

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.

Stat. 1098; Pub. L. 116-92, div. A, title IX, § 902(28), Dec. 20, 2019, 133 Stat. 1546.)

Editorial Notes

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

2019—Pub. L. 116-92 substituted “Under Secretary of Defense for Research and Engineering” for “Assistant Secretary of Defense for Research and Engineering”.

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.”

Statutory Notes and Related Subsidiaries

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 practicable, that the United States has the capabilities necessary to launch and insert United States national security payloads into space whenever such payloads are needed in space.

(b) **INCLUDED ACTIONS.**—The appropriate actions referred to in subsection (a) shall include, at a minimum, providing resources and policy guidance to sustain—

- (1) the availability of at least two space launch vehicles (or families of space launch vehicles) capable of delivering into space any payload designated by the Secretary of Defense or the Director of National Intelligence as a national security payload;

(2) a robust space launch infrastructure and industrial base; and

(3) the availability of rapid, responsive, and reliable space launches for national security space programs to—

(A) improve the responsiveness and flexibility of a national security space system;

(B) lower the costs of launching a national security space system; and

(C) maintain risks of mission success at acceptable levels.

(c) **COORDINATION.**—The Secretary of Defense shall, to the maximum extent practicable, pursue the attainment of the capabilities described in subsection (a) in coordination with the Administrator of the National Aeronautics and Space Administration and the Director of National Intelligence.

(Added Pub. L. 108-136, div. A, title IX, § 912(a)(1), Nov. 24, 2003, 117 Stat. 1565; Pub. L. 110-181, div. A, title IX, § 931(a)(12), Jan. 28, 2008, 122 Stat. 285; Pub. L. 110-417, [div. A], title IX, § 932(a)(11), Oct. 14, 2008, 122 Stat. 4576; Pub. L. 111-84, div. A, title X, § 1073(c)(10), Oct. 28, 2009, 123 Stat. 2475; Pub. L. 115-232, div. A, title XVI, § 1603(a), Aug. 13, 2018, 132 Stat. 2105; Pub. L. 116-92, div. A, title XVII, § 1731(a)(34), Dec. 20, 2019, 133 Stat. 1814.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2273, acts Aug. 10, 1956, ch. 1041, 70A Stat. 125; Apr. 2, 1982, Pub. L. 97-164, title I, § 160(a)(4), 96 Stat. 48; Oct. 29, 1992, Pub. L. 102-572, title IX, § 902(b)(1), 106 Stat. 4516, related to right of United States to designs, rights of designers to patents, and rights to sue United States, prior to repeal by Pub. L. 103-160, div. A, title VIII, § 821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

AMENDMENTS

2019—Subsec. (b)(1). Pub. L. 116-92 inserted semicolon at end.

2018—Subsec. (b)(3). Pub. L. 115-232, § 1603(a)(1), added par. (3).

Subsec. (c). Pub. L. 115-232, § 1603(a)(2), inserted “and the Director of National Intelligence” before period at end.

2009—Subsec. (b)(1). Pub. L. 111-84 repealed Pub. L. 110-417, § 932(a)(11). See 2008 Amendment note below.

2008—Subsec. (b)(1). Pub. L. 110-181 and Pub. L. 110-417, § 932(a)(11), amended par. (1) identically, substituting “Director of National Intelligence” for “Director of Central Intelligence”. Pub. L. 110-417, § 932(a)(11), was repealed by Pub. L. 111-84.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title X, § 1073(c), Oct. 28, 2009, 123 Stat. 2474, provided that the amendment made by section 1073(c)(10) is effective as of Oct. 14, 2008, and as if included in Pub. L. 110-417 as enacted.

NATIONAL SECURITY SPACE LAUNCH PROGRAM

Pub. L. 116-283, div. A, title XVI, § 1606, Jan. 1, 2021, 134 Stat. 4044, provided that:

“(a) **LAUNCH SERVICES AGREEMENT.**—

“(1) **LIMITATION ON AMOUNTS.**—Except as provided by paragraph (2), in carrying out the phase two acquisition strategy, the Secretary of the Air Force may not obligate or expend a total amount for a launch services agreement that is greater than the amount specifically appropriated for the launch services agreement.