

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.”

#### 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.

#### INITIAL REPORT

Pub. L. 111-84, div. A, title IX, §911(a)(4), Oct. 28, 2009, 123 Stat. 2429, provided that: “The first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by paragraph (3) of this subsection, shall be submitted on the date on which the President submits to Congress the budget for fiscal year 2012 under section 1105 of title 31, United States Code.”

### § 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; 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.

(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.)

#### 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

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.

#### 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.

#### ROCKET PROPULSION SYSTEM DEVELOPMENT PROGRAM

Pub. L. 113-291, div. A, title XVI, §1604, Dec. 19, 2014, 128 Stat. 3623, provided that:

“(a) **DEVELOPMENT.**—

“(1) **IN GENERAL.**—The Secretary of Defense shall develop a next-generation rocket propulsion system that enables the effective, efficient, and expedient transition from the use of non-allied space launch engines to a domestic alternative for national security space launches.

“(2) **REQUIREMENTS.**—The system developed under paragraph (1) shall—

“(A) be made in the United States;

“(B) meet the requirements of the national security space community;

“(C) be developed by not later than 2019;

“(D) be developed using full and open competition; and

“(E) be available for purchase by all space launch providers of the United States.

“(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act [Dec. 19, 2014], the Secretary shall submit to the appropriate congressional committees a report that includes—

“(1) a plan to carry out the development of the rocket propulsion system under subsection (a), including an analysis of the benefits of using public-private partnerships;

“(2) the requirements of the program to develop such system; and

“(3) the estimated cost of such system.

“(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means the following:

“(1) The congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives].

“(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”

### § 2273a. Operationally Responsive Space Program Office

(a) **IN GENERAL.**—There is within the Air Force Space and Missile Systems Center of the Department of Defense a joint program office known as the Operationally Responsive Space Program Office (in this section referred to as the “Office”). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.

(b) **HEAD OF OFFICE.**—The head of the Office 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.

(c) **MISSION.**—The mission of the Office shall be—

(1) to contribute to the development of low-cost, rapid reaction payloads, busses, launch, and launch control capabilities in order to fulfill joint military operational requirements for on-demand space support and reconstitution; and

(2) to coordinate and execute operationally responsive space efforts across the Department of Defense with respect to planning, acquisition, and operations.

(d) **ELEMENTS.**—The Secretary of Defense shall select the elements of the Department of De-

fense to be included in the Office so as to contribute to the development of capabilities for operationally responsive space and to achieve a balanced representation of the military departments in the Office to ensure proper acknowledgment of joint considerations in the activities of the Office, except that the Office shall include the following:

- (1) A science and technology element that shall pursue innovative approaches to the development of capabilities for operationally responsive space through basic and applied research focused on (but not limited to) payloads, bus, and launch equipment.
  - (2) An acquisition element that shall undertake the acquisition of systems necessary to integrate, sustain, and launch assets for operationally responsive space.
  - (3) An operations element that shall—
    - (A) sustain and maintain assets for operationally responsive space prior to launch;
    - (B) integrate and launch such assets; and
    - (C) operate such assets in orbit.
  - (4) A combatant command support element that shall serve as the primary intermediary between the military departments and the combatant commands in order to—
    - (A) ascertain the needs of the commanders of the combatant commands; and
    - (B) integrate operationally responsive space capabilities into—
      - (i) operations plans of the combatant commands;
      - (ii) techniques, tactics, and procedures of the military departments; and
      - (iii) military exercises, demonstrations, and war games.
  - (5) Such other elements as the Secretary of Defense may consider necessary.
- (e) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:
- (1) The Program Executive Officer for Space shall be the Acquisition Executive of the Office and shall provide streamlined acquisition authorities for projects of the Office.
  - (2) The Joint Capabilities Integration and Development System process shall not apply to acquisitions by the Office for operational experimentation.
  - (3) The commander of the United States Strategic Command, or the designee of the commander, shall—
    - (A) validate all system requirements for systems to be acquired by the Office; and
    - (B) participate in the approval of any acquisition program initiated by the Office.
  - (4) To the maximum extent practicable, the procurement unit cost of a launch vehicle procured by the Office for launch to low earth orbit should not exceed \$20,000,000 (in constant dollars).
  - (5) To the maximum extent practicable, the procurement unit cost of an integrated satellite procured by the Office should not exceed \$40,000,000 (in constant dollars).
- (f) REQUIRED PROGRAM ELEMENT.—(1) The Secretary of Defense shall ensure that, within budget program elements for space programs of the Department of Defense, that—

(A) there is a separate, dedicated program element for operationally responsive space;

(B) to the extent applicable, relevant program elements should be consolidated into the program element required by subparagraph (A); and

(C) the Office executes its responsibilities through this program element.

(2) The Office shall manage the program element required by paragraph (1)(A).

(g) EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall establish for the Office an Executive Committee (to be known as the “Operationally Responsive Space Executive Committee”) to provide coordination, oversight, and approval of projects of the Office.

(2) The Executive Committee shall consist of the officials (and their duties) as follows:

(A) The Department of Defense Executive Agent for Space, who shall serve as Chair of the Executive Committee and provide oversight, prioritization, coordination, and resources for the Office.

(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall provide coordination and oversight of the Office and recommend funding sources for programs of the Office that exceed the approved program baseline.

(C) The Commander of the United States Strategic Command, who shall validate requirements for systems to be acquired by the Office and participate in approval of any acquisition program initiated by the Office.

(D) The Commander of the Air Force Space Command, the Commander of the Army Space and Missile Defense Command, and the Commander of the Space and Naval Warfare Systems Command, who shall jointly organize, train, and equip forces to support the acquisition programs of the Office.

(E) Such other officials (and their duties) as the Secretary of Defense considers appropriate.

(Added Pub. L. 108-375, div. A, title IX, §913(a)(1), Oct. 28, 2004, 118 Stat. 2028; amended Pub. L. 109-364, div. A, title IX, §913(b)(1), Oct. 17, 2006, 120 Stat. 2355; Pub. L. 112-239, div. A, title IX, §914, Jan. 2, 2013, 126 Stat. 1876.)

#### AMENDMENTS

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.

#### 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.**—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.

(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 in-

formation 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.