

114TH CONGRESS
2D SESSION

H. R. 4851

To enhance electronic warfare capabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2016

Mrs. WALORSKI (for herself and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To enhance electronic warfare capabilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Electronic Warfare Ca-
5 pabilities Enhancement Act of 2016”.

6 **SEC. 2. FIELDING OF ELECTROMAGNETIC SPECTRUM WAR-**
7 **FARE SYSTEMS AND ELECTRONIC WARFARE**
8 **CAPABILITIES.**

9 Funds authorized to be appropriated for electro-
10 magnetic spectrum warfare systems and electronic warfare
11 systems may be used for the development and fielding of

1 such systems. Funds authorized to be appropriated for
2 sustainment of electromagnetic spectrum warfare systems
3 and electronic warfare systems may be used for the mod-
4 ernization of such systems after the date on which the Sec-
5 retary notifies the congressional defense committees of
6 such use.

7 **SEC. 3. INCLUSION OF ELECTRONIC WARFARE PROGRAMS**
8 **IN THE RAPID ACQUISITION AUTHORITY PRO-**
9 **GRAM.**

10 (a) IN GENERAL.—Section 806(c)(1) of the Bob
11 Stump National Defense Authorization Act for Fiscal
12 Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note)
13 is amended by adding at the end the following new sub-
14 paragraph:

15 “(D)(i) In the case of any supplies and associ-
16 ated support services that, as determined in writing
17 by the Secretary of Defense, are urgently needed to
18 eliminate a deficiency in electronic warfare capabili-
19 ties that if left unfilled is likely to result in critical
20 mission failure, the loss of life, property destruction,
21 or economic effects, the Secretary may use the pro-
22 cedures developed under this section in order to ac-
23 complish the rapid acquisition and deployment of
24 needed offensive or defensive electronic warfare ca-
25 pabilities, supplies, and associated support services.

1 “(ii) The Secretary of Defense shall ensure, to
2 the extent practicable, that for the purposes of elec-
3 tronic warfare acquisition, the Department of De-
4 fense shall consider use of the following procedures:

5 “(I) The rapid acquisition authority pro-
6 vided under this section.

7 “(II) Use of other transactions authority
8 provided under section 2371 of title 10, United
9 States Code.

10 “(III) The acquisition of commercial items
11 using simplified acquisition procedures.

12 “(IV) The authority for procurement for
13 experimental purposes provided under section
14 2373 of title 10, United States Code.

15 “(iii) The Secretary may only delegate the au-
16 thority to make the determination under clause (i)
17 to the Under Secretary of Defense for Acquisition,
18 Technology, and Logistics.

19 “(iv) In this subparagraph, the term ‘electronic
20 warfare’ means military action involving the use of
21 electromagnetic and directed energy to control the
22 electromagnetic spectrum or to attack the enemy.”.

23 (b) CONFORMING AMENDMENTS.—Section 2373 of
24 title 10, United States Code, is amended—

1 (1) in subsection (a), by striking “and aero-
2 nautical supplies” and inserting “, aeronautical sup-
3 plies, electromagnetic spectrum warfare, and elec-
4 tronic warfare”; and

5 (2) by adding at the end of the following new
6 subsection:

7 “(c) DEFINITIONS.—In this section:

8 “(1) The term ‘electromagnetic spectrum war-
9 fare’ means electronic warfare that encompasses
10 military communications and sensing operations that
11 occur in the electromagnetic operational domain.

12 “(2) The term ‘electronic warfare’ means mili-
13 tary action involving the use of electromagnetic and
14 directed energy to control the electromagnetic spec-
15 trum or to attack the enemy.”.

16 **SEC. 4. AUTHORITY TO WAIVE THE JOINT REQUIREMENTS**
17 **OVERSIGHT COUNCIL FOR CERTAIN ELEC-**
18 **TRONIC WARFARE PROGRAMS.**

19 (a) ALTERNATE REVIEW.—The Secretary of Defense
20 shall delegate to the Vice Chairman of the Joint Chiefs
21 of Staff the authority to review and validate all Joint Ca-
22 pabilities Integration and Development System documents
23 for electronic warfare acquisition programs notwith-
24 standing section 181 of title 10, United States Code.

1 (b) JROC APPEAL.—The Joint Requirements Over-
2 sight Council may appeal to the Office of the Secretary
3 of Defense to review any program through the normal
4 Joint Capabilities Integration and Development System
5 process.

6 **SEC. 5. ELECTRONIC WARFARE EXECUTIVE COMMITTEE**
7 **REPORTS TO CONGRESS.**

8 Not later than 270 days after the date of the enact-
9 ment of this Act, the Electronic Warfare Executive Com-
10 mittee shall submit to the congressional defense commit-
11 tees a strategic plan with measurable and timely objectives
12 to achieve the mission of the Electronic Warfare Executive
13 Committee. Such plan shall include the following:

14 (1) Progress on increasing innovative electro-
15 magnetic spectrum warfighting methods and oper-
16 ational concepts that provide advantages within the
17 electromagnetic spectrum operational domain.

18 (2) Progress in streamlining the requirements,
19 acquisition, and budget process to further a rapid
20 electronic warfare acquisition process.

21 (3) Specific attributes needed in future elec-
22 tronic warfare capabilities, such as networking,
23 adaptability, agility, multifunctionality, and minia-
24 turization, and progress toward incorporating such
25 attributes in new electronic warfare systems.

1 (4) The training methods and requirements of
2 the military services for training in contested and
3 congested electronic warfare environments.

4 (5) Capability gaps with respect to asymmetric
5 and near-peer adversaries identified pursuant to a
6 capability gap assessment.

7 (6) A joint strategy on achieving near real-time
8 system adaption to rapidly advancing modern digital
9 electronics.

10 (7) Criteria for Joint Requirements Oversight
11 Council waivers and an outline of an expedited pro-
12 cess for waived electronic warfare programs.

13 **SEC. 6. DEFINITIONS.**

14 In this section:

15 (1) The term “congressional defense commit-
16 tees” means—

17 (A) the Committee on Armed Services and
18 the Committee on Appropriations of the Senate;
19 and

20 (B) the Committee on Armed Services and
21 the Committee on Appropriations of the House
22 of Representatives.

23 (2) The term “electromagnetic spectrum war-
24 fare” means electronic warfare that encompasses

1 military communications and sensing operations that
2 occur in the electromagnetic operational domain.

3 (3) The term “electronic warfare” means mili-
4 tary action involving the use of electromagnetic and
5 directed energy to control the electromagnetic spec-
6 trum or to attack the enemy.

○