

- missile defense capabilities.
5535. Development of requirements to support integrated air and missile defense capabilities.
5536. Testing and assessment of missile defense systems prior to production and deployment.
5537. Limitation on Missile Defense Agency production of satellites and ground systems associated with operation of such satellites.

SUBCHAPTER IV—MISSILE DEFENSE INFORMATION

5551. Prohibitions relating to missile defense information and systems.
5552. Biannual briefing on missile defense and related activities.
5553. Provision of information on flight testing of ground-based midcourse national missile defense system.

SUBCHAPTER I—ORGANIZATION

§ 5501. National missile defense policy

It is the policy of the United States—

- (1) to research, develop, test, procure, deploy, and sustain, with funding subject to the annual authorization of appropriations for National Missile Defense, systems that provide effective, layered missile defense capabilities to defeat increasingly complex missile threats in all phases of flight; and
- (2) to rely on nuclear deterrence to address more sophisticated and larger quantity near-peer intercontinental missile threats to the homeland of the United States.

(Added Pub. L. 118–159, div. A, title XVI, § 1649(a), Dec. 23, 2024, 138 Stat. 2187.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 114–328, div. A, title XVI, § 1681(a), Dec. 23, 2016, 130 Stat. 2623, as amended by Pub. L. 116–92, div. A, title XVI, § 1681(a), Dec. 20, 2019, 133 Stat. 1781; Pub. L. 118–31, div. A, title XVI, § 1663, Dec. 22, 2023, 137 Stat. 603, which was set out in a note under section 4205 of this title, prior to repeal by Pub. L. 118–159, div. A, title XVI, § 1649(b)(3), Dec. 23, 2024, 138 Stat. 2199.

Statutory Notes and Related Subsidiaries

CONGRESSIONAL NOTIFICATION REQUIREMENT WITH RESPECT TO INCIDENTS THAT AFFECT AVAILABILITY OF UNITED STATES HOMELAND MISSILE DEFENSES

Pub. L. 118–159, div. A, title XVI, § 1646, Dec. 23, 2024, 138 Stat. 2185, provided that:

“(a) REQUIREMENT.—If the Secretary of Defense determines that an incident has affected the availability of the ground-based midcourse defense system, or has impeded the function of such system, in a manner that inhibits the capability of such system to adequately respond to the operational mission of such system as required by the Commander of the United States Northern Command, the Secretary shall submit to the appropriate Members of Congress a notification of such incident by not later than 24 hours after the Secretary makes such determination.

“(b) APPROPRIATE MEMBERS OF CONGRESS DEFINED.—In this section, the term ‘appropriate Members of Congress’ means each chair and ranking member of the congressional defense committees [Committees on

Armed Services and Appropriations of the Senate and the House of Representatives].”

DESIGNATION OF A SENIOR DEFENSE OFFICIAL RESPONSIBLE FOR ESTABLISHMENT OF NATIONAL INTEGRATED AIR AND MISSILE DEFENSE ARCHITECTURE FOR THE UNITED STATES

Pub. L. 118–159, div. A, title XVI, § 1655, Dec. 23, 2024, 138 Stat. 2202, provided that:

“(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2024], the Secretary of Defense shall designate a senior official of the Department of Defense who shall be responsible, subject to appropriations, for the establishment of a national integrated air and missile defense architecture for the United States.

“(b) DUTIES.—The duties of the official designated under subsection (a) shall include the following:

“(1) Designing the national integrated air and missile defense architecture for the United States.

“(2) Overseeing development of an integrated missile defense acquisition strategy for the United States.

“(3) Evaluating the budget requests of each military department and Defense Agency to ensure such budget requests are sufficient to enable the development of such defense architecture.

“(4) Siting the integrated missile defense systems comprising such defense architecture.

“(5) Overseeing long-term acquisition and sustainment of such defense architecture.

“(6) Such other duties as the Secretary determines appropriate.

“(c) TERMINATION.—The authority of this section shall terminate on the date that is 90 days after the date on which the official designated under subsection (a) determines that the national integrated air and missile defense architecture for the United States has achieved initial operational capability.”

§ 5502. Missile defense agency¹

(a) APPOINTMENT OF DIRECTOR.—The Director of the Missile Defense Agency shall be a general or flag officer appointed for a six-year term.

(b) DEPUTY DIRECTOR.—(1) There is a Deputy Director of the Missile Defense Agency, who shall be appointed by the Secretary of Defense from among the general officers on active duty in the Army, Air Force, Marine Corps, or Space Force, or from among the flag officers on active duty in the Navy. In selecting an individual to serve as the Deputy Director, the Secretary of Defense shall select an individual who serves in a different armed force than the armed force in which the Director serves.

(2) The Deputy Director shall be appointed for a term of not fewer than two, and not more than four years.

(3) The Deputy Director shall be under the authority, direction, and control of the Director of the Missile Defense Agency.

(4) The Deputy Director shall—

(A) carry out such responsibilities as may be assigned by the Director; and

(B) serve as acting director during periods of absence by the Director, or at such times as the office of the Director is vacant.

(c) NOTIFICATION OF CHANGES TO NON-STANDARD ACQUISITION AND REQUIREMENTS PROCESSES AND RESPONSIBILITIES.—(1) The Secretary of Defense may not make any changes to the missile de-

¹ So in original. Probably should be capitalized as “Missile Defense Agency”.