

§ 5515. Missile defense and defeat programs: major force program and budget assessment

(a) ESTABLISHMENT OF MAJOR FORCE PROGRAM.—The Secretary of Defense shall establish a unified major force program for missile defense and defeat programs pursuant to section 222(b) of this title to prioritize missile defense and defeat programs in accordance with the requirements of the Department of Defense and national security.

(b) BUDGET ASSESSMENT.—(1) The Secretary shall include with the defense budget materials for each of fiscal years 2019 through 2030 a report on the budget for missile defense and defeat programs of the Department of Defense.

(2) Each report on the budget for missile defense and defeat programs of the Department under paragraph (1) shall include the following:

(A) An overview of the budget, including—

(i) a comparison between that budget, the previous budget, the most recent and prior future-years defense program submitted to Congress under section 221 of this title (such comparison shall exclude the responsibility for research and development of the continuing improvement of such missile defense and defeat program), and the amounts appropriated for such missile defense and defeat programs during the previous fiscal year; and

(ii) the specific identification, as a budgetary line item, for the funding under such programs.

(B) An assessment of the budget, including significant changes, priorities, challenges, and risks.

(C) Any additional matters the Secretary determines appropriate.

(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term “budget”, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

(2) The term “defense budget materials”, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(3) The term “missile defense and defeat programs” means active and passive ballistic missile defense programs, cruise missile defense programs for the homeland, and missile defeat programs.

(Added Pub. L. 118–159, div. A, title XVI, § 1649(a), Dec. 23, 2024, 138 Stat. 2193.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 239a of this title prior to repeal by Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199.

SUBCHAPTER III—MISSILE DEFENSE CAPABILITIES

§ 5531. Technical authority for integrated air and missile defense activities and programs

(a) IN GENERAL.—The Director of the Missile Defense Agency is the technical authority of the Department of Defense for integrated air and missile defense activities and programs, including joint engineering and integration efforts for such activities and programs, including with respect to defining and controlling the interfaces of such activities and programs and the allocation of technical requirements for such activities and programs.

(b) DETAILEES.—(1) In carrying out the technical authority under paragraph (1),¹ the Director may seek to have staff detailed to the Missile Defense Agency from the Joint Functional Component Command for Integrated Missile Defense and the Joint Integrated Air and Missile Defense Organization in a number the Director determines necessary in accordance with subparagraph (B).²

(2) In detailing staff under subparagraph (A)³ to carry out the technical authority under paragraph (1),¹ the total number of staff, including detailees, of the Missile Defense Agency who carry out such authority may not exceed the number that is twice the number of such staff carrying out such authority as of January 1, 2016.

(Added Pub. L. 118–159, div. A, title XVI, § 1649(a), Dec. 23, 2024, 138 Stat. 2194.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 114–328, div. A, title XVI, § 1686(a), Dec. 23, 2016, 130 Stat. 2628, 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)(4), Dec. 23, 2024, 138 Stat. 2199.

§ 5532. Hypersonic defense capability development

(a) EXECUTIVE AGENT.—The Director of the Missile Defense Agency shall serve as the executive agent for the Department of Defense for the development of a capability by the United States to counter hypersonic boost-glide vehicle capabilities and conventional prompt strike capabilities that may be employed against the United States, the allies of the United States, and the deployed forces of the United States.

(b) DUTIES.—In carrying out subsection (a), the Director shall—

(1) develop architectures for a hypersonic defense capability, from detecting threats to intercepting such threats, that—

(A) involves systems of the military departments and the Defense Agencies; and

(B) includes both kinetic and nonkinetic options for such interception; and

(2) not later than September 30, 2017, establish a program of record to develop a hypersonic defense capability.

¹ So in original. Probably should be “subsection (a).”

² So in original. Probably should be “paragraph (2).”

³ So in original. Probably should be “paragraph (1).”

(Added Pub. L. 118–159, div. A, title XVI, § 1649(a), Dec. 23, 2024, 138 Stat. 2194.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 114–328, div. A, title XVI, § 1687, Dec. 23, 2016, 130 Stat. 2629, 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)(5), Dec. 23, 2024, 138 Stat. 2199.

§ 5533. Required testing of ground-based midcourse defense element of ballistic missile defense system

(a) TESTING REQUIRED.—Except as provided in subsection (c), not less frequently than once each fiscal year, the Director of the Missile Defense Agency shall administer a flight test of the ground-based midcourse defense element of the ballistic missile defense system. Beginning not later than five years after the date on which the next generation interceptor achieves initial operational capability, the Director shall ensure that such flight tests include the next generation interceptor.

(b) REQUIREMENTS.—The Director shall ensure that each test carried out under subsection (a) provides for one or more of the following:

- (1) The validation of technical improvements made to increase system performance and reliability.
- (2) The evaluation of the operational effectiveness of the ground-based midcourse defense element of the ballistic missile defense system.
- (3) The use of threat-representative targets and critical engagement conditions, including the use of threat-representative countermeasures.
- (4) The evaluation of new configurations of interceptors before they are fielded.
- (5) The satisfaction of the “fly before buy” acquisition approach for new interceptor components or software.
- (6) The evaluation of the interoperability of the ground-based midcourse defense element with other elements of the ballistic missile defense systems.

(c) EXCEPTIONS.—The Director may forgo a test under subsection (a) in a fiscal year under one or more of the following conditions:

- (1) Such a test would jeopardize national security.
- (2) Insufficient time considerations between post-test analysis and subsequent pre-test design.
- (3) Insufficient funding.
- (4) An interceptor is unavailable.
- (5) A target is unavailable or is insufficiently representative of threats.
- (6) The test range or necessary test assets are unavailable.
- (7) Inclement weather.
- (8) Any other condition the Director considers appropriate.

(d) CERTIFICATION.—Not later than 45 days after forgoing a test for a condition or conditions under subsection (c)(8), the Under Sec-

retary of Defense for Research and Engineering shall submit to the congressional defense committees a certification setting forth the condition or conditions that caused the test to be forgone under such subsection.

(e) REPORT.—Not later than 45 days after forgoing a test for any condition specified in subsection (c), the Director shall submit to the congressional defense committees a report setting forth the rationale for forgoing the test and a plan to restore an intercept flight test in the Integrated Master Test Plan of the Missile Defense Agency. In the case of a test forgone for a condition or conditions under subsection (c)(8), the report required by this subsection is in addition to the certification required by subsection (d).

(Added Pub. L. 118–159, div. A, title XVI, § 1649(a), Dec. 23, 2024, 138 Stat. 2195.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 114–328, div. A, title XVI, § 1689, Dec. 23, 2016, 130 Stat. 2631, as amended by Pub. L. 116–92, div. A, title IX, § 902(97), title XVI, § 1684, Dec. 20, 2019, 133 Stat. 1555, 1783; Pub. L. 117–81, div. A, title XVI, § 1668(d), Dec. 27, 2021, 135 Stat. 2107, 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)(6), Dec. 23, 2024, 138 Stat. 2199.

§ 5534. Integration and interoperability of air and missile defense capabilities

(a) INTEROPERABILITY OF MISSILE DEFENSE SYSTEMS.—The Vice Chairman of the Joint Chiefs of Staff and the chairman of the Missile Defense Executive Board (pursuant to section 1681(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), acting through the Missile Defense Executive Board, shall ensure the interoperability and integration of the covered air and missile defense capabilities of the United States, including by carrying out operational testing.

(b) ANNUAL DEMONSTRATION.—(1) Except as provided by paragraph (2), the Director of the Missile Defense Agency and the Secretary of the Army shall jointly ensure that not less than one intercept or flight test is carried out each year that demonstrates interoperability and integration among the covered air and missile defense capabilities of the United States.

(2) The Director and the Secretary may waive the requirement in paragraph (1) with respect to an intercept or flight test carried out during the year covered by the waiver if the chairman of the Missile Defense Executive Board—

- (A) determines that such waiver is necessary for such year; and
- (B) submits to the congressional defense committees notification of such waiver, including an explanation for how such waiver will not negatively affect demonstrating the interoperability and integration among the covered air and missile defense capabilities of the United States.

(c) DEFINITION OF COVERED AIR AND MISSILE DEFENSE CAPABILITIES.—In this section, the term “covered air and missile defense capabilities” means Patriot air and missile defense bat-