

“(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an organization in the Department of Defense to coordinate joint operationally responsive space payload technology, was repealed by Pub.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.”

PROCESS AND PLAN FOR SPACE FORCE SPACE SITUATIONAL AWARENESS

Pub. L. 118-31, div. A, title XVI, §1609, Dec. 22, 2023, 137 Stat. 588, provided that:

“(a) IN GENERAL.—The Assistant Secretary of the Air Force for Space Acquisition and Integration, in consultation with Chief of Space Operations, shall—

“(1) establish a process to regularly identify and evaluate commercial space situational awareness capabilities, including the extent to which commercial space situational awareness data could meet needs of the Space Force with respect to maintaining situational awareness in space; and

“(2) develop and implement a plan to integrate the unified data library into the operational systems of the Space Force, including operational systems for space situational awareness and space command and control missions.

“(b) REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], the Assistant Secretary of the Air Force for Space Acquisition and Integration shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report that includes a description of the process and plan developed under subsection (a).”

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. Repealed. Pub. L. 118-159, div. A, title XVI, § 1603(b), Dec. 23, 2024, 138 Stat. 2160]

Section, added Pub. L. 112-239, div. A, title IX, §911(a), Jan. 2, 2013, 126 Stat. 1870; amended Pub. L. 113-291, div. A, title X, §1071(e)(3), Dec. 19, 2014, 128 Stat. 3509; Pub. L. 116-92, div. A, title IX, §902(29), Dec. 20, 2019, 133 Stat. 1546; Pub. L. 116-283, div. A, title XVIII, §§1845(c)(3), 1846(i)(5), Jan. 1, 2021, 134 Stat. 4247, 4252; Pub. L. 117-263, div. A, title XVI, §1603, Dec. 23, 2022, 136 Stat. 2930; Pub. L. 118-31, div. A, title XVIII, §1801(a)(21), Dec. 22, 2023, 137 Stat. 684, related to reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs. See section 2275c of this title.

A prior section 2275, act Aug. 10, 1956, ch. 1041, 70A Stat. 126, which related to award of contracts and review of decisions, was repealed by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

§ 2275a. Requirements for protection of satellites

(a) ESTABLISHMENT OF REQUIREMENTS.—Before a major satellite acquisition program achieves Milestone A approval, or equivalent, the Chief of Staff of the Space Force, in consultation with the Commander of the United States Space Command, shall establish requirements for the defense and resilience of the satellites under that program against the capabilities of adversaries to target, degrade, or destroy the satellites.

(b) DEFINITIONS.—In this section:

(1) The term “major satellite acquisition program” has the meaning given that term in section 2275 of this title.

(2) The term “Milestone A approval” has the meaning given that term in section 4251 of this title 10.

(Added Pub. L. 117-263, div. A, title XVI, §1601, Dec. 23, 2022, 136 Stat. 2929.)

§ 2275b. Requirements for appropriate classification guidance

(a) IN GENERAL.—Before a space major defense acquisition program achieves Milestone B approval, or equivalent, the milestone decision authority shall determine whether the classification guidance for the program remains appropriate and—

(1) if such guidance is determined to be appropriate, submit to the congressional defense committees a certification of such determination; or

(2) if such guidance is determined to be inappropriate, initiate an update to such guidance.

(b) DEFINITIONS.—In this section:

(1) The term “Milestone B approval” has the meaning given such term in section 4172(e)(7) of this title.

(2) The term “major defense acquisition program” has the meaning given such term in section 4201 of this title.

(3) The term “space major defense acquisition program” means a major defense acquisition program for the acquisition of a satellite, ground system, or command and control system.

(Added Pub. L. 118-31, div. A, title XVI, §1602, Dec. 22, 2023, 137 Stat. 584; amended Pub. L. 118-159, div. A, title XVII, §1701(a)(27), Dec. 23, 2024, 138 Stat. 2204.)