

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

Agency may not authorize or obligate funding for a program of record for the production of satellites or ground systems associated with the operation of such satellites.

(b) **PROTOTYPE SATELLITES.**—(1) The Director, with the concurrence of the Space Acquisition Council established by section 9021 of this title, may authorize the production of one or more prototype satellites, consistent with the requirements of the Missile Defense Agency.

(2) Not later than 30 days after the date on which the Space Acquisition Council concurs with the Director with respect to authorizing the production of a prototype satellite under paragraph (1), the chair of the Council shall submit to the congressional defense committees a report explaining the reasons for such concurrence.

(3) The Director may not obligate funds for the production of a prototype satellite under paragraph (1) before the date on which the Space Acquisition Council submits the report for such prototype satellite under paragraph (2).

(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. 117–81, div. A, title XVI, § 1662(a), Dec. 27, 2021, 135 Stat. 2103, which was set out in a note under section 4022 of this title, prior to repeal by Pub. L. 118–159, div. A, title XVI, § 1649(b)(2), Dec. 23, 2024, 138 Stat. 2199.

SUBCHAPTER IV—MISSILE DEFENSE INFORMATION

§ 5551. Prohibitions relating to missile defense information and systems

(a) **CERTAIN “HIT-TO-KILL” TECHNOLOGY AND TELEMETRY DATA.**—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be used to provide the Russian Federation or the People’s Republic of China with “hit-to-kill” technology and telemetry data for missile defense interceptors or target vehicles.

(b) **OTHER SENSITIVE MISSILE DEFENSE INFORMATION.**—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be used to provide the Russian Federation or the People’s Republic of China with—

- (1) information relating to velocity at burn-out of missile defense interceptors or targets of the United States; or
- (2) classified or otherwise controlled missile defense information.

(c) **EXCEPTION.**—The prohibitions in subsections (a) and (b) shall not apply to the United States providing to the Russian Federation or the People’s Republic of China information regarding ballistic missile early warning.

(d) **INTEGRATION.**—None of the funds authorized to be appropriated or otherwise made available for any fiscal year for the Department of Defense may be obligated or expended to integrate a missile defense system of the Russian Federation or a missile defense system of the

People’s Republic of China into any missile defense system of the United States.

(Added and amended Pub. L. 118–159, div. A, title XVI, §§ 1641, 1649(a), Dec. 23, 2024, 138 Stat. 2182, 2198.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 130h of this title prior to repeal by Pub. L. 118–159, div. A, title XVI, § 1649(b)(1), Dec. 23, 2024, 138 Stat. 2199.

AMENDMENTS

2024—Subsec. (a). Pub. L. 118–159, § 1641(1), inserted “or the People’s Republic of China” after “the Russian Federation”.

Subsec. (b). Pub. L. 118–159, § 1641(2), inserted “or the People’s Republic of China” after “the Russian Federation” in introductory provisions.

Subsec. (c). Pub. L. 118–159, § 1641(3), inserted “or the People’s Republic of China” after “the Russian Federation”.

Statutory Notes and Related Subsidiaries

CERTIFICATION REQUIRED FOR RUSSIA AND CHINA TO TOUR CERTAIN MISSILE DEFENSE SITES

Pub. L. 117–81, div. A, title XVI, § 1667, Dec. 27, 2021, 135 Stat. 2106, provided that:

“(a) **CERTIFICATION.**—Before the Secretary of Defense makes a determination with respect to allowing a foreign national of Russia or China to tour a covered site, the Secretary shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a certification that—

“(1) the Secretary has determined that such tour is in the national security interest of the United States, including the justifications for such determination; and

“(2) the Secretary will not share any technical data relating to the covered site with the foreign nationals.

“(b) **TIMING.**—The Secretary may not conduct a tour described in subsection (a) until a period of 45 days has elapsed following the date on which the Secretary submits the certification for that tour under such subsection.

“(c) **CONSTRUCTION WITH OTHER REQUIREMENTS.**—Nothing in this section shall be construed to supersede or otherwise affect [former] section 130h of title 10, United States Code [see 10 U.S.C. 5551].

“(d) **COVERED SITE.**—In this section, the term ‘covered site’ means any of the following:

“(1) The combat information center of a naval ship equipped with the Aegis ballistic missile defense system.

“(2) An Aegis Ashore site.

“(3) A terminal high altitude area defense battery.

“(4) A ground-based midcourse defense interceptor silo.”

§ 5552. Biannual briefing on missile defense and related activities

(a) **IN GENERAL.**—On or about June 1 and December 1 of each year, the officials specified in subsection (b) shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on matters relating to missile defense policies, operations, technology development, and other similar topics as requested by such committees.

(b) **OFFICIALS SPECIFIED.**—The officials specified in this subsection are the following: