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:

SEC. ___. DEPARTMENT OF DEFENSE SPECTRUM CERTIFICATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) use of Link 16 is vitally important to national defense;

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

(3) in 2009 the Department of Defense was endorsed to certify all future Link 16 terminals, eliminating the need for NTIA EMCF demonstrations;
(4) recent issues between Department of Defense and Federal Aviation Administration coordination over Electromagnetic Compatibility Features along with the expanded use of software defined radios and agile software practices within the Department of Defense have caused significant delays to needed national security capabilities, detrimental training impacts, Department of Defense safety risks that adversely impact national security, incur excess taxpayer expense, and make current certification processes incompatable with maintaining spectrum dominance over adversary nations;

(5) the Department of Defense is responsible for the testing of numerous systems and has the requisite knowledge, experience, and expertise to conduct self-certification of Department radio systems and are currently performing the testing required to support radio system certification;

(6) only those changes, hardware or software based, that impact EMCF of a Department of Defense radio should require recertification IAW Appendix A of The Department of Defense and Department of Transportation Memorandum of Agreement Regarding the 960–1215 MHz Frequency Band and that the weapon system program manager
is best positioned to make the determination of any impacts hardware or software changes may have;

(7) the Joint Tactical Information Distribution System/Multi-Function Information Distribution System (Link 16) Certification of Spectrum Support and NTIA Manual of Regulations for Federal Radio-frequency Spectrum Management grants approval for uncoordinated operations of Link 16 systems if meeting certain restrictions; authorizing the Department of Defense to internally manage Link 16 use on certified systems subject to documented restrictions;

(8) Link 16 use not meeting requirements for uncoordinated operations can be approved if coordinated with the FAA;

(9) in over 45 years of use, there are no recorded instances of Department of Defense use of Link 16 causing interference with air traffic systems; and

(10) as agreed to by both the Department of Defense and Federal Aviation Administration, Link 16 policies must be updated to keep pace with agile development practices and ensure safe and effective spectrum dominance for national defense.
(b) **POLICIES REQUIRED.**—The Secretary of Defense shall develop and implement policies to adapt Link 16 system management and certification to align with agile development practices.

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

(1) A standardized process through a Chairman, Joint Chiefs of Staff Manual, to allow Link 16 frequency use within approved special use airspaces for the purpose of testing radio systems and associated software that have not completed electromagnetic compatibility features certification.

   (A) Such processes shall at minimum ensure routine and continued approval for test operations of developmental systems in the Nevada Test and Training Range, Restricted Area 2508, Warning Area 151/470, Warning Area 386, and the Joint Pacific Alaska Range Complex.

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

(2) Processes to streamline approval or denial of temporary frequency assignment for Link 16 oper-
erations to not more than 15 days for test, training,
and large-scale exercises.

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

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

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

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

(5) Processes to internally manage Link 16 un-
coordinated operations that enable approval for test,
training, and exercises that does not exceed 15 days
for systems holding an active radio frequency au-
thorization or temporary frequency assignment.
(d) INFORMATION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees—

(1) a briefing on the policies developed pursuant to subsection (b), along with a timeline for implementation; and

(2) a list of such additional resources or authorities as the Secretary determines may be required to implement such policies.

(e) TESTING REQUIRED.—

(1) IN GENERAL.—The Department of Defense shall conduct, sponsor, or review testing and analysis that determines if any effects on commercial air traffic systems are possible due to Link 16 terminals which have not completed electromagnetic compatibility features certification and quantifies any such effects. Such testing shall evaluate Link 16 transmission within plus or minus 7 megahertz of the 1030 and 1090 megahertz frequency bands to determine if effects on commercial air traffic systems are possible, under what conditions such effects could occur, and the impact of such effects.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary
shall provide the congressional defense committees a report on the results of the testing conducted pursuant to paragraph (1), with an emphasis on procedures that can and will be implemented to negate harmful effects on commercial air traffic from the use of Link 16 terminals or platforms that have not completed electromagnetic compatibility features certification, within special use airspace.