

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[(e) Repealed.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

NATIONAL SECURITY SPACE LAUNCH PROGRAM

Pub. L. 117-81, div. A, title XVI, §1601(b), (c), (e), Dec. 27, 2021, 135 Stat. 2073-2075, 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, 2024, 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 phase two contracts 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.”

§ 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.**—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 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 at-

tempt, 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; amended Pub. L. 116-283, div. A, title XVI, § 1604(d), Jan. 1, 2021, 134 Stat. 4044.)

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

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 Secretary may not enter into a contract for satellite services with any entity if the Secretary reasonably believes that such satellite services will be provided using satellites that will be—

(A) designed or manufactured in a covered foreign country, or by an entity controlled in whole or in part by, or acting on behalf of, the government of a covered foreign country; or

(B) launched using a launch vehicle that is designed or manufactured in a covered foreign country, or that is provided by the government of a covered foreign country or by an entity controlled in whole or in part by,