-Earth orbit that have been purchased during the two-year period preceding the date of the report. The report shall be submitted in unclassified form.

“(d) COMMERCIAL SPACE DOMAIN AWARENESS SERVICES DEFINED.—In this section, the term ‘commercial space

domain awareness services' means space domain awareness data, processing software, and analytics derived from best-in-breed commercial capabilities to address warfighter requirements in low-Earth orbit and fill gaps in current space domain capabilities of the Space Force, including commercial capabilities to—

- “(1) provide conjunction and maneuver alerts;
- “(2) monitor breakup and launch events; and
- “(3) detect and track objects smaller than 10 centimeters in size.”

TACTICALLY RESPONSIVE SPACE LAUNCH OPERATIONS

Pub. L. 116-283, div. A, title XVI, §1609, Jan. 1, 2021, 134 Stat. 4048, as amended by Pub. L. 117-81, div. A, title XVI, §1605, Dec. 27, 2021, 135 Stat. 2078, provided that:

“(a) PROGRAM.—The Secretary of the Air Force shall implement a tactically responsive space launch program—

“(1) to provide long-term continuity for tactically responsive space launch operations across the future-years defense program submitted to Congress under section 221 of title 10, United States Code;

“(2) to accelerate the development of—

- “(A) responsive launch concepts of operations;
- “(B) tactics;
- “(C) training; and
- “(D) procedures;

“(3) to develop appropriate processes for tactically responsive space launch, including—

- “(A) mission assurance processes; and
- “(B) command and control, tracking, telemetry, and communications; and

“(4) to identify basing capabilities necessary to enable tactically responsive space launch, including mobile launch range infrastructure.

“(b) SUPPORT.—

“(1) ELEMENTS.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall support the tactically responsive launch program under subsection (a) during the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, in 2022 to ensure that the program addresses the following:

“(A) The ability to rapidly place on-orbit systems to respond to urgent needs of the commanders of the combatant commands or to reconstitute space assets and capabilities to support national security priorities if such assets and capabilities are degraded, attacked, or otherwise impaired, including such assets and capabilities relating to protected communications and intelligence, surveillance, and reconnaissance.

“(B) The entire launch process, including with respect to launch services, satellite bus and payload availability, and operations and sustainment on-orbit.

“(2) PLAN.—As a part of the defense budget materials (as defined in section 239 of title 10, United States Code) for fiscal year 2023, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to Congress a plan for the tactically responsive launch program to address the elements under paragraph (1). Such plan shall include the following:

“(A) Lessons learned from the Space Safari tactically responsive launch-2 mission of the Space Systems Command of the Space Force, and how to incorporate such lessons into future efforts regarding tactically responsive launches.

“(B) How to achieve responsive acquisition timelines within the adaptive acquisition framework for space acquisition pursuant to section 807.

“(C) Plans to address supply chain issues and leverage commercial capabilities to support future reconstitution and urgent space requirements leveraging the tactically responsive launch program under subsection (a).”

SPACE-BASED ENVIRONMENTAL MONITORING MISSION REQUIREMENTS

Pub. L. 116-92, div. A, title XVI, §1605, Dec. 20, 2019, 133 Stat. 1723, provided that:

“(a) PROCUREMENT OF MODERNIZED PATHFINDER PROGRAM SATELLITE.—

“(1) IN GENERAL.—The Secretary of the Air Force shall procure a modernized pathfinder program satellite that—

“(A) addresses space-based environmental monitoring mission requirements;

“(B) reduces the risk that the Department of Defense experiences a gap in meeting such requirements during the period beginning January 1, 2023, and ending December 31, 2025; and

“(C) is launched not later than January 1, 2023.

“(2) TYPE OF SATELLITE.—The satellite described in paragraph (1) may be a free-flyer or a hosted payload satellite.

“(3) PLAN.—Not later than 60 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of the Air Force shall submit to the appropriate congressional committees a plan to procure and launch the satellite described in paragraph (1), including with respect to—

“(A) the requirements for such satellite, including operational requirements;

“(B) timelines for such procurement and launch;

“(C) costs for such procurement and launch; and

“(D) the launch plan.

“(4) PROCEDURES.—The Secretary of the Air Force shall ensure that the satellite described in paragraph (1) is procured using full and open competition through the use of competitive procedures.

“(5) WITHHOLDING OF FUNDS.—The amount equal to 10 percent of the total amount authorized to be appropriated to the Office of the Secretary of Air Force for the travel of persons under the Operations and Maintenance, Defense-Wide account shall be withheld from obligation or expenditure until the date on which a contract is awarded for the procurement of the satellite described in paragraph (1).

“(b) WEATHER SYSTEM SATELLITE.—The Secretary of the Air Force shall ensure that the electro-optical/infrared weather system satellite—

“(1) meets space-based environmental monitoring mission requirements;

“(2) is procured using full and open competition through the use of competitive procedures; and

“(3) is launched not later than September 30, 2025.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

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

“(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) The term ‘space-based environmental monitoring mission requirements’ means the national security requirements for cloud characterization and theater weather imagery.”

RESILIENT ENTERPRISE GROUND ARCHITECTURE

Pub. L. 116-92, div. A, title XVI, §1606, Dec. 20, 2019, 133 Stat. 1724, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force, to advance the security of the space assets of the Department of Defense, should—

“(1) expand on complementary efforts within the Air Force that promote the adoption of a resilient enterprise ground architecture that is responsive to new and changing threats and can rapidly integrate new capabilities to make the warfighting force of the United States more resilient in a contested battlespace; and

“(2) prioritize the swift transition of space ground architecture to a common platform and leverage commercial capabilities in concurrence with the 2015 intent memorandum of the Commander of the Air Force Space Command.

“(b) FUTURE ARCHITECTURE.—The Secretary of Defense shall, to the extent practicable—

“(1) develop future satellite ground architectures of the Department of Defense to be compatible with complementary commercial systems that can support uplink and downlink capabilities with dual-band spacecraft; and

“(2) emphasize that future ground architecture transition away from stove-piped systems to a service-based platform that provides members of the Armed Forces with flexible and adaptable capabilities that—

“(A) use, as applicable, commercially available capabilities and technologies for increased resiliency and cost savings; and

“(B) build commercial opportunity and integration across the range of resilient space systems.

“(c) REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], 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 report on the future architecture described in subsection (b).”

SPACE WARFIGHTING POLICY, REVIEW OF SPACE CAPABILITIES, AND PLAN ON SPACE WARFIGHTING READINESS

Pub. L. 115-232, div. A, title XVI, §1607, Aug. 13, 2018, 132 Stat. 2108, provided that:

“(a) SPACE WARFIGHTING POLICY.—Not later than March 29, 2019, the Secretary of Defense shall develop a space warfighting policy.

“(b) REVIEW OF SPACE CAPABILITIES.—

“(1) IN GENERAL.—The Secretary shall conduct a review relating to the national security space enterprise that evaluates the following:

“(A) The resiliency of the national security space enterprise with respect to a conflict.

“(B) The ability of the national security space enterprise to attribute an attack on a space system in a timely manner.

“(C) The ability of the United States—

“(i) to resolve a conflict in space; and

“(ii) to determine the material means by which such conflict may be resolved.

“(D) Specific options for the national security space enterprise to provide the ability—

“(i) to defend against aggressive behavior in space at all levels of conflict;

“(ii) to defeat any adversary that demonstrates aggressive behavior in space at all levels of conflict;

“(iii) to deter aggressive behavior in space at all levels of conflict; and

“(iv) to develop a declassification strategy, if required to demonstrate deterrence.

“(E) The effectiveness and efficiency of the national security space enterprise to rapidly research, develop, acquire, and deploy space capabilities and capacities—

“(i) to deter and defend the national security space assets of the United States; and

“(ii) to respond to any new threat to such space assets.

“(F) The roles, responsibilities, and authorities of the Department of Defense with respect to space control activities.

“(G) Any emerging space threat the Secretary expects the United States to confront during the 10-year period beginning on the date of the enactment of this Act [Aug. 13, 2018].

“(H) Such other matters as the Secretary considers appropriate.

“(2) REPORT.—

“(A) IN GENERAL.—Not later than March 29, 2019, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the findings of the review under paragraph (1).

“(B) FORM.—The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

“(c) PLAN ON SPACE WARFIGHTING READINESS.—

“(1) IN GENERAL.—Not later than March 29, 2019, the Secretary of Defense shall develop, and commence the implementation of, a plan that—

“(A) identifies joint mission-essential tasks for space as a warfighting domain;

“(B) identifies any additional authorities, or delegated authorities, that would need to accompany the employment of forces to meet such mission-essential tasks;

“(C) meets the readiness requirements for space warfighting, including with respect to equipment, training, and personnel, to meet such mission-essential tasks; and

“(D) considers the contributions by allies and partners of the United States with respect to defense space capabilities to increase burden sharing across space systems, as appropriate.

“(2) BRIEFING.—Not later than March 29, 2019, the Secretary shall provide to the Committees on Armed Services of the House of Representatives and the Senate, and to any other congressional defense committee upon request, a briefing describing the authorities identified under paragraph (1)(B) that the Secretary determines require legislative action.”

DESIGNATION OF COMPONENT OF DEPARTMENT OF DEFENSE RESPONSIBLE FOR COORDINATION OF HOSTED PAYLOAD INFORMATION

Pub. L. 115-232, div. A, title XVI, §1611, Aug. 13, 2018, 132 Stat. 2112, provided that:

“(1) Not later than 30 days after the date of the enactment of this Act [Aug. 13, 2018], the Secretary of Defense, in coordination with the Secretary of the Air Force, and other Secretaries of the military departments and the heads of Defense Agencies the Secretary determines appropriate, shall designate a component of the Department of Defense or a military department to be responsible for coordinating information, processes, and lessons learned relating to using commercially hosted payloads across the military departments, Defense Agencies, and other appropriate elements of the Department of Defense. The functions of such designated component shall include, at a minimum, the following:

“(1) Systematically collecting information from past and planned hosted payload arrangements to inform future acquisition planning and space system architecture design, including integration test data, lessons learned, and design solutions.

“(2) Creating a centralized database for cost, technical data, and lessons learned on commercially hosted payloads and sharing such information with other elements of the Department.”

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 NATIONAL SPACE DEFENSE CENTER

Pub. L. 115–31, div. N, title VI, §605(e)(2), May 5, 2017, 131 Stat. 832, as amended by Pub. L. 116–283, div. A, title XVI, §1604(c)(2), (3), Jan. 1, 2021, 134 Stat. 4043, 4044, provided that: “The Director of the National Reconnaissance Office and the Commander of the United States Space Command, in coordination with the Director of National Intelligence and Under Secretary of Defense for Intelligence [now Under Secretary of Defense for Intelligence and Security], shall provide to the appropriate committees of Congress briefings providing updates on activities and progress of the National Space Defense 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 Sec-

retary 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 im-

plementation 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 NATIONAL SECURITY SPACE LAUNCH 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 [now the National Security Space Launch 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; Pub. L. 115–232, div. A, title VIII, §813(b)(1), Aug. 13, 2018, 132 Stat. 1851, 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.—

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

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 [now 9084] 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 Under 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

¹ See Transfer of Functions note below.