

§ 914, Jan. 2, 2013, 126 Stat. 1876; Pub. L. 115–91, div. A, title XVI, § 1601(b)(1), Dec. 12, 2017, 131 Stat. 1720; Pub. L. 115–232, div. A, title XVI, § 1602, Aug. 13, 2018, 132 Stat. 2104; Pub. L. 116–92, div. A, title IX, § 958(a)(2), title XVI, § 1601(b)(2), Dec. 20, 2019, 133 Stat. 1567, 1722; Pub. L. 116–283, div. A, title IX, § 924(b)(31), Jan. 1, 2021, 134 Stat. 3825.)

Editorial Notes

AMENDMENTS

2021—Subsec. (d)(3). Pub. L. 116–283 struck out par. (3) which read as follows: “The Commander of the United States Space Command, or, if no such command exists, the Commander of the United States Strategic Command, shall—

“(A) establish and validate capability requirements; and

“(B) recommend priorities as the Commander determines appropriate.”

2019—Subsec. (a). Pub. L. 116–92, § 958(a)(2)(A), substituted “Space Force” for “Air Force Space Command”.

Subsec. (b). Pub. L. 116–92, § 958(a)(2)(B), substituted “Chief of Space Operations” for “Commander of the Air Force Space Command”.

Subsec. (d)(3). Pub. L. 116–92, § 1601(b)(2), substituted “The Commander of the United States Space Command, or, if no such command exists, the Commander of the United States Strategic Command,” for “The Commander of the United States Strategic Command, acting through the United States Space Command.”

2018—Pub. L. 115–232 amended section generally. Prior to amendment, section related to: in subsec. (a) the Space Rapid Capabilities Office, in subsec. (b) the head of the Office, in subsec. (c) the mission of the Office, in subsec. (d) elements of the Department of Defense to be included in the Office, in subsec. (e) acquisition activities of the Office, in subsec. (f) required program elements, and in subsec. (g) establishment of an Executive Committee to provide coordination, oversight, and approval of projects.

2017—Pub. L. 115–91, § 1601(b)(1)(A), substituted “Space Rapid Capabilities” for “Operationally Responsive Space Program” in section catchline.

Subsec. (a). Pub. L. 115–91, § 1601(b)(1)(B), substituted “Air Force Space Command” for “Air Force Space and Missile Systems Center of the Department of Defense” and “Space Rapid Capabilities” for “Operationally Responsive Space Program”.

Subsec. (b). Pub. L. 115–91, § 1601(b)(1)(C), substituted “Air Force Space Command” for “Air Force Space and Missile Systems Center”.

Subsec. (c)(2). Pub. L. 115–91, § 1601(b)(1)(D), substituted “space rapid capabilities” for “operationally responsive space”.

Subsec. (d). Pub. L. 115–91, § 1601(b)(1)(E), substituted “space rapid capabilities” for “operationally responsive space” in introductory provisions and pars. (2) and (3)(A), “space rapid capabilities” for “capabilities for operationally responsive space” in par. (1), and “space rapid capabilities” for “operationally responsive space capabilities” in introductory provisions of par. (4)(B).

Subsec. (f)(1)(A). Pub. L. 115–91, § 1601(b)(1)(D), substituted “space rapid capabilities” for “operationally responsive space”.

Subsec. (g)(1). Pub. L. 115–91, § 1601(b)(1)(F), substituted “Space Rapid Capabilities” for “Operationally Responsive Space”.

2013—Subsec. (a). Pub. L. 112–239, § 914(a), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary of Defense shall establish within the Department of Defense an office to be known as the Operationally Responsive Space Program Office (in this section referred to as the ‘Office’).”

Subsec. (b). Pub. L. 112–239, § 914(b), substituted “shall be the designee of the Department of Defense Executive

Agent for Space. The head of the Office shall report to the Commander of the Air Force Space and Missile Systems Center.” for “shall be—

“(1) the Department of Defense Executive Agent for Space; or

“(2) the designee of the Secretary of Defense, who shall report to the Department of Defense Executive Agent for Space.”

Subsec. (c)(1). Pub. L. 112–239, § 914(c), substituted “launch” for “spacelift”.

Subsec. (e)(1). Pub. L. 112–239, § 914(d), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Department of Defense Executive Agent for Space shall be the senior acquisition executive of the Office.”

Subsec. (g). Pub. L. 112–239, § 914(e), added subsec. (g).

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.

Statutory Notes and Related Subsidiaries

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.—(1) Except as provided by paragraph (2), 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.

(2) Beginning January 1, 2024, the Secretary may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities under paragraph (1) only to the extent that the Secretary determines such actions are necessary to meet 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; Pub. L. 115-232, div. A, title XVI, §1604(a), Aug. 13, 2018, 132 Stat. 2106.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2274, act Aug. 10, 1956, ch. 1041, 70A Stat. 126, which related to procurement for experimental purposes, was repealed by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-232 designated existing provisions as par. (1), substituted “Except as provided by paragraph (2), the Secretary of Defense may” for “The Secretary of Defense may”, and added par. (2).

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”.

Statutory Notes and Related Subsidiaries

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.”

LIMITATION ON AVAILABILITY OF FUNDING FOR JOINT SPACE OPERATIONS CENTER MISSION SYSTEM

Pub. L. 115-91, div. A, title XVI, §1610, Dec. 12, 2017, 131 Stat. 1728, provided that:

“(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for fiscal year 2018 for the Joint Space Operations Center mission system, not more than 75 percent may be obligated or expended

until the date on which the Secretary of the Air Force certifies to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that the Secretary has developed the plan under subsection (b).

“(b) PLAN.—The Secretary shall develop and implement a plan to operationalize existing commercial space situational awareness capabilities to address warfighter requirements, consistent with the best-in-breed concept. Except as provided by subsection (c), the Secretary shall commence such implementation by not later than May 30, 2018.

“(c) WAIVER.—The Secretary may waive the implementation of the plan developed under subsection (b) if the Secretary determines that existing commercial capabilities will not address national security requirements or existing space situational awareness capability gaps. The authority under this subsection may not be delegated below the Deputy Secretary of Defense.”

§ 2275. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs

(a) REPORTS REQUIRED.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on each major satellite acquisition program in accordance with subsection (d) that assesses—

- (1) the integration of the schedules for the acquisition and the delivery of the capabilities of the segments for the program; and
- (2) funding for the program.

(b) ELEMENTS.—Each report required by subsection (a) with respect to a major satellite acquisition program shall include the following:

(1) The amount of funding approved for the program and for each segment of the program that is necessary for full operational capability of the program.

(2) The dates by which the program and each segment of the program is anticipated to reach initial and full operational capability.

(3) A description of the intended primary capabilities and key performance parameters of the program.

(4) An assessment of the extent to which the schedules for the acquisition and the delivery of the capabilities of the segments for the program or any related program referred to in paragraph (1) are integrated.

(5) If the Under Secretary determines pursuant to the assessment under paragraph (4) that the program is a non-integrated program, an identification of—

(A) the impact on the mission of the program of having the delivery of the segment capabilities of the program more than one year apart;

(B) the measures the Under Secretary is taking or is planning to take to improve the integration of the acquisition and delivery schedules of the segment capabilities; and

(C) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.

(c) CONSIDERATION BY MILESTONE DECISION AUTHORITY.—The Milestone Decision Authority shall include the report required by subsection (a) with respect to a major satellite acquisition

program as part of the documentation used to approve the acquisition of the program.

(d) SUBMITTAL OF REPORTS.—(1) In the case of a major satellite acquisition program initiated before January 2, 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program not later than one year after such date of enactment.¹

(2) In the case of a major satellite acquisition program initiated on or after January 2, 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program at the time of the Milestone B approval of the program.

(e) NOTIFICATION TO CONGRESS OF NON-INTEGRATED ACQUISITION AND CAPABILITY DELIVERY SCHEDULES.—If, after submitting the report required by subsection (a) with respect to a major satellite acquisition program, the Under Secretary determines that the program is a non-integrated program, the Under Secretary shall, not later than 30 days after making that determination, submit to the congressional defense committees a report—

(1) notifying the committees of that determination; and

(2) identifying—

(A) the impact on the mission of the program of having the delivery of the segment capabilities of the program more than one year apart;

(B) the measures the Under Secretary is taking or is planning to take to improve the integration of the acquisition and delivery schedules of the segment capabilities; and

(C) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.

(f) ANNUAL UPDATES FOR NON-INTEGRATED PROGRAMS.—

(1) REQUIREMENT.—For each major satellite acquisition program that the Under Secretary has determined under subsection (b)(5) or subsection (e) is a non-integrated program, the Under Secretary shall annually submit to Congress, at the same time the budget of the President for a fiscal year is submitted under section 1105 of title 31, an update to the report required by subsection (a) for such program.

(2) TERMINATION OF REQUIREMENT.—The requirement to submit an annual report update for a program under paragraph (1) shall terminate on the date on which the Under Secretary submits to the congressional defense committees notice that the Under Secretary has determined that such program is no longer a non-integrated program, or on the date that is five years after the date on which the initial report update required under paragraph (1) is submitted, whichever is earlier.

(3) GAO REVIEW OF CERTAIN NON-INTEGRATED PROGRAMS.—If at the time of the termination of the requirement to annually update a report for a program under paragraph (1) the Under Secretary has not provided notice to the congressional defense committees that the Under Secretary has determined that the program is no longer a non-integrated program,

¹ See References in Text note below.