

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.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 2277, added Pub. L. 112-239, div. A, title IX, §913(c)(1), Jan. 2, 2013, 126 Stat. 1875, related to report on foreign counter-space programs, prior to repeal by Pub. L. 115-91, div. A, title X, §1051(a)(13)(A), Dec. 12, 2017, 131 Stat. 1561.

Another prior section 2277, act Aug. 10, 1956, ch. 1041, 70A Stat. 127, related to availability of appropriations, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

§ 2278. Notification of foreign interference of national security space

(a) NOTICE REQUIRED.—(1) Except as provided by paragraph (2), the Commander of the United States Space Command shall, with respect to each intentional attempt by a foreign actor to disrupt, degrade, or destroy a United States critical national security space capability, provide to the appropriate congressional committees—

(A) not later than 48 hours after the Commander determines that there is reason to believe such attempt occurred, notice of such attempt; and

(B) not later than 10 days after the date on which the Commander determines that there is reason to believe such attempt occurred, a notification described in subsection (b) with respect to such attempt.

(2) With respect to intentional attempts by a foreign actor to disrupt, degrade, or destroy a United States critical national security space capability that are continuous or repetitive in nature, the Commander shall—

(A) provide the notice and notification regarding the first attempt by such foreign actor in accordance with paragraph (1); and

(B) during the period in which such foreign actor continues or repeats such attempts, provide to the appropriate congressional committees a consolidated monthly notice and notification of such attempts by not later than the tenth day of each month following the month in which the first notice under paragraph (1) was provided.

(b) NOTIFICATION DESCRIPTION.—A notification described in this subsection is a written notification that includes—

(1) the name and a brief description of the national security space capability that was impacted by an attempt by a foreign actor to disrupt, degrade, or destroy a United States national security space capability;

(2) a description of such attempt, including the foreign actor, the date and time of such attempt, and any related capability outage and the mission impact of such outage; and

(3) any other information the Commander considers relevant.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) With respect to a notice or notification relating to an attempt by a foreign actor to disrupt, degrade, or destroy a capability that is intelligence-related, the Permanent Select Committee on Intelligence of the House

of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “United States critical national security space capability” means a national security space capability of the United States provided by an asset on the critical asset list established by the Commander of the United States Space Command pursuant to Department of Defense Directive 3020.40, Department of Defense Instruction 3020.45, Joint Publication 3-01 of the Joint Chiefs of Staff, or such other relevant requirements of the Department of Defense.

(Added Pub. L. 113-66, div. A, title IX, §911(a), Dec. 26, 2013, 127 Stat. 823; amended Pub. L. 116-283, div. A, title XVI, §1604(d), Jan. 1, 2021, 134 Stat. 4044; Pub. L. 118-159, div. A, title XVI, §1604, Dec. 23, 2024, 138 Stat. 2160.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 2278, act Aug. 10, 1956, ch. 1041, 70A Stat. 127, related to purchases of sample aircraft, prior to repeal by Pub. L. 103-160, div. A, title VIII, §821(a)(1), Nov. 30, 1993, 107 Stat. 1704.

AMENDMENTS

2024—Subsec. (a). Pub. L. 118-159, §1604(1), designated introductory provisions as par. (1), substituted “Except as provided by paragraph (2), the Commander of the United States Space Command” for “The Commander of the United States Space Command”, inserted “critical” before “national security space capability”, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

Subsec. (c). Pub. L. 118-159, §1604(2), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “In this section, the term ‘appropriate congressional committees’ means—

“(1) the congressional defense committees; and

“(2) with respect to a notice or notification related to an attempt by a foreign actor to disrupt, degrade, or destroy a United States national security space capability that is intelligence-related, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”

2021—Subsec. (a). Pub. L. 116-283 substituted “Space Command” for “Strategic Command”.

§ 2279. Foreign commercial satellite services and foreign launches

(a) PROHIBITION.—Except as provided in subsection (c), the Secretary of Defense may not enter into a contract for satellite services with a foreign entity if the Secretary reasonably believes that—

(1) the foreign entity is an entity in which the government of a covered foreign country has an ownership interest that enables that government to affect satellite operations;

(2) the foreign entity plans to or is expected to provide satellite services under the contract from a covered foreign country; or

(3) entering into such contract would create an unacceptable cybersecurity risk for the Department of Defense.

(b) LAUNCHES AND MANUFACTURERS.—

(1) LIMITATION.—In addition to the prohibition in subsection (a), and except as provided in paragraph (2) and in subsection (c), the Sec-