

Editorial Notes

AMENDMENTS

2024—Pub. L. 118–159 struck out period at end of section catchline.

§ 2275c. Space Force satellite ground systems

(a) **REQUIREMENT.**—The Assistant Secretary of the Air Force for Space Acquisitions and Integration, acting as the service acquisition executive for the Air Force for space systems and programs, may not authorize a launch associated with a Space Force satellite acquisition program unless—

(1) the associated ground systems and modifications are completed and ready for operation at the time of the launch; and

(2) the applicable satellite capabilities may be used on completion of the launch.

(b) **WAIVER.**—(1) The Secretary of the Air Force may waive the requirement under subsection (a) if the Secretary determines that such waiver is necessary for reasons of national security.

(2) Not later than 10 days after making a waiver under paragraph (1), the Secretary shall notify the congressional defense committees of such waiver.

(Added Pub. L. 118–159, div. A, title XVI, §1603(a), Dec. 23, 2024, 138 Stat. 2160.)

Editorial Notes

PRIOR PROVISIONS

Provisions requiring reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs were contained in section 2275 of this title, prior to repeal by Pub. L. 118–159, div. A, title XVI, §1603(b), Dec. 23, 2024, 138 Stat. 2160.

§ 2276. Commercial space launch cooperation

(a) **AUTHORITY.**—The Secretary of Defense may take such actions as the Secretary considers to be in the best interest of the Federal Government to—

(1) maximize the use of the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States;

(2) maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense;

(3) reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities;

(4) encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department of Defense; and

(5) foster cooperation between the Department of Defense and covered entities.

(b) **AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.**—The Secretary of Defense—

(1) may enter into an agreement with a covered entity to provide the covered entity with

support and services related to the space transportation infrastructure of the Department of Defense; and

(2) upon the request of such covered entity, may include such support and services in the space launch and reentry range support requirements of the Department of Defense if—

(A) the Secretary determines that the inclusion of such support and services in such requirements—

(i) is in the best interest of the Federal Government;

(ii) does not interfere with the requirements of the Department of Defense; and

(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

(B) any commercial requirement included in the agreement has full non-Federal funding before the execution of the agreement.

(c) **CONTRIBUTIONS.**—

(1) **IN GENERAL.**—The Secretary of Defense may enter into an agreement with a covered entity on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

(2) **USE OF CONTRIBUTIONS.**—Any funds, services, or equipment accepted by the Secretary under this subsection—

(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the agreement entered into under this subsection; and

(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

(3) **REQUIREMENTS WITH RESPECT TO AGREEMENTS.**—An agreement entered into with a covered entity under this subsection—

(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the agreement; and

(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other agreement with the United States.

(d) **DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a special account to be known as the “Defense Cooperation Space Launch Account”.

(2) **CREDITING OF FUNDS.**—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

(3) **USE OF FUNDS.**—Funds deposited in the Defense Cooperation Space Launch Account under paragraph (2) are authorized to be appropriated and shall be available for obligation only to the extent provided in advance in an appropriation Act for costs incurred by the Department of Defense in carrying out subsection (b). Funds in the Account shall remain available until expended.

[(e) Repealed. Pub. L. 115–232, div. A, title VIII, §813(a)(2), Aug. 13, 2018, 132 Stat. 1851.]

(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

(g) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term “covered entity” means a non-Federal entity that—

(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

(B) is engaged in commercial space activities.

(2) LAUNCH SUPPORT FACILITIES.—The term “launch support facilities” has the meaning given the term in section 50501(7) of title 51.

(3) SPACE RECOVERY SUPPORT FACILITIES.—The term “space recovery support facilities” has the meaning given the term in section 50501(11) of title 51.

(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term “space transportation infrastructure” has the meaning given that term in section 50501(12) of title 51.

(Added Pub. L. 112-239, div. A, title IX, §912(a), Jan. 2, 2013, 126 Stat. 1872; amended Pub. L. 115-232, div. A, title VIII, §813(a)(2), Aug. 13, 2018, 132 Stat. 1851.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2276, acts Aug. 10, 1956, ch. 1041, 70A Stat. 126; Sept. 7, 1962, Pub. L. 87-651, title I, §131, 76 Stat. 514, which related to inspection and audit of plants and books of contractors and provided criminal penalties for violations, was repealed by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

AMENDMENTS

2018—Subsec. (e). Pub. L. 115-232 struck out subsec. (e). Text read as follows: “Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the preceding fiscal year.”

Statutory Notes and Related Subsidiaries

PLAN TO IMPROVE THREAT-SHARING ARRANGEMENTS WITH COMMERCIAL SPACE OPERATORS

Pub. L. 118-31, div. A, title XVI, §1610, Dec. 22, 2023, 137 Stat. 589, provided that:

“(a) PLAN FOR THREAT SHARING WITH COMMERCIAL SPACE OPERATORS.—The Assistant Secretary of the Air Force for Space Acquisition and Integration, in consultation with the Commander of the United States Space Command, shall develop and implement a plan to expand threat-sharing arrangements with commercial space operators that are under contract with the Department of Defense as of the date of the enactment of this Act [Dec. 22, 2023].

“(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of the Air Force for Space Acquisition and Integration, in coordination with the Commander of the United States Space Command, shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the plan required under subsection (a).”

NATIONAL SECURITY SPACE LAUNCH PROGRAM

Pub. L. 118-159, div. A, title XVI, §1605(b), (c), Dec. 23, 2024, 138 Stat. 2161, provided that:

“(b) NOTIFICATION OF CHANGES IN PHASE THREE ACQUISITION STRATEGY.—Not later than seven days before implementing any modification to the final phase three acquisition strategy under the National Security Space Launch program, the Assistant Secretary of the Air Force for Space Acquisition and Integration shall submit to the appropriate congressional committees notice of the proposed modification together with an explanation of the reasons for such modification.

“(c) 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 congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

“(2) The term ‘final phase three acquisition strategy’ means the acquisition strategy for phase three of the National Security Space Launch program, as approved by the Assistant Secretary of the Air Force for Space Acquisition and Integration on March 4, 2024.

“(3) The term ‘phase three’ has the meaning given that term in section 1601(e) of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 118-71 [probably should be 117-81]; 10 U.S.C. 2276 note) [set out below].”

Pub. L. 117-81, div. A, title XVI, §1601(b), (c), (e), Dec. 27, 2021, 135 Stat. 2073-2075, as amended by Pub. L. 118-159, div. A, title XVI, §1605(a), Dec. 23, 2024, 138 Stat. 2161, provided that:

“(b) POLICY.—With respect to entering into contracts for launch services during the period beginning on the date of the enactment of this Act [Dec. 27, 2021] and ending September 30, 2029, it shall be the policy of the Department of Defense and the National Reconnaissance Office to—

“(1) use the National Security Space Launch program to the extent practical to procure launch services only from launch service providers that can meet Federal requirements with respect to delivering required payloads to reference orbits covered under the requirements of phase two; and

“(2) maximize continuous competition for launch services as the Space Force initiates planning for phase three, specifically for those technology areas that are unique to existing and emerging national security requirements.

“(c) NOTIFICATION.—If the Secretary of Defense or the Director of the National Reconnaissance Office determines that a program requiring launch services that could be met using the National Security Space Launch program will instead use an alternative launch procurement approach, not later than seven days after the date of such determination, the Secretary of Defense or, as appropriate, the Director of National Intelligence, shall submit to the appropriate congressional committees—

“(1) a notification of such determination;

“(2) a certification that the alternative launch procurement approach is in the national security interest of the United States; and

“(3) an outline of the cost analysis and any other rationale for such determination.

“(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 ‘phase three’ means, with respect to the National Security Space Launch program, launch missions ordered under the program after fiscal year 2024.

“(3) The term ‘phase two’ means, with respect to the National Security Space Launch program, launch

missions ordered under the program during fiscal years 2020 through 2024.”

§ 2276a. Special authority for provision of space launch support services to increase space launch capacity

(a) **IN GENERAL.**—The Secretary of a military department may support Federal and commercial space launch capacity on any domestic real property under the control of the Secretary through the provision of space launch support services.

(b) **PROVISION OF LAUNCH EQUIPMENT AND SERVICES TO COMMERCIAL ENTITIES.**—

(1) **CONTRACT OR OTHER TRANSACTION AUTHORITY.**—The Secretary of a military department may enter into a contract or other transaction with one or more commercial entities that intend to conduct space launch activities on a military installation under the jurisdiction of the Secretary. Under such a contract or agreement, the Secretary may agree to provide to the commercial entity supplies, services, equipment, and construction needed for commercial space launch.

(2) **COSTS.**—

(A) **DIRECT COSTS.**—If the Secretary of a military department enters into a contract or other transaction with a commercial entity under paragraph (1), such contract or transaction shall include a provision that requires the commercial entity to reimburse the Department of Defense for all direct costs to the United States that are associated with any good, service, or equipment provided to the commercial entity under the contract or other transaction.

(B) **INDIRECT COSTS.**—If the Secretary of a military department enters into a contract or other transaction with a commercial entity under paragraph (1), such contract or transaction may include a provision that requires the commercial entity to reimburse the Department of Defense for such indirect costs as the Secretary considers to be appropriate. In such a case, such contract or other transaction may provide for the reimbursement of such indirect costs through the establishment of a rate, fixed price, or similar mechanism the Secretary concerned determines is reasonable.

(3) **RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.**—Any amount collected from a commercial entity as a reimbursement under paragraph (2) shall be credited to the appropriations account from which the cost for which such reimbursement is provided was derived.

(4) **REGULATIONS.**—The Secretary of each of the military departments shall prescribe regulations to carry out this subsection.

(c) **DEFINITIONS.**—In this section:

(1) **SPACE LAUNCH.**—The term “space launch” includes all activities, supplies, equipment, facilities, or services supporting launch preparation, launch, reentry, recovery, and other launch-related activities for both the payload and the space transportation vehicle.

(2) **COMMERCIAL ENTITY.**—The term “commercial entity” or “commercial” means a

non-Federal entity organized under the laws of the United States or of any jurisdiction within the United States.

(d) **TRANSITION LIMITATIONS AND REPORTING REQUIREMENTS.**—For each of fiscal years 2024, 2025, and 2026, the Secretary of a military department shall—

(1) with respect to any contract or other transaction authority entered into pursuant to subsection (b), limit the amount of the indirect costs that are reimbursable under paragraph (2)(B) of such subsection to not more than 30 percent, not to exceed \$5,000,000 annually (based on fiscal year 2024 constant dollars), of the total amount of the direct costs reimbursable under paragraph (2)(A) of such subsection; and

(2) not later than 90 days after the last day of each such fiscal year, provide for each of the congressional defense committees a briefing that includes—

(A) an identification of the total amounts of direct and indirect costs reimbursed to each spaceport for the fiscal year covered by the report;

(B) a description of the support provided by reimbursed indirect costs for the fiscal year covered by the report; and

(C) an identification of the rate, fixed price, or similar mechanism, if any, used to calculate the amount of the indirect costs that are reimbursable for the fiscal year following the fiscal year covered by the report.

(Added Pub. L. 118-31, div. A, title XVI, §1603, Dec. 22, 2023, 137 Stat. 584.)

§ 2277. Disclosure of National Security Space Launch program contract pricing terms

(a) **IN GENERAL.**—With respect to any contract awarded by the Secretary of the Air Force for the launch of a national security payload under the National Security Space Launch program, not later than 30 days after entering into such a contract, the Secretary shall submit to the congressional defense committees a description of the pricing terms of the contract. For those contracts that include the launch of assets of the National Reconnaissance Office, the Secretary shall also submit the pricing terms to the congressional intelligence committees (as defined by section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(b) **COMPETITIVELY SENSITIVE TRADE SECRET DATA.**—The congressional defense committees and the congressional intelligence committees shall—

(1) treat a description of pricing terms submitted under subsection (a) as competitively sensitive trade secret data; and

(2) use the description solely for committee purposes, subject to appropriate restrictions to maintain the confidentiality of the description.

(c) **RULE OF CONSTRUCTION.**—For purposes of section 1905 of title 18, a disclosure of contract pricing terms under subsection (a) shall be construed as a disclosure authorized by law.

(Added Pub. L. 117-81, div. A, title XVI, §1601(a)(1), Dec. 27, 2021, 135 Stat. 2073.)