

teries and associated interceptors and systems, Aegis ships and associated ballistic missile interceptors (including Aegis Ashore capability), AN/TPY-2 radars, or terminal high altitude area defense batteries and interceptors.

(Added Pub. L. 118-159, div. A, title XVI, § 1649(a), Dec. 23, 2024, 138 Stat. 2196.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 1681(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, referred to in subsec. (a), is section 1681(c) of Pub. L. 115-232, div. A, title XVI, Aug. 13, 2018, 132 Stat. 2161, which is not classified to the Code.

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 114-92, div. A, title XVI, § 1675, Nov. 25, 2015, 129 Stat. 1131, as amended by Pub. L. 116-92, div. A, title IX, § 902(69), Dec. 20, 2019, 133 Stat. 1551; Pub. L. 116-283, div. A, title X, § 1081(f)(3), Jan. 1, 2021, 134 Stat. 3875, 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)(7), Dec. 23, 2024, 138 Stat. 2199.

#### § 5535. Development of requirements to support integrated air and missile defense capabilities

(a) IN GENERAL.—Consistent with the memorandum of the Chairman of the Joint Chiefs of Staff of January 27, 2014, regarding joint integrated air and missile defense, the Vice Chairman of the Joint Chiefs of Staff shall oversee the development of warfighter requirements for persistent and survivable capabilities to detect, identify, determine the status, track, and support engagement of strategically important mobile or relocatable assets in all phases of conflict in order to achieve the objective of preventing the effective employment of such assets, including through offensive actions against such assets prior to their use.

(b) PURPOSE OF REQUIREMENTS.—The requirements developed pursuant to subsection (a) shall be used and updated, as appropriate, for the purpose of informing applicable acquisition programs and systems-of-systems architecture planning that are funded through the Military Intelligence Program, the National Intelligence Program, and non-intelligence programs.

(c) SUPPORTING ACTIVITIES.—The Vice Chairman shall also oversee the development of the enabling framework for intelligence support for integrated air and missile defense, including concepts for the integrated operation of multiple systems, and, as appropriate, the development of requirements for capabilities to be acquired to achieve such integrated operations.

(Added Pub. L. 118-159, div. A, title XVI, § 1649(a), Dec. 23, 2024, 138 Stat. 2196.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 114-92, div. A, title XVI, § 1687, Nov. 25, 2015, 129 Stat. 1143, 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)(8), Dec. 23, 2024, 138 Stat. 2199.

#### § 5536. Testing and assessment of missile defense systems prior to production and deployment

(a) SUCCESSFUL TESTING REQUIRED PRIOR TO FINAL PRODUCTION OR OPERATIONAL DEPLOYMENT.—The Secretary of Defense may not make a final production decision for, or operationally deploy, a covered system unless—

(1) the Secretary ensures that—

(A) sufficient and operationally realistic testing of the covered system is conducted to assess the performance of the covered system in order to inform a final production decision or an operational deployment decision; and

(B) the results of such testing have demonstrated a high probability that the covered system—

(i) will work in an operationally effective manner; and

(ii) has the ability to accomplish the intended mission of the covered system; and

(2) the Director of Operational Test and Evaluation has carried out subsection (b) with respect to such covered system.

(b) ASSESSMENT BY DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—The Director of Operational Test and Evaluation shall—

(1) provide to the Secretary the assessment of the Director, based on the available test data, of the sufficiency, adequacy, and results of the testing of each covered system, including an assessment of whether the covered system will be sufficiently effective, suitable, and survivable when needed; and

(2) submit to the congressional defense committees a written summary of such assessment.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, modify, or otherwise affect a determination of the Secretary with respect to the participation of the Missile Defense Agency in the Joint Capabilities Integration Development System or the acquisition reporting process under the Department of Defense Directive 5000 series, or to diminish the authority of the Secretary of Defense to deploy a missile defense system at the date on which the Secretary determines appropriate.

(d) COVERED SYSTEM.—In this section, the term “covered system” means a new or substantially upgraded interceptor or weapon system of the ballistic missile defense system.

(Added Pub. L. 118-159, div. A, title XVI, § 1649(a), Dec. 23, 2024, 138 Stat. 2197.)

#### Editorial Notes

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in Pub. L. 113-291, div. A, title XVI, § 1662, Dec. 19, 2014, 128 Stat. 3657, as amended by Pub. L. 115-91, div. A, title XVI, § 1677(b), Dec. 12, 2017, 131 Stat. 1774, 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)(9), Dec. 23, 2024, 138 Stat. 2199.

#### § 5537. Limitation on Missile Defense Agency production of satellites and ground systems associated with operation of such satellites

(a) PRODUCTION OF SATELLITES AND GROUND SYSTEMS.—The Director of the Missile Defense