

ALERT

Trump Administration Refocuses on Space in New Executive Order

December 22, 2025

WHAT: On December 18, 2025, President Trump issued an Executive Order (EO), “Ensuring American Space Superiority,” that seeks to establish “a space policy that will extend the reach of human discovery, secure the Nation’s vital economic and security interests, unleash commercial development, and lay the foundation for a new space age.” Among other things, the EO directs NASA and the Department of Commerce to undertake acquisition reforms emphasizing commercial solutions and streamlined contracting, establishes core priorities and milestones, directs the Secretary of Commerce to coordinate spectrum leadership efforts, and requires NASA and the State Department to ensure that international civil space cooperation arrangements support the Administration’s policy priorities. It also shifts U.S. policy away from free access models for space situational awareness (SSA) data and basic Space Traffic Management (STM) services, effectively disbands the National Space Council, and elevates the role of the White House Office of Science and Technology Policy as a space policy coordinator.

WHEN: The EO includes various deadlines for the submission of reports and plans, ranging from 60-180 days. Relevant here, within **120 days** of the EO’s release (April 17, 2026), the Secretary of Commerce must complete a spectrum leadership review, including “opportunities for reapportioning and sharing spectrum;” and NASA must review its international civil space cooperation arrangements to ensure alignment with the EO’s priorities, “including by initiating new arrangements and modifying or terminating existing arrangements where appropriate;” and within **180 days** (June 16, 2026), NASA and Commerce must reform their space acquisition processes to address and incorporate the EO’s policies.

Authors

Shiva Goel
Partner
202.719.4538
sgoel@wiley.law
Henry Gola
Partner
202.719.7561
hgola@wiley.law
Jennifer D. Hindin
Partner
202.719.4975
jhindin@wiley.law
Kara M. Sacilotto
Partner
202.719.7107
ksacilotto@wiley.law
Gary S. Ward
Partner
202.719.7571
gward@wiley.law
Jonathan C. Clark
Associate
202.719.4731
jcclark@wiley.law

Practice Areas

Government Contracts
Space and Satellite

WHAT IT MEANS FOR INDUSTRY: The EO continues the Trump Administration's push to eliminate regulatory burdens, streamline federal procurement, and encourage the use of nontraditional contracting methods. It reaffirms the Trump Administration's focus on American space exploration, and the government's increasing reliance on commercial space companies and technologies. And it signals potential policy shifts related to spectrum and international agreements related to space and changes in the "front door" for space matters within the Executive Office of the President.

Space Acquisition Reform

The Administration's space policies are relatively modest next steps towards achieving the headline-catching policy goals of returning Americans to the Moon by 2028, establishing initial elements of a permanent lunar outpost (and lunar nuclear reactor) by 2030, and identifying a commercial pathway to replace the International Space Station (all of which have been in progress for many years). For example, the EO notes that the Trump Administration is seeking to enable commercial launch services and prioritize lunar exploration (goals that NASA has been working towards since the early 2000s). The EO also explains that it seeks to create "a responsive and adaptive national security space architecture by accelerating acquisition reform, integrating commercial space capabilities, and enabling new market entrants," again, something that the Air Force and Space Force have been working towards in defense acquisitions since the Space Force's creation in late 2019.

In pursuit of these goals, the EO directs NASA and Commerce to reform their space acquisition processes to include "a first preference for commercial solutions and a general preference for Other Transactions Authority or Space Act Agreements, customary commercial terms, or any other pathways to promote effective or streamlined acquisitions." This directive is consistent with the Administration's broader acquisition agenda, including Executive Order 14271, "Ensuring Commercial, Cost-Effective Solutions in Federal Contracts," and other recent orders establishing similar preferences for commercial solutions and non-traditional contracting vehicles. The emphasis on OTAs, Space Act Agreements, and "customary commercial terms" signals the Administration's continued shift away from traditional FAR-based procurements toward contracting arrangements more typical of the commercial marketplace. That said, the preference for commercial items has existed since the passage of FASA in 1994, and NASA has had authority to award OTAs since 1958, so whether this results in NASA or Commerce awarding substantially more commercial contracts (or OTAs) remains to be seen. Space companies seeking to work with the government should also consider whether "customary commercial terms," which may lack some of the clauses and guarantees typically provided to government contractors, ensure adequate protection for the unique risks of space-related contracts.

Under the EO, NASA and Commerce are also required to conduct "a detailed review of each functional support role within the agency's Federal and contract workforce, to eliminate unnecessary tasks, reduce duplication, and accelerate decision-making." This requirement mirrors other efforts spearheaded by the Trump Administration (including its increased use of RIFs) in the name of improved efficiency and streamlining federal contracting. The EO further directs Commerce to strengthen its capabilities "for conducting space acquisition and sustainment activities in a manner that supports collaboration with, but does not require acquisition assistance from, NASA," while NASA must align "space-focused acquisition and procurement

processes across NASA centers and activities to improve efficiency.” The scope of these reforms remains to be seen. At a minimum, the requirement for NASA and Commerce to review and propose changes to their space-related acquisition processes should create opportunities for space companies, non-traditional contractors, and other interested parties to weigh in on space-related contracting inefficiencies they believe should be eliminated.

Spectrum and International Cooperation

Beyond acquisition reform, the EO reflects the Administration’s interest in leveraging U.S. allies and partners “through increased space security spending, operational cooperation, basing agreements, and ally and partner investments in America’s space industrial base.” It also prioritizes “enabling the sustainability of space operations through effective and responsible approaches to space traffic management; orbital debris mitigation and remediation; and terrestrial and cislunar positioning, navigation, and timing,” with a goal of establishing the United States “as the standards and services leader in these areas.” And it seeks to “demonstrat[e] spectrum leadership across space applications to promote United States technology competitiveness, spectrum management efficiency, and global market access.”

The EO directs the Secretary of Commerce to coordinate with relevant agencies to “assert spectrum leadership,” including by “considering opportunities for reapportioning and sharing spectrum.” NASA must also review its international civil space cooperation arrangements to ensure alignment with the EO’s priorities, “including by initiating new arrangements and modifying or terminating existing arrangements where appropriate.”

The EO’s call for spectrum leadership arrives at a critical moment as satellite operators, terrestrial network operators, novel space activity providers, and emerging government missions all seek to secure sufficient access to accommodate their growing connectivity needs. At the same time, the FCC continues to review spectrum sharing rules affecting satellite and other space-based services and collaborate with Commerce on coordinating commercial and federal spectrum use. The emerging market for direct-to-device (D2D) capabilities has added further complexity and a race to secure global access to spectrum suitable for the efficient delivery of these services. The EO’s directive to “consider opportunities for reapportioning and sharing spectrum” suggests the Administration may seek to accelerate and deconflict access for satellite operators and other emerging space-based missions.

Internationally, spectrum allocation is governed by the International Telecommunication Union (ITU), a UN specialized agency that administers the Radio Regulations, an international treaty to which the U.S. is a signatory. The ITU’s World Radiocommunication Conference (WRC), held every four years, sets global spectrum policy. The EO’s emphasis on “global market access” signals that U.S. positions at WRC-27 may prioritize the competitiveness of American satellite constellations in international markets. Companies with spectrum-dependent business models should be prepared to engage with Commerce and other relevant agencies as these policies take shape.

Finally, the EO's emphasis on "orbital debris mitigation and remediation" could create opportunities for companies developing active debris removal technologies, satellite servicing capabilities, and SSA/STM services. Notably, the EO rescinds portions of President Trump's Space Policy Directive-3 committing to free access models for SSA data and basic STM services, indicating a potential effort to drive commercial market development for these capabilities.

Wiley's Government Contracts and Space Law Practices will continue to monitor these developments and update government contractors, non-traditional contractors, and space and satellite companies as NASA, Commerce, State, and other relevant agencies move forward with implementing these policies.

To stay informed on all the Executive Orders and announcements from the Trump Administration, please visit our dedicated resource center below.

Trump Administration Resource Center