



Senate Calls for Major Reform of EMSO Enterprise

On July 23, the Senate passed S. 4049, its version of the FY 2021 National Defense Authorization Act (NDAA). AOC Advocacy took a closer look at the entire bill in our August 24 newsletter, [here](#). However, there is one particular provision that warrants greater attention and analysis. S. 4049 includes Section 173, which transfers responsibilities and functions of electromagnetic spectrum operations (EMSO) from US Strategic Command (STRATCOM) to the Chairman of the Joint Chiefs of Staff (CJCS) as a Chairman's Controlled Activity (CCA).

The AOC strongly supports this landmark provision at a time when awareness about EMSO is at an all-time high. It continues a path toward unified and coordinated leadership that has been a persistent gap impeding our warfighters' ability to achieve EMS Superiority. The EMS is at the center of all modern military operations. It is a maneuver space that we must demonstrate control in order to win the future fight. Unfortunately, for too long persistent gaps in leadership, governance and resourcing have hampered our ability to keep pace with emerging threats that are focused on our vulnerabilities in the EMS. In the past, the Department of Defense (DoD) and the military services have tried to implement limited reforms, but more enduring solutions have been in short supply. Therefore, Section 173 seeks to provide a pathway for permanent governance and unified leadership of the DoD EMS Enterprise.

Section 173 has two primary objectives. First, as the title suggests, the provision orders the transfer of EMSO responsibilities to the CJCS as a CCA. This transfer includes advocacy for joint EW capabilities, providing contingency EW support to all combatant commands and supporting joint EMSO training and planning. Assuming this provision reaches the President's desk later this year, a complete transfer could take place by the end of CY 2021.

The language does allow for the CJCS to submit an alternate arrangement to Congress for the transfer, but the required justification is relatively narrow and the timeline is aggressive. The "alternative arrangement" language requires the CJCS to determine that EMSO capabilities and expertise are "sufficiently robust" and certain functions transferred under Section 173 are better suited under the purview of a single COCOM (geographic or functional) with long-term supervision by the Chairman or the VCJCS. Such declaration would likely come under scrutiny because it would go against almost every study, report, and strategy released over the past 20 years. If the CJCS does not pursue an alternate arrangement, then the timeline and provisions detailed in Section 173 remain in place and VCJCS will assume greater responsibility for the EMSO Enterprise. Table 1 lists the new responsibilities as outlined in the bill.

The second objective focuses on detailed evaluations across the military services and select COCOMs. Section 173 calls for each Service Chief to conduct a thorough evaluation of their respective service's EMSO missions and capabilities. These evaluations must assess current and future programs of record to ensure fidelity in complex and contested EMS environments, as well as technology requirements for distributed and automated EW capabilities. The assessment must also address each service's order of battle, training, and tactics, techniques, and procedures (TTPs). For the COCOMs, the bill orders evaluations of US European Command (EUCOM), Pacific Command (PACOM), and Central Command (CENTCOM). The COCOM evaluations must assess the following: (1) operations and contingency plans; (2) the manning, organizational alignment, and capability of the JEMSO cells; (3) mission rehearsal and training exercises; and (4) force positioning, posture, and readiness. To ensure that Congress remains informed about transition progress and the evaluations of the services and COCOMs, the VCJCS is required to brief both the House and Senate Armed Services Committee twice a year for five years through 2025.

Table 1: New Responsibilities of the VCJCS under Section 173

- 1) Executing the functions transitioned to the CJCS with regard to advocacy, providing contingency EW support to COCOMs and supporting joint EMSO training and planning;
- 2) Overseeing, in cooperation with the DoD Chief Information Officer, the implementation of the forthcoming EMS Superiority Strategy;
- 3) Managing the Joint EW Center (JEWEC) and Joint Electromagnetic Preparedness for Advanced Concepts (JEPAC);
- 4) Overseeing the acquisition activities of the military services as they relate to EMSO;
- 5) Overseeing and, as appropriate, setting standards for military service EMSO training and joint training and mission rehearsal programs of the COCOMs.
- 6) Supervise development of tactics, technologies, techniques, and procedures related to EMSO;
- 7) Supervising the integration of EMSO into operations and contingency plans; and
- 8) Developing and integrating joint warfighting concept of operations (CONOPs) for EMSO.

Section 173 is a bold proposal and certainly one that will stir some discussion. But ultimately, it continues a path we are already on and challenges the bureaucratic inertia that for too long has failed to fix gaps and vulnerabilities to achieving EMS Superiority. Traditionally, the DoD and the military services have viewed the EMS as a utility that could be used in relative isolation to achieve a desired effect. Over time, this utility mindset allowed for traditional EW capabilities to be balkanized – distancing the capability from the warfighter and allowing each Service to decide how to manage its subscription and contribution to operations inside the EMS. This lack of unified organization has resulted in episodic management and unpredictable resourcing leaving EW technology, systems, workforce, training and planning to expand and contract based upon need and focused only on narrow target sets. We must accept that this antiquated structure is untenable to dominate the EMS in a future conflict.

Over the past twenty years, Congress has played a quiet, steady, but influential role in advancing the EMS as a warfighting domain, and the commensurate leadership, resourcing and process reform necessary to build an EMS Enterprise. Congress has used its broad authorities to intervene statutorily when necessary, authorize and appropriate additional funding for critical EW programs, and conduct oversight of DoD policies, programs and procedures. In fact, as far back as 2003, the EW Working Group, a congressional caucus dedicated to raising awareness about the importance of EW, began calling for the designation of a senior official to harmonize EW-related activities across the DoD and the military services. This call began in response to organizational changes in OSD that broke apart what was the

most senior leadership office managing EW on a day-to-day basis across the Department, and effectively pushing responsibility for all EW programs to the individual services.

More recently, the SASC has called for some very positive reforms of and resources to our EMSO Enterprise. In the FY 2019 NDAA, the Senate authored the creation of the long sought Senior Designated Official (SDO) for EW, which is today the VCJCS, and established the EMSO Cross-Functional Team, also led by the VCJCS. It is important to note that the VCJCS also serves as co-chair of the EW Executive Committee. Thus, Section 173 will help unify and align these and other organizations and will likely provide a more permanent governance structure, but not one that is entirely new.

While S. 4049 passed the Senate, the future of Section 173 remains uncertain. The House version of the NDAA (H.R. 6395) did not contain a similar provision. Consequently, this will be a negotiable item of interest in the House-Senate Conference Committee to develop a unified bill for Congress to pass and the President to sign. The AOC applauds the Senate for its strong support for EMSO over the years and calls on AOC members to support this provision in the final FY 2021 NDAA. AOC is committed to working with all stakeholders in government and industry to weigh the implications of this legislation and contribute to meaningful and sustainable reform that ensures our warfighters have the capabilities they need to win in combat and return home safely. Please visit the AOC Advocacy webpage, [here](#), for the latest developments in the annual defense budget process.