

**§ 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) **ANNUAL REPORT.**—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.

(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.)

**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.

**§ 2277. Report on foreign counter-space programs**

(a) **REPORT REQUIRED.**—Not later than January 1 of each year, the Secretary of Defense and the

Director of National Intelligence shall jointly submit to Congress a report on the counter-space programs of foreign countries.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) an explanation of whether any foreign country has a counter-space program that could be a threat to the national security or commercial space systems of the United States; and

(2) the name of each country with a counter-space program described in paragraph (1).

(c) FORM.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each report required under subsection (a) shall be submitted in unclassified form.

(2) CLASSIFIED ANNEX.—The Secretary of Defense and the Director of National Intelligence may submit to the covered congressional committees a classified annex to a report required under subsection (a) containing any classified information required to be submitted for such report.

(3) FOREIGN COUNTRY NAMES.—

(A) UNCLASSIFIED FORM.—Subject to subparagraph (B), each report required under subsection (a) shall include the information required under subsection (b)(2) in unclassified form.

(B) NATIONAL SECURITY WAIVER.—The Secretary of Defense and the Director of National Intelligence may waive the requirement under subparagraph (A) if the Secretary and the Director of National Intelligence jointly determine it is in the interests of national security to waive such requirement and submits to Congress an explanation of why the Secretary and the Director waived such requirement.

(d) COVERED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “covered congressional committees” means the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(Added Pub. L. 112-239, div. A, title IX, §913(c)(1), Jan. 2, 2013, 126 Stat. 1875.)

#### PRIOR PROVISIONS

A 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.—The Commander of the United States Strategic Command shall, with respect to each intentional attempt by a foreign actor to disrupt, degrade, or destroy a United States national security space capability, provide to the appropriate congressional committees—

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

(2) 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.

(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) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—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.

(Added Pub. L. 113-66, div. A, title IX, §911(a), Dec. 26, 2013, 127 Stat. 823.)

#### 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.

### § 2279. Foreign commercial satellite services

(a) PROHIBITION.—Except as provided in subsection (b), 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; or

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

(b) NOTICE AND EXCEPTION.—The prohibition in subsection (a) shall not apply to a contract if—

(1) the Secretary determines it is in the national security of the United States to enter into such contract; and

(2) not later than 7 days before entering into such contract, the Secretary, in consultation with the Director of National Intelligence, submits to the congressional defense committees a national security assessment for such contract that includes the following:

(A) The projected period of performance (including any period covered by options to extend the contract), the financial terms,