

(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-