

“(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. Space Rapid Capabilities Office

(a) IN GENERAL.—There is within the Space Force a program office known as the Space Rapid Capabilities 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 Secretary of the Air Force. The head of the Office shall report to the Chief of Space Operations.

(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;

(2) to coordinate and execute space rapid capabilities efforts across the Department of Defense with respect to planning, acquisition, and operations; and

(3) to rapidly develop and field new classified space capabilities.

(d) ACQUISITION AUTHORITY.—The acquisition activities of the Office shall be subject to the following:

(1) The Secretary of the Air Force shall designate the acquisition executive of the Office

who 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.

(e) **REQUIRED PROGRAM ELEMENT.**—(1) The Secretary of the Air Force shall ensure, within budget program elements for space programs, that—

(A) there are separate, dedicated unclassified and classified program elements for space rapid capabilities; and

(B) the Office executes the responsibilities of the Office through such program elements.

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

(f) **BOARD OF DIRECTORS.**—The Secretary of the Air Force shall establish for the Office a Board of Directors (to be known as the “Space Rapid Capabilities Board of Directors”) to provide coordination, oversight, and approval of projects of the Office.

(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; Pub. L. 115-91, div. A, title XVI, §1601(b)(1), Dec. 12, 2017, 131 Stat. 1720; Pub. L. 115-232, div. A, title XVI, §1602, Aug. 13, 2018, 132 Stat. 2104; Pub. L. 116-92, div. A, title IX, §958(a)(2), title XVI, §1601(b)(2), Dec. 20, 2019, 133 Stat. 1567, 1722; Pub. L. 116-283, div. A, title IX, §924(b)(31), Jan. 1, 2021, 134 Stat. 3825.)

Editorial Notes

AMENDMENTS

2021—Subsec. (d)(3). Pub. L. 116-283 struck out par. (3) which read as follows: “The Commander of the United States Space Command, or, if no such command exists, the Commander of the United States Strategic Command, shall—

“(A) establish and validate capability requirements; and

“(B) recommend priorities as the Commander determines appropriate.”

2019—Subsec. (a). Pub. L. 116-92, §958(a)(2)(A), substituted “Space Force” for “Air Force Space Command”.

Subsec. (b). Pub. L. 116-92, §958(a)(2)(B), substituted “Chief of Space Operations” for “Commander of the Air Force Space Command”.

Subsec. (d)(3). Pub. L. 116-92, §1601(b)(2), substituted “The Commander of the United States Space Command, or, if no such command exists, the Commander of the United States Strategic Command,” for “The Commander of the United States Strategic Command, acting through the United States Space Command.”

2018—Pub. L. 115-232 amended section generally. Prior to amendment, section related to: in subsec. (a) the Space Rapid Capabilities Office, in subsec. (b) the head of the Office, in subsec. (c) the mission of the Office, in subsec. (d) elements of the Department of Defense to be included in the Office, in subsec. (e) acquisition activities of the Office, in subsec. (f) required program elements, and in subsec. (g) establishment of an Executive Committee to provide coordination, oversight, and approval of projects.

2017—Pub. L. 115-91, §1601(b)(1)(A), substituted “Space Rapid Capabilities” for “Operationally Responsive Space Program” in section catchline.

Subsec. (a). Pub. L. 115-91, §1601(b)(1)(B), substituted “Air Force Space Command” for “Air Force Space and

Missile Systems Center of the Department of Defense” and “Space Rapid Capabilities” for “Operationally Responsive Space Program”.

Subsec. (b). Pub. L. 115-91, §1601(b)(1)(C), substituted “Air Force Space Command” for “Air Force Space and Missile Systems Center”.

Subsec. (c)(2). Pub. L. 115-91, §1601(b)(1)(D), substituted “space rapid capabilities” for “operationally responsive space”.

Subsec. (d). Pub. L. 115-91, §1601(b)(1)(E), substituted “space rapid capabilities” for “operationally responsive space” in introductory provisions and pars. (2) and (3)(A), “space rapid capabilities” for “capabilities for operationally responsive space” in par. (1), and “space rapid capabilities” for “operationally responsive space capabilities” in introductory provisions of par. (4)(B).

Subsec. (f)(1)(A). Pub. L. 115-91, §1601(b)(1)(D), substituted “space rapid capabilities” for “operationally responsive space”.

Subsec. (g)(1). Pub. L. 115-91, §1601(b)(1)(F), substituted “Space Rapid Capabilities” for “Operationally Responsive Space”.

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.

Statutory Notes and Related Subsidiaries

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.**—(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