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Navy LPD-17 Flight II and LHA Amphibious Ship Programs: Background and Issues for Congress

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Committees of Congress

Summary

This report discusses two types of amphibious ships being procured for the Navy: LPD-17 Flight II class amphibious ships and LHA-type amphibious assault ships. Both types are built by Huntington Ingalls Industries/Ingalls Shipbuilding (HII/Ingalls) of Pascagoula, MS. Section 124 of the FY2021 National Defense Authorization Act (NDAA) (H.R. 6395/P.L. 116-283 of January 1, 2021) provides authority for the Navy to use a block buy contract for the procurement of three LPD-17 class ships and one LHA-type amphibious assault ship.

One issue for Congress is whether to approve, reject, or modify the Navy's FY2022 procurement funding requests for the LPD-17 Flight II and LHA programs. The Navy's proposed FY2022 budget requests $60.6 million in procurement funding to complete the procurement cost of the second LPD-17 Flight II class ship, LPD-31, and $68.6 million in procurement funding to help fund the procurement cost of the amphibious assault ship LHA-9.

Another issue for Congress is whether the Navy intends to use the block buy contracting authority provided by Section 124 of the FY2021 NDAA, and if not, then what, if anything, Congress should do in response.

Another issue for Congress concerns the treatment of LHA-9's procurement date in the Navy's FY2022 budget submission. The Navy's FY2021 budget submission presented the second LPD-17 Flight II class amphibious ship, LPD-31, as a ship requested for procurement in FY2021, and the next amphibious assault ship, LHA-9, as a ship projected for procurement in FY2023. Consistent with congressional action on the Navy's FY2020 and FY2021 budgets, this CRS report treats LPD-31 and LHA-9 as ships that Congress procured (i.e., authorized and provided procurement—not advance procurement—funding for) in FY2020 and FY2021, respectively. The Department of Defense's (DOD's) decision to present LPD-31 and LHA-9 in its FY2021 budget submission as ships requested for procurement in FY2021 and FY2023, respectively, even though Congress procured the ships in FY2020 and FY2021, respectively, posed an institutional issue for Congress regarding the preservation and use of Congress's power of the purse under Article 1 of the Constitution, and for maintaining Congress as a coequal branch of government relative to the executive branch. Section 126 of the FY2021 National Defense Authorization Act (NDAA) (H.R. 6395/P.L. 116-283 of January 1, 2021) states

> SEC. 126. TREATMENT IN FUTURE BUDGETS OF THE PRESIDENT OF SYSTEMS ADDED BY CONGRESS.
>
> In the event the procurement quantity for a system authorized by Congress in a National Defense Authorization Act for a fiscal year, and for which funds for such procurement quantity are appropriated by Congress in the Shipbuilding and Conversion, Navy account for such fiscal year, exceeds the procurement quantity specified in the budget of the President, as submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year, such excess procurement quantity shall not be specified as a new procurement quantity in any budget of the President, as so submitted, for any fiscal year after such fiscal year.

The Navy's FY2022 budget submission, like its FY2021 budget submission, treats LHA-9 as a ship to be procured in FY2023. A question for Congress is whether this is consistent with Section 126 of the FY2021 NDAA, and if not, what, if anything, Congress should do in response.

Another issue for Congress concerns the Navy's force-level goals for amphibious ships and the effect these goals could have on future procurement of LPD-17 Flight II and LHA-type ships.

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Introduction

This report provides background information and issues for Congress on two types of amphibious ships being procured for the Navy: LPD-17 Flight II class amphibious ships and LHA-type amphibious assault ships. Both types are built by Huntington Ingalls Industries/Ingalls Shipbuilding (HII/Ingalls) of Pascagoula, MS.

The Navy's LPD-17 Flight II and LHA shipbuilding programs pose multiple oversight issues for Congress. Congress's decisions on the LPD-17 Flight II and LHA programs could affect Navy capabilities and funding requirements and the shipbuilding industrial base. They could also have implications for the preservation and use of Congress's power of the purse under Article 1 of the Constitution, and for maintaining Congress as a coequal branch of government relative to the executive branch.

A separate CRS report discusses the Navy's new Light Amphibious Warship (LAW) program.[1]

Background

Amphibious Ships in General

Roles and Missions

Navy amphibious ships are operated by the Navy, with crews consisting of Navy personnel. The primary function of Navy amphibious ships is to lift (i.e., transport) embarked U.S. Marines and their equipment and supplies to distant operating areas, and enable Marines to conduct expeditionary operations ashore in those areas. Although amphibious ships are designed to support Marine landings against opposing military forces, they are also used for operations in permissive or benign situations where there are no opposing forces. Due to their large storage spaces and their ability to use helicopters and landing craft to transfer people, equipment, and supplies from ship to shore without need for port facilities,[2] amphibious ships are potentially useful for a range of combat and noncombat operations.[3]

On any given day, some of the Navy's amphibious ships, like some of the Navy's other ships, are forward-deployed to various overseas operating areas. Forward-deployed U.S. Navy amphibious ships are often organized into three-ship formations called amphibious ready groups (ARGs).[4] On

[1] CRS Report R46374, *Navy Light Amphibious Warship (LAW) Program: Background and Issues for Congress*, by Ronald O'Rourke.

[2] Amphibious ships have berthing spaces for Marines; storage space for their wheeled vehicles, their other combat equipment, and their supplies; flight decks and hangar decks for their helicopters and vertical take-off and landing (VTOL) fixed-wing aircraft; and well decks for storing and launching their landing craft. (A well deck is a large, garage-like space in the stern of the ship. It can be flooded with water so that landing craft can leave or return to the ship. Access to the well deck is protected by a large stern gate that is somewhat like a garage door.)

[3] Amphibious ships and their embarked Marine forces can be used for launching and conducting humanitarian-assistance and disaster-response (HA/DR) operations; peacetime engagement and partnership-building activities, such as exercises; other nation-building operations, such as reconstruction operations; operations to train, advise, and assist foreign military forces; peace-enforcement operations; noncombatant evacuation operations (NEOs); maritime-security operations, such as anti-piracy operations; smaller-scale strike and counterterrorism operations; and larger-scale ground combat operations. Amphibious ships and their embarked Marine forces can also be used for maintaining forward-deployed naval presence for purposes of deterrence, reassurance, and maintaining regional stability.

[4] An ARG notionally includes three amphibious ships—one LHA or LHD, one LSD, and one LPD. These three

average, two or perhaps three ARGs might be forward-deployed at any given time. Amphibious ships are also sometimes forward-deployed on an individual basis to lower-threat operating areas, particularly for conducting peacetime engagement activities with foreign countries or for responding to smaller-scale or noncombat contingencies.

Types of Amphibious Ships

Current Navy amphibious ships can be divided into two main groups—the so-called "big-deck" amphibious assault ships, designated LHA and LHD, which look like medium-sized aircraft carriers, and the smaller (but still sizeable) amphibious ships designated LPD or LSD, which are sometimes called "small-deck" amphibious ships.[5] The LHAs and LHDs have large flight decks and hangar decks for embarking and operating numerous helicopters and vertical or short takeoff and landing (V/STOL) fixed-wing aircraft, while the LSDs and LPDs have much smaller flight decks and hangar decks for embarking and operating smaller numbers of helicopters. The LHAs and LHDs, as bigger ships, in general can individually embark more Marines and equipment than the LSDs and LPDs.

Amphibious Fleet Force Level

Current Force-Level Goal

The Navy's current force-level goal, released in December 2016, calls for achieving and maintaining a 355-ship fleet that includes 38 amphibious ships—12 LHA/LHD-type ships, 13 LPD-17 Flight I class ships, and 13 LPD-17 Flight II class ships (12+13+13).[6]

Potential New Force-Level Goal

Overview

The Navy and DOD since 2019 have been working to develop a new force-level goal to replace the Navy's current 355-ship force-level goal. This new force-level goal is expected to introduce a once-in-a-generation change in fleet architecture, meaning basic the types of ships that make up the Navy and how these ships are used in combination with one another to perform Navy missions. This new fleet architecture is expected to be more distributed than the fleet architecture

amphibious ships together can embark a Marine expeditionary unit (MEU) consisting of about 2,200 Marines, their aircraft, their landing craft, their combat equipment, and about 15 days' worth of supplies. ARGs can operate in conjunction with carrier strike groups (CSGs) to form larger naval task forces; ARGs can also be broken up into individual ships that are sent to separate operating areas.

[5] U.S. Navy amphibious ships have designations starting with the letter L, as in amphibious *landing*. LHA can be translated as landing ship, helicopter-capable, assault; LHD can be translated as landing ship, helicopter-capable, well deck; LPD can be translated as landing ship, helicopter platform, well deck; and LSD can be translated as landing ship, well deck. Whether noted in the designation or not, almost all these ships have well decks. The exceptions are LHAs 6 and 7, which do not have well decks and instead have expanded aviation support capabilities. For an explanation of well decks, see footnote 2.

[6] For more on the Navy's 355-ship force-level goal, see CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke. For a more detailed review of the 38-ship force structure requirements, see Appendix A of archived CRS Report RL34476, *Navy LPD-17 Amphibious Ship Procurement: Background, Issues, and Options for Congress*, by Ronald O'Rourke.

reflected in the 355-ship goal or previous Navy force-level goals. In particular, the new fleet architecture is expected to feature

- a smaller proportion of larger ships (such as large-deck aircraft carriers, cruisers, destroyers, large amphibious ships, and large resupply ships);
- a larger proportion of smaller ships (such as frigates, corvettes, smaller amphibious ships, smaller resupply ships, and perhaps smaller aircraft carriers); and
- a new third tier of surface vessels about as large as corvettes or large patrol craft that will be either lightly manned, optionally manned, or unmanned, as well as large unmanned underwater vehicles (UUVs).

Navy and DOD leaders believe that shifting to a more distributed fleet architecture is

- **operationally necessary**, to respond effectively to the improving maritime anti-access/area-denial (A2/AD) capabilities of other countries, particularly China;[7]
- **technically feasible** as a result of advances in technologies for UVs and for networking widely distributed maritime forces that include significant numbers of UVs; and
- **affordable**—no more expensive, and possibly less expensive, than the current fleet architecture, so as to fit within expected future Navy budgets.

December 9, 2020, Shipbuilding Document

On December 9, 2020, the Trump Administration released a document that can be viewed as its own vision for future Navy force structure and/or a draft version of the FY2022 30-year Navy shipbuilding plan.[8] The document presents an envisioned Navy force-level goal for achieving by 2045 a Navy with a more distributed fleet architecture, including 382 to 446 manned ships and 143 to 242 large unmanned vehicles (UVs). Within the total of 382 to 446 manned ships, the document calls for an amphibious fleet of 61 to 67 amphibious ships, including 9 to 10 LHA/LHD-type ships and a combined total of 52 to 57 LPD-type ships and LAWs.

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[7] See, for example, David B. Larter, "With China Gunning for Aircraft Carriers, US Navy Says It Must Change How It Fights," *Defense News*, December 6, 2019; Arthur H. Barber, "Redesign the Fleet," *U.S. Naval Institute Proceedings*, January 2019. Some observers have long urged the Navy to shift to a more distributed fleet architecture, on the grounds that the Navy's current architecture—which concentrates much of the fleet's capability into a relatively limited number of individually larger and more expensive surface ships—is increasingly vulnerable to attack by the improving A2/AD capabilities (particularly anti-ship missiles and their supporting detection and targeting systems) of potential adversaries, particularly China. Shifting to a more distributed architecture, these observers have argued, would

- complicate an adversary's targeting challenge by presenting the adversary with a larger number of Navy units to detect, identify, and track;
- reduce the loss in aggregate Navy capability that would result from the destruction of an individual Navy platform;
- give U.S. leaders the option of deploying USVs and UUVs in wartime to sea locations that would be tactically advantageous but too risky for manned ships; and
- increase the modularity and reconfigurability of the fleet for adapting to changing mission needs.

For more on China's maritime A2/AD capabilities, see CRS Report RL33153, *China Naval Modernization: Implications for U.S. Navy Capabilities—Background and Issues for Congress*, by Ronald O'Rourke.

[8] U.S. Navy, *Report to Congress on the Annual Long-Range Plan for Construction of Naval Vessels*, December 9, 2020, 23 pp. For more on this document, see CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke.

The December 9, 2020, document did not break down the above figure of 52 to 57 amphibious ships into separate figures for LPD-type ships and LAWs. As discussed in the CRS report on the LAW program, the Navy envisages procuring a total of 28 to 30 LAWs. Subtracting out 28 to 30 LAWs would leave a potential total of 22 to 29 LPD-17 class ships, including 13 LPD-17 Flight I ships procured in earlier years, and 9 to 16 LPD-17 Flight II class ships.

The December 9, 2020, document also calls for a future Navy with 0 to 6 light aircraft carriers (CVLs). The design for such carriers, if any are procured, might be based on the LHA design.[9]

In establishing its force-level goals and shipbuilding plans for the Navy, the Biden Administration can choose to adopt, revise, or set aside the December 9, 2020, document.

Operational Rationale

To improve their ability to perform various missions in coming years, including a potential mission of countering Chinese forces in a possible conflict in the Western Pacific, the Navy and Marine Corps want to implement a new operational concept called Distributed Maritime Operations (DMO).[10] DMO calls for U.S. naval forces (meaning the Navy and Marine Corps)[11] to operate at sea in a less concentrated, more distributed manner, so as to complicate an adversary's task of detecting, identifying, tracking, and targeting U.S. naval forces, while still being able to bring lethal force to bear against adversary forces. To support the implementation of DMO, the Navy wants to shift to the new and more distributed fleet architecture outlined above.

In parallel with DMO, and with an eye toward potential conflict scenarios in the Western Pacific against Chinese forces, the Marine Corps has developed two supporting operational concepts, called Littoral Operations in a Contested Environment (LOCE) and Expeditionary Advanced Base Operations (EABO). Under the EABO concept, the Marine Corps envisions, among other things, having reinforced-platoon-sized Marine Corps units maneuver around the theater, moving from island to island, to fire anti-ship cruise missiles (ASCMs) and perform other missions so as to contribute, alongside Navy and other U.S. military forces, to U.S. operations to counter and deny sea control to Chinese forces.

More specifically, the Marine Corps states that the EABO concept includes, among other things, establishing and operating "multiple platoon-reinforced-size expeditionary advance base sites that can host and enable a variety of missions such as long-range anti-ship fires, forward arming and refueling of aircraft, intelligence, surveillance, and reconnaissance of key maritime terrain, and air-defense and early warning,"[12] The use of Marine Corps units to contribute to U.S. sea-denial

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[9] For additional discussion, see CRS Report RS20643, *Navy Ford (CVN-78) Class Aircraft Carrier Program: Background and Issues for Congress*, by Ronald O'Rourke.

[10] For additional discussion, see CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke, and CRS Report RL33153, *China Naval Modernization: Implications for U.S. Navy Capabilities—Background and Issues for Congress*, by Ronald O'Rourke.

[11] Although the term *naval* is often used to refer specifically to the Navy, it more properly refers to both the Navy and Marine Corps, because both the Navy and Marine Corps are naval services. Even though the Marine Corps sometimes operates for extended periods as a land fighting force (as it has done in recent years, for example, in Afghanistan and Iraq), and is often thought of as the country's second land army, it nevertheless is, by law, a naval service. 10 U.S.C. §8001(a)(3) states, "The term 'member of the naval service' means a person appointed or enlisted in, or inducted or conscripted into, the Navy or the Marine Corps." DON officials sometimes refer to the two services as the Navy-Marine Corps team. For additional discussion, see CRS In Focus IF10484, *Defense Primer: Department of the Navy*, by Ronald O'Rourke.

[12] Emailed statement from Marine Corps as quoted in Shawn Snow, "New Marine Littoral Regiment, Designed to Fight in Contested Maritime Environment, Coming to Hawaii," *Marine Times*, May 14, 2020.

operations against an opposing navy by shooting ASCMs would represent a new mission for the Marine Corps.[13]

Current Force Level

The Navy's force of amphibious ships at the end of FY2020 included 33 ships, including 10 amphibious assault ships (2 LHAs and 8 LHDs), 11 LPD-17 Flight I ships, and 12 LSD-41/49 class ships. The LSD-41/49 class ships, which are the ships to be replaced by LPD-17 Flight II class ships, are discussed in the next section.

One of the Navy's LHDs—*Bonhomme Richard* (LHD-6)—was extensively damaged by a fire in July 2020. It was decommissioned on April 15, 2021, and will be scrapped.[14] Excluding LHD-6, the Navy's force of amphibious ships at the end of FY2020 included 32 ships, including 9 LHA/LHD-type amphibious assault ships.

Existing LSD-41/49 Class Ships

The Navy's 12 aging Whidbey Island/Harpers Ferry (LSD-41/49) class ships (**Figure 1**) were procured between FY1981 and FY1993 and entered service between 1985 and 1998.[15] The LSD-41/49 class includes 12 ships because the class was built at a time when the Navy was planning a 36-ship (12+12+12) amphibious force. LD-41/49 class ships have an expected service life of 40

[13] For press articles discussing these envisioned operations, see, for example, Megan Eckstein, "CMC Berger Outlines How Marines Could Fight Submarines in the Future," *USNI News*, December 8, 2020; David Axe, "Meet Your New Island-Hopping, Missile-Slinging U.S. Marine Corps," *Forbes*, May 14, 2020; Shawn Snow, "New Marine Littoral Regiment, Designed to Fight in Contested Maritime Environment, Coming to Hawaii," *Marine Times*, May 14, 2020; William Cole (Honolulu Star-Advertiser), "The Marine Corps Is Forming a First-of-its-Kind Regiment in Hawaii," *Military.com*, May 12, 2020; Joseph Trevithick, "Marines To Radically Remodel Force, Cutting Tanks, Howitzers In Favor Of Drones, Missiles," *The Drive*, March 23, 2020; Chris "Ox" Harmer, "Marine Boss's Audacious Plan To Transform The Corps By Giving Up Big Amphibious Ships," *The Drive*, September 5, 2019.

[14] The four-day (some sources say five-day) fire on LHD-6 began on July 12, 2020, while the ship was at pier in San Diego. At the time of the fire, the ship was 22 years old and had thus expended about 50% of its expected service life of 40 to 45 years. Following the fire, the Navy spent months assessing condition of the ship and examining options for repairing it and returning it to service in some capacity. On November 30, 2020, the Navy announced that due to the estimated cost and time to repair the ship and return it to service, the Navy had decided to decommission the ship and scrap it. The Navy stated that about 60% of the ship was ruined and would need to be rebuilt or replaced. Repairing the ship and returning it to service as an LHD, the Navy estimated, would cost between $2.5 billion and $3.2 billion and take about five to seven years to complete. (By then, portions of the ship would be 27 to 29 years old.) By comparison, the Navy said, a new replacement LHA-type ship would cost an estimated $4.1 billion to procure and take about six years to build. (The Navy's estimated repair cost for LHD-6 equates to about 61% to 78% of the Navy's estimated procurement cost for a replacement LHA. A new-built LHA would have a full 40- to 45-year expected service life.) Repairing LHD-6 and reconfiguring it for use as either a hospital ship or a tender (i.e., a ship used to repair, maintain, or otherwise support other Navy ships), the Navy estimated, would cost more than $1 billion, and also take five to seven years to complete. The Navy stated that designing and building a new hospital ship or tender would cost less than repairing LHD-6 and converting it into a hospital ship or tender. The Navy estimated that decommissioning the ship, salvaging usable parts of it for use on other Navy ships (which began in September 2020), towing the ship to its scrapping site, and scrapping the ship would cost about $30 million. (See Megan Eckstein, "UPDATED: Navy Will Scrap USS Bonhomme Richard," USNI News, November 30, 2020; Geoff Ziezulewicz, "Navy Will Scrap Fire-Ravaged Bonhomme Richard," *Navy Times*, November 20, 2020; Nancy A. Youssef, "Navy Will Decommission Ship Damaged in Five-Day Blaze," *Wall Street Journal*, November 30, 2020; Andrew Dyer, "Ravaged by Fire, USS Bonhomme Richard Bound for Scrapyard, Navy Says," *San Diego Union-Tribune*, November 30, 2020.)

[15] The class was initially known as the Whidbey Island (LSD-41) class. The final four ships in the class, beginning with *Harpers Ferry* (LSD-49), were built to a modified version of the original LSD-41 design, prompting the name of the class to be changed to the Harpers Ferry/Whidbey Island (LSD-41/49) class. Some sources refer to these 12 ships as two separate classes..

years; the first ship will reach that age in 2025. The Navy's FY2020 30-year shipbuilding plan projected that the 12 ships would retire between FY2026 and FY2038.

Figure 1. LSD-41/49 Class Ship

Source: Cropped version of U.S. Navy photo dated July 13, 2013, showing the *Pearl Harbor* (LSD-52).

Amphibious Warship Industrial Base

Huntington Ingalls Industries/Ingalls Shipbuilding (HII/Ingalls) of Pascagoula, MS, is the Navy's current builder of both LPDs and LHA-type ships, although other U.S. shipyards could also build amphibious ships.[16] The amphibious warship industrial base also includes many supplier firms in numerous U.S. states that provide materials and components for Navy amphibious ships. HII states that the supplier base for its LHA production line, for example, includes 457 companies in 39 states.[17]

LPD-17 Flight II and LHA Programs

LPD-17 Flight II Program

Program Origin and Name

The Navy decided in 2014 that the LSD-41/49 replacement ships would be built to a variant of the design of the Navy's San Antonio (LPD-17) class amphibious ships. (A total of 13 LPD-17 class ships [LPDs 17 through 29] were procured between FY1996 and FY2017.) Reflecting that decision, the Navy announced on April 10, 2018, that the replacement ships would be known as the LPD-17 Flight II class ships.[18] By implication, the Navy's original LPD-17 design became the

[16] Amphibious ships could also be built by U.S. shipyards such as HII/Newport News Shipbuilding (HII/NNS) of Newport News, VA; General Dynamics/National Steel and Shipbuilding Company (GD/NASSCO) of San Diego, CA; and (for LPDs at least) General Dynamics/Bath Iron Works (GD/BIW) of Bath, ME. The Navy over the years has from time to time conducted competitions among shipyards for contracts to build amphibious ships.

[17] Source: HII statement as quoted in Frank Wolfe, "Navy Budget Plan Delays Buy of Amphibious Ships," *Defense Daily*, March 15, 2019.

[18] Megan Eckstein, "Navy Designates Upcoming LX(R) Amphibs as San Antonio-Class LPD Flight II," *USNI News*, April 11, 2018. Within a program to build a class of Navy ships, the term *flight* refers to a group of ships within the

LPD-17 Flight I design. The first LPD-17 Flight II class ship is designated LPD-30. Subsequent LPD-17 Flight II class ships are to be designated LPD-31, LPD-32, and so on.

Whether the LPD-17 Flight II class ships constitute their own shipbuilding program or an extension of the original LPD-17 shipbuilding program might be a matter of perspective. As a matter of convenience, this CRS report refers to the Flight II class shipbuilding effort as a separate program. Years from now, LPD-17 Flight I and Flight II class ships might come to be known collectively as either the LPD-17 class, the LPD-17/30 class, or the LPD-17 and LPD-30 classes.

On October 10, 2019, the Navy announced that LPD-30, the first LPD-17 Flight II class ship, will be named Harrisburg, for the city of Harrisburg, PA.[19] As a consequence, LPD-17 Flight II, if treated as a separate class, would be referred to as Harrisburg (LPD-30) class ships.

Design

Compared to the LPD-17 Flight I design, the LPD-17 Flight II design (**Figure 2**) is somewhat less expensive to procure, and in some ways less capable—a reflection of how the Flight II design was developed to meet Navy and Marine Corps operational requirements while staying within a unit procurement cost target that had been established for the program.[20] In many other respects, however, the LPD-17 Flight II design is similar in appearance and capabilities to the LPD-17 Flight I design. Of the 13 LPD-17 Flight I ships, the final two (LPDs 28 and 29) incorporate some design changes that make them transitional ships between the Flight I design and the Flight II design.

Procurement Quantity

Under the Navy's current 38-ship amphibious force-level goal, the Navy would procure a total of 13 LPD-17 Flight II class ships.

Procurement Schedule

The first LPD-17 Flight II class ship, LPD-30, was procured in FY2018. The Navy's FY2021 budget submission presented the second LPD-17 Flight II class amphibious ship, LPD-31, as a ship requested for procurement in FY2021. Consistent with congressional action on the Navy's FY2020 budget, this CRS report treats LPD-31 as a ship that Congress procured (i.e., authorized and provided procurement—not advance procurement—funding for) in FY2020. (For additional discussion, see the **Appendix**.)[21] Under the Navy's FY2021 budget submission, the third and

class that are built to a particular version of the class design. The LPD-17 Fight II program was previously known as the LX(R) program and before that as the LSD(X) program.

[19] Secretary of the Navy Public Affairs, "SECNAV Names Future Amphibious Transport Dock Ship in Honor of the city of Harrisburg, Pennsylvania," *Navy News Service*, October 10, 2019.

[20] The Navy's unit procurement cost targets for the LPD-17 Flight II program were $1,643 million in constant FY2014 dollars for the lead ship, and an average of $1,400 million in constant FY2014 dollars for ships 2 through 11. (Source: Navy briefing on LX(R) program to CRS and CBO, March 23, 2015.) The cost target for the lead ship was greater than the cost target for the subsequent ships primarily because the procurement cost of the lead ship incorporates much or all of the detail design and nonrecurring engineering (DD/NRE) costs for the program. Incorporating much or all of the DD/NRE costs of for a shipbuilding program into the procurement cost of the lead ship in the program is a traditional Navy shipbuilding budgeting practice.

[21] An appendix in another CRS report—CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke—provides a similar discussion regarding the procurement dates of LPD-31 and LHA-9, and includes an additional discussion of the procurement date of a third ship, the aircraft carrier CVN-81.

fourth LPD-17 Flight II class ships (i.e., LPDs 32 and 33) were programmed for procurement in FY2023 and FY2025. The December 9, 2020, shipbuilding document submitted by the Trump Administration similarly showed the third and fourth LPD-17 Flight II class ships as programmed for procurement in FY2023 and FY2025.

Figure 2. LPD-17 Flight II Design

Artist's rendering

Source: Huntington Ingalls Industries rendering accessed March 2, 2021, at https://newsroom.huntingtoningalls.com/file?fid=5c9a85ca2cfac22774673031.

Procurement Cost

The Navy's FY2021 budget submission estimated the procurement costs of LPDs 30, 31, 32, and 33 as $1,819.6 million, $2,029.9 million, $1,847.6 million, and $1,864.7 million, respectively (i.e., about $1.8 billion, $2,0 billion, $1.8 billion, and $1.9 billion, respectively). As discussed below, Section 124 of P.L. 116-283 provides authority for the Navy to use a block buy contract for the procurement of three LPD-17 class ships and one LHA-type amphibious assault ship. Using block buy contracting could reduce the unit procurement costs of LPD-17 Flight II class ships.[22]

LHA-9 Amphibious Assault Ship

LHA-type amphibious assault ships are procured once every few years. LHA-8 (**Figure 3**) was procured in FY2017; the Navy's FY2021 budget submission estimated its cost at $3,832.0 million (i.e., about $3.8 billion).

The Navy's FY2020 budget submission projected the procurement of the next amphibious assault ship, LHA-9, for FY2024. Some in Congress were interested in accelerating the procurement of LHA-9 from FY2024 to an earlier year, such as FY2020 or FY2021, in part to achieve better

[22] For more on block buy contracting, see CRS Report R41909, *Multiyear Procurement (MYP) and Block Buy Contracting in Defense Acquisition: Background and Issues for Congress*, by Ronald O'Rourke. See also Megan Eckstein, "Ingalls Eyeing LPD Cost Reductions, Capability Increases As Future Fleet Design Evolves," *USNI News*, January 21, 2021.

production learning curve benefits in shifting from production of LHA-8 to LHA-9 and thereby reduce LHA-9's procurement cost in real (i.e., inflation-adjusted) terms.

Figure 3. LHA-8 Amphibious Assault Ship

Artist's rendering

Source: Rendering accompanying Tyler Rogoway, "The Next America Class Amphibious Assault Ship Will Almost Be In a Class of its Own," *The Drive*, April 17, 2018. A note on the photo credits the photo to HII.

The Navy's FY2022 budget submission, like its FY2021 budget submission, presents LHA-9 as a ship projected for procurement in FY2023.[23] Consistent with congressional action on the Navy's FY2020 and FY2021 budgets, this CRS report treats LHA-9 as a ship that Congress procured (i.e., authorized and provided procurement—not advance procurement—funding for) in FY2021. (For additional discussion, see **Appendix**.)[24]

The Navy's FY2021 budget submission estimated the procurement cost of LHA-9, if procured in FY2023, at $3,873.5 million (i.e., about $3.9 billion).

FY2021 Legislation

Authority for Block Buy Contract

Section 124 of P.L. 116-283 provides authority for the Navy to use a block buy contract for the procurement of three LPD-17 class ships and one LHA-type amphibious assault ship. Such a

[23] The Navy's FY2022 budget submission does not show an LHA as having been procured in FY2020 or FY2021, and refers to LHA-9 as an "FY23 ship." (*Department of Defense, Fiscal Year (FY) 2022 Budget Estimates, Navy, Justification Book Volume 1 of 1, Shipbuilding and Conversion, Navy*, May 2021, p. 271 [PDF page 291 of 390].)

[24] An appendix in another CRS report—CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke—provides a similar discussion regarding the procurement dates of LPD-31 and LHA-9, and includes an additional discussion of the procurement date of a third ship, the aircraft carrier CVN-81.

contract would be the first block buy contract to cover the procurement of ships from two separate ship classes. Using block buy contracting could reduce the unit procurement costs of LPD-17 Flight II and LHA-type ships and affect Congress's flexibility for making changes to Navy shipbuilding programs in response to potential changes in strategic or budgetary circumstances during the period covered by the block buy contract.[25]

Ship Procurement Dates

The Department of Defense's (DOD's) decision to present LPD-31 and LHA-9 in its FY2021 budget submission as ships requested for procurement in FY2021 and FY2023, respectively, even though Congress procured the two ships in FY2020 and FY2021, respectively, posed an institutional issue for Congress regarding the preservation and use of Congress's power of the purse under Article 1 of the Constitution, and for maintaining Congress as a coequal branch of government relative to the executive branch. Section 126 of the FY2021 National Defense Authorization Act (NDAA) (H.R. 6395/P.L. 116-283 of January 1, 2021) states

> SEC. 126. TREATMENT IN FUTURE BUDGETS OF THE PRESIDENT OF SYSTEMS ADDED BY CONGRESS.
>
> In the event the procurement quantity for a system authorized by Congress in a National Defense Authorization Act for a fiscal year, and for which funds for such procurement quantity are appropriated by Congress in the Shipbuilding and Conversion, Navy account for such fiscal year, exceeds the procurement quantity specified in the budget of the President, as submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year, such excess procurement quantity shall not be specified as a new procurement quantity in any budget of the President, as so submitted, for any fiscal year after such fiscal year.

Regarding the original Senate version of this provision, the Senate Armed Services Committee's report (S.Rept. 116-236 of June 24, 2020) on the FY2021 National Defense Authorization Act (S. 4049) states

> **Treatment of weapon systems added by Congress in future President's budget requests (sec. 126)**
>
> The committee recommends a provision that would preclude the inclusion in future annual budget requests of a procurement quantity of a system previously authorized and appropriated by the Congress that was greater than the quantity of such system requested in the President's budget request.
>
> The committee is concerned that by presenting CVN–81 as a ship that was procured in fiscal year 2020 (instead of as a ship that was procured in fiscal year 2019), LPD–31 as a ship requested for procurement in fiscal year 2021 (instead of as a ship that was procured in fiscal year 2020), and LHA–9 as a ship projected for procurement in fiscal year 2023 (instead of as a ship that was procured in fiscal year 2020), the Department of Defense, in its fiscal year 2021 budget submission, is disregarding or mischaracterizing the actions of Congress regarding the procurement dates of these three ships. (Page 11)

[25] For more on block buy contracting, see CRS Report R41909, *Multiyear Procurement (MYP) and Block Buy Contracting in Defense Acquisition: Background and Issues for Congress*, by Ronald O'Rourke. See also Megan Eckstein, "Ingalls Eyeing LPD Cost Reductions, Capability Increases As Future Fleet Design Evolves," *USNI News*, January 21, 2021.

FY2022 Procurement Funding Request

The Navy's proposed FY2022 budget requests $60.6 million in procurement funding to complete the procurement cost of the second LPD-17 Flight II class ship, LPD-31, and $68.6 million in procurement funding to help fund the procurement cost of the amphibious assault ship LHA-9.

Issues for Congress

FY2022 Procurement Funding

One issue for Congress is whether to approve, reject, or modify the Navy's FY2022 procurement funding requests for the LPD-17 Flight II and LHA programs.

In considering this issue, Congress may consider, among other things, whether to provide any FY2022 procurement and/or advance procurement (AP) funding for LPD-32 and LPD-33 (i.e., the third and fourth LPD-17 Flight II class ships). As part of its action on the Navy's proposed FY2021 budget, Congress provided $1 million in AP funding for each of these two ships.

Congress may also consider, among other things, how much of LHA-9's estimated total procurement cost of about $3.9 billion to provide in FY2022. As part of its action on the Navy's proposed FY2021 budget, Congress provided $500 million in procurement funding for the ship. Under the Navy's FY2022 budget submission, a relatively small portion ($68.6 million) of the remainder of the ship's estimated procurement cost would be provided in FY2022, while most of the remainder of the ship's estimated procurement cost would be provided in FY2023 and FY2024.

Use of Block Buy Contract Authority

Another issue for Congress is whether the Navy intends to use the block buy contracting authority provided by Section 124 of the FY2021 NDAA, and if not, then what, if anything, Congress should do in response. In considering this issue, Congress may consider, among other things, how using a block buy contract might affect the procurement costs and funding profiles of the LPD-17 Flight II and LHA-type ships being procured, and how it might affect Congress's flexibility for making changes to Navy shipbuilding programs in response to potential changes in strategic or budgetary circumstances during the period covered by the block buy contract.

At a June 8, 2021, hearing before the Seapower subcommittee of the Senate Armed Services Committee on Navy and Marine Corps investment programs, the Department of Navy witnesses were asked about the Navy's intentions regarding the block buy contracting authority granted by Section 124. Frederick J. Stefany, Acting Assistant Secretary of the Navy for Research, Development and Acquisition (ASN RDA) (i.e., the Navy's acting acquisition executive), replied that

> to update you on that authority that your—your committee provided last year, the Section 124 Authority, we have finished negotiating with HII Ingalls to document a … contract structure that could be put in place to implement the four-ship procurement that you're referring to, that—that we just finished that up about a week ago.
>
> And, so we had a—a handshake agreement [with HII Ingalls] on what that would look like if we were to actually enact it into a contract and we packaged that up and we're sending

> it to the department[26] leadership for—for a decision. But what—and—and get that in place before the authority that expires at the end of this year, that you provided us.
>
> But—in—I'll just let you know the initial indications we're getting from the department is that they would like to defer this decision so that they can make an overall, as they do their overall [FY]'23 budget review this summer and fall, of the overall force structure, work with Admiral Kilby and General Smith on the right mix of ships of the future, the commitment of four ships at once, they would like to make—defer that commitment until they are able to make that force-structure assessment.
>
> So, right now, indicators are that we are not gonna be able to execute that, but it's not a done deal. It's going through the process within the department for a final decision sir.[27]

Treatment of LHA-9 Procurement Date in FY2022 Budget Submission

Another issue for Congress concerns the treatment of LHA-9's procurement date in the Navy's FY2022 budget submission. As noted earlier, the Navy's FY2022 budget submission, like its FY2021 budget submission, treats LHA-9 as a ship to be procured in FY2023. A question for Congress is whether this is consistent with Section 126 of the FY2021 NDAA, and if not, what, if anything, Congress should do in response. In considering this issue, Congress may consider the impact this issue might have regarding the preservation and use of Congress's power of the purse under Article 1 of the Constitution, and for maintaining Congress as a coequal branch of government relative to the executive branch.

Amphibious Ship Force-Level Goal

Another issue for Congress concerns the Navy's force-level goals for amphibious ships and the effect these goals could have on the numbers of LPD-17 Flight II and LHA-type ships procured in FY2022 and subsequent fiscal years:

- **LPD-17 Flight II class ships.** As noted earlier, under the Navy's current 38-ship amphibious force-level goal, the Navy would procure a total of 13 LPD-17 Flight II class ships, while figures in the December 9, 2020, shipbuilding document submitted by the Trump Administration suggest a potential procurement total of 9 to 16 LPD-17 Flight II class ships.[28]
- **LHA-type ships.** As noted earlier, the Navy's current 38-ship amphibious force-level goal calls for the Navy to have an amphibious force that includes a total of 12 LHA/LHD-type amphibious assault ships, while the December 9, 2020, shipbuilding document submitted by the Trump Administration calls for an amphibious force that includes a total of 9 to 10 LHA/LHD-type ships. As also noted earlier, in addition to 9 to 10 LHA/LHD-type ships for use in the amphibious force, the December 9, 2020, shipbuilding document also calls for a

[26] This is a reference to the Department of the Navy or the Department of Defense.

[27] Transcript of hearing as posted by CQ.com. The passage as printed here includes some minor typographical corrections done by CRS for readability. See also Megan Eckstein, "Deal to Buy Four Amphibious Warships Losing Steam, as Navy Takes Another Look at Future Force Needs," *Defense News*, June 8, 2021; Mallory Shelbourne, "Navy Reaches 'Handshake' Deal on Four-Ship Amphib Buy, Pentagon Wants New Navy Force Structure Assessment," *USNI News*, June 8, 2021.

[28] See also Megan Eckstein, "Ingalls Eyeing LPD Cost Reductions, Capability Increases As Future Fleet Design Evolves," *USNI News*, January 21, 2021.

future Navy with 0 to 6 light aircraft carriers (CVLs). The design for such carriers, if any are procured, might be based on the LHA design.

Potential Impact of COVID-19 Pandemic

Another issue for Congress concerns the potential impact of the COVID-19 pandemic on the execution of U.S. military shipbuilding programs, including the LPD-17 Flight II and LHA programs. For additional discussion of this issue, see CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke.

Technical and Cost Risk in LPD-17 Flight II and LHA Programs

Another potential issue for Congress is technical and cost risk in the LPD-17 Flight II and LHA programs.

LPD-17 Flight II Program

Regarding technical and cost risk in the LPD-17 Flight II program, a June 2020 Government Accountability Office (GAO) report—the 2020 edition of GAO's annual report surveying DOD major acquisition programs—states the following about the LPD-17 Flight II program:

> **Current Status**
>
> The Navy purchased the first Flight II ship—LPD 30—in March 2019 and plans to begin construction in April 2020 after a production readiness review in the first quarter of fiscal year 2020. It made about 200 design changes from the first to second flight, including replacing the composite mast with a steel stick, which the Navy plans to complete prior to lead ship construction. Program officials stated that the updated design does not rely on any new technologies. However, the Navy plans to install the new Enterprise Air Surveillance Radar (EASR), which is still in development, on Flight II ships. Live radar system testing on an EASR prototype is underway. Although program officials consider this low risk, the Navy will begin ship construction with little time to incorporate any lessons learned from radar testing, which could require the Navy to absorb costly changes and rework during ship construction if test results require design changes.
>
> Program officials stated that they have sufficient funding for LPD 30 construction, but that without multi-year procurement authority to buy multiple ships across up to 5 years with a single contract, they will be challenged to achieve the current cost requirement and complete construction of ships. Statute requires programs requesting multi-year authority to have a realistic cost estimate, among other things. The LPD 17 program does not have an independent cost estimate for Flight II ships nor plans to establish a cost baseline specific to Flight II. Consequently, the Navy does not have an accurate and credible estimate of Flight II costs.
>
> **Program Office Comments**
>
> We provided a draft of this assessment to the program office for review and comment. The program office provided technical comments, which we incorporated where appropriate. Program officials said the Navy has subsumed LPD 17 Flight II into the LPD 17 program and existing cost baseline. Program officials also stated that EASR testing is ongoing as of March 2020. Further, these officials stated that the Navy acquired LPD 30 under a sole source contract with Huntington Ingalls Incorporated. In addition, program officials

reported they have completed LPD 30 critical design and production readiness reviews and intend to begin construction as planned.[29]

LHA Program

Regarding technical risk in the LHA program, the June 2020 GAO report stated the following about the LHA program:

> **Current Status**
>
> The Navy began construction in October 2018 with about 61 percent of the LHA 8 product model completed—an approach inconsistent with shipbuilding best practices, which call for the completion of modeling before construction begins. Ninety-nine percent of the product model is now complete, with the exception of the mast and two other compartments on the top of the ship. LHA 8 construction is now 5 percent complete.
>
> The LHA 8 program office has not identified any critical technologies, but has identified risks from its reliance on technology from another Navy program. Specifically, LHA 8 program officials identified the use of the Enterprise Air Surveillance Radar (EASR)—a rotating radar system derived from the preexisting Air and Missile Defense Radar program—as the program's highest development risk. EASR is planned to be delivered in August 2021 and provide self-defense and situational awareness capabilities for LHA 8. Officials stated that during EASR development, they found that the mast blocked EASR's field of view. They said that to reduce the obstruction and electromagnetic interference from EASR, they have to reconfigure the mast and nearby antennas, which may affect the ship's planned delivery date of January 2024. Officials said they would test the configuration in a laboratory environment to determine the impact of EASR prior to its delivery to the ship.
>
> The program has also encountered construction challenges that have increased schedule risk. Program officials said that the subcontractor manufacturing the ship's Main Reduction Gears (MRG) encountered quality issues that delayed their delivery. Officials report that the contractor had been following a more aggressive construction schedule for ship delivery, but that the delay to the MRGs pushed them back to the contract's schedule.
>
> **Program Office Comments**
>
> We provided a draft of this assessment to the program office for review and comment. The program office provided technical comments, which we incorporated where appropriate. Officials stated that LHA 8 is progressing well and is 12 percent complete as of March 2020. Officials stated that the Navy has reduced risk in the topside design changes and finalized them with the contractor, and that EASR remains a development risk that the Navy is managing closely.[30]

Legislative Activity for FY2022

Summary of Congressional Action on FY2022 Funding Request

Table 1 summarizes congressional action on the Navy's FY2022 procurement (including advance procurement [AP]) funding request for the LPD-17 Flight II and LHA-9 programs.

[29] Government Accountability Office, *Defense Acquisitions Annual Assessment[:] Drive to Deliver Capabilities Faster Increases Importance of Program Knowledge and Consistent Data for Oversight*, GAO-20-439, June 2020, p. 147.

[30] Government Accountability Office, *Defense Acquisitions Annual Assessment[:] Drive to Deliver Capabilities Faster Increases Importance of Program Knowledge and Consistent Data for Oversight*, GAO-20-439, June 2020, p. 146.

Table 1. Summary of Congressional Action on FY2022 Procurement Funding Request

Millions of dollars, rounded to nearest tenth; FY2021 Enacted shown for reference

	FY2021 Enacted	FY2022 Request	FY2022 Authorization			FY2022 Appropriation		
			HASC	SASC	Conf.	HAC	SAC	Conf.
LPD-31	1,125.8	60.6						
LPD-32	1.0	0						
LPD-33	1.0	0						
LHA-9	500.0	68.6						

Source: Table prepared by CRS based on Navy's FY2022 budget submission, committee and conference reports, and explanatory statements on FY2022 National Defense Authorization Act and FY2022 DOD Appropriations Act. In the FY2021 enacted column, the figures for LPD-31 and LHA-9 are procurement funding and the figures for LPD-32 and LPD-33 are advance procurement (AP) funding.

Notes: HASC is House Armed Services Committee; **SASC** is Senate Armed Services Committee; **HAC** is House Appropriations Committee; **SAC** is Senate Appropriations Committee; **Conf.** is conference agreement.

Appendix. Procurement Dates of LPD-31 and LHA-9

This appendix presents background information regarding the procurement dates of LPD-31 and LHA-9. In reviewing the bullet points presented below, it can be noted that procurement funding is funding for a ship that is either being procured in that fiscal year or has been procured in a prior fiscal year, while advance procurement (AP) funding is funding for a ship that is to be procured in a future fiscal year.[31]

An institutional issue for Congress in FY2021 concerned the treatment in the Navy's proposed FY2021 budget of the procurement dates of LPD-31 and LHA-9. The Navy's FY2021 budget submission presented LPD-31 as a ship requested for procurement in FY2021 and LHA-9 as a ship projected for procurement in FY2023. Consistent with congressional action on the Navy's FY2020 and FY2021 budgets regarding the procurement of LPD-31 and LHA-9, this CRS report treats LPD-31 and LHA-9 as ships that Congress procured (i.e., authorized and provided procurement funding for) in FY2020 and FY2021, respectively. Potential oversight issues for Congress included the following:

- By presenting LPD-31 as a ship requested for procurement in FY2021 (instead of a ship that was procured in FY2020) and LHA-9 as a ship projected for procurement in FY2023 (instead of a ship that was procured in FY2021), was DOD, in its FY2021 budget submission, disregarding or mischaracterizing the actions of Congress regarding the procurement dates of these three ships? If so:
  - Was DOD doing this to inflate the apparent number of ships requested for procurement in FY2021 and the apparent number of ships included in the five-year (FY2021-FY2025) shipbuilding plan?
  - Could this establish a precedent for DOD or other parts of the executive branch in the future to disregard or mischaracterize the actions of Congress regarding the procurement or program-initiation dates for other Navy ships, other Navy programs, other DOD programs, or other federal programs? If so, what implications might that have for the preservation and use of Congress's power of the purse under Article 1 of the Constitution, and for maintaining Congress as a coequal branch of government relative to the executive branch?

The Navy's FY2022 budget submission, like its FY2021 budget submission, treats LHA-9 as a ship to be procured in FY2023. A question for Congress is whether this is consistent with Section 126 of the FY2021 NDAA, and if not, what, if anything, Congress should do in response.

LPD-31—an LPD-17 Flight II Class Amphibious Ship

The Navy's FY2021 budget submission presented LPD-31, an LPD-17 Flight II class amphibious ship, as a ship requested for procurement in FY2021. This CRS report treats LPD-31 as a ship that Congress procured (i.e., authorized and provided procurement funding for) in FY2020, consistent with the following congressional action on the Navy's FY2020 budget regarding the procurement of LPD-31:

[31] For additional discussion, see CRS Report RL31404, *Defense Procurement: Full Funding Policy—Background, Issues, and Options for Congress*, by Ronald O'Rourke and Stephen Daggett.

- The House Armed Services Committee's report (H.Rept. 116-120 of June 19, 2019) on H.R. 2500, the FY2020 National Defense Authorization Act, recommended authorizing the procurement of an LPD-17 Flight II class ship in FY2020, showing a quantity increase of one ship above the Navy's request and recommending procurement (not just AP) funding for the program.[32]
- The Senate Armed Services Committee's report (S.Rept. 116-48 of June 11, 2019) on S. 1790, the FY2020 National Defense Authorization Act, recommended authorizing the procurement of an LPD-17 Flight II class ship in FY2020, showing a quantity increase of one ship above the Navy's request and recommending procurement (rather than AP) funding for the program.[33]
- The conference report (H.Rept. 116-333 of December 9, 2019) on S. 1790/P.L. 116-92 of December 20, 2019, the FY2020 National Defense Authorization Act, authorized the procurement of an LPD-17 Flight II class ship in FY2020, showing a quantity increase of one ship above the Navy's request and recommending procurement (rather than AP) funding for the program.[34] Section 129 of S. 1790/P.L. 116-92 authorizes the Navy to enter into a contract, beginning in FY2020, for the procurement of LPD-31, and to use incremental funding to fund the contract.
- The Senate Appropriations Committee's report (S.Rept. 116-103 of September 12, 2019) on S. 2474, the FY2020 DOD Appropriations Act, recommended funding for the procurement of an LPD-17 Flight II class ship in FY2020, showing a quantity increase of one ship above the Navy's request and recommending procurement (rather than AP) funding for the program.[35]
- The final version of the FY2020 DOD Appropriations Act (Division A of H.R. 1158/P.L. 116-93 of December 20, 2019) provided procurement (not AP) funding for an LPD-17 Flight II class ship. The paragraph in this act that appropriated funding for the Navy's shipbuilding account, including this ship, includes a provision stating "*Provided further*, That an appropriation made under the heading 'Shipbuilding and Conversion, Navy' provided for the purpose of 'Program increase—advance procurement for fiscal year 2020 LPD Flight II and/or multiyear procurement economic order quantity' shall be considered to be for the purpose of 'Program increase—advance procurement of LPD–31'." This provision relates to funding appropriated in the FY2019 DOD Appropriations Act (Division A of H.R. 6157/P.L. 115-245 of September 28, 2018) for the procurement of an LPD-17 Flight II class ship in FY2020, as originally characterized in the explanatory statement accompanying that act.[36]

LHA-9 Amphibious Assault Ship

The Navy's FY2022 budget submission, like its FY2021 budget submission, presents the amphibious assault ship LHA-9 as a ship projected for procurement in FY2023. This CRS report treats LHA-9 as a ship that Congress procured (i.e., authorized and provided procurement funding

[32] H.Rept. 116-120, p. 379, line 012.

[33] S.Rept. 116-48, p. 433, line 12. See also pp. 23-24 for associated report language.

[34] H.Rept. 116-333, p. 1566, line 012. See also p. 1144 for associated report language.

[35] S.Rept. 116-103, p. 118, line 12. See also p. 122 for associated report language.

[36] See PDF page 176 of 559, line 12, of the explanatory statement for H.R. 6157/P.L. 115-245.

for) in FY2021, consistent with the following congressional action on the Navy's FY2020 and FY2021 budgets regarding the procurement of LHA-9:

- The Senate Armed Services Committee's report (S.Rept. 116-48 of June 11, 2019) on S. 1790, the FY2020 National Defense Authorization Act, recommended authorizing the procurement of LHA-9 in FY2020, showing a quantity increase of one ship above the Navy's request and recommending procurement (rather than AP) funding for the program.[37]
- The conference report (H.Rept. 116-333 of December 9, 2019) on S. 1790/P.L. 116-92 of December 20, 2019, the FY2020 National Defense Authorization Act, authorized the procurement of LHA-9 in FY2020, showing a quantity increase of one ship above the Navy's request and recommending procurement (rather than AP) funding for the program.[38] Section 127 of S. 1790/P.L. 116-92 authorizes the Navy to enter into a contract for the procurement of LHA-9 and to use incremental funding provided during the period FY2019-FY2025 to fund the contract.
- The Senate Appropriations Committee's report (S.Rept. 116-103 of September 12, 2019) on S. 2474, the FY2020 DOD Appropriations Act, recommended funding for the procurement of an LHA amphibious assault ship in FY2020, showing a quantity increase of one ship above the Navy's request and recommending procurement (rather than AP) funding for the program.[39]
- The final version of the FY2020 DOD Appropriations Act (Division A of H.R. 1158/P.L. 116-93 of December 20, 2019) provided procurement (not AP) funding for an LHA amphibious assault ship. The explanatory statement for Division A of H.R. 1158/P.L. 116-93 stated that the funding was for LHA-9.[40]
- The procurement (not AP) funding provided for LHA-9 in the FY2020 DOD Appropriations Act (see previous bullet point) was subsequently reprogrammed to provide support for counter-drug activities of the Department of Homeland Security (DHS) along the U.S. southern border.[41] The final version of the FY2021 DOD Appropriations Act (Division C of H.R. 133/P.L. 116-260 of December 27, 2020, the Consolidated Appropriations Act, 2021), however, once again provided procurement (not AP) funding for an LHA amphibious assault ship. The explanatory statement for Division C of H.R. 133/P.L. 116-260 stated that the funding is for "Program increase—LHA 9."[42] As a result of the FY2021 procurement (not AP) funding for LHA-9, the ship once again has an authorization (provided in the FY2020 National Defense Authorization Act), authority for using incremental funding in procuring it (provided by Section 127 of the FY2020 National Defense Authorization Act), and procurement (not AP) funding (provided in the FY2021 DOD Appropriations Act).

[37] S.Rept. 116-48, p. 433, line 15.

[38] H.Rept. 116-333, p. 1566, line 015.

[39] S.Rept. 116-103, p. 118, line 15.

[40] Explanatory statement for Division A of H.R. 1158, PDF page 175 of 414, line 15.

[41] Reprograming action (Form DD 1415) FY 20-01 RA, February 13, 2020, page 3 of 5.

[42] Explanatory statement for Division C of H.R. 133/P.L. 116-260, PDF page 204 of 469, line 17.

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