

PUBLIC LAW 108-136—NOV. 24, 2003

NATIONAL DEFENSE AUTHORIZATION ACT  
FOR FISCAL YEAR 2004

(b) GENERAL ACCOUNTING OFFICE REVIEW.—(1) The Comptroller General shall review and assess the space science and technology strategy developed under subsection (a) of section 2272 of title 10, United States Code, as added by subsection (a), and the effectiveness of the coordination process required under subsection (b) of that section.

(2) Not later than September 1, 2004, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings and assessment under paragraph (1).

Deadline.  
Reports.

**SEC. 912. POLICY REGARDING ASSURED ACCESS TO SPACE FOR UNITED STATES NATIONAL SECURITY PAYLOADS.**

(a) IN GENERAL.—(1) Chapter 135 of title 10, United States Code, is amended by adding after section 2272, as added by section 911(a)(1), the following new section:

**“§ 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 Central Intelligence as a national security payload; and

“(2) a robust space launch infrastructure and industrial base.

“(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.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2272, as added by section 911(a)(2), the following new item:

“2273. Policy regarding assured access to space: national security payloads.”

**SEC. 913. PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.**

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding after section 2273, as added by section 912(a), the following new section:

**“§ 2274. Space surveillance network: pilot program for provision of satellite tracking support to entities outside United States Government**

“(a) PILOT PROGRAM.—The Secretary of Defense may carry out a pilot program to determine the feasibility and desirability of

providing to non-United States Government entities space surveillance data support described in subsection (b).

“(b) SPACE SURVEILLANCE DATA SUPPORT.—Under such a pilot program, the Secretary may provide to a non-United States Government entity, subject to an agreement described in subsection (d), the following:

“(1) Satellite tracking services from assets owned or controlled by the Department of Defense, but only if the Secretary determines, in the case of any such agreement, that providing such services to that entity is in the national security interests of the United States.

“(2) Space surveillance data and the analysis of space surveillance data, but only if the Secretary determines, in the case of any such agreement, that providing such data and analysis to that entity is in the national security interests of the United States.

“(c) ELIGIBLE ENTITIES.—Under the pilot program, the Secretary may provide space surveillance data support to non-United States Government entities including the following:

“(1) State governments.

“(2) Governments of political subdivisions of States.

“(3) United States commercial entities.

“(4) Governments of foreign countries.

“(5) Foreign commercial entities.

“(d) REQUIRED AGREEMENT.—The Secretary may not provide space surveillance data support to a non-United States Government entity under the pilot program 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 (e); and

“(2) agrees not to transfer any data or technical information received under the agreement, including the analysis of tracking data, to any other entity without the express approval of the Secretary.

“(e) RULE OF CONSTRUCTION CONCERNING PROVISION OF INTELLIGENCE ASSETS OR DATA.—Nothing in this section shall be considered to authorize the provision of services or information concerning, or derived from, United States intelligence assets or data.

“(f) CHARGES.—(1) As a condition of an agreement under subsection (d), 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 to be necessary to reimburse the Department for the costs of the Department of providing space surveillance data support 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).

“(g) CREDITING OF FUNDS RECEIVED.—Funds received for the provision of space surveillance data support pursuant to an agreement under this section shall be credited to accounts of the Department of Defense that are current when the funds are received and that are available for the same purposes as the accounts originally charged to provide such support. Funds so credited shall merge with and become available for obligation for the same period as the accounts to which they are credited.

“(h) PROCEDURES.—The Secretary shall establish procedures for the conduct of the pilot program. As part of those procedures, the Secretary may allow space surveillance data and analysis of space surveillance data to be provided through a contractor of the Department of Defense.

“(i) DURATION OF PILOT PROGRAM.—The pilot program under this section 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.” Deadline.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2273, as added by section 912(b), the following new item:

“2274. Space surveillance network: pilot program for provision of satellite tracking support to entities outside United States Government.”

**SEC. 914. CONTENT OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.**

(a) REVISED CONTENT.—Paragraph (1) of section 2281(d) of title 10, United States Code, is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C);

(3) by redesignating subparagraph (E) as subparagraph (D) and in that subparagraph striking “Any progress made toward” and inserting “Progress and challenges in”; and

(4) by striking subparagraph (F) and inserting the following:

“(E) Progress and challenges in protecting GPS from jamming, disruption, and interference.

“(F) Progress and challenges in developing the enhanced Global Positioning System required by section 218(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1951; 10 U.S.C. 2281 note).”

(b) CONFORMING AMENDMENT.—Paragraph (2) of such section is amended by inserting “(C),” after “under subparagraphs”.

**SEC. 915. REPORT ON PROCESSES-RELATED SPACE SYSTEMS.**

Not later than March 15, 2004, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report to provide the— Deadline.

(1) the Secretary’s assessment of the role of the United States Strategic Command in planning and requirements development for space systems to support the warfighter;

(2) the Secretary’s assessment of the processes by which space systems capabilities are integrated into training and doctrine of the Armed Forces; and

(3) the Secretary’s recommendations for improvements in the processes identified pursuant to paragraphs (1) and (2).