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(Original Signature of Member)

114TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To enhance electronic warfare capabilities, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. WALORSKI (for herself and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on  
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\_\_\_\_\_  
**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”.

1 **SEC. 2. FIELDING OF ELECTROMAGNETIC SPECTRUM WAR-**  
2 **FARE SYSTEMS AND ELECTRONIC WARFARE**  
3 **CAPABILITIES.**

4 Funds authorized to be appropriated for electro-  
5 magnetic spectrum warfare systems and electronic warfare  
6 systems may be used for the development and fielding of  
7 such systems. Funds authorized to be appropriated for  
8 sustainment of electromagnetic spectrum warfare systems  
9 and electronic warfare systems may be used for the mod-  
10 ernization of such systems after the date on which the Sec-  
11 retary notifies the congressional defense committees of  
12 such use.

13 **SEC. 3. INCLUSION OF ELECTRONIC WARFARE PROGRAMS**  
14 **IN THE RAPID ACQUISITION AUTHORITY PRO-**  
15 **GRAM.**

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

21 “(D)(i) In the case of any supplies and associ-  
22 ated support services that, as determined in writing  
23 by the Secretary of Defense, are urgently needed to  
24 eliminate a deficiency in electronic warfare capabili-  
25 ties that if left unfilled is likely to result in critical  
26 mission failure, the loss of life, property destruction,

1 or economic effects, the Secretary may use the pro-  
2 cedures developed under this section in order to ac-  
3 complish the rapid acquisition and deployment of  
4 needed offensive or defensive electronic warfare ca-  
5 pabilities, supplies, and associated support services.

6 “(ii) The Secretary of Defense shall ensure, to  
7 the extent practicable, that for the purposes of elec-  
8 tronic warfare acquisition, the Department of De-  
9 fense shall consider use of the following procedures:

10 “(I) The rapid acquisition authority pro-  
11 vided under this section.

12 “(II) Use of other transactions authority  
13 provided under section 2371 of title 10, United  
14 States Code.

15 “(III) The acquisition of commercial items  
16 using simplified acquisition procedures.

17 “(IV) The authority for procurement for  
18 experimental purposes provided under section  
19 2373 of title 10, United States Code.

20 “(iii) The Secretary may only delegate the au-  
21 thority to make the determination under clause (i)  
22 to the Under Secretary of Defense for Acquisition,  
23 Technology, and Logistics.

24 “(iv) In this subparagraph, the term ‘electronic  
25 warfare’ means military action involving the use of

1 electromagnetic and directed energy to control the  
2 electromagnetic spectrum or to attack the enemy.”.

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

5 (1) in subsection (a), by striking “and aero-  
6 nautical supplies” and inserting “, aeronautical sup-  
7 plies, electromagnetic spectrum warfare, and elec-  
8 tronic warfare”; and

9 (2) by adding at the end of the following new  
10 subsection:

11 “(c) DEFINITIONS.—In this section:

12 “(1) The term ‘electromagnetic spectrum war-  
13 fare’ means electronic warfare that encompasses  
14 military communications and sensing operations that  
15 occur in the electromagnetic operational domain.

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

20 **SEC. 4. AUTHORITY TO WAIVE THE JOINT REQUIREMENTS**  
21 **OVERSIGHT COUNCIL FOR CERTAIN ELEC-**  
22 **TRONIC WARFARE PROGRAMS.**

23 (a) ALTERNATE REVIEW.—The Secretary of Defense  
24 shall delegate to the Vice Chairman of the Joint Chiefs  
25 of Staff the authority to review and validate all Joint Ca-

1 pabilities Integration and Development System documents  
2 for electronic warfare acquisition programs notwith-  
3 standing section 181 of title 10, United States Code.

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

9 **SEC. 5. ELECTRONIC WARFARE EXECUTIVE COMMITTEE**  
10 **REPORTS TO CONGRESS.**

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

17 (1) Progress on increasing innovative electro-  
18 magnetic spectrum warfighting methods and oper-  
19 ational concepts that provide advantages within the  
20 electromagnetic spectrum operational domain

21 (2) Progress in streamlining the requirements,  
22 acquisition, and budget process to further a rapid  
23 electronic warfare acquisition process.

24 (3) Specific attributes needed in future elec-  
25 tronic warfare capabilities, such as networking,

1 adaptability, agility, multifunctionality, and minia-  
2 turization, and progress toward incorporating such  
3 attributes in new electronic warfare systems.

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

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

10 (6) A joint strategy on achieving near real-time  
11 system adaption to rapidly advancing modern digital  
12 electronics.

13 (7) Criteria for Joint Requirements Oversight  
14 Council waivers and an outline of an expedited pro-  
15 cess for waived electronic warfare programs.

16 **SEC. 6. DEFINITIONS.**

17 In this section:

18 (1) The term “congressional defense commit-  
19 tees” means—

20 (A) the Committee on Armed Services and  
21 the Committee on Appropriations of the Senate;  
22 and

23 (B) the Committee on Armed Services and  
24 the Committee on Appropriations of the House  
25 of Representatives.

1           (2) The term “electromagnetic spectrum war-  
2           fare” means electronic warfare that encompasses  
3           military communications and sensing operations that  
4           occur in the electromagnetic operational domain.

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