

**AMENDMENT TO RULES COMMITTEE**  
**PRINT 118-10**  
**OFFERED BY MR. PFLUGER OF TEXAS**

At the end of subtitle D of title II of division A, add the following:

1 **SEC. \_\_\_\_ . DEPARTMENT OF DEFENSE SPECTRUM CERTIFI-**  
2 **CATION.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that—

5 (1) use of Link 16 is vitally important to na-  
6 tional defense;

7 (2) the 2002 Memorandum of Agreement  
8 signed between the Department of Defense and De-  
9 partment of Transportation regarding Link 16 use  
10 in the 960–1215 MHz frequency band, resulted in  
11 the Departments jointly developing a methodology to  
12 facilitate Electromagnetic Compatibility Features  
13 (EMCF) certification which ensures frequency  
14 deconfliction of Link 16 from air traffic systems;

15 (3) in 2009 the Department of Defense was en-  
16 dored to certify all future Link 16 terminals, elimi-  
17 nating the need for NTIA EMCF demonstrations;

1           (4) recent issues between Department of De-  
2       fense and Federal Aviation Administration coordina-  
3       tion over Electromagnetic Compatibility Features  
4       along with the expanded use of software defined ra-  
5       dios and agile software practices within the Depart-  
6       ment of Defense have caused significant delays to  
7       needed national security capabilities, detrimental  
8       training impacts, Department of Defense safety  
9       risks that adversely impact national security, incur  
10      excess taxpayer expense, and make current certifi-  
11      cation processes incompatible with maintaining  
12      spectrum dominance over adversary nations;

13           (5) the Department of Defense is responsible  
14      for the testing of numerous systems and has the  
15      requisite knowledge, experience, and expertise to con-  
16      duct self-certification of Department radio systems  
17      and are currently performing the testing required to  
18      support radio system certification;

19           (6) only those changes, hardware or software  
20      based, that impact EMCF of a Department of De-  
21      fense radio should require recertification IAW Ap-  
22      pendix A of The Department of Defense and De-  
23      partment of Transportation Memorandum of Agree-  
24      ment Regarding the 960–1215 MHz Frequency  
25      Band and that the weapon system program manager

1 is best positioned to make the determination of any  
2 impacts hardware or software changes may have;

3 (7) the Joint Tactical Information Distribution  
4 System/Multi-Function Information Distribution  
5 System (Link 16) Certification of Spectrum Support  
6 and NTIA Manual of Regulations for Federal Radio-  
7 frequency Spectrum Management grants approval  
8 for uncoordinated operations of Link 16 systems if  
9 meeting certain restrictions; authorizing the Depart-  
10 ment of Defense to internally manage Link 16 use  
11 on certified systems subject to documented restric-  
12 tions;

13 (8) Link 16 use not meeting requirements for  
14 uncoordinated operations can be approved if coordi-  
15 nated with the FAA;

16 (9) in over 45 years of use, there are no re-  
17 corded instances of Department of Defense use of  
18 Link 16 causing interference with air traffic sys-  
19 tems; and

20 (10) as agreed to by both the Department of  
21 Defense and Federal Aviation Administration, Link  
22 16 policies must be updated to keep pace with agile  
23 development practices and ensure safe and effective  
24 spectrum dominance for national defense.

1 (b) POLICIES REQUIRED.—The Secretary of Defense  
2 shall develop and implement policies to adapt Link 16 sys-  
3 tem management and certification to align with agile de-  
4 velopment practices.

5 (c) ELEMENTS.—The policies required by subsection  
6 (b) shall include the following:

7 (1) A standardized process through a Chair-  
8 man, Joint Chiefs of Staff Manual, to allow Link 16  
9 frequency use within approved special use airspaces  
10 for the purpose of testing radio systems and associ-  
11 ated software that have not completed electro-  
12 magnetic compatibility features certification.

13 (A) Such processes shall at minimum en-  
14 sure routine and continued approval for test op-  
15 erations of developmental systems in the Ne-  
16 vada Test and Training Range, Restricted Area  
17 2508, Warning Area 151/470, Warning Area  
18 386, and the Joint Pacific Alaska Range Com-  
19 plex.

20 (B) Standardized mitigations that enable  
21 routine approval including effective radiated  
22 power settings and coordination for rapid test  
23 termination may be considered.

24 (2) Processes to streamline approval or denial  
25 of temporary frequency assignment for Link 16 op-

1 erations to not more than 15 days for test, training,  
2 and large-scale exercises.

3 (A) Such processes shall cover operations  
4 in excess of uncoordinated operations time slot  
5 duty factor limits, inclusion of foreign partici-  
6 pants, and participation of non-stage 4 ap-  
7 proved terminals or platforms.

8 (B) Consideration shall be given to delega-  
9 tion of sole authority for temporary frequency  
10 assignment to the Department of Defense and  
11 the automation of such decision-making proc-  
12 ess.

13 (3) Delegation of authority to the system pro-  
14 gram manager to determine when new software  
15 within Department Link 16 terminals affect electro-  
16 magnetic compatibility features and requires recer-  
17 tification.

18 (4) The self-certification of Department radio  
19 compliance with electromagnetic compatibility fea-  
20 tures.

21 (5) Processes to internally manage Link 16 un-  
22 coordinated operations that enable approval for test,  
23 training, and exercises that does not exceed 15 days  
24 for systems holding an active radio frequency au-  
25 thorization or temporary frequency assignment.

1 (d) INFORMATION TO CONGRESS.—Not later than  
2 180 days after the date of the enactment of this Act, the  
3 Secretary shall provide to the congressional defense com-  
4 mittees—

5 (1) a briefing on the policies developed pursu-  
6 ant to subsection (b), along with a timeline for im-  
7 plementation; and

8 (2) a list of such additional resources or au-  
9 thorities as the Secretary determines may be re-  
10 quired to implement such policies.

11 (e) TESTING REQUIRED.—

12 (1) IN GENERAL.—The Department of Defense  
13 shall conduct, sponsor, or review testing and analysis  
14 that determines if any effects on commercial air  
15 traffic systems are possible due to Link 16 terminals  
16 which have not completed electromagnetic compat-  
17 ibility features certification and quantifies any such  
18 effects. Such testing shall evaluate Link 16 trans-  
19 mission within plus or minus 7 megahertz of the  
20 1030 and 1090 megahertz frequency bands to deter-  
21 mine if effects on commercial air traffic systems are  
22 possible, under what conditions such effects could  
23 occur, and the impact of such effects.

24 (2) REPORT.—Not later than 180 days after  
25 the date of the enactment of this Act, the Secretary

1 shall provide the congressional defense committees a  
2 report on the results of the testing conducted pursu-  
3 ant to paragraph (1), with an emphasis on proce-  
4 dures that can and will be implemented to negate  
5 harmful effects on commercial air traffic from the  
6 use of Link 16 terminals or platforms that have not  
7 completed electromagnetic compatibility features cer-  
8 tification, within special use airspace.

