

XVI, §1606(a), Nov. 25, 2015, 129 Stat. 1099; Pub. L. 114-328, div. A, title XVI, §1603, Dec. 23, 2016, 130 Stat. 2582, 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) STREAMLINED ACQUISITION.—In developing the rocket propulsion system required under subsection (a), the Secretary shall—

“(1) use a streamlined acquisition approach, including tailored documentation and review processes, 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; and

“(2) prior to establishing such acquisition approach, establish well-defined requirements with a clear acquisition strategy.

“(d) USE OF FUNDS UNDER DEVELOPMENT PROGRAM.—

“(1) DEVELOPMENT OF ROCKET PROPULSION SYSTEM.—The funds described in paragraph (2)—

“(A) may be obligated or expended for—

“(i) the development of the rocket propulsion system to replace non-allied space launch engines pursuant to subsection (a); and

“(ii) the necessary interfaces to, or integration of, the rocket propulsion system with an existing or new launch vehicle; and

“(B) except as provided by paragraph (3), may not be obligated or expended to develop or procure a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.

“(2) FUNDS DESCRIBED.—The funds described in this paragraph are the following:

“(A) Funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 [Pub. L. 114-328, see Tables for classification] or otherwise made available for fiscal year 2017 for the Department of Defense for the development of the rocket propulsion system under subsection (a).

“(B) Funds authorized to be appropriated by this Act [see Tables for classification] or the National Defense Authorization Act for Fiscal Year 2016 [Pub. L. 114-92, see Tables for classification] or otherwise made available for fiscal years 2015 or 2016 for the Department of Defense for the development of the rocket propulsion system under subsection (a) that are unobligated as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 [Dec. 23, 2016].

“(3) OTHER PURPOSES.—The Secretary may obligate or expend not more than a total of the amount calculated under paragraph (4) of the funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise

made available for fiscal year 2017 for the rocket propulsion system and launch system investment for activities not authorized by paragraph (1)(A), including for developing a launch vehicle, an upper stage, a strap-on motor, or related infrastructure. The Secretary may exceed such limit calculated under paragraph (4) in fiscal year 2017 for such purposes if—

“(A) the Secretary certifies to the appropriate congressional committees that, as of the date of the certification—

“(i) the development of the rocket propulsion system is being carried out pursuant to paragraph (1)(A) in a manner that ensures that the rocket propulsion system will meet each requirement under subsection (a)(2); and

“(ii) such obligation or expenditure will not negatively affect the development of the rocket propulsion system, including with respect to meeting such requirements; and

“(B) the reprogramming or transfer is carried out in accordance with established procedures for reprogramming or transfers, including with respect to presenting a request for a reprogramming of funds.

“(4) CALCULATION OF AMOUNTS FOR OTHER PURPOSES.—In carrying out paragraph (3), the Secretary shall calculate the amount of the funds specified in such paragraph as follows:

“(A) If the total amount of funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment is equal to or less than \$320,000,000, such amount shall equal 31 percent.

“(B) If the total amount of funds that are authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2017 or otherwise made available for fiscal year 2017 for the rocket propulsion system and launch system investment is greater than \$320,000,000, such amount shall equal the difference of—

“(i) the amount of funds so authorized to be appropriated, minus

“(ii) \$220,000,000.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees [Committees on Armed Services and Appropriations] of the Senate and the House of Representatives; and

“(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(2) The term ‘rocket propulsion system’ means, with respect to the development authorized by subsection (a), a main booster, first-stage rocket engine or motor. The term does not include a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.”

### § 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 Defense 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 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.