

114TH CONGRESS
2D SESSION

S. _____

To enhance electronic warfare capabilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KIRK (for himself and Mrs. GILLIBRAND) introduced the following bill;
which was read twice and referred to the Committee on

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

1 may be used for the development and fielding of electro-
2 magnetic spectrum warfare systems and electronic warfare
3 capabilities.

4 **SEC. 3. INCLUSION OF ELECTRONIC WARFARE PROGRAMS**
5 **IN THE RAPID ACQUISITION AUTHORITY PRO-**
6 **GRAM.**

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

12 “(D)(i) In the case of any supplies and associ-
13 ated support services that, as determined in writing
14 by the Secretary of Defense without delegation, are
15 urgently needed to eliminate a deficiency in elec-
16 tronic warfare that if left unfilled is likely to result
17 in critical mission failure, the loss of life, property
18 destruction, or economic effects, the Secretary may
19 use the procedures developed under this section in
20 order to accomplish the rapid acquisition and deploy-
21 ment of needed offensive or defensive electronic war-
22 fare capabilities, supplies, and associated support
23 services.

24 “(ii) The Secretary of Defense shall ensure, to
25 the extent practicable, that for the purposes of elec-

1 tronic warfare acquisition, the Department of De-
2 fense shall consider use of the following procedures:

3 “(I) The rapid acquisition authority pro-
4 vided under this section.

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

8 “(III) The acquisition of commercial items
9 using simplified acquisition procedures.

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

13 “(iii) In this subparagraph, the term ‘electronic
14 warfare’ means military action involving the use of
15 electromagnetic and directed energy to control the
16 electromagnetic spectrum or to attack the enemy,
17 and includes electromagnetic spectrum warfare,
18 which encompasses military communications and
19 sensing operations that occur in the electromagnetic
20 operational domain.”.

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

23 (1) in subsection (a), by striking “and aero-
24 nautical supplies” and inserting “, aeronautical sup-
25 plies, and electronic warfare”; and

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

3 “(c) **ELECTRONIC WARFARE DEFINED.**—The term
4 ‘electronic warfare’ means military action involving the
5 use of electromagnetic and directed energy to control the
6 electromagnetic spectrum or to attack the enemy, and in-
7 cludes electromagnetic spectrum warfare, which encom-
8 passes military communications and sensing operations
9 that occur in the electromagnetic operational domain.”.

10 **SEC. 4. AUTHORITY TO WAIVE THE JOINT REQUIREMENTS**
11 **OVERSIGHT COUNCIL (JROC) FOR CERTAIN**
12 **ELECTRONIC WARFARE PROGRAMS.**

13 (a) **ALTERNATE REVIEW.**—The Secretary of Defense
14 shall delegate to the Office of the Secretary of Defense’s
15 senior electronic warfare executive the authority to review
16 and validate all Joint Capabilities Integration and Devel-
17 opment System documents for electronic warfare acquisi-
18 tion programs notwithstanding section 181 of title 10,
19 United States Code.

20 (b) **JROC APPEAL.**—The Joint Requirements Over-
21 sight Council may appeal to the Office of the Secretary
22 of Defense to review any program through the normal
23 Joint Capabilities Integration and Development System
24 process.

1 **SEC. 5. ELECTRONIC WARFARE EXECUTIVE COMMITTEE**
2 **REPORTS TO CONGRESS.**

3 (a) IN GENERAL.—Not later than 270 days after the
4 date of the enactment of this Act, the Electronic Warfare
5 Executive Committee shall submit to the congressional de-
6 fense committees a strategic plan with measurable and
7 timely objectives to achieve its mission according to the
8 following metrics:

9 (1) Progress on intra-service ground and air
10 interoperabilities.

11 (2) Progress in streamlining the requirements,
12 acquisition, and budget process to further a rapid
13 electronic warfare acquisition process.

14 (3) The efficiency and effectiveness of the ac-
15 quisition process for priority electronic warfare
16 items.

17 (4) The training methods and requirements of
18 the military services for training in contested elec-
19 tronic warfare environments.

20 (5) Capability gaps with respect to near-peer
21 adversaries identified pursuant to a capability gap
22 assessment.

23 (6) A joint strategy on achieving near real-time
24 system adaption to rapidly advancing modern digital
25 electronics.

1 (7) Progress on increasing innovative electro-
2 magnetic spectrum warfighting methods and oper-
3 ational concepts that provide advantages within the
4 electromagnetic spectrum operational domain.

5 (b) CONGRESSIONAL DEFENSE COMMITTEES DE-
6 FINED.—In this section, the term “congressional defense
7 committees” means—

8 (1) the Committee on Armed Services and the
9 Committee on Appropriations of the Senate; and

10 (2) the Committee on Armed Services and the
11 Committee on Appropriations of the House of Rep-
12 resentatives.