

“(a) DEMONSTRATIONS AND TESTS REQUIRED.—Not later than 270 days after the date of the enactment of this Act [Dec. 23, 2022], the Director of the Air Force Rapid Capabilities Office, in coordination with the Air Force Life Cycle Management Center, shall select one or more qualified entities under competitive processes to conduct demonstrations and tests of commercial electronics technology to determine whether technology currently exists that could enable the following electromagnetic warfare capabilities:

“(1) The operation of multiple emitters and receivers in the same frequency at the same time and in the same location without mutual interference and without using adaptive beam forming or nulling.

“(2) Protecting the reception of Global Positioning System and other vulnerable low-power signals from multiple high-power jammers at a level that is significantly better than the protection afforded by controlled reception pattern antennas.

“(3) Simultaneous transmission from and reception of separate signals on the same platform wherein the signals lie in the same frequency and are transmitted and received at the same time without interference.

“(4) Capabilities similar those described in paragraphs (1) through (3) in a live, virtual constructive simulation environment.

“(5) Other capabilities that might satisfy or support needs set forth in the Electromagnetic Spectrum Superiority Strategy Implementation Plan released on August 5, 2021.

“(b) OVERSIGHT OF TESTS.—The Director of Operational Test and Evaluation shall—

“(1) provide oversight of the demonstrations and tests required by subsection (a);

“(2) review other applicable government or commercial demonstrations and tests; and

“(3) not later than 30 days after the completion of the demonstrations and tests under subsection (a), advise the Chief Information Officer of the Department of Defense, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment of the outcomes of the demonstrations and tests.

“(c) OUTCOME-BASED ACTIONS REQUIRED.—If the Director of Operational Test and Evaluation and the Director of the Air Force Rapid Capabilities Office affirm that the demonstrations and tests under subsection (a) confirm that certain commercial electronics technology could enable one or more of the capabilities described in such subsection—

“(1) not later than 45 days after the conclusion of the tests under subsection (a), the Director of the Air Force Rapid Capabilities Office and the Director of Operational Test and Evaluation shall jointly provide to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a briefing on the outcomes of the tests;

“(2) the Director of the Air Force Rapid Capabilities Office may begin engineering form, fit, and function development and integration to incorporate technologies demonstrated and tested under subsection (a) into specific Department of Defense platforms and applications; and

“(3) not later than 90 days after the conclusion of the tests under subsection (a), the Director of the Air Force Rapid Capabilities Office, the Chief Information Officer, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment shall jointly provide to the congressional defense committees a briefing on any plans of the Department of Defense to further develop and deploy the technologies demonstrated and tested under subsection (a) to support the Electromagnetic Spectrum Superiority Strategy Implementation Plan released on August 5, 2021.

“(d) COMPETITIVENESS REQUIREMENTS.—A decision to commit, obligate, or expend funds for the purposes outlined in this section shall be based on merit-based selection procedures in accordance with the requirements

of sections 3201(e) and 4024 of title 10, United States Code, or on competitive procedures.

“(e) COMMERCIAL ELECTRONICS TECHNOLOGY DEFINED.—The term ‘commercial electronics technology’ means electronics technology that is—

“(1) a commercial component (as defined in section 102 of title 41, United States Code);

“(2) a commercial product (as defined in section 103 such title);

“(3) a commercial service (as defined in section 103a of such title); or

“(4) a commercially available off-the-shelf item (as defined in section 104 of such title).”

§ 9531. Commercial Augmentation Space Reserve.¹

(a) PROGRAM.—The Secretary may carry out a program to be known as the “Commercial Augmentation Space Reserve” program. Under the program, the Secretary may include in a contract for the procurement of space products or services one or more provisions under which a qualified contractor agrees to provide additional space products or services to the Department of Defense on an as-needed basis under circumstances determined by the Secretary.

(b) SECURITY MEASURES.—In carrying out the program under subsection (a), the Secretary—

(1) shall ensure that each contract under, and qualified contractor participating in, the program complies with applicable security measures, including any security measures required under the National Industrial Security program (or any successor to such program); and

(2) may establish and implement such additional security measures as the Secretary determines appropriate to protect the national security interests of the United States.

(c) COMMITMENT OF SPACE PRODUCTS OR SERVICES AS A BUSINESS FACTOR.—In determining the quantity of business to be received under a space product or services contract pursuant to subsection (a), the Secretary may use as a factor the relative amount of space product or service committed to the program under subsection (a) by the qualified contractor involved.

(d) DEFINITIONS.—In this section:

(1) The term “citizen of the United States” means—

(A) an individual who is a citizen of the United States;

(B) a partnership each of whose partners is an individual who is a citizen of the United States; or

(C) a corporation or association organized under the laws of the United States or a State, the District of Columbia, or a territory or possession of the United States.

(2) The term “qualified contractor” means a contractor that is a citizen of the United States.

(3) The term “Secretary” means the Secretary of Defense.

(4) The term “space products or services” means commercial products and commercial services (as those terms are defined in section 2.101 of the Federal Acquisition Regulation) and noncommercial products and noncommer-

¹ So in original. The period probably should not appear.

cial services offered by commercial companies that operate to, through, or from space, including any required terrestrial ground, support, and network systems and associated services that can be used to support military functions and missions.

(Added Pub. L. 118-159, div. A, title XVI, §1602(a), Dec. 23, 2024, 138 Stat. 2158.)

Editorial Notes

PRIOR PROVISIONS

A prior section 9531, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, authorized Secretary of the Air Force to procure aircraft and equipment and facilities necessary for the maintenance and operation of the Air Force, prior to repeal by Pub. L. 103-160, div. A, title VIII, §823(2), Nov. 30, 1993, 107 Stat. 1707.

§ 9532. Factories, arsenals, and depots: manufacture at

The Secretary of the Air Force may have supplies needed for the Department of the Air Force made in factories, arsenals, or depots owned by the United States, so far as those factories, arsenals, or depots can make those supplies on an economical basis.

(Aug. 10, 1956, ch. 1041, 70A Stat. 576.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9532	5:626-2(e).	Sept. 19, 1951, ch. 407, §101(e), 65 Stat. 327.

The word “made” is substituted for the words “manufactured or produced”. The words “United States” are substituted for the word “Government”.

[§§ 9534, 9535. Repealed. Pub. L. 103-160, div. A, title VIII, §823(4), (5), Nov. 30, 1993, 107 Stat. 1707]

Section 9534, act Aug. 10, 1956, ch. 1041, 70A Stat. 576, related to provisions in contracts for subsistence supplies.

Section 9535, act Aug. 10, 1956, ch. 1041, 70A Stat. 576, related to purchases without advertising of exceptional subsistence supplies.

§ 9536. Equipment: bakeries, schools, kitchens, and mess halls

Money necessary for the following items for the use of enlisted members of the Air Force or the Space Force may be spent from appropriations for regular supplies:

- (1) Equipment for air base bakeries.
- (2) Furniture, textbooks, paper, and equipment for air base schools.
- (3) Tableware and mess furniture for kitchens and mess halls.

(Aug. 10, 1956, ch. 1041, 70A Stat. 576; Pub. L. 116-283, div. A, title IX, §923(e)(1), Jan. 1, 2021, 134 Stat. 3816.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9536	10:1334.	June 13, 1890, ch. 423 (1st proviso under “Quartermaster’s Department”), 26 Stat. 152.

The words “Money necessary * * * may be spent” are substituted for the words “There may be expended * * * the amounts required”. The word “bakeries” is substituted for the words “bake house to carry on post bakeries”. The words “each and all” are omitted as surplusage.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 inserted “or the Space Force” after “the Air Force” in introductory provisions.

[§§ 9537, 9538. Repealed. Pub. L. 103-160, div. A, title VIII, §823(6), (7), Nov. 30, 1993, 107 Stat. 1707]

Section 9537, acts Aug. 10, 1956, ch. 1041, 70A Stat. 576; Nov. 2, 1966, Pub. L. 89-718, §8(a), 80 Stat. 1117; Dec. 12, 1980, Pub. L. 96-513, title V, §514(13), 94 Stat. 2936, related to assistance of United States mapping agencies in making and developing military surveys and maps.

Section 9538, acts Aug. 10, 1956, ch. 1041, 70A Stat. 576; Dec. 12, 1980, Pub. L. 96-513, title V, §514(14), 94 Stat. 2936, related to exchange and reclamation of unserviceable ammunition by Secretary of the Air Force.

§ 9540. Architectural and engineering services

(a) Whenever he considers that it is advantageous to the national defense and that existing facilities of the Department of the Air Force are inadequate, the Secretary of the Air Force may, by contract or otherwise, employ the architectural or engineering services of any person outside that Department for producing and delivering designs, plans, drawings, and specifications needed for any public works or utilities project of the Department.

(b) The fee for any service under this section may not be more than 10 percent of the estimated cost, as determined by the Secretary, of the project to which it applies.

(c) Sections 305, 3324, and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5 do not apply to employment under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 577; Pub. L. 89-718, §28, Nov. 2, 1966, 80 Stat. 1119; Pub. L. 95-454, title VII, §703(c)(3), title VIII, §801(a)(3)(I), Oct. 13, 1978, 92 Stat. 1217, 1222; Pub. L. 96-513, title V, §514(15), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 118-31, div. B, title XXVIII, §2881(c), Dec. 22, 2023, 137 Stat. 780.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9540(a)	5:221 (1st sentence, less last 15 words).	Aug. 7, 1939, ch. 511, §2, 53 Stat. 1240.
9540(b)	5:221 (less 1st sentence).	
9540(c)	5:221 (last 15 words of 1st sentence).	

In subsection (a), the words “and providing that in the opinion” are omitted as covered by the words “whenever he considers”. The words “needed for” are substituted for the words “required for the accomplishment of”.

In subsection (c), reference is made in substance to the Classification Act of 1949, instead of the Classification Act of 1923 referred to in the source statute, since section 1106(a) of the Classification Act of 1949, 63 Stat. 972, provides that all references in other acts to the Classification Act of 1923 should be considered to refer to the Classification Act of 1949.