

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, required the Secretary of Defense to develop a strategy to promote the development of space personnel career fields and required reports regarding the strategy to be submitted by the Secretary of Defense and the Comptroller General to Congress in 2004 and 2005.

COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTA-
TION 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.

**§ 2271a. Space Contractor Responsibility Watch
List**

(a) ESTABLISHMENT.—The Assistant Secretary of the Air Force for Space Acquisition and Integration, acting as the service acquisition executive for the Air Force for space systems and programs, shall maintain a list of contractors with a history of poor performance on space procurement contracts.

(b) BASIS FOR INCLUSION ON WATCH LIST.—(1) The Assistant Secretary shall place a contractor, which may consist of the entire contracting entity or a specific division of the contracting entity, on the watch list based on a determination made under paragraph (2).

(2)(A) In considering whether to place a contractor on the watch list, the Assistant Secretary shall determine whether there is evidence of any of the following:

(i) Poor performance on one or more space procurement contracts, or award fee scores below 50 percent.

(ii) Inadequate management, operational or financial controls, or resources.

(iii) Inadequate security controls or resources, including unremediated vulnerabilities arising from foreign ownership, control, or influence.

(iv) Any other failure of controls or performance of a nature so serious or compelling as to

warrant placement of the contractor on the watch list.

(B) If the Assistant Secretary determines, based on evidence described in any of clauses (i) through (iv) of subparagraph (A), that the ability of a contractor to responsibly perform is meaningfully impaired, the Assistant Secretary shall place the contractor on the watch list.

(C) The Assistant Secretary shall establish written policies for the consideration of contractors for placement on the watch list, including policies that require that—

(i) contractors proposed for placement on the watch list shall be provided with notice and an opportunity to respond;

(ii) the basis for a final determination placing a contractor on the watch list shall be documented in writing; and

(iii) at the request of a contractor, the contractor shall be removed from the watch list if the Assistant Secretary determines that there is evidence that the issue resulting in placement on the list has been satisfactorily remediated.

(c) EFFECT OF LISTING.—(1) The Assistant Secretary may not solicit an offer from, award a contract to, consent to a subcontract with, execute a grant, cooperative agreement, or other transaction with, or exercise an option on any space procurement contract with, an entity included on the watch list unless the Assistant Secretary makes a written determination that there is a compelling reason to do so.

(2) Not later than 10 days after the Assistant Secretary makes a determination under paragraph (1), the Assistant Secretary shall notify the congressional defense committees and the Interagency Committee on Debarment and Suspension constituted under sections 4 and 5 of Executive Order 12549 (51 Fed. Reg. 6370; relating to debarment and suspension) of the determination.

(d) LIMITATION ON DELEGATION.—The Assistant Secretary may delegate the authority to make a determination under subsection (b)(2)(B) or subsection (c)(1) only if the following criteria are met:

(1) The delegation is to the suspension and debarment official of the Air Force.

(2) The delegation is made on a case-by-case basis.

(3) Not later than seven days after the date on which such determination is made, the Assistant Secretary notifies the congressional defense committees of the delegation.

(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.

(f) DEFINITIONS.—In this section:

(1) The term “contract” includes a grant, cooperative agreement, or other transaction.

(2) The term “contractor” means any individual or entity that enters into a contract.

(3) The term “watch list” means the watch list maintained under subsection (a).

(Added Pub. L. 118-159, div. A, title XVI, §1601(a), Dec. 23, 2024, 138 Stat. 2157.)

Editorial Notes**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in Pub. L. 115–91, div. A, title XVI, §1612, Dec. 12, 2017, 131 Stat. 1729, which was set out in a note under section 2271 of this title, prior to repeal by Pub. L. 118–159, div. A, title XVI, §1601(b), Dec. 23, 2024, 138 Stat. 2158.

§ 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 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

¹ See Transfer of Functions note below.

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.