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FY2021 Defense Appropriations Act: Context and Selected Issues for Congress

June 7, 2021

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SUMMARY

R46812

June 7, 2021

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FY2021 Defense Appropriations Act: Context and Selected Issues for Congress

The Department of Defense Appropriations Act is one of 12 annual appropriations measures typically reported by the House and Senate Committees on Appropriations and the largest in terms of discretionary funding. The act funds activities of the U.S. Department of Defense (DOD) except for military construction and family housing programs. The legislation also funds certain activities of the intelligence community.

On February 10, 2020, President Donald J. Trump submitted a budget request for FY2021 that included $753.5 billion for national defense-related activities, including discretionary and mandatory programs. The request aligned with the statutory spending limit, or cap, for national defense-related activities in the Budget Control Act (BCA; P.L. 112-25), as amended by the Bipartisan Budget Act of 2019 (BBA; P.L. 116-37). The request included $69 billion in defense funding designated for Overseas Contingency Operations, or OCO, which is effectively exempt from the cap.

The portion of the request falling within the scope of the Department of Defense Appropriations Act, 2021, totaled $690.17 billion. That figure included $688.99 billion for defense activities and $1.18 billion for intelligence activities. The request was $8.17 billion (1.2%) less than the FY2020 enacted amount, which included emergency funding provided for hurricane relief and the Coronavirus Disease 2019 (COVID-19) response. The House-passed Department of Defense Appropriations Act, 2021 would have provided $686.72 billion in budget authority in FY2021—$11.62 billion (1.7%) less than the FY2020 enacted amount. The Senate Appropriations Committee draft bill would have provided $688.07 billion in budget authority in FY2021—$10.27 billion (1.5%) less than the FY2020 enacted amount. The enacted version of the legislation (P.L. 116-260), signed into law on December 27, 2020, provided $688.06 billion in budget authority for FY2021—$10.28 billion (1.5%) less than the FY2020 enacted amount.

The Department of Defense Appropriations Act, 2021, provided funding for an end-strength of 2.15 million military personnel in the active and reserve components—10,300 more personnel than the FY2020 enacted amount—and for a 3% military pay raise. The legislation provided funding in new appropriation accounts for the Space Force (e.g., Procurement, Space Force and Research, Development, Test, and Evaluation, Space Force) as part of DOD's ongoing efforts to establish the Space Force within the Department of the Air Force as the sixth branch of the armed forces. The legislation also provided funding for a new budget activity (e.g., Budget Activity 6.8) for software and digital technology pilot programs.

Among the programs for which Congress added funding were the Virginia-class nuclear-powered attack submarine, F-35 Lightning II strike fighter aircraft, and Ground-based Midcourse Defense (GMD) missile defense system. Among the programs for which Congress reduced funding were the Afghanistan Security Forces Fund, the Navy's hypersonic weapons program known as Conventional Prompt Strike, and upgrades to the M-2 Bradley infantry fighting vehicle.

Among the issues debated by one or both chambers during consideration of the bill but not included in the enacted version were additional funding for the DOD response to the COVID-19 pandemic; a prohibition on the use of funding to construct a wall, fence, or barriers along the U.S.-Mexico border; a reduction of dollar-amount limits on general and special transfer authorities; funding to rename certain Army installations, facilities, roads, and streets named for leaders of the Confederacy; and repeal of Authorizations for the Use of Military Force (AUMFs), among others. Congress addressed some of these matters in the National Defense Authorization Act for Fiscal Year 2021 (P.L. 116-283), enacted prior to the appropriations bill.

This report compares funding levels for certain defense accounts and programs in the enacted FY2020 appropriations, the Trump Administration's FY2021 request, and FY2021 legislation. Other CRS reports provide in-depth analysis and contextual information on defense and foreign policy issues.

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Introduction

The annual Department of Defense Appropriations Act primarily provides funding for most activities of the Department of Defense (DOD), including the Departments of the Army, Navy (including Marine Corps), and Air Force (including Space Force); Office of the Secretary of Defense; and Defense Agencies. The legislation also appropriates funding for certain intelligence activities, including the Intelligence Community Management Account (for staffing expenses related to the National and Military Intelligence Programs) and the Central Intelligence Agency Retirement and Disability System Fund (a mandatory account that provides payments of benefits).

The act does not provide funding for DOD-related military construction and family housing programs, Army Corps of Engineers (Civil Works) programs, or the TRICARE for Life program of medical insurance for military retirees. Funding for military construction and family housing programs is provided in the Military Construction and Veterans Affairs, and Related Agencies Act. Funding for Army Corps of Engineers (Civil Works) programs is provided in the Energy and Water Development and Related Agencies Appropriations Act. Funding for TRICARE for Life is appropriated automatically each year (10 U.S.C. §§1111-1117).

This report provides an overview of the Department of Defense Appropriations Act, 2021, and serves as a reference to other CRS products that provide additional information, context, and analysis relevant to certain aspects of the legislation. The following section provides an overview of congressional action on the legislation. The subsequent section summarizes the budgetary and strategic context within which Congress debated the President Trump's FY2021 budget request. Other sections describe the legislation's treatment of certain policy issues and major components of the request, including selected weapons acquisition programs.

Appropriations Process

For more information on the defense appropriations process, see CRS In Focus IF10514, *Defense Primer: Defense Appropriations Process*, by James V. Saturno and Brendan W. McGarry. For more information on the federal budget process, see CRS Report R46240, *Introduction to the Federal Budget Process*, by James V. Saturno.

Legislative Activity

Selected Actions

On February 10, 2020, President Donald J. Trump submitted an FY2021 budget request that included $753.5 billion for national defense-related activities, including discretionary and mandatory programs.[1] Of that amount, the portion falling within the scope of the annual defense appropriations bill totaled $690.2 billion.[2]

[1] Government Publishing Office, *Budget of the United States Government, FY2021, Analytical Perspectives*, Table 24-1, Budget Authority and Outlays by Function, Category, and Program, at https://www.govinfo.gov/content/pkg/BUDGET-2021-PER/pdf/BUDGET-2021-PER-8-5-1.pdf.

[2] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

The House Committee on Appropriations reported a version of the FY2021 defense appropriations bill, and the Senate Committee on Appropriations released draft legislation. These bills had some common and other differing provisions.

On July 8, 2020, the House Appropriations Committee's Defense Subcommittee marked up and approved by voice vote its version of the Department of Defense Appropriations Bill, 2021.[3] On July 14, the House Appropriations Committee, by a vote of 30-22, approved its version of the bill.[4] On July 16, the committee reported the bill (H.R. 7617) and accompanying report (H.Rept. 116-453). The legislation became a vehicle for a package of six appropriations acts. On July 31, by a vote of 217-197,[5] the House passed the Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Labor, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act, 2021 (H.R. 7617). The House bill included an amended version of the Department of Defense Appropriations Act, 2021, as Division A.

On October 1, 2020, with no FY2021 regular appropriations bills enacted by the start of the fiscal year, Congress enacted the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159) to fund government agencies through December 11. The continuing resolution funded most DOD programs and activities at FY2020 levels, with certain exceptions (or *anomalies*). The exceptions permitted the procurement of the first Columbia-class ballistic missile submarine in FY2021 under a two-boat contract and extended an authority provided in Section 3610 of the CARES Act (P.L. 116-136) that allows DOD to reimburse contractors for paid leave, including sick leave.[6] Congress passed four additional FY2021 continuing resolutions, for a total of five, before enacting regular appropriations to fund government agencies through the remainder of the fiscal year.[7]

Continuing Resolutions

For background and analysis on continuing resolutions, see CRS Report R46582, *Overview of Continuing Appropriations for FY2021 (P.L. 116-159)*, by James V. Saturno and Kevin P. McNellis and CRS Report R45870, *Defense Spending Under an Interim Continuing Resolution: In Brief*, coordinated by Pat Towell.

The Senate Appropriations Committee did not mark up or report a version of the Department of Defense Appropriations Bill, 2021. On November 10, 2020, Senator Richard Shelby, chair of the Senate Committee on Appropriations, released drafts of all 12 annual appropriations bills along with draft accompanying explanatory statements.[8] According to committee press statements, the

[3] House Appropriations Committee, "Appropriations Subcommittee Approves Fiscal Year 2021 Defense Funding Bill," press release, July 8, 2020, at https://appropriations.house.gov/news/press-releases/appropriations-subcommittee-approves-fiscal-year-2021-defense-funding-bill. The subcommittee released the text and a summary of its version of the defense appropriations bill.

[4] House Appropriations Committee, "Appropriations Committee Approves Fiscal Year 2021 Defense Funding Bill," press release, July 14, 2020, at https://appropriations.house.gov/news/press-releases/appropriations-committee-approves-fiscal-year-2021-defense-funding-bill.

[5] See Roll no. 178, at https://clerk.house.gov/Votes/2020178.

[6] For a list of these anomalies, see CRS Report R46582, *Overview of Continuing Appropriations for FY2021 (P.L. 116-159)*, by James V. Saturno and Kevin P. McNellis, p. 15.

[7] The five continuing resolutions were: P.L. 116-159, P.L. 116-215, P.L. 116-225, P.L. 116-226, and P.L. 116-246. For more information, see CRS.gov, Appropriations Status Table, Continuing Resolutions tab, at https://www.crs.gov/AppropriationsStatusTable/Index.

[8] The 12 draft bills and explanatory statements are on the Senate Appropriations Committee's website linked to the majority press release at https://www.appropriations.senate.gov/news/committee-releases-fy21-bills-in-effort-to-

release of the draft bills was intended to further negotiations on annual appropriations between the House and the Senate.[9]

On December 21, 2020, by a vote of 327-85, the House agreed to a Senate amendment comprising four appropriations acts, including the Department of Defense Appropriations Act, 2021, as part of the Consolidated Appropriations Act, 2021 (Division C of H.R. 133). On the same day, by a vote of 92-6, the Senate agreed to an amended version of the House-passed legislation. On December 27, 2020, President Trump signed the bill into law (P.L. 116-260) (see **Table 1**).

Table 1. FY2021 Defense Appropriations Act: Selected Dates and Actions

House				Senate				Public Law
Bill	**Report #, Date Reported**	**Vote # (yeas, nays), Date Passed**	**Conf. Rept. #, Vote #, Date Passed**	**Bill**	**Report #, Date Reported**	**Vote # (yeas, nays), Date Passed**	**Conf. Rept. #, Vote #, Date Passed**	**P.L. #, Date Signed**
H.R. 7617 (Div. A)	H.Rept. 116-453, 07/16/20	178, (y217-n197), 07/31/20	—	Draft text[a]	Draft report, 11/10/20[a]	—	—	—
H.R. 133 (Div. C)	—	250, (y327-n85), 12/21/20	No conference report submitted; JES released by House Rules Committee.	H.R. 133 (Div. C)	—	289, (y92-n6), 12/21/20	No conference report submitted; JES released by House Rules Committee.	P.L. 116-260, 12/27/20

Sources: CRS analysis of Congress.gov; House Appropriations Committee, "Appropriations Subcommittee Approves Fiscal Year 2021 Defense Funding Bill," press release, July 8, 2020, at https://appropriations.house.gov/news/press-releases/appropriations-subcommittee-approves-fiscal-year-2021-defense-funding-bill; House Appropriations Committee, "Appropriations Committee Approves Fiscal Year 2021 Defense Funding Bill," press release, July 14, 2020, at https://appropriations.house.gov/news/press-releases/appropriations-committee-approves-fiscal-year-2021-defense-funding-bill; and Senate Appropriations Committee, "Committee Releases FY21 Bills in Effort to Advance Process, Produce Bipartisan Results," press release, November 10, 2020, at https://www.appropriations.senate.gov/news/committee-releases-fy21-bills-in-effort-to-advance-process-produce-bipartisan-results.

Notes: JES = joint explanatory statement.

a. The Senate Appropriations Committee did not mark up or report a version of the bill. On November 10, 2020, the chair of the Senate Committee on Appropriations, Senator Richard Shelby, released drafts of all 12 annual appropriations bills along with draft accompanying explanatory statements and 302(b) subcommittee allocations.

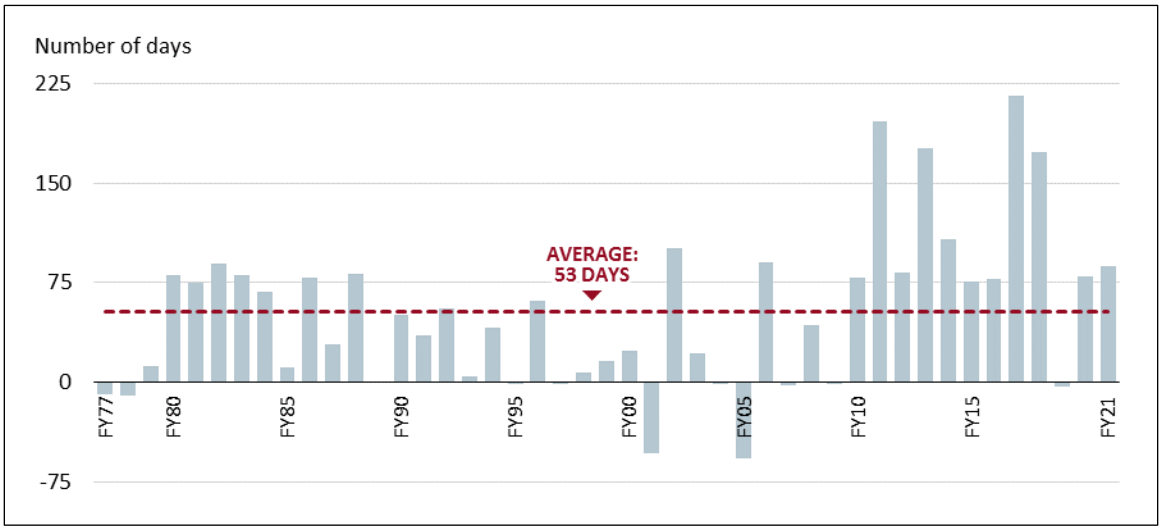
advance-process-produce-bipartisan-results.

[9] Ibid. See also the statement from Senate Appropriations Committee Vice Chair Senator Patrick Leahy, "Senate Approps Vice Chair Leahy Statement On The Release Of The FY 2021 Senate Appropriations Bills," November 10, 2020, at https://www.appropriations.senate.gov/news/minority/senate-approps-vice-chair-leahy-statement-on-the-release-of-the-fy-2021-senate-appropriations-bills-.

The law was enacted 87 days after the start of the FY2021 fiscal year. **Figure 1** shows the dates of enactment for the annual defense appropriations act since FY1977, when the federal government transitioned to a fiscal year beginning October 1, 1976.

Figure 1. Days between Start of Fiscal Year and Enactment of Annual Defense Appropriations Act, FY1977-FY2021

(in days)



Source: CRS analysis of dates of enactment of public law from CRS Report 98-756, *Defense Authorization and Appropriations Bills: FY1961-FY2020*, and P.L. 116-260.

Defense Authorizations and Appropriations

For historical information on defense authorizations and appropriations, see CRS Report 98-756, *Defense Authorization and Appropriations Bills: FY1961-FY2020*, by Nese F. DeBruyne and Barbara Salazar Torreon.

Bill Overview

Of the FY2021 budget request for national defense, the portion falling within the scope of the Department of Defense Appropriations Act, 2021, totaled $690.17 billion. The request was $8.17 billion (1.2%) less than the FY2020 enacted amount, which included emergency funding for expenses related to Hurricanes Michael and Florence, flooding, and earthquakes that occurred in FY2019, and for the federal response to the outbreak of the Coronavirus Disease 2019 (COVID-19) pandemic.[10]

[10] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf. FY2020 enacted amount of $12.36 billion in emergency funding includes $1.77 billion for natural disaster relief in P.L. 116-93 and $10.59 billion for COVID-19 response in P.L. 116-127 and P.L. 116-136.

The original House-passed Department of Defense Appropriations Act, 2021 would have provided $686.72 billion in budget authority in FY2021—$11.62 billion (1.7%) less than the FY2020 enacted amount and $3.45 billion (0.5%) less than the FY2021 request.[11]

The Senate Appropriations Committee-released draft of its Department of Defense Appropriations Bill, 2021, would have provided $688.07 billion in budget authority in FY2021—$10.27 billion (1.5%) less than the FY2020 enacted amount and $2.11 billion (0.3%) less than the FY2021 request.[12]

The enacted legislation provided $688.06 billion in budget authority for FY2021—$10.28 billion (1.5%) less than the FY2020 enacted amount and $2.11 billion (0.3%) less than the FY2021 request (see **Table 2**).[13]

Table 2. FY2021 Defense Appropriations Act Funding Summary

(in billions of dollars of budget authority)

Title	FY2020 Enacted	FY2021 Request	FY2021 House-passed	FY2021 Senate committee-drafted	FY2021 Enacted
Military Personnel	142.45	150.52	149.36	149.62	149.44
Operation and Maintenance	199.42	196.63	196.70	194.80	192.21
Procurement	133.88	130.87	133.63	133.30	136.53
Research and Development	104.43	106.22	104.35	104.08	107.14
Revolving and Management Funds	1.56	1.35	1.35	2.60	1.47
DHP and Other DOD Programs	36.32	34.72	35.32	35.37	36.02
Related Agencies	1.07	1.18	1.13	1.14	1.15
General Provisions	-3.80	0.03	-3.56	-1.49	-4.55
Subtotal, Base Budget	***615.32***	***621.52***	***618.29***	***619.42***	***619.41***
OCO	70.67	68.65	68.44	68.65	68.65
Emergency	12.36[a]				
Total	**698.34**	**690.17**	**686.72**	**688.07**	**688.06**

Sources: House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617, Comparative Statement of New Budget (Obligational) Authority for FY2020 and Budget Requests and Amounts Recommended in the Bill for 2021, p. 440; CRS analysis of H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020, p. 2; U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

[11] CRS analysis of H.R. 7617 (Division A).

[12] Senate Appropriations Committee, Explanatory Statement to accompany its version of the Department of Defense Appropriations Bill, 2021, November 10, 2020, p. 2, at https://www.appropriations.senate.gov/imo/media/doc/DEFRept.pdf.

[13] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Notes: DHP = Defense Health Program. The term base budget generally refers to funding for planned or regularly occurring costs to man, train, and equip the military force. OCO = Overseas Contingency Operations (Title IX is titled, "Overseas Contingency Operations/Global War on Terrorism"). Numbers may not sum due to rounding.

a. FY2020 enacted amount of $12.36 billion in emergency funding includes $1.77 billion for natural disaster relief in the annual defense appropriations act (P.L. 116-93) and $10.59 billion for COVID-19 response in the second and third supplemental appropriations (P.L. 116-127 and P.L. 116-136).

Table 3 shows the difference in requested and enacted amounts provided by the annual Department of Defense Appropriations Acts over the past decade.

Table 3. Requested and Enacted Amounts in Annual Defense Appropriations Acts, FY2012-FY2021

(in billions of dollars)

Fiscal Year	Requested Amount	Enacted Amount	Difference (%)
2012	649.63[a]	622.86[a]	-4.1%
2013	601.23[b]	597.09[b]	-0.7%
2014	590.33[c]	565.09[c]	-4.3%
2015	547.88[d]	547.75[d]	0.0%
2016	571.72[e]	566.62[e]	-0.9%
2017	569.86[f]	571.45[f]	0.3%
2018	623.33[g]	647.44[g]	3.9%
2019	668.41[h]	667.32[h]	-0.2%
2020	690.62[i]	687.76[i]	-0.4%
2021	690.17[j]	688.06[j]	-0.3%

Source: CRS analysis of funding tables in conference reports or explanatory statements accompanying annual defense appropriation acts. For specific references, see notes below.

Notes: Amounts include base, OCO funding, and—for years in which it was provided as part of regular defense appropriations—emergency funding. Amounts exclude scorekeeping adjustments and appropriations for subsequent fiscal years. Page numbers below contain hyperlinks to source documents.

a. Funding table in conference report (H.Rept. 112-331) to accompany Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012, p. 796;

b. Funding table in explanatory statement to accompany the Department of Defense Appropriations Act, 2013 (Division C of P.L. 113-6) in the Senate, *Congressional Record*, daily edition, vol. 159 (March 11, 2013), p. S1546;

c. Funding table in joint explanatory statement accompanying the Department of Defense Appropriations Act, 2014 (Division C of P.L. 113-76) in the House, *Congressional Record*, daily edition, vol. 160 (January 15, 2014), p. H832;

d. Funding table in explanatory statement accompanying the Department of Defense Appropriations Act, 2015 (Division C of P.L. 113-235) in the House, *Congressional Record*, daily edition, vol. 160 (December 11, 2014), p. H9647;

e. Funding table in explanatory statement accompanying the Department of Defense Appropriations Act, 2016 (Division C of P.L. 114-113) in the House, *Congressional Record*, daily edition, vol. 161 (December 17, 2015), p. H10055;

f. Funding table in explanatory statement accompanying the Department of Defense Appropriations Act, 2017 (Division C of P.L. 115-31) in the House, *Congressional Record*, daily edition, vol. 163 (May 3, 2017), p. H3702;

g. Funding table in explanatory statement accompanying the Department of Defense Appropriations Act, 2018 (Division C of P.L. 115-141) in the House, *Congressional Record*, daily edition, vol. 164 (March 22, 2018), p. H2434;

h. Funding table in joint explanatory statement accompanying the Department of Defense Appropriations Act, 2019 (Division A of P.L. 115-245) released by the Senate Appropriations Committee on September 13, 2018, p. 147;

i. Funding table in explanatory statement accompanying the Department of Defense Appropriations Act, 2020 (Division A of P.L. 116-93) in the House, *Congressional Record*, daily edition, vol. 165 (December 17, 2019), p. H10960;

j. Funding table in explanatory statement in U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Background

Strategic Context[14]

President Trump's FY2021 budget request for DOD was shaped in part by the department's efforts to align its priorities with strategic guidance documents, including the 2018 National Defense Strategy (NDS). The 11-page unclassified summary identified strategic competition with China and Russia as "the central challenge to U.S. prosperity and security."[15] This marked a shift in strategic emphasis from countering terrorism and insurgencies in the Middle East in the years following the terrorist attacks of September 11, 2001.

The NDS summary called for additional and steady funding to counter evolving threats from China and Russia: "Long-term strategic competitions with China and Russia are the principal priorities for the Department, and require both increased and sustained investment, because of the magnitude of the threats they pose to U.S. security and prosperity today, and the potential for those threats to increase in the future."[16] The NDS, released prior to the outbreak of the COVID-19 pandemic, did not address the question of pandemics or climate change as national security threats.

The NDS summary called for upgrading the U.S. military's competitive advantage in part by upgrading (or modernizing) nuclear; space and cyberspace; command, control, communications, computers and intelligence, surveillance, and reconnaissance (C4ISR); and missile defense systems. It described the importance of speed in integrating into weapons new technologies (e.g., artificial intelligence, autonomy, robotics, directed energy, hypersonic weapons): "Success no longer goes to the country that develops a new technology first, but rather to the one that better integrates it and adapts its way of fighting."[17]

The National Defense Strategy Commission was established by Section 942 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA; P.L. 114-328) to provide an independent assessment of the National Defense Strategy. In a 2018 report, the Commission generally agreed

[14] This section was coordinated with Kathleen J. McInnis, Specialist in International Security, and Ronald O'Rourke, Specialist in Naval Affairs.

[15] Department of Defense, *Summary of the 2018 National Defense Strategy of the United States of America: Sharpening the American Military's Competitive Edge*, p. 2, at https://dod.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf.

[16] Ibid., pp. 6-7.

[17] Ibid., p. 10.

with DOD's strategic approach, particularly its orientation towards strategic competition with other great powers. At the same time, the Commission asserted that successive Administrations and Congresses have underestimated the scale of this reorientation, the urgency with which it must occur, and the resources required to make it happen. For example, the commission recommended that policymakers increase defense spending by 3% to 5% per year in real terms (i.e., adjusting for inflation)—or alter the expectations of the strategy and America's global strategic objectives.[18] Some Members of Congress have recommended increasing the defense budget by 3%-5% per year in real terms to prepare for long-term strategic competition with China and Russia.[19]

Others have argued DOD could carry out the strategy with less funding. In 2019, Robert O. Work, who served as deputy secretary of defense during the Obama Administration, said, "You can execute this National Defense Strategy at $700 billion a year, without question, if you make the right choices. You can completely screw up the strategy at $800 billion a year if you make the wrong choices."[20] Some Members of Congress have proposed reducing the defense budget by as much as 10% to fund non-defense priorities such as health care, housing, and educational opportunities.[21]

Selected CRS Products

For background and analysis on the National Defense Strategy, see CRS Insight IN10855, *The 2018 National Defense Strategy*, by Kathleen J. McInnis and CRS Report R45349, *The 2018 National Defense Strategy: Fact Sheet*, by Kathleen J. McInnis. For background and analysis on potential national-security implications of COVID-19, see CRS Report R46336, *COVID-19: Potential Implications for International Security Environment—Overview of Issues and Further Reading for Congress*, by Ronald O'Rourke, Kathleen J. McInnis, and Michael Moodie. For background and analysis on great power competition, see CRS Report R43838, *Renewed Great Power Competition: Implications for Defense—Issues for Congress*, by Ronald O'Rourke.

Budgetary Context

Congressional action on the Department of Defense Appropriations Act, 2021, occurred as federal spending continued to exceed revenues. The trend has raised questions about whether pressure to reduce the federal deficit may impact defense budget plans.

In September 2020, the Congressional Budget Office (CBO) projected a federal deficit of $3.3 trillion in 2020, or 16% of gross domestic product—the highest percentage since 1945.[22] This amount was $2.2 trillion more than CBO had estimated in March of 2020. CBO described the projected increase as "mostly the result of the economic disruption caused by the 2020

[18] Eric Edelman and Gary Roughead (co-chairs), *Providing for the Common Defense: The Report of the National Defense Strategy Commission*, United States Institute for Peace, November 2018, p. 52, at https://www.usip.org/sites/default/files/2018-11/providing-for-the-common-defense.pdf.

[19] See, for example, Joe Gould, "HASC's new lead Republican on making Space Force permanent and budget fights to come," *Defense News*, February 4, 2021, at https://www.defensenews.com/congress/2021/02/04/hascs-new-lead-republican-on-making-space-force-permanent-and-budget-fights-to-come/.

[20] Center for a New American Security, *The National Defense Strategy Commission Report: Debating the Key Issues*, January 15, 2019, at https://www.cnas.org/events/the-national-defense-strategy-commission-report-debating-the-key-issues.

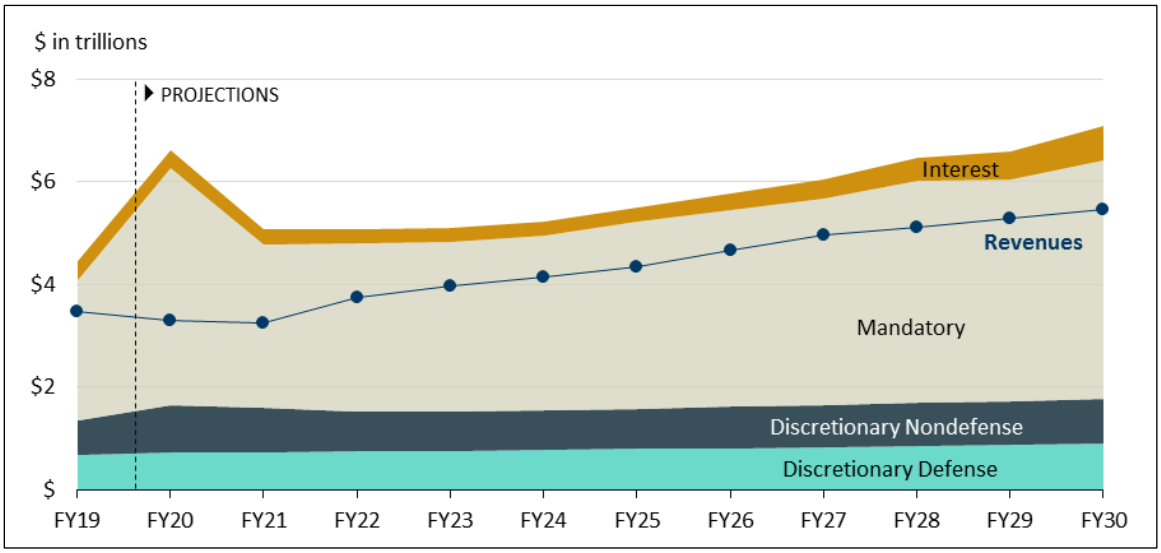
[21] See, for example, Senator Bernie Sanders, "Sanders: Cut the Pentagon by 10% to Hire More Teachers, Build More Homes, and Create More Jobs," press release, June 25, 2020, at https://www.sanders.senate.gov/press-releases/sanders-cut-the-pentagon-by-10-to-hire-more-teachers-build-more-homes-and-create-more-jobs/.

[22] Congressional Budget Office, *An Update to the Budget Outlook: 2020 to 2030*, September 2020, at https://www.cbo.gov/system/files/2020-09/56517-Budget-Outlook.pdf.

coronavirus pandemic and the enactment of legislation in response."[23] Over the next decade, mandatory spending and net interest payments on the national debt are projected to increase faster than discretionary spending.[24] See **Figure 2**.

Figure 2. Outlays by Budget Enforcement Category and Revenues, FY2001-FY2030 (Projected)

(in trillions of dollars)



Source: CRS analysis of Congressional Budget Office, 10-Year Budget Projections (Tables 1-1, 1-4) accompanying *An Update to the Budget Outlook: 2020 to 2030*, September 2020.

Notes: Area above dotted line reflects deficit. 2019 reflects actual figures; 2020-2030 reflect projections.

In recent decades, during periods of widening gaps between revenues and outlays, Congress has sometimes enacted legislation intended to reduce the deficit in part by limiting defense spending. After the deficit had reached nearly 6% of GDP in 1983,[25] Congress enacted the Balanced Budget and Emergency Deficit Control Act of 1985 (also known as the Gramm-Rudman-Hollings Act; P.L. 99-177).[26] This legislation created annual deficit limits and stated that breaching them would trigger automatic funding reductions equally divided between defense and non-defense spending. In 1990, Congress passed the Budget Enforcement Act of 1990 (P.L. 101-508), which included statutory limits on discretionary spending. These discretionary spending limits were in effect through 2002, and in certain years included a specific limit on defense spending.[27] After the deficit reached nearly 10% in 2009,[28] Congress enacted the Budget Control Act of 2011 (BCA; P.L. 112-25), which reinstated statutory limits, or caps, on discretionary spending for fiscal years 2012-2021 and included separate annual limits for defense spending. Discretionary spending

[23] Ibid. For CRS products on COVID-19, see https://www.crs.gov/resources/coronavirus-disease-2019.

[24] Ibid.

[25] Office of Management and Budget, Historical Tables, Table 1.2, Summary of Receipts, Outlays, and Surpluses or Deficits (-) as Percentages of GDP: 1930–2025, accessed February 16, 2021, at https://www.whitehouse.gov/omb/historical-tables/.

[26] For more information and analysis, see CRS Report R41901, *Statutory Budget Controls in Effect Between 1985 and 2002*, by Megan S. Lynch.

[27] Ibid. Defense spending limits under P.L. 101-508 were in place in FY1991, FY1992, FY1993, FY1998 and FY1999.

[28] Ibid.

limits are enforced through a mechanism called sequestration.[29] Sequestration automatically cancels previously enacted appropriations by an amount necessary to reach pre-specified levels.[30] The defense spending cap under BCA as amended applies to discretionary base budget authority for the national defense budget function (050).[31] The limit does not apply to certain other types of funding (e.g., funding for Overseas Contingency Operations [OCO] or emergency requirements).[32] On March 1, 2013—five months into the fiscal year—then-President Barack Obama ordered the sequestration of budgetary resources across nonexempt federal government accounts.[33] Some observers argue that such legislation disproportionately affects defense programs and inadequately addresses projected growth in mandatory programs. Others argue that it is necessary in light of recurring deficits and growing federal debt.[34]

In a 2020 report, the Congressional Budget Office identified 12 options for reducing the federal budget deficit through discretionary defense programs, such as reducing the DOD budget, capping increases in basic pay for military service members, and stopping construction of Ford-class aircraft carriers.[35]

Selected CRS Products

For background and analysis on the Budget Control Act (BCA) and sequestration, see CRS Video WVB00305, *Budget Control Act: Overview*, by Megan S. Lynch and Grant A. Driessen, CRS Report R44874, *The Budget Control Act: Frequently Asked Questions*, by Grant A. Driessen and Megan S. Lynch, and CRS Report R44039, *The Defense Budget and the Budget Control Act: Frequently Asked Questions*, by Brendan W. McGarry. For background and analysis on Overseas Contingency Operations (OCO) funding, see CRS Report R44519, *Overseas Contingency Operations Funding: Background and Status*, by Brendan W. McGarry and Emily M. Morgenstern.

FY2021 Defense Budget Request

President Trump's FY2021 budget request included $753.5 billion in budget authority for national defense-related activities. Of that amount, $740.5 billion was for discretionary programs and $13.0 billion was for mandatory programs.[36] The budget request conformed to the FY2021

[29] For more information, see CRS Report R44874, *The Budget Control Act: Frequently Asked Questions*, by Grant A. Driessen and Megan S. Lynch.

[30] For more background and analysis, see CRS Report R42972, *Sequestration as a Budget Enforcement Process: Frequently Asked Questions*, by Megan S. Lynch.

[31] The term base budget generally refers to funding for planned or regularly occurring costs to man, train, and equip the military force. Budget authority is authority provided by law to a federal agency to obligate money for goods and services. For more information on how BCA affects the defense budget, see CRS Report R44039, *The Defense Budget and the Budget Control Act: Frequently Asked Questions*, by Brendan W. McGarry. The national defense budget function (identified by the numerical notation 050) comprises three subfunctions: Department of Defense (DOD)–Military (051); atomic energy defense activities primarily of the Department of Energy (053); and other defense-related activities (054), such as FBI counterintelligence activities. For more information, see CRS In Focus IF10618, *Defense Primer: The National Defense Budget Function (050)*, by Christopher T. Mann.

[32] Since 2009, the term Overseas Contingency Operations, or OCO, has been used to describe military operations in Iraq, Afghanistan, and other countries. For more information, see CRS Report R44519, *Overseas Contingency Operations Funding: Background and Status*, by Brendan W. McGarry and Emily M. Morgenstern.

[33] Government Accountability Office, *SEQUESTRATION: Observations on the Department of Defense's Approach in Fiscal Year 2013*, GAO-14-177R, November 7, 2013, p. 13, at https://www.gao.gov/assets/660/658913.pdf.

[34] For more information, see CRS Report R44039, *The Defense Budget and the Budget Control Act: Frequently Asked Questions*, by Brendan W. McGarry, p. 3.

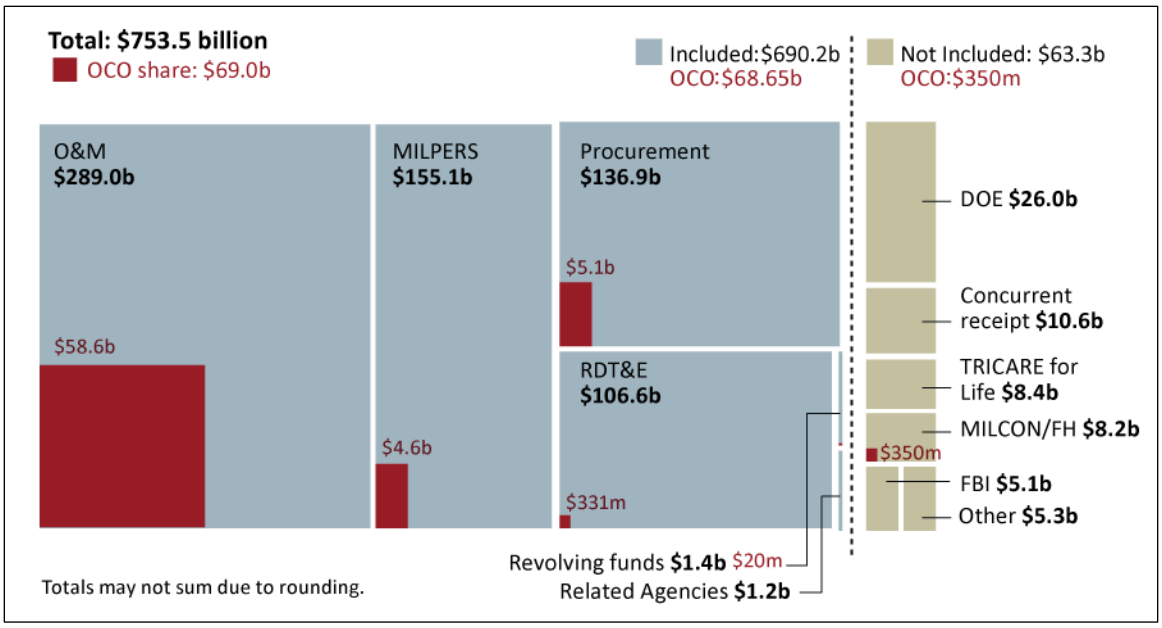
[35] Congressional Budget Office, *Options for Reducing the Deficit: 2021 to 2030*, December 2020, at https://www.cbo.gov/system/files/2020-12/56783-budget-options.pdf.

[36] Government Publishing Office, *Budget of the United States Government, FY2021, Analytical Perspectives*, Table 24-

discretionary defense limit established by the Bipartisan Budget Act of 2019 (BBA 2019; P.L. 116-37). BBA 2019 had raised the defense spending cap initially set by the Budget Control Act of 2011 to $671.5 billion in FY2021. BBA 2019 also specified a nonbinding target of $69 billion in FY2021 for defense OCO funding.

Of the $753.5 billion requested for national defense-related activities in FY2021, the portion falling within the scope of the Department of Defense Appropriations Act, 2021, totaled $690.17 billion, including $688.99 billion for DOD and $1.18 billion for other agencies (i.e., certain activities of the intelligence community). See **Figure 3**.[37] The portion of defense OCO funding falling within the scope of the legislation totaled $68.65 billion. The remaining $63.3 billion requested for national defense-related activities in FY2021, including $350 million in OCO funding, falls outside the scope of the legislation.

Figure 3. Portion of FY2021 President's National Defense Budget Request within the Scope of the Defense Appropriations Act



Sources: CRS analysis of funding table in U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf; and Government Publishing Office, *Budget of the United States Government, FY2021*, Analytical Perspectives, Table 24-1, Budget Authority and Outlays by Function, Category, and Program.

Notes: OCO = funding designated for Overseas Contingency Operations; O&M = operation and maintenance; MILPERS = military personnel; RDT&E = research, development, test, and evaluation; DOE = Department of Energy; MILCON/FH = military construction and family housing. "Total" and "not included" figures from Table 24-1; "included figures" from explanatory statement funding table. Totals may not sum due to rounding.

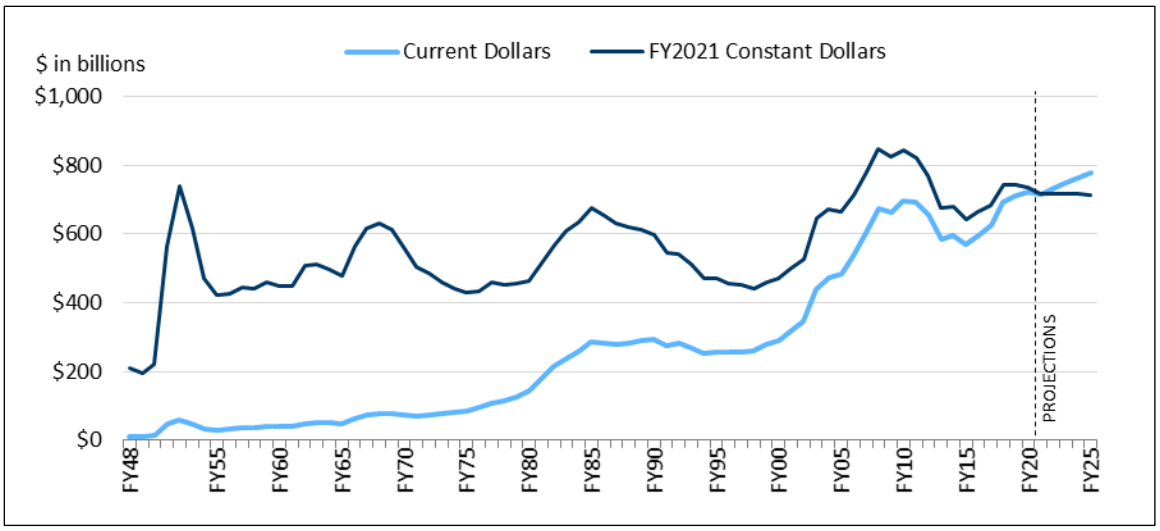
1: Budget Authority and Outlays by Function, Category, and Program, at https://www.govinfo.gov/content/pkg/BUDGET-2021-PER/pdf/BUDGET-2021-PER-8-5-1.pdf.

[37] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Including military construction and family housing appropriations, the FY2021 DOD budget request totaled $716.2 billion, excluding emergency funding provided for hurricane relief and COVID-19 response.[38] The level of budget authority requested by DOD for FY2021, when adjusted for inflation, was higher than during the Vietnam War and the Cold War-era military buildup of the 1980s, lower than during the height of post-9/11 operations in Iraq and Afghanistan, and projected to remain relatively flat over the five-year period through FY2025. See **Figure 4**.

Figure 4. Department of Defense Budget Authority, FY1948-FY2025 (Projected)

(in billions of nominal, or current, dollars and constant FY2021 dollars)



Source: Department of Defense, National Defense Budget Estimates for FY2021, Table 6-8, Department of Defense Budget Authority by Public Law Title, April 2020.

Selected CRS Products

For more information on the FY2021 defense budget request, see CRS Insight IN11224, *FY2021 Defense Budget Request: An Overview*, by Brendan W. McGarry and CRS Video WVB00314, *FY2021 Defense Budget: Issues for Congress*, by Nathan J. Lucas et al.

Selected Policy Matters

This section of the report discusses certain policy matters that generated interest or debate among Members or objections from the Trump Administration, including matters relating to the Administration's redirection of funds to construct barriers along the U.S.-Mexico border and congressional proposals to rename Army installations, facilities, roads, and streets named after confederate leaders and officers.

COVID-19

Congressional action on the Department of Defense Appropriations Act, 2021, occurred during the COVID-19 pandemic. The enacted version of the legislation did not provide funding

[38] Department of Defense, National Defense Budget Estimates for FY2021, Table 6-8, Department of Defense Budget Authority by Public Law Title, April 2020, p. 143, at https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/FY21_Green_Book.pdf.

explicitly for the department's pandemic response. Congress provided FY2020 emergency supplemental funding for DOD pandemic-related activities, elements of which were questioned by House appropriators, among other Members.

In FY2020, Congress provided DOD with $10.59 billion in emergency supplemental funding to respond to COVID-19.[39] Almost half of that amount was for the Defense Health Program to provide medical care to military members, dependents, and retirees; procure medical gear such as ventilators and personal protective equipment; develop vaccines and diagnostic tests; and cover other anticipated expenses.[40] The emergency supplemental legislation also included funding to cover costs associated with the deployment of military hospital ships intended to ease civilian hospital demand and other activities; mobilization of National Guard personnel to support emergency operations; and Defense Production Act (DPA) purchases intended to facilitate the manufacture and distribution of medical equipment and supplies.

For FY2021, the House Appropriations Committee would have provided $1.36 billion in FY2021 for the department's pandemic response, including $758 million in procurement funds for certain suppliers; $450 million in operation and maintenance funds for second, third, and fourth tier suppliers recovery and resupply activities; and $150 million for the Defense Health Program.[41] The committee directed the Secretary of Defense and the service secretaries to provide quarterly updates to the congressional defense committees on COVID-19-related expenses incurred in the previous quarter, including any savings from delayed or cancelled training, exercises, or deployments. The committee noted that DOD planned to use most of the $1 billion provided in FY2020 emergency supplemental funding for DPA purchases to address the impact of COVID-19 on the defense industrial base, in part by making loans to private companies, and expressed concern "that this funding will not support increased medical supply production, as intended by the additional CARES Act funding."[42] The committee also expressed concern over the department's planning and preparation for the pandemic and restructuring of the Military Health System.[43] The committee encouraged the Secretary of Defense to cooperate with the directors of the Defense Advanced Research Projects Agency and the Biomedical Advanced Research and Development Authority on research to address public health vulnerabilities, secure a national stockpile of life-saving drugs, and address vulnerability points for the military.[44]

The House-passed bill would have provided $100 million to the Shipbuilding and Conversion, Navy appropriation account for certain suppliers.[45]

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[39] The Families First Coronavirus Response Act (P.L. 116-127) provided $82 million for the department's Defense Health Program (DHP) to waive all TRICARE cost-sharing requirements related to COVID-19. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136) provided $10.5 billion in emergency funding for the department.

[40] For more information on the Defense Health Program, see CRS In Focus IF11442, *FY2021 Budget Request for the Military Health System*, by Bryce H. P. Mendez. For more information on DOD health care activities supported by this funding, see CRS Report R46316, *Health Care Provisions in the Families First Coronavirus Response Act, P.L. 116-127*, coordinated by Sarah A. Lister and Paulette C. Morgan and CRS Report R46481, *COVID-19 Testing: Frequently Asked Questions*, coordinated by Amanda K. Sarata and Elayne J. Heisler.

[41] H.Rept. 116-453, p. 11.

[42] Ibid., p. 12.

[43] Ibid. For background and analysis on proposed changes to the military health system, see CRS In Focus IF11273, *Military Health System Reform*, by Bryce H. P. Mendez and CRS In Focus IF11458, *Military Health System Reform: Military Treatment Facilities*, by Bryce H. P. Mendez.

[44] Ibid., p. 13.

[45] H.R. 7617, p. 29.

The Senate Appropriations Committee noted that it would, to the extent necessary, seek to address agency needs related to COVID-19 "in future supplemental appropriations vehicles. Accordingly, funding recommended in the Committee's regular fiscal year 2021 appropriations bill is focused on annual funding needs unrelated to the COVID-19 pandemic."[46]

COVID-19 Implications for DOD

For background and additional analysis, see CRS Report R46336, *COVID-19: Potential Implications for International Security Environment—Overview of Issues and Further Reading for Congress*, by Ronald O'Rourke and Kathleen J. McInnis, CRS Insight IN11273, *COVID-19: The Basics of Domestic Defense Response*, coordinated by Michael J. Vassalotti, and CRS Report R43767, *The Defense Production Act of 1950: History, Authorities, and Considerations for Congress*, by Michael H. Cecire and Heidi M. Peters.

Overseas Contingency Operations (OCO)

Since the terrorist attacks of September 11, 2001, Congress has appropriated discretionary budget authority designated as emergency requirements or for Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT) in support of the U.S. government response to the attacks and for other activities. In the years following enactment of the Budget Control Act of 2011, OCO funding was used for non-contingency purposes. Some observers criticized such funding as a "slush fund," others praised it as a "relief valve," and still others noted that it no longer corresponded to funding for U.S. military operations in countries such as Afghanistan and Iraq.[47] DOD acknowledges that it currently uses the majority of OCO funding for activities other than costs associated with "direct war" requirements. For example, of the $69 billion requested for OCO funding in FY2021, DOD identified $21 billion (30%) for "direct war" requirements. The remainder was for base budget and enduring requirements (i.e., costs that will remain even after combat operations end).[48]

For FY2021, the House-passed bill would have provided $68.435 billion in OCO funding—$0.215 billion (0.3%) less than requested. The House Appropriations Committee referred to the use of OCO as "an abject failure" and recommended that Congress return to funding contingency operations through supplemental appropriations

> With the possibility of significantly fewer deployed American servicemembers in Afghanistan combined with more training exercises and less contingencies, activities funded in the past by OCO could very well be supported within base accounts in the future. For these reasons, the Committee believes that the Department should cease requesting funding for the OCO accounts following this fiscal year. The traditional manner of funding contingency operations through supplementals should return. The OCO experiment has been an abject failure and has given the Department a budgetary relief valve that has allowed it to avoid making difficult decisions.[49]

[46] Explanatory statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, p. 2, at https://www.appropriations.senate.gov/imo/media/doc/DEFRept.pdf.

[47] For more information, see CRS Report R44519, *Overseas Contingency Operations Funding: Background and Status*, by Brendan W. McGarry and Emily M. Morgenstern, pp. 9-10.

[48] Department of Defense, *Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, February 2020, Defense Budget Overview, United States Department of Defense Fiscal Year 2021 Budget Request, Revised May 13, 2020*, pp. 1-3, 6-1, at https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/fy2021_Budget_Request_Overview_Book.pdf.

[49] H.Rept. 116-453, pp. 4-5.

In its draft bill, the Senate Appropriations Committee included the Administration's requested level of defense OCO funding. The panel explained its recommendation as follows

> This funding will ensure that resources, equipment, and supplies are available for our servicemembers without interruption, and will enable the Department to avoid absorbing operational costs from within baseline programs that are critical to future readiness and home-station activities.[50]

The enacted version of the legislation provided the Administration's requested level of defense OCO funding.[51]

Overseas Contingency Operations Funding

For background and analysis on funding for Overseas Contingency Operations, see CRS Report R44519, *Overseas Contingency Operations Funding: Background and Status*, by Brendan W. McGarry and Emily M. Morgenstern, CRS Report WPD00012, *Overseas Contingencies Operations: Funding and Outlook*, by Brendan W. McGarry and Emily M. Morgenstern, and CRS Video WVB00246, *Overseas Contingency Operations Funding: Trends and Issues*, by Brendan W. McGarry.

Border Wall and Related Matters

Border Barrier Construction

Under the Trump Administration, DOD reallocated approximately $10 billion of FY2019 and FY2020 funding to construct barriers on the U.S.-Mexico border. On February 13, 2020, DOD transferred $3.8 billion from defense procurement programs to the Operation and Maintenance, Army account for use by the Army Corps of Engineers to construct barriers and roads along the U.S. southern border.[52] The reprogramming repeated, in part, a process the department undertook twice in 2019 (totaling $2.5 billion) in support of Department of Homeland Security (DHS) counter-drug activities pursuant to 10 U.S.C. §284, in conjunction with a separate set of emergency transfers ($3.6 billion) under 10 U.S.C. §2808.[53]

House appropriators considered, but did not enact, a number of provisions that would have limited or prohibited the use of defense funds to construct barriers along the Southern border. Section 8134 of the House-passed bill would have prohibited the use of FY2021 or prior-year

[50] Explanatory statement accompanying Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, p. 253, at https://www.appropriations.senate.gov/imo/media/doc/DEFRept.pdf.

[51] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

[52] Department of Defense, Office of the Under Secretary of Defense-Comptroller, Budget Execution, Implemented Reprogramming Actions–FY2020, "Support for DHS Counter Drug Activity," February 13, 2020, at https://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2020/reprogramming_action/20-01_RA_Support_for_DHS_Counter_Drug_Activity.pdf.

[53] Department of Defense, Office of the Under Secretary of Defense-Comptroller, Budget Execution, Implemented Reprogramming Actions–FY2019, "Support for DHS Counter-Drug Activity Reprogramming Action," March 25, 2019, at https://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2019/reprogramming_action/19-01_RA_Support_for_DHS_Counter_Drug_Activity.pdf; "Support for DHS Counter-Drug Activity Reprogramming Action," May 9, 2019, at https://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2019/reprogramming_action/19-02_RA_Support_for_DHS_Counter_Drug_Activity.pdf; and White House, "President Donald J. Trump's Border Security Victory," fact sheet, February 15, 2019, at https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-border-security-victory/.

defense appropriations to construct "a wall, fence, border barriers, or border security infrastructure" along the southern border.[54] The language also would have prohibited using funds for the Drug Interdiction and Counter-drug Activities, Defense account to construct "fences." Section 8135 of the House bill would have required DOD to return any of the unobligated procurement funds that were transferred on February 13, 2020, to their original accounts and prohibited their use "for any purpose other than the original purposes for which they were appropriated."[55] Section 8136 of the House bill would have prohibited DOD from using funds for active-duty servicemembers supporting security or immigration enforcement operations along the southern border unless the requesting agency agreed to reimburse DOD for such costs.[56]The House Appropriations Committee argued that the department's use of defense funding to pay for the border wall was an example of "mismatch between its stated priorities and its fiscal actions."[57]

The Trump Administration objected to the House provisions, arguing that prior-year appropriations, transfer authority, and the use of active-duty forces on a non-reimbursable basis were "critical to DOD's support of Department of Homeland Security (DHS) efforts to secure the Southern Border."[58]

The Senate Appropriations Committee-drafted bill and the enacted legislation did not include comparable provisions. Section 2801 of the previously enacted FY2021 National Defense Authorization Act (P.L. 116-283) dealt with a related issue and limited to $500 million the amount of military construction funds available for redirection under a national emergency pursuant to 10 U.S.C. 2808.[59] President Trump vetoed the FY2021 NDAA over this and other provisions.[60] The House and Senate each voted to override the veto by margins larger than the two-thirds majority required by the Constitution.[61]

DOD Funding for Border Wall

For background and analysis, see CRS Report R45937, *Military Funding for Southwest Border Barriers*, by Christopher T. Mann, CRS Report R46002, *Military Funding for Border Barriers: Catalogue of Interagency Decisionmaking*, by Christopher T. Mann and Sofia Plagakis, and CRS Insight IN11017, *Military Construction Funding in the Event of a National Emergency*, by Michael J. Vassalotti and Brendan W. McGarry.

Counter-Narcotics Support

For FY2021, DOD requested $769.6 million for the Drug Interdiction and Counter-drug Activities, Defense account, which funds programs to identify and interdict the transit of illicit drugs to the United States.[62]

[54] H.R. 7617, p. 132.

[55] Ibid., pp. 132-133.

[56] Ibid., p. 133.

[57] H.Rept. 116-453, p. 4.

[58] Office of Management and Budget, *Statement of Administration Policy*, July 30, 2020, pp. 1-2.

[59] P.L. 116-283.

[60] White House, "Presidential Veto Message to the House of Representatives for H.R. 6395," statement, December 23, 2020, at https://trumpwhitehouse.archives.gov/briefings-statements/presidential-veto-message-house-representatives-h-r-6395/.

[61] For more information, see CRS Report R46714, *FY2021 National Defense Authorization Act: Context and Selected Issues for Congress*, by Pat Towell.

[62] Department of Defense, Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, *Operation*

The House-passed bill would have appropriated $746.2 million for the Drug Interdiction and Counter-drug Activities, Defense account—$23.4 million less than requested.[63] Within this account, the House Appropriation Committee would have provided $125.2 million less than requested for Counter-Narcotics Support and $101.8 million more than requested for the National Guard Counter-Drug Program.[64] The panel noted its concern with DOD's reallocation of funding from Counter-Narcotics Support:

> The Committee is concerned with the misrepresentation by the Department of Defense regarding the purposes for which funds were requested under this heading in fiscal year 2020. The Department of Defense has reallocated $47,400,000 from Counter-Narcotics Support for activities that were neither requested by the Department nor appropriated by Congress, namely to fund southwest border barrier construction. Such actions deny the Committee its constitutional and oversight responsibilities and the Committee recommendation for fiscal year 2021 does not continue funding programs that were reduced as a result of the Department's actions.[65]

The Trump Administration objected to the House's proposed reduction to counter-drug funding, arguing that it "would hinder DOD's ability to fulfill its statutory counter-drug missions."[66]

The Senate Appropriations Committee would have included $923.4 million for the Drug Interdiction and Counter-drug Activities, Defense account—$153.8 million more than requested. The panel would have included additional funding for Counter-Narcotics Support ($33.8 million), the National Guard Counter-Drug Program ($100 million), and National Guard Counter-Drug Schools ($20 million). Some of the funding for Counter-Narcotics Support would have been for joint interagency task force projects associated with the Pacific Deterrence Initiative (PDI), an effort intended to strengthen U.S. defense posture in the Indo-Pacific region. The panel noted its concern that DOD "has not applied significant prioritization to initiatives in the region."

The enacted version of the legislation included $914.4 million for the Drug Interdiction and Counter-drug Activities, Defense account—$144.8 million more than requested. The unrequested funding was for Counter-Narcotics Support ($20.8 million), including a multi-mission support vessel ($18.0 million) and a joint interagency task force project associated with PDI ($2.8 million); Drug Demand Reduction Program ($4 million); the National Guard Counter-Drug Program ($100.0 million); and National Guard Counter-Drug Schools ($20.0 million).

Counterdrug Activities

For background and analysis on DOD counterdrug activities, see CRS Insight IN11052, *The Defense Department and 10 U.S.C. 284: Legislative Origins and Funding Questions*, by Liana W. Rosen.

Transfer Authorities

DOD transfer and reprogramming authorities emerged as central in a debate over the department's use of the authorities to transfer, without congressional prior approval, FY2019 and FY2020 defense funds to construct barriers along the U.S.-Mexico border. For FY2021, DOD requested $9.5 billion in general and special transfer authority, including $5 billion in general

and Maintenance Overview, Fiscal Year 2021 Budget Estimates, February 2020, p. 31.

[63] H.R. 7617, p. 42.

[64] H.Rept. 116-453, p. 344.

[65] Ibid., p. 345.

[66] *Statement of Administration Policy*, p. 3.

transfer authority for base funding and $4.5 billion in special transfer authority for OCO funding.[67] The use of such authorities generally requires the prior approval of certain congressional committees.

Sections 8005 and 9002 of the House-passed bill would have authorized $1.9 billion in general and special transfer authority, including $1 billion in general transfer authority and $900 million in special transfer authority.[68] The House Appropriations Committee argued in part, "The granting of additional budget flexibility to the Department is based on the presumption that a state of trust and comity exists between the legislative and executive branches regarding the proper use of appropriated funds. This presumption presently is false."[69]

The Trump Administration objected to the House provision, arguing that "limiting DOD's transfer authorities would severely constrain its ability to shift funds between accounts to meet unforeseen or emerging military requirements."[70]

The Senate Appropriations Committee included, and the enacted version of the legislation provided, $6 billion in general and special transfer authority, including $4 billion in general transfer authority and $2 billion in special transfer authority (see **Table 4**).[71] The explanatory statement accompanying the enacted legislation directed the Secretary of Defense to submit a report to the House and Senate Appropriations Committees detailing how the department has used such authorities over the past decade.[72] The language also directed the head of the Government Accountability Office to review the DOD report and assess "the extent to which the actions described in response to the direction above comply with existing appropriations law."[73]

Table 4. General and Special Transfer Authority Limits in the DOD Appropriations Act, 2021: Legislative Comparison

(in billions of dollars)

Transfer Authority (section)	FY2020 Enacted (P.L. 116-93)	FY2021 Requested	House-passed (H.R. 7617)	Senate committee-drafted	FY2021 Enacted (P.L. 116-260)
GTA (Sec. 8005)	$4.0	$5.0	$1.0	$4.0	$4.0
STA (Sec. 9002)	$2.0	$4.5	$0.5	$2.0	$2.0
Total	**$6.0**	**$9.5**	**$1.5**	**$6.0**	**$6.0**

Sources: Department of Defense Appropriations Act, 2020 (Division A of P.L. 116-93); Office of Management and Budget, FY2021 *Budget Appendix*; House-passed Department of Defense Appropriations Act, 2021 (Division A of H.R. 7617); Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021; and enacted Department of Defense Appropriations Act, 2021 (Division C of P.L. 116-260).

[67] *Budget of the United States Government, Fiscal Year 2021, Appendix*, pp. 310, 343, https://www.govinfo.gov/content/pkg/BUDGET-2021-APP/pdf/BUDGET-2021-APP.pdf.

[68] H.R. 7617, pp. 46, 159.

[69] H.Rept. 116-453, p. 4.

[70] *Statement of Administration Policy*, pp. 1-2.

[71] Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, pp. 42, 143; and Department of Defense Appropriations Act, 2021 (Division C of P.L. 116-260).

[72] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 389, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

[73] Ibid.

Notes: GTA = general transfer authority; STA = special transfer authority.

DOD Transfer Authorities

For background and analysis on DOD transfer and reprogramming authorities, see CRS Report R46421, *DOD Transfer and Reprogramming Authorities: Background, Status, and Issues for Congress*, by Brendan W. McGarry.

Confederate Names

The May 25, 2020, death of George P. Floyd Jr. in the custody of Minneapolis law enforcement and other high-profile racial incidents spurred widespread protests and generated congressional interest in a number of topics, including renaming U.S. military bases named for military leaders of the Confederacy.

Section 8139 of the House-passed bill would have provided $1 million to the Operation and Maintenance, Army account to rename Army installations, facilities, roads, and streets named after confederate leaders and officers.[74] The House Appropriations Committee noted that its version of the defense appropriations bill would provide the funding "to the Army for the renaming of installations, facilities, roads and streets that bear the name of confederate leaders and officers since the Army has the preponderance of the entities to change."[75]

The Trump Administration objected to the House provision, arguing in part that it reflected an attempt to "rewrite history."[76]

The Senate Appropriations Committee-drafted bill, and the enacted legislation, did not include a comparable provision. Section 370 in the previously enacted FY2021 NDAA dealt with a similar issue and required the Secretary of Defense to establish a commission to produce, within three years, a plan to remove from all DOD assets all names, symbols, monuments, and paraphernalia that honor or commemorate the Confederacy, except for Confederate grave markers.[77] President Trump vetoed the FY2021 NDAA over this and other provisions.[78] The House and Senate each voted to override the veto by margins larger than the two-thirds majority required by the Constitution.[79]

Confederate Names and Military Installations

For background and analysis, see CRS Insight IN10756, *Confederate Names and Military Installations*, by Barbara Salazar Torreon, CRS Report R44959, *Confederate Symbols: Relation to Federal Lands and Programs*, coordinated by Laura B. Comay, and CRS Report R46714, *FY2021 National Defense Authorization Act: Context and Selected Issues for Congress*, by Pat Towell.

[74] H.R. 7617, pp. 134-135.

[75] House Appropriations Committee, "Appropriations Committee Releases Fiscal Year 2021 Defense Funding Bill," press release, July 7, 2020, at https://appropriations.house.gov/news/press-releases/appropriations-committee-releases-fiscal-year-2021-defense-funding-bill.

[76] *Statement of Administration Policy*, pp. 2-3.

[77] For more information, see CRS Report R46714, *FY2021 National Defense Authorization Act: Context and Selected Issues for Congress*, by Pat Towell, p. 10.

[78] White House, "Presidential Veto Message to the House of Representatives for H.R. 6395," statement, December 23, 2020, https://trumpwhitehouse.archives.gov/briefings-statements/presidential-veto-message-house-representatives-h-r-6395/.

[79] For more information, see CRS Report R46714, *FY2021 National Defense Authorization Act: Context and Selected Issues for Congress*, by Pat Towell.

Authorizations for the Use of Military Force (AUMFs)

In 2001, Congress enacted the Authorization for Use of Military Force (AUMF; P.L. 107-40). The legislation authorized the President to use military force against "those nations, organizations, or persons he determines planned, authorized, committed, or aided" the September 11, 2001, terrorist attacks. In 2002, several months before the United States invaded Iraq to oust the Saddam Hussein regime, Congress enacted the Authorization for Use of Military Force Against Iraq Resolution of 2002 (P.L. 107-243). The legislation authorized the President to use the armed forces to "defend the national security of the United States against the continuing threat posed by Iraq."

Section 9027 of the House-passed bill would have repealed P.L. 107-40 240 days after enactment of the legislation. Section 9028 of the House-passed bill would have repealed P.L. 107-243 upon enactment of the legislation.[80] Representative Barbara Lee, who introduced amendments to repeal the AUMFs, argued in part that "the 2001 AUMF has been cited at least 41 times in 19 countries to wage war with little or no congressional oversight" and that leaving the 2002 AUMF authorizing force against Iraq "on the books indefinitely creates a danger that Presidents will use it to justify military action that Congress never intended to authorize."[81]

The Trump Administration objected to the House provisions, arguing in part that "repealing the AUMFs would risk the military's ability to pursue and defeat terrorists who seek to harm the United States and our interests at home and abroad and would also cast doubt on the continued authority of the United States to use force against terrorist groups, including its detention authority."[82]

The Senate Appropriations Committee-drafted bill and the enacted legislation did not include comparable provisions.

Authorizations for the Use of Military Force

For background and analysis on AUMFs, see CRS Report R43983, *2001 Authorization for Use of Military Force: Issues Concerning Its Continued Application*, by Matthew C. Weed and CRS Report R43760, *A New Authorization for Use of Military Force Against the Islamic State: Issues and Current Proposals*, by Matthew C. Weed.

Afghanistan Security Forces Fund (ASFF)

For FY2021, DOD requested $4.02 billion for the Afghanistan Security Forces Fund (ASFF), which pays for training, equipping, and sustaining the Afghan military and national police.[83]

The House-passed bill would have provided $3.05 billion in OCO funding for the Fund—$968 million less than requested.[84] The House Appropriations Committee noted the Fund's "significant unobligated balances from prior year appropriations" and "the considerable uncertainty associated

[80] H.R. 7617, p. 175.

[81] Representative Barbara Lee, "Congresswoman Barbara Lee Amendments to Stop Endless Wars Adopted by House Appropriations Committee," press release, July 14, 2020, at https://lee.house.gov/news/press-releases/congresswoman-barbara-lee-amendments-to-stop-endless-wars-adopted-by-house-appropriations-committee.

[82] *Statement of Administration Policy*, p. 3.

[83] Department of Defense, Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, *Justification for FY 2021 Overseas Contingency Operations (OCO) Afghanistan Security Forces Fund*, February 2020, p. 5.

[84] H.R. 7617, p. 143.

with the conflict, including the current level of violence and with respect to intra-Afghan negotiations."[85]

The Trump Administration objected to the House provision, arguing in part that such a level of funding would "pose significant risk to DOD's mission given uncertainties associated with the Afghanistan peace process and continued high levels of violence by the Taliban against the Afghan National Defense and Security Forces (ANDSF) and the Government of Afghanistan."[86]

The Senate Appropriations Committee would have included $3.39 billion in OCO funding for the ASFF—$624.6 million less than requested "for unjustified increases over fiscal year 2020."[87] The panel also noted its concerns "that the budget flexibility allowed within the ASFF appropriation has led to a lack of budget discipline that challenges effective congressional and executive branch oversight and risks wasteful spending."

The enacted version of the legislation provided $3.05 billion in OCO funding for the ASFF. The conference agreement did not include funding for major capital projects and upgrades or the procurement of new systems.[88]

Afghanistan

For background and analysis on the Afghanistan, see CRS Report R45122, *Afghanistan: Background and U.S. Policy: In Brief*, by Clayton Thomas and CRS Report R46670, *U.S. Military Drawdown in Afghanistan: Frequently Asked Questions*, coordinated by Clayton Thomas.

Iran

On January 3, 2020, U.S. military forces killed Iran's Islamic Revolutionary Guard Corps-Quds Force (IRGC-QF) Commander Major General Qasem Soleimani in a drone strike in Baghdad.[89] In retaliation, on January 8, 2020, Iran launched a ballistic missile strike at two Iraqi bases—Ayn al-Asad in western Iraq and an airbase near Irbil, in Kurdish-controlled northern Iraq—resulting in approximately 110 U.S. military personnel being diagnosed with various forms of traumatic brain injury, mostly concussions from the blast.[90]

Section 9029 of the House-passed bill would have prohibited funds provided by the legislation for any use of military force in or against Iran unless Congress declared war or enacted specific statutory authorization for such use of military force that met the requirements of the War Powers Resolution (50 U.S.C. §§1541 et seq.).[91] Representative Barbara Lee, who introduced a previous

[85] H.Rept. 116-453, pp. 376-377.

[86] *Statement of Administration Policy*, p. 5.

[87] Explanatory statement accompanying the Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, pp. 269-270.

[88] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 732, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

[89] DOD, "Statement by the Department of Defense," press release, January 2, 2020, at https://www.defense.gov/Newsroom/Releases/Release/Article/2049534/statement-by-the-department-of-defense/.

[90] CRS Report R45795, *U.S.-Iran Conflict and Implications for U.S. Policy*, by Kenneth Katzman, Kathleen J. McInnis, and Clayton Thomas, pp. 10-11.

[91] H.R. 7617, pp. 175-176. Note the section was numbered 9030 in the House committee-reported version of the bill and numbered 9029 in the House-passed version of the bill.

version of the provision as an amendment, argued that the language "makes it clear that the President cannot go to war with Iran without authorization from Congress."[92]

The Trump Administration objected to the House provision, arguing in part that it could "endanger the President's ability to defend United States forces and interests in the region against ongoing threats from Iran and its proxies."[93]

Neither the Senate Appropriations Committee draft legislation nor the enacted legislation included the House provision. Section 9022 of the enacted legislation stated instead, "Nothing in this Act may be construed as authorizing the use of force against Iran."[94]

Iran

For background and analysis on Iran, see CRS Report RL32048, *Iran: Internal Politics and U.S. Policy and Options*, by Kenneth Katzman and CRS Report R44017, *Iran's Foreign and Defense Policies*, by Kenneth Katzman.

Military Personnel

End-Strength

For FY2021, DOD requested military personnel end-strength totaling 2.15 million personnel, including 1.35 million active-duty personnel and 802,000 reserve component personnel. The request represented 13,200 more personnel than the enacted FY2020 level, including 12,000 more active-duty personnel and 1,200 more reserve component personnel.

The House-passed bill would have provided funding for the requested level of military end-strength.[95]

The Senate Appropriations Committee would have provided funding for 6,905 more personnel than the FY2020 level, including 5,705 more active-duty personnel and 1,200 more reserve-component personnel.[96]

The enacted legislation provided funding for 10,300 more personnel than the FY2020 level, including 9,100 more active-duty personnel and 1,200 more reserve-component personnel (see **Table 5**).[97]

[92] Representative Barbara Lee, "Congresswoman Barbara Lee Amendments to Stop Endless Wars Adopted by House Appropriations Committee," press release, July 14, 2020, at https://lee.house.gov/news/press-releases/congresswoman-barbara-lee-amendments-to-stop-endless-wars-adopted-by-house-appropriations-committee.

[93] *Statement of Administration Policy*, p. 3.

[94] P.L. 116-260, p. 169.

[95] House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617, p. 20, https://www.congress.gov/116/crpt/hrpt453/CRPT-116hrpt453.pdf.

[96] Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020, pp. 14-15, https://www.appropriations.senate.gov/imo/media/doc/DEFRept.pdf.

[97] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 399, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Table 5. Summary of Military Personnel End-Strength, FY2021

Component	FY2020 Actual	FY2021 Request	House-passed	Senate committee-drafted	FY2021 Enacted	Change from FY2020 to FY2021
Army	480,000	485,900	485,900	485,000	485,900	5,900
Navy	340,500	347,800	347,800	346,730	347,800	7,300
Marine Corps	186,200	184,100	184,100	180,000	181,200	-5,000
Air Force	332,800	333,700	333,700	333,475	333,700	900
Subtotal, Active-Duty Forces	***1,339,500***	***1,351,500***	***1,351,500***	***1,345,205***	***1,348,600***	***9,100***
Army Reserve	189,500	189,800	189,800	189,800	189,800	300
Navy Reserve	59,000	58,800	58,800	58,800	58,800	-200
Marine Corps Reserve	38,500	38,500	38,500	38,500	38,500	0
Air Force Reserve	70,100	70,300	70,300	70,300	70,300	200
Army National Guard	336,000	336,500	336,500	336,500	336,500	500
Air National Guard	107,700	108,100	108,100	108,100	108,100	400
Subtotal, Selected Reserve	***800,800***	***802,000***	***802,000***	***802,000***	***802,000***	***1,200***
Total	**2,140,300**	**2,153,500**	**2,153,500**	**2,147,205**	**2,150,600**	**10,300**

Sources: House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617, p. 20; CRS analysis of H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020, pp. 14-15; U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 399, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Pay Raise

Title 37, Section 1009, of the *United States Code* (37 U.S.C. §1009) provides a permanent formula for an automatic annual increase in basic pay that is indexed to the annual increase in the Employment Cost Index (ECI), a survey prepared by the Department of Labor's Bureau of Labor Statistics, for "wages and salaries" of private industry workers. The FY2021 budget request proposed a 3% increase in basic pay for military personnel in line with the formula in current law.

The House-passed bill and the Senate Appropriations Committee would have provided funding for the requested increase in military pay.[98]

[98] House Appropriations Committee, "H.R. 7617 Division-by-Division Summary," press release, p. 2,

The enacted legislation provided funding for a 3% military pay raise that took effect January 1, 2021.[99]

Childcare Program

For FY2021, DOD requested approximately $1.2 billion across the military services for its childcare program—$14 million (1.2%) more than the FY2020 enacted level.[100] The largest employer-sponsored childcare program in the United States, the child development program serves approximately 200,000 children of uniformed service members and DOD civilians and employs more than 23,000 employees.[101] Despite the overall funding increase sought for the program, the FY2021 budget requested less funding for Army and Marine Corps childcare activities.

The House-passed bill would have provided $90 million in unrequested funding to the base operation support sub-activity group within the Operation and Maintenance, Army appropriation account and $26 million to the same sub-activity group within the Operation and Maintenance, Marine Corps account for childcare programs.[102] Noting in part the proposed reductions to such programs, the House Appropriations Committee said it was "dismayed by the contradiction of the Department rhetorically supporting military families while continuing to reduce funding for the very programs on which they rely. Within the immense budget of the Department, quality of life programs must not be the bill payers for modernization."[103]

The Senate Appropriations Committee supported the Trump Administration's request for the DOD childcare program.

The enacted legislation included the House's provisions to provide more funding than requested for childcare programs.

Military Personnel Issues

For background and analysis on military personnel issues, see CRS Report R46107, *FY2020 National Defense Authorization Act: Selected Military Personnel Issues*, coordinated by Bryce H. P. Mendez, CRS In Focus IF10260, *Defense Primer: Military Pay Raise*, by Lawrence Kapp, and CRS Report R45288, *Military Child Development Program: Background and Issues*, by Kristy N. Kamarck.

Selected Acquisition Matters

This section of the report discusses certain acquisition matters that generated interest or debate among Members or objections from the Trump Administration. These matters include but are not

https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/documents/HR-7617_division-by-division_summary_v3.pdf; and Senate Appropriations Committee, "Defense, 2021 Highlights," press release, p. 1, https://www.appropriations.senate.gov/imo/media/doc/FY21%20BILL%20HIGHLIGHTS_DEFENSE.pdf.

[99] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 399, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

[100] For more information, see CRS Report R45288, *Military Child Development Program: Background and Issues*, by Kristy N. Kamarck, pp. 8-9.

[101] Ibid., summary.

[102] H.Rept. 116-453, pp. 75, 88.

[103] Ibid., p. 4.

limited to the funding request for software and digital pilot programs, congressional proposals to reduce funding for nuclear modernization and sustainment programs, development of a sixth-generation fighter aircraft and supporting systems, and other acquisition efforts; and the Trump Administration's proposal to decommission certain Littoral Combat Ships (LCSs).

Software and Digital Technology Pilot Programs

Some observers have called for the creation of new appropriation accounts or structures to provide DOD with greater acquisition and budgetary flexibility. For example, in a 2019 report, the Defense Innovation Board, an independent advisory board, noted that DOD relies on an acquisition process primarily designed for hardware rather than software, and recommended the creation of a new multi-year appropriation for digital technology.[104] This resulted in DOD requesting for FY2021 a new Research, Development, Testing, and Evaluation (RDT&E) budget activity (e.g., Budget Activity 6.8) for "Software and Digital Technology Pilot Programs."

Section 8131 of the Department of Defense Appropriations Act, 2021 (Division C of P.L. 116-260) provided $664 million for eight Software and Digital Technology Pilot Programs funded in Budget Activity 6.8.[105] According to the legislation, the funding can "be used for expenses for the agile research, development, test and evaluation, procurement, production, modification, and operation and maintenance" of software and digital technologies. At the same time, the accompanying explanatory statement noted that

> objective quantitative and qualitative evidence is needed to evaluate potential expansion of the approved pilot programs. Further, seeking additional flexibility in the execution of appropriations should not be a solution to internal accounting and guidance issues that challenge the Department's ability to execute these programs.[106]

The statement encouraged the Secretary of Defense to execute the pilots in FY2021 and FY2022 "while performing a detailed analysis of the Department's accounting and financial management process for such pilot programs as compared to existing software and digital technology programs." It also directed the Secretary to submit a report to the congressional defense committees detailing the department's assessment plan for each pilot and quarterly reports on the status of each pilot.

Mid-Tier Acquisition and Rapid Prototyping Programs

The FY2021 President's budget request included RDT&E funding for multiple acquisition programs grouped together as "Rapid Prototyping Program." These efforts use so-called middle tier of acquisition (MTA) authority for rapid prototyping and fielding, also known as Section 804 Authority. MTA is split into two functions:

1. Prototyping, which is intended to use emerging technology to develop and field prototypes that demonstrate new capabilities or meet emerging military needs; and

[104] Department of Defense, Defense Innovation Board, SWAP [Software Acquisitions and Practices] Reports 2019, Appropriations Subgroup Report, January 15, 2019, at https://media.defense.gov/2019/Jan/16/2002080473/-1/-1/0/DIB_APPROPRIATIONS_SUBGROUP_REPORT_2019.01.15.PDF.

[105] P.L. 116-260, p. 154.

[106] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 602, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

2. Fielding, which is intended to use proven technology with minimal development to deploy new systems or upgrade existing systems.

Programs initiated under either approach must be completed or transitioned to a program of record within five years.

DOD's Rapid Prototyping Program is intended in part to develop prototypes that reduce technical and integration risk for major acquisition programs in high-priority technologies, including autonomous systems, hypersonics; networked command, control, and communications; electronic warfare; sensors for intelligence, surveillance, and reconnaissance (ISR); and fire control.[107] For FY2021, DOD requested $102 million for the program in the Research, Development, Test, and Evaluation, Defense-wide account.

The House-passed bill would have provided $80 million for the program—$22 million less than the Administration requested due to an unspecified "program decrease."[108]

The Trump Administration objected to the House provision, arguing that it would "severely impact" prototyping projects underway with allies and partners for precision long-range strike and targeting systems; networked command and control, and communications; and autonomous air dominance systems.[109] The Trump Administration also cited the impact to efforts in the Indo-Pacific region: "This reduction would stop an ongoing United States and Australia air dominance capability that combines artificial intelligence-generated tactics and machine-precision execution with a production-ready attritable [expendable] aircraft, and would delay the initiation of additional modernization capabilities."

The Senate Appropriations Committee included $82 million for the program—$20 million less than requested.[110]

The enacted legislation provided $92 million for the program—$10 million less than requested due to an unspecified "program decrease."[111] While House and Senate conferees signaled support for accelerating the delivery of capability to military personnel, they also "noted that under current law, several reporting requirements that apply to traditional acquisition programs, to include independent cost estimates and test and evaluation master plans, are not required for mid-tier acquisition and rapid prototyping programs." They raised concerns that such information is not being provided "as a matter of practice," that such authorities may limit the military services' long-term ability to manage acquisition programs; and that budgeting such items with research and development funding rather than procurement funding "obfuscates costs and limits transparency and visibility." Conferees directed the Under Secretaries of Defense (Research and Engineering) and (Acquisition and Sustainment) and the service acquisition executives to provide the congressional defense committees with the FY2022 President's budget request a list of acquisition programs utilizing prototyping or accelerated acquisition authorities, the rationale for

[107] Department of Defense, Fiscal Year (FY) 2021 Budget Estimates, February 2020, Office of the Secretary of Defense, Defense-Wide Justification Book Volume 3 of 5, p. 345.

[108] H.Rept. 116-453, p. 314.

[109] *Statement of Administration Policy*, p. 3.

[110] Explanatory statement accompanying the Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, p. 218.

[111] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 688, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

each acquisition strategy, and a cost estimate and contracting strategy for each program, among other reporting requirements.[112]

Defense Acquisition

For background and analysis on recent defense acquisition reform efforts, see CRS Report R45068, *Acquisition Reform in the FY2016-FY2018 National Defense Authorization Acts (NDAAs)*, by Heidi M. Peters.

Strategic Nuclear Forces

For FY2021, DOD requested $17.7 billion for FY2021 to continue modernizing the nuclear triad of submarines armed with submarine-launched ballistic missiles, land-based intercontinental ballistic missiles, and strategic bombers carrying gravity bombs and air-launched cruise missiles.[113] The Trump Administration's 2018 Nuclear Posture Review reiterated the findings of previous reviews "that the nuclear triad—supported by North Atlantic Treaty Organization (NATO) dual-capable aircraft and a robust nuclear command, control, and communications system—is the most cost-effective and strategically sound means of ensuring nuclear deterrence."[114]

The House-passed bill would have provided less funding than requested for several of these programs, including the bomber-launched Long-Range Standoff (LRSO) missile to replace the AGM-86 cruise missile and the Ground-based Strategic Deterrent (GBSD) ballistic missile to replace the Minuteman III missile. In addition, Section 8133 of the bill would have prohibited the use of DOD funds to prepare to conduct any explosive nuclear weapons test that produces any yield.[115] Administration officials had reportedly discussed possibly conducting an explosive nuclear weapons test.[116] The House-passed bill also included a provision related to a debate over whether the Department of Energy had to accept binding funding recommendations from the Nuclear Weapons Council (NWC), which is comprised mostly of DOD officials.[117] Section 8138 of the bill would have prohibited using DOD funds "to provide guidance on, review, prepare, approve, or recommend budget request funding levels or initiatives for the Department of Energy."[118]

The Trump Administration objected to the House provisions, arguing that such funding levels "would not reflect the urgency of nuclear modernization" and that "any delay in funding for replacement systems would adversely impact the nuclear triad and the deterrence mission." It argued that Section 8133 would have impacted DOD's ability to provide input to DOE's National

[112] Ibid., p. 603.

[113] Department of Defense, *Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, February 2020, Defense Budget Overview, United States Department of Defense Fiscal Year 2021 Budget Request, Revised May 13, 2020*, p. 1-7.

[114] Department of Defense, *Nuclear Posture Review*, February 2018, p. 2, at https://media.defense.gov/2018/Feb/02/2001872886/-1/-1/1/2018-NUCLEAR-POSTURE-REVIEW-FINAL-REPORT.PDF.

[115] H.R. 7617, p. 132.

[116] John Hudson and Paul Sonne, "Trump administration discussed conducting first U.S. nuclear test in decades," *The Washington Post*, May 22, 2020, at https://www.washingtonpost.com/national-security/trump-administration-discussed-conducting-first-us-nuclear-test-in-decades/2020/05/22/a805c904-9c5b-11ea-b60c-3be060a4f8e1_story.html.

[117] Colin Demarest, "Energy Secretary Dan Brouillette fights to retain NNSA budget reins," *Aiken Standard*, July 3, 2020, at https://www.postandcourier.com/aikenstandard/news/energy-secretary-dan-brouillette-fights-to-retain-nnsa-budget-reins/article_048a51ef-e73e-5d7e-bac5-4756e9b9ba4f.html.

[118] H.R. 7617, p. 134.

Nuclear Security Administration (NNSA) on the requirement to conduct an underground nuclear test if a technical need arose or if otherwise directed by the President. It also argued that Section 8138 would have prevented DOD from coordinating the NNSA budget within the NWC.[119] The council is responsible for establishing priorities between DOD and DOE for managing the U.S. nuclear weapons stockpile.[120]

The Senate Appropriations Committee and the enacted legislation did not include the House provisions. Section 1632 of the enacted FY2021 NDAA dealt with a similar issue and gave DOD more input over the scope of future NNSA budgets to develop and manufacture nuclear warheads.[121] The committee differed from the House-passed bill in part by recommending more funding than requested for the Columbia-class submarine.

The enacted legislation included more funding than the Trump Administration requested for the Columbia-class submarine, and less funding than requested for LRSO, GBSD, bomber upgrades, and Trident II (D-5) missile modifications (see **Table 6**).

Strategic Nuclear Forces

For background and analysis on strategic and nonstrategic nuclear forces, see CRS Report RL33640, *U.S. Strategic Nuclear Forces: Background, Developments, and Issues*, by Amy F. Woolf and CRS Report RL32572, *Nonstrategic Nuclear Weapons*, by Amy F. Woolf.

Table 6. Selected Long-Range, Nuclear-Armed Weapons Systems

(in millions of dollars)

Program (*relevant CRS report*)	Appropriation Type	FY2021 Request	House-passed	Senate committee-drafted	FY2021 Enacted
B-21 Bomber *(R44463)*	RDT&E	2,848.4	2,828.4	2,848.4	2,848.4
Bomber Upgrades *(R43049)*	Proc.	111.1	85.2	79.9	79.9
	RDT&E	723.2	723.2	722.2	680.8
Columbia-Class Ballistic Missile Submarine *(R41129)*	Proc.	4,014.7	3,985.4	4,144.7	4,122.2
	RDT&E	397.3	386.8	397.3	397.3
Ground-Based Strategic Deterrent *(RL33640)*	RDT&E	1,524.8	1,464.8	1,509.8	1,449.8
Long-Range Standoff Weapon *(RL33640)*	RDT&E	474.4	304.4	444.4	385.4

[119] *Statement of Administration Policy*, p. 2.

[120] See 10 U.S.C. §179 and Department of Defense, Office of the Deputy Assistant Secretary of Defense for Nuclear Matters, Nuclear Matters Handbook 2016, Washington, DC, Appendix A, at https://www.acq.osd.mil/ncbdp/nm/NMHB/chapters/Appendix_A.htm.

[121] For more information, see CRS Report R46714, *FY2021 National Defense Authorization Act: Context and Selected Issues for Congress*, by Pat Towell, p. 21.

Program (*relevant CRS report*)	Appropriation Type	FY2021 Request	House-passed	Senate committee-drafted	FY2021 Enacted
Trident II (D-5) Missile Mods *(RL33640)*	Proc.	1,173.8	1,132.2	1,173.8	1,160.9
	RDT&E	173.1	129.3	115.0	128.0

Sources: CRS analysis of House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617; H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020; U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Notes: Proc. = procurement; RDT&E = research, development, test, and evaluation. The line item or items corresponding to each program are listed in **Appendix B**. Figures rounded to the nearest tenth.

Long-Range, Precision Strike Weapons

For FY2021, DOD requested funding for a number of precision-strike weapons with ranges from approximately a few hundred nautical miles to more than 1,000 nautical miles. These types of weapons include existing technologies such as ballistic missiles and cruise missiles, as well as emerging technologies such as hypersonic weapons (i.e., maneuvering glide vehicles or missiles that fly at speeds of at least Mach 5) and long-range artillery cannons. The Trump Administration had identified such weapons as priorities partly in response to China and Russia's development of increasingly advanced air defense systems.

According to DOD, the FY2021 budget sought $3.2 billion for the development of hypersonic weapons.[122] In terms of funding, the biggest programs include the Navy's Conventional Prompt Strike,[123] the Army's Long-Range Hypersonic Weapon, and the Air Force's Air-Launched Rapid Response Weapon.

The enacted legislation provided more funding than requested for the Army's Long-Range Hypersonic Weapon and less funding than requested for the Navy's Conventional Prompt Strike program in part because conferees determined the number of missile round procurements to be "excess to test requirements."[124] The legislation provide less funding than requested for certain other long-range precision-attack weapons (see **Table 7**).

Long-Range Strike Programs

For background and analysis on long-range strike programs, see CRS Report R45811, *Hypersonic Weapons: Background and Issues for Congress*, by Kelley M. Sayler; CRS Report R41464, *Conventional Prompt Global Strike and Long-Range Ballistic Missiles: Background and Issues*, by Amy F. Woolf; CRS Report R45996, *Precision-Guided*

[122] Department of Defense, *Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, February 2020, Defense Budget Overview, United States Department of Defense Fiscal Year 2021 Budget Request, Revised May 13, 2020*, p. 1-8.

[123] This effort is intended to produce a common glide vehicle for use by both the Navy and Army. For more information, see Department of the Navy, Strategic Systems Programs, Conventional Prompt Strike (CPS) website, accessed April 1, 2021, at https://www.ssp.navy.mil/six_lines_of_business/cps.html.

[124] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 640, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Munitions: Background and Issues for Congress, by John R. Hoehn and Samuel D. Ryder; and CRS Report R46721, *U.S. Army Long-Range Precision Fires: Background and Issues for Congress*, by Andrew Feickert.

Table 7. Selected Long-Range Strike Weapons Systems

(in millions of dollars)

Program (*relevant CRS report*)	Appropriation Type	FY2021 Request	House-Passed	Senate committee-drafted	FY2021 Enacted
Hypersonic Weapons					
Air-Launched Rapid Response Weapon *(R45811)*	RDT&E	381.9	381.9	336.9	386.9
Conventional Prompt Strike *(R45811, R41464)*	RDT&E	1,008.4	973.4	624.7	767.6
Long-Range Hypersonic Weapon *(R45811)*	RDT&E	801.4	811.4	861.4	861.4
Other Precision-Attack Weapons					
Anti-Ship Tomahawk Cruise Missile *(R45996)*	Proc.	39.1	35.5	0.0	17.8
	RDT&E	125.2	125.2	125.2	125.2
Joint Air-to-Surface Standoff Missile *(R45996)*	Proc.	505.9	500.0	505.9	500.0
	RDT&E	70.8	70.8	70.8	70.8
Land-Attack Tomahawk Cruise Missile *(R45996)*	Proc.	277.7	247.9	195.5	224.7
Long-Range Anti-Ship Missile *(R45996)*	Proc.	188.6	134.1	188.6	153.9
	RDT&E	35.8	46.8	46.8	46.8
Naval Strike Missile *(R45996)*	Proc.	32.9	32.9	31.6	31.6
	RDT&E	26.4	26.4	26.4	26.4
Precision-Strike Missile *(R45996)*	Proc.	49.9	42.4	0.0	49.9
	RDT&E	145.4	127.3	115.4	127.3
Strategic Long-Range Cannon *(R46721)*	RDT&E	65.1	65.1	65.1	65.1

Sources: CRS analysis of House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617; H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020; U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750

(Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Notes: Proc. = procurement; RDT&E = research, development, test, and evaluation. The line item or items corresponding to each program are listed in **Appendix B**. Figures rounded to the nearest tenth.

Missile Defense Programs

For FY2021, DOD requested $20.3 billion for activities related to missile defense, including $9.2 billion for the Missile Defense Agency, $7.9 billion for regional and strategic missile defense programs, and $3.2 billion for activities intended to preemptively disrupt or defeat missile threats (a concept sometimes referred to as "left of launch").[125]

The request sought funding for the Ground-based Midcourse Defense (GMD) system intended to defend U.S. territory against intercontinental ballistic missiles in part with a new interceptor carrying a non-explosive warhead (called a "kill vehicle").[126] DOD canceled a program to redesign the kill vehicle on the existing Ground-based Interceptor (GBI), which has a mixed track record in testing, and proposed developing a new Next Generation Interceptor (NGI).[127] The request also included funding for shorter-range missile defense programs, including the Navy's Aegis ballistic missile defense program and the Army's Terminal High Altitude Area Defense (THAAD) program.[128]

The House-passed bill would have provided more funding than requested for development of the homeland defense radar in Hawaii. It would have provided less funding than requested for development of GBI and NGI, hypersonic missile attack detection, and other efforts.

The Trump Administration objected to the House-passed funding levels. It argued that funding reductions to NGI "would limit DOD's ability to effectively execute this critical program following the contract award and would impose additional challenges on an already tight development schedule," that combined reductions to Aegis ballistic missile defense programs would delay "critical ground and flight tests required to implement the Administration's priority of achieving layered homeland defense," and that reductions to THAAD would "significantly impact the development and demonstrations of enhanced interceptor components and alternate booster options."[129]

The Senate Appropriations Committee would have provided more funding than requested for GMD and NGI, and less funding than requested for THAAD and Patriot.

The enacted legislation challenged certain elements of the Administration's FY2021 budget request for missile defense programs. Conferees raised concerns over the "apparent disconnect" between strategic guidance documents and requested funding for Missile Defense Agency (MDA)

[125] DOD, *Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, February 2020, Defense Budget Overview, United States Department of Defense Fiscal Year 2021 Budget Request, Revised May 13, 2020,* p. 4-9, at https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/fy2021_Budget_Request_Overview_Book.pdf.

[126] DOD, *Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, February 2020, Program Acquisition Cost by Weapon System, United States Department of Defense Fiscal Year 2021 Budget Request*, p. 4-2, https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/fy2021_Weapons.pdf.

[127] Government Accountability Office, *Missile Defense: Observations on Ground-based Midcourse Defense Acquisition Challenges and Potential Contract Strategy Changes*, GAO-21-135R, October 21, 2020, at https://www.gao.gov/assets/gao-21-135r.pdf.

[128] Ibid., pp. 4-3, 4-4.

[129] *Statement of Administration Policy*, pp. 4-5.

programs.[130] They noted that recent high-priority programs—such as developing a space sensor to track hypersonic threats and procuring a radar to defend Hawaii from ballistic missiles—were "removed from MDA's budget, or underwent significant funding reductions."[131] The legislation provided more funding than requested for GMD, NGI, and the Hawaii radar. It provided less funding than requested for the THAAD and Patriot programs (see **Table 8**).

Missile Defense Programs

For background and additional information on missile defense programs, see CRS In Focus IF11623, *Hypersonic Missile Defense: Issues for Congress*, by Kelley M. Sayler and Stephen M. McCall and CRS In Focus IF10541, *Defense Primer: Ballistic Missile Defense*, by Stephen M. McCall.

Table 8. Selected Missile Defense Programs

(in millions of dollars)

Program *(CRS Report)*	Appropriation Type	FY2021 Request	House-passed	Senate committee-drafted	FY2021 Enacted
Ground-Based Midcourse Defense	RDT&E	1,071.4	993.4	1,301.4	1,288.3
Next-Generation Interceptor	RDT&E	664.1	504.6	864.1	858.1
Hawaii radar	RDT&E	0.0	133.0	65.0	133.0
Guam defense (land-based Aegis)	RDT&E	56.6	56.6	56.6	56.6
Aegis and Aegis Ashore (other than Guam; *RL33745*)	Proc.	762.8	858.3	760.5	856.0
	RDT&E	985.8	910.7	952.8	948.8
Terminal (short-range) defense (THAAD and Patriot)	Proc.	1,553.2	1,559.8	1,491.3	1,534.5
	RDT&E	420.4	327.7	311.1	311.1
Israeli cooperative defense programs	Proc.	127.0	127.0	127.0	127.0
	RDT&E	300.0	300.0	300.0	300.0
Hypersonic defense	RDT&E	206.8	192.8	272.6	272.6
Hypersonic missile attack detection	RDT&E	216.0	96.0	184.7	194.7

Sources: CRS analysis of House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617; H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the

[130] Explanatory statement accompanying the Department of Defense Appropriations Act, 2021 (Division C of P.L. 116-260), in the House, *Congressional Record*, daily edition, vol. 166 (December 21, 2020), p. H7969.

[131] Ibid.

Department of Defense Appropriations Bill, 2021, November 10, 2020; U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Notes: Proc. = procurement; RDT&E = research, development, test, and evaluation. The line item or items corresponding to each program are listed in **Appendix B**. Figures rounded to the nearest tenth.

Military Space Programs

For FY2021, DOD requested $19 billion for space-related activities, including funding to support ongoing efforts to establish the Space Force within the Department of the Air Force as the sixth branch of the armed forces.[132] The budget requested funding for the development and procurement of space-based systems in new appropriation accounts (e.g., Research, Development, Test and Evaluation, Space Force and Procurement, Space Force).[133]

In terms of funding, the largest space-related acquisition programs include the Next-Generation Overhead Persistent Infrared (OPIR) missile-warning satellites designed to replace the existing constellation of Space-Based Infrared (SBIR) satellites; Global Positioning System III (GPS III) satellites intended in part to provide more powerful military communications signals; and National Security Space Launch (NSSL) that provides launch services and support activities for medium- to heavy-class national security space satellites.

Both the House-passed bill and the Senate Appropriations Committee would have provided less funding than requested for NSSL. The committee had expressed concern over agencies procuring launches through direct commercial contracts or other agreements, arguing that "such price and schedule optimization for individual programs, is likely to have suboptimal results for the government as a whole."[134] The committee directed the Secretary of Defense and Director of National Intelligence to use the existing Space Force contract for NSSL-class missions unless they can certify "that an alternative launch procurement approach for a designated mission is in the national security interest and best financial interest of the government."[135]

The enacted legislation generally supported the requested level of funding for space-based systems (see **Table 9**).

Military Space Programs

For background and analysis on military space programs, see CRS Report R46211, *National Security Space Launch*, by Stephen M. McCall and CRS Report R43353, *Threats to U.S. National Security Interests in Space: Orbital Debris Mitigation and Removal*, by Stephen M. McCall.

[132] This amount is for Major Force Program-12, "National Security Space," according to DOD, *National Defense Budget Estimates for FY 2021, Office of the Under Secretary of Defense (Comptroller) April 2020*, p. 105, at https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/FY21_Green_Book.pdf.

[133] DOD requested and Congress provided operation and maintenance (O&M) funding for the Space Force in the Operation and Maintenance, Space Force appropriation account beginning in FY2020. The Air Force requested military personnel (MILPERS) and military construction (MILCON) funding for the Space Force in FY2021 within the Military Personnel, Air Force and Military Construction, Air Force, accounts, respectively. The Air Force plans to transfer MILPERS funding to a Space Force appropriation "once an integrated Department of the Air Force pay system is fully operational," according to DOD, *Department of the Air Force FY2021 Budget Overview*, February 10, 2020, p. 7, at https://www.saffm.hq.af.mil/Portals/84/documents/FY21/SUPPORT_/FY21%20Budget%20Overview_1.pdf?ver=2020-02-10-152806-743.

[134] Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020, p. 150.

[135] Ibid., p. 593.

Table 9. Selected Military Space Programs

(in millions of dollars)

Program *(CRS Report)*	Appropriation Type	FY2021 Request	House-passed	Senate committee-drafted	FY2021 Enacted
National Security Space Launch *(R46211)*	Proc.	1,043.2	933.3	948.2	996.4
	RDT&E	561.0	561.0	451.0	551.0
Global Positioning System III	Proc.	650.2	645.2	606.2	620.2
	RDT&E	1,149.0	1,134.0	1,088.4	1,161.0
Infrared missile attack detection (SBIRS, OPIR)	Proc.	160.9	160.9	135.9	145.9
	RDT&E	2,318.9	2,318.9	2,318.9	2,318.9

Sources: CRS analysis of House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617; H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020; U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Notes: SBIRS = Space-Based Infrared Satellites; OPIR = Overhead Persistent Infrared (OPIR) satellites; Proc. = procurement; RDT&E = research, development, test, and evaluation. The line item or items corresponding to each program are listed in **Appendix B**. Figures rounded to the nearest tenth.

Ground Combat Systems

For FY2021, DOD requested $13 billion for ground systems, including combat vehicles, artillery, infantry support weapons, and other equipment.[136]

In terms of funding, some of the Army's biggest ground programs included modernization of M-1 Abrams tanks and M-1126 Stryker wheeled combat vehicles, and procurement of Joint Light Tactical Vehicles (JLTV) intended to replace a portion of the High Mobility Multipurpose Wheeled Vehicle (HMMWV) fleet. The Army also sought funding for defenses against aircraft, short-range missiles, and other aerial threats. These systems include Stryker vehicles modified with anti-aircraft weapons and designated as Maneuver—Short-Range Air Defense (M-SHORAD), as well as the Guided Multiple Launch Rocket System (GMLRS) of artillery missiles that can be fired from truck-mounted launchers.

The House-passed bill would have provided more funding for Stryker modifications. It would have provided less funding for Indirect Fire Protection Capability (IFPC) intended in part to intercept unmanned aircraft systems and cruise missiles; the Armored Multi-Purpose Vehicle (AMPV) designed to replace the M-113 armored personnel carrier family of vehicles; and Optionally Manned Fighting Vehicle (OMFV) intended to replace the M-2/M-3 Bradley fighting vehicle; among other programs.

[136] DOD, *Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, February 2020, Program Acquisition Cost by Weapon System, United States Department of Defense Fiscal Year 2021 Budget Request*, introduction, at https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/fy2021_Weapons.pdf.

The Senate Appropriations Committee differed from the House-passed bill in part by recommending less funding than requested for GMLRS.

The enacted legislation provided more funding than requested for Stryker modifications and development of an M-SHORAD "directed energy," or DE, variant of the vehicle equipped with a laser intended to destroy unmanned aerial systems and artillery shells. It provided less funding than requested for certain other systems (see **Table 10**).

Ground Combat Systems

For background and analysis on ground combat systems, see CRS Report R46216, *The Army's Modernization Strategy: Congressional Oversight Considerations*, by Andrew Feickert and Brendan W. McGarry, CRS Report R46463, *U.S. Army Short-Range Air Defense Force Structure and Selected Programs: Background and Issues for Congress*, by Andrew Feickert, and CRS Report R45098, *U.S. Army Weapons-Related Directed Energy (DE) Programs: Background and Potential Issues for Congress*, by Andrew Feickert.

Table 10. Selected Ground Combat Systems

(in millions of dollars)

Program *(CRS Report)*	Appropriation Type	FY2021 Request	House-passed	Senate committee-drafted	FY2021 Enacted
Vehicles and Other Systems					
Amphibious Combat Vehicle *(IF11755)*	Proc.	478.9	456.3	452.0	436.8
	RDT&E	41.8	31.3	41.8	41.8
Armored Multi-Purpose Vehicle *(IF11741)*	Proc.	193.0	15.9	79.3	63.0
Bradley infantry fighting vehicle upgrades *(R44229)*	Proc.	493.1	430.8	460.7	277.3
M-1 Abrams tank upgrades *(R44229)*	Proc.	1,425.3	1,395.5	1,369.5	1,343.2
Mobile Protected Firepower *(R44968)*	RDT&E	135.5	135.5	128.9	128.9
Optionally Manned Fighting Vehicle *(R45519)*	RDT&E	327.7	229.5	123.9	183.9
Paladin self-propelled howitzer	Proc.	435.8	435.8	463.4	463.4
	RDT&E	427.3	421.0	233.6	233.6
Stryker troop carrier mods *(R44229)*	Proc.	847.2	1,164.2	1,194.7	1,164.2

Program (*CRS Report*)	Appropriation Type	FY2021 Request	House-passed	Senate committee-drafted	FY2021 Enacted
Short-Range Missile and Anti-Aircraft Defenses					
Guided Multiple Launch Rocket System (GMLRS) and mods	Proc.	1,383.8	1,388.8	1,323.8	1,324.7
	RDT&E	75.6	75.6	75.6	75.6
Indirect Fire Protection Capability	Proc.	106.3	25.0	62.5	62.5
	RDT&E	235.8	118.5	162.0	162.0
Iron Dome	Proc.	73.0	73.0	73.0	73.0
M-SHORAD *(IN10931)*	Proc.	537.0	532.9	521.4	517.3
M-SHORAD (DE)	RDT&E	246.5	256.5	246.5	256.5

Sources: CRS analysis of House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617; H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020; U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 765, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Notes: Proc. = procurement; RDT&E = research, development, test, and evaluation. The line item or items corresponding to each program are listed in **Appendix B**. Figures rounded to the nearest tenth.

Navy Shipbuilding

For FY2021, DOD requested approximately $20 billion for the Shipbuilding and Conversion, Navy appropriation account.[137] According to DOD budget documentation, this figure includes funding for eight battle force ships, including one Columbia-class ballistic missile submarine (SSBN), one Virginia-class attack submarine (SSN), two DDG-51 destroyers, one FFG(X) guided-missile frigate, one Landing Platform Dock (LPD)-17 Flight II, and two TATS towing, salvage, and rescue ships.[138] Congress procured the LPD ship (LPD-31) in 2020.[139]

The House-passed bill would have provided more funding than originally requested for a second Virginia-class attack submarine. It would have provided less funding than requested for large- and medium-sized unmanned surface vessels, among other vessels. Section 8129 of the House-passed bill would have prohibited funds to design and develop certain ships unless such contracts specified that all hull, mechanical, and electrical components were manufactured in the United

[137] DOD, *Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, February 2020, Defense Budget Overview, United States Department of Defense Fiscal Year 2021 Budget Request, Revised May 13, 2020,* p. 9-16, at https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/fy2021_Budget_Request_Overview_Book.pdf.

[138] Ibid.

[139] For more information, see CRS Report R43543, *Navy LPD-17 Flight II and LHA Amphibious Ship Programs: Background and Issues for Congress*, by Ronald O'Rourke.

States. Section 8130 of the bill would have prohibited funds for decommissioning any Littoral Combat Ships (LCSs).

The Trump Administration objected to the House provisions. It argued that Section 8129 would have undermined "the Navy's ability to ensure that United States ships are procured in a cost-effective and timely manner by imposing restrictions on nearly all components for the covered shipbuilding programs." According to the Trump Administration, Section 8130 would have prevented the decommissioning of the first four LCSs. It argued that the hulls of the ships "have different configurations from those of the rest of the LCS fleet," making their conversion into "operational and deployable warships" cost prohibitive.[140]

The Senate Appropriations Committee would have provided funding for vessels not included in the request: a Landing Helicopter Assault (LHA) amphibious ship, with a flight deck designed for operating helicopters and vertical or short takeoff and landing (V/STOL) fixed-wing aircraft; and an Expeditionary Fast Transport (EPF) ship, a commercial-based catamaran intended to quickly transport personnel and cargo in theater. It would have provided less funding for certain other vessels.

The enacted legislation provided $3.37 billion more than the $19.9 billion requested for the Shipbuilding and Conversion, Navy appropriation account.[141] The increase arose in large part by Congress's decision to procure two Virginia-class attack submarines in FY2021 rather than one, as originally requested by the Administration, and to provide funding for the unrequested EPF and LHA ships (see **Table 11**).

The accompanying explanatory statement criticized the service's budget justification materials for incrementally funded shipbuilding programs (including LPD-31), under which the cost of a weapon is divided into two or more annual portions.[142] The reported stated, "The House and Senate Appropriations Committees do not believe that future Navy budget requests can be supported absent improved budget justification materials for incrementally funded shipbuilding programs," and directed the Assistant Secretary of the Navy (Financial Management and Comptroller) to provide to the congressional defense committees templates for improved budget justification materials and briefs for all shipbuilding programs.[143]

The enacted legislation included modified versions of the House provisions. Section 8134 of the act prohibited funds to design and develop elements of certain ships unless such contracts specified "that all auxiliary equipment, including pumps and propulsion shafts are manufactured in the United States." Section 8135 of the enacted legislation prohibited the use of FY2021 appropriations for decommissioning the USS Fort Worth (LCS 3) or the USS Coronado (LCS 4).[144]

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[140] *Statement of Administration Policy*, pp. 4-5.

[141] For a detailed breakdown of this funding, see Table 6 in CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke.

[142] For more information on this funding approach, see CRS Report R41909, *Multiyear Procurement (MYP) and Block Buy Contracting in Defense Acquisition: Background and Issues for Congress*, by Ronald O'Rourke and CRS In Focus IF10599, *Defense Primer: Procurement*, by Heidi M. Peters and Brendan W. McGarry.

[143] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 548, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

[144] Section 8135 of the Department of Defense Appropriations Act, 2021 (Division C of P.L. 116-260), in the House, *Congressional Record*, daily edition, vol. 166 (December 21, 2020), p. H7365.

Navy Shipbuilding Plans

For background and analysis on Navy shipbuilding plans, see CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke, CRS Testimony TE10057, *Future Force Structure Requirements for the United States Navy*, by Ronald O'Rourke; CRS Report RL33153, *China Naval Modernization: Implications for U.S. Navy Capabilities—Background and Issues for Congress*, by Ronald O'Rourke; and CRS Report R43543, *Navy LPD-17 Flight II and LHA Amphibious Ship Programs: Background and Issues for Congress*, by Ronald O'Rourke.

Table 11. Selected Shipbuilding Programs

(in millions of dollars)

Program *(CRS Report)*	Appropriation Type	FY2021 Request	House-passed	Senate committee-drafted	FY2021 Enacted
DDG-51-class Aegis destroyer *(RL32109)*	Proc.	3,069.6	2,960.5	3,414.6	3,379.1
Expeditionary Fast Transport (EPF)	Proc.	0.0	0.0	260.0	260.0
Ford-class aircraft carrier *(RS20643)*	Proc.	2,643.2	2,511.2	2,643.2	2,565.4
Guided-missile frigate (FFG) *(R44972)*	Proc.	1,053.1	1,053.1	1,053.1	1,053.1
Large- and Medium-Sized Unmanned Surface Vessels *(R45757)*	RDT&E	464.0	259.2	91.2	93.7
Large Unmanned Undersea Vessel *(R45757)*	RDT&E	194.0	125.8	170.7	152.4
Landing Helicopter Assault (LHA) *(R43543)*	Proc.	0.0	0.0	500.0	500.0
Landing Platform Dock (LPD) *(R43543)*	Proc.	1,155.8	1,155.8	1,125.8	1,155.8
Next Generation Logistics Ship (NGLS) *(IF11674)*	RDT&E	30.0	20.0	30.0	24.0

Program *(CRS Report)*	Appropriation Type	FY2021 Request	House-passed	Senate committee-drafted	FY2021 Enacted
Nuclear-powered carrier refueling and modernization *(RS20643)*	Proc.	1,895.8	1,895.8	1,548.5	1,548.5
Light Amphibious Warship (LAW) *(R46374)*	RDT&E	30.0	20.0	30.0	24.0
Towing, salvage, and rescue ship (TATS)	Proc.	168.2	157.8	168.2	157.8
Virginia-class attack submarine *(RL32418)*	Proc.	4,235.9	6,776.4	4,707.9	6,776.4

Sources: CRS analysis of House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617; H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020; U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Notes: Proc. = procurement; RDT&E = research, development, test, and evaluation. The line item or items corresponding to each program are listed in **Appendix B**. Figures rounded to the nearest tenth.

Military Aircraft Programs

For FY2021, DOD requested $56.9 billion for aircraft and related systems.[145] These systems include fighter and attack aircraft, bombers, cargo and tanker aircraft, specialized support aircraft, and Unmanned Aerial Vehicles/Unmanned Aircraft Systems (UAV/UAS). In terms of funding, the biggest such program is the F-35 Lightning II strike fighter aircraft.

The House-passed bill would have provided more funding than requested for the F-35 aircraft, CH-47 Chinook cargo helicopter, and UH-60 Black Hawk utility helicopter, among other programs. It would have reduced by approximately half the Air Force's request for $1.04 billion in research and development funding for a sixth-generation fighter aircraft and supporting systems, known as Next-Generation Air Dominance (NGAD). The House would have decreased funding for the program to pay for costs associated with upgrading, or recapitalizing, existing fighter aircraft.[146]

[145] DOD, *Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, February 2020, Program Acquisition Cost by Weapon System, United States Department of Defense Fiscal Year 2021 Budget Request*, p. 1-1, at https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/fy2021_Weapons.pdf.

[146] H.Rept. 116-453 p. 290.

The Trump Administration objected to the House provision, arguing in part that such a move "would severely impact the program's ability to field NGAD capabilities needed in the 2030 timeframe to meet the growing challenges of peer adversaries."[147]

The Senate Appropriations Committee differed from the House-passed bill in part by recommending less funding than was requested for MQ-4 Triton/RQ-4 Global Hawk UAV and F-22 fighter modifications.

In the largest departure from the request, the enacted legislation provided $1.6 billion more than $9.6 billion requested (including for aircraft modifications) to procure 17 additional F-35 aircraft. The increase in quantity included 12 F-35As for the Air Force and 5 F-35Cs for the Navy and Marine Corps, for a total of 96 of the fifth-generation stealth aircraft.[148] The Air Force and Navy had requested the additional aircraft in their respective lists of "unfunded priorities," a document each of the armed services is required to submit to Congress.[149] The accompanying explanatory statement also included a reporting requirement related to Turkey's removal from the F-35 program for buying Russia's S-400 air defense system. The statement directed the head of the F-35 program to submit a quarterly report to the congressional defense committees on the status of contributions by Turkish suppliers in the F-35 supply chain until they are removed.[150]

The enacted version of the legislation also provided more funding than requested for CH-47 and UH-60 helicopters. It provided less funding than requested for F-15 fighter aircraft (and modifications), KC-46A refueling tankers, F/A-18E/F fighter attack aircraft (and modifications), NGAD, and MQ-9 Reaper UAV (see **Table 12**).

Fighter Programs

For background and more information on the F-35 and the Next Generation Air Dominance program, see CRS Report RL30563, *F-35 Joint Strike Fighter (JSF) Program*, by Jeremiah Gertler and CRS In Focus IF11659, *Air Force Next-Generation Air Dominance Program: An Introduction*, by Jeremiah Gertler.

Table 12. Selected Military Aircraft Programs

(in millions of dollars)

Program (*CRS Report*)	Appropriation Type	FY2021 Request	House-Passed	Senate committee-drafted	FY2021 Enacted
		Fighters			
F-15 and mods *(IF11521)*	Proc.	1,784.6	1,757.0	1,529.3	1,571.1
	RDT&E	629.3	619.3	629.3	619.3

[147] *Statement of Administration Policy*, p. 4.

[148] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 391, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

[149] For copies of these lists, see "Services', COCOMs' FY-21 unfunded priorities lists," *Inside Defense*, February 21, 2020, at https://insidedefense.com/document/services-cocoms-fy-21-unfunded-priorities-lists; for the statutory requirement in *United States Code*, see 10 USC 222a.

[150] U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), p. 392, at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Program (*CRS Report*)	Appropriation Type	FY2021 Request	House-Passed	Senate committee-drafted	FY2021 Enacted
F/A-18E/F, EA-18G and mods *(RL30624)*	Proc.	2,975.8	2,800.8	2,836.1	2,775.5
	RDT&E	361.4	373.4	365.4	375.4
F-22 mods *(RL31673)*	Proc.	393.8	393.8	350.3	363.5
	RDT&E	665.0	665.0	607.0	665.0
F-35 and mods *(RL30563)*	Proc.	9,683.6	11,114.5	10,858.5	11,348.8
	RDT&E	931.9	940.6	675.9	841.2
Next-Generation Air Dominance (future fighter) *(IF11659)*	RDT&E	1,044.1	537.6	974.1	904.1
Helicopters					
AH-64	Proc.	961.5	961.5	961.5	961.5
CH-47	Proc.	179.1	371.2	298.1	368.1
Future vertical lift, attack reconnaissance aircraft *(IF11367)*	RDT&E	647.9	672.9	712.9	717.9
Improved helicopter engine	RDT&E	249.3	224.3	245.5	241.3
UH-60	Proc.	1,003.2	1,126.5	991.4	1,114.7
Tanker					
KC-46A tanker *(RL34398, IN11537)*	Proc.	2,850.2	2,707.4	2,665.3	2,665.3
	RDT&E	106.3	106.3	76.2	76.2
Unmanned Aerial Vehicles (UAVs)					
MQ-25	RDT&E	267.0	257.0	267.0	257.0
MQ-4/RQ-4	Proc.	204.0	276.4	119.9	257.9
	RDT&E	361.2	361.2	273.2	340.6
MQ-9 *(R42136)*	Proc.	224.5	161.8	195.1	161.8
	RDT&E	183.3	173.4	128.3	128.3

Sources: CRS analysis of House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617; H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020; U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Notes: Proc. = procurement; RDT&E = research, development, test, and evaluation. The line item or items corresponding to each program are listed in **Appendix B**. Figures rounded to the nearest tenth.

Outlook

Among the longer-term issues raised by debate on the Department of Defense Appropriations Act, 2021, were:

How might federal deficits constrain defense budget plans?

The projected increase in the federal deficit in 2020 associated with the economic disruption caused by the COVID-19 pandemic raises questions about whether pressure to reduce the gap between revenues and outlays will impact defense budget plans.

How might changes to the National Defense Strategy (NDS) affect defense budget priorities?

The Trump Administration's National Defense Strategy summary did not address certain issues, such as pandemics or climate change, as national security threats. The Biden Administration may seek to incorporate such elements or domestic economic priorities in its strategic guidance documents, or to alter the great power construct as presently configured.

How might the expiration of discretionary spending caps affect funding for Overseas Contingency Operations (OCO)?

The expiration of the Budget Control Act's discretionary spending limits after FY2021 raises questions for Congress about whether to continue authorizing and appropriating specially designated funding for Overseas Contingency Operations (OCO)—and, if continued, whether to increase, decrease, or maintain the current level of OCO funding.

How might the Department of Defense (DOD) and Congress balance shorter- and longer-term defense budget priorities?

The annual DOD budget process provides an opportunity for DOD and Congress to make tradeoffs among funding for operating and maintaining the force; paying for personnel; procuring weapons, equipment, and services; researching and developing new technology; and carrying out other activities. The National Defense Strategy Commission recommended that Congress balance funding for DOD to emphasize readiness, capacity, and capability across the force.[151] Others have used the terms "force structure" for capacity and "modernization" or "investment" for capability. Kathleen H. Hicks, the former director of the International Security Program at the Center for Strategic and International Studies who was nominated and confirmed to serve as Deputy Defense Secretary in the Biden Administration, has previously described these elements as the "iron triangle of painful trade-offs."[152] In 2017, Hicks wrote: "The geometry of the [iron triangle of painful trade-offs] drives the DOD to maintain a reasonable balance among three factors: preparing to be ready today (readiness), preparing to be ready tomorrow (investment), and sizing the force (structure)."[153]

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[151] Edelman and Roughead, *Providing for the Common Defense*, p. 70.

[152] Kathleen Hicks, *Defense Strategy and the Iron Triangle of Painful Tradeoffs*, Center for Strategic and International Studies, June 21, 2017, at https://defense360.csis.org/defense-strategy-and-the-iron-triangle-of-painful-tradeoffs/.

[153] Ibid.

Should Congress increase DOD budgetary flexibility? If so, how?

The National Defense Strategy Commission made a series of recommendations regarding congressional appropriations activity. The commission recommended that Congress consider producing five-year defense budget agreements "to permit greater stability and flexibility for DOD" and to authorize the department to "expend Operations and Maintenance funds from any given fiscal year across that fiscal year and the subsequent one."[154] It also recommended Congress enact on-time annual appropriations and fund whole-of-government efforts to address the challenges posed by great power competition.

DOD may seek additional budgetary flexibility if defense budgets are projected to flatten or decline in coming years. As previously discussed, following calls for the creation of new appropriation accounts or structures, Congress in this act provided funding for several software and digital technology pilot programs that can "be used for expenses for the agile research, development, test and evaluation, procurement, production, modification, and operation and maintenance" of software and digital technologies.

Congress also provides budgetary flexibility to DOD through transfer and reprogramming authorities.[155] A transfer involves shifting funds from one appropriation account to another, while a reprogramming involves shifting funds within the same account. Members may consider how changing DOD general and special transfer authority limits or reprogramming thresholds—either by increasing or decreasing their dollar amounts or percentages—could affect Congress's ability to control DOD action through appropriations and DOD's ability to respond to unanticipated budgetary or national security conditions.

[154] Edelman and Roughead, *Providing for the Common Defense*, p. 46.

[155] For more information see, CRS Report R46421, *DOD Transfer and Reprogramming Authorities: Background, Status, and Issues for Congress*, by Brendan W. McGarry.

Appendix A. Hearings of the House and Senate Appropriations Committees, Defense Subcommittees, 2020

Table A-1. Hearings of the House Appropriations Committee Defense Subcommittee (HAC-D), 2020

Date	Topic
February 6, 2020	U.S. Strategic Command (STRATCOM)[a]
February 27, 2020	U.S. European Command (EUCOM)[a]
February 27, 2020	World-Wide Threat[a]
March 3, 2020	National Guard/Reserves
March 4, 2020	U.S. Navy/Marine Corps Budget Request for FY2021
March 4, 2020	U.S. Space Force Organizational Plan
March 5, 2020	Defense Health Program
March 10, 2020	U.S. Southern Command (SOUTHCOM)[a]
March 10, 2020	U.S. Army Budget Request for FY2021
March 11, 2020	U.S. Central Command (CENTCOM)[a]
March 11, 2020	U.S. Africa Command (AFRICOM)[a]
March 12, 2020	Member Day

Source: House Appropriations Committee, Hearing: Defense website, accessed November 19, 2020, at https://appropriations.house.gov/subcommittees/defense-116th-congress/congress_hearing.

Notes: The subcommittee's hearing schedule in 2020 was interrupted due to the COVID-19 pandemic.

a. Hearing was closed to the public.

Table A-2. Hearings of the Senate Appropriations Committee Defense Subcommittee (SAC-D), 2020

Date	Topic
March 4, 2020	Review of the FY2021 Budget Request for the National Guard & Reserve
March 11, 2020	Review of the FY2021 Budget Request for the Navy and Marine Corps

Source: Senate Appropriations Committee, Defense Subcommittee hearings website, accessed November 19, 2020, at https://www.appropriations.senate.gov/subcommittees/defense.

Note: The subcommittee's hearing schedule in 2020 was interrupted due to the COVID-19 pandemic.

Appendix B. Budget Data Sources for Appropriations Tables

Table B-1. Budget Data Sources for Appropriations Tables

CRS Table (Number)	CRS Program Label	Appropriation Account	Congressional Line #	Congressional Line Label	Proj. ID
Selected Long-Range, Nuclear-Armed Weapons Systems (**Table 6**)	B-21 Bomber	RDT&E, AF	46	Long Range Strike	
	Bomber Upgrades	APAF	22	B-1	
		APAF	23	B-2A	
		APAF	24	B-1B	
		APAF	25	B-52	
		RDT&E, AF	172	B-52 Squadrons	
		RDT&E, AF	174	B-1B Squadrons	
		RDT&E, AF	175	B-2 Squadrons	
	Columbia-Class Ballistic Missile Submarine	SCN	1	Columbia Class Submarine	
		SCN	2	Columbia Class Submarine (AP-CY)	
		RDT&E, N	52	SSBN New Design	
		RDT&E, N	47	Advanced Nuclear Power Systems	3219
	Ground-Based Strategic Deterrent (RL33640)	RDT&E, AF	57	Ground Based Strategic Deterrent	
	Long-Range Standoff Weapon (RL33640)	RDT&E, AF	97	Long Range Standoff Weapon	
	Trident II (D-5) Missile Mods (RL33640)	WPN	1	Trident II Mods	
Selected Long-Range Strike Weapons Systems (**Table 7**)	Conventional Prompt Strike	RDT&E, N	91	Precision Strike Weapons Development Program	3334
	Long-Range Hypersonic Weapon	RDT&E, A	109	Hypersonics	
	Air-Launched Rapid Response Weapon	RDT&E, AF	49	Hypersonics Prototyping	
	Strategic Long-Range Cannon	RDT&E, A	102	Technology Maturation Initiatives	AY3
	Precision-Strike Missile	MIPA	4	Precision Strike Missile	
		RDT&E, A	219	Long-Range Precision Fires	

CRS Table (Number)	CRS Program Label	Appropriation Account	Congressional Line #	Congressional Line Label	Proj. ID
		RDT&E, A	18	Land-Based Anti-Ship Missile Technology	AE7
	Joint Air-to-Surface Standoff Missile	MPAF	4	Joint Air-to-Surface Standoff Missile (JASSM)	
		MPAF	4	JASSM	OCO
		RDT&E, AF	200	Joint Air-to-Surface Standoff Missile (JASSM)	
	Land-Attack Tomahawk Cruise Missile	WPN	3	Tomahawk	
	Anti-Ship Tomahawk Cruise Missile	WPN	19	Tomahawk Mods	Mod Item 3
		RDT&E, N	211	Tomahawk and Tomahawk Mission Planning Center (TMPC)	4034
	Long-Range Anti-Ship Missile	MIPA	5	Long Range Anti-Ship Missile (LRASMO)	
		WPN	17	LRASM	
		RDT&E, N	93	Offensive Anti-Surface Warfare Weapons Development	
	Naval Strike Missile (ship-launched)	WPN	18	LCS OTH missile	
		RDT&E, N	143	Ship self-defense	2070
Selected Missile Defense Programs (**Table 8**)	Ground-Based Midcourse Defense	RDT&E, DW	77	Ballistic Missile Defense Midcourse Segment	
		RDT&E, DW	116	Ballistic Missile Defense Midcourse Defense Segment Test	
	Next-Generation Interceptor	RDT&E, DW	111	Improved Homeland Defense Interceptors	
	Hawaii radar	RDT&E, DW	105	Homeland defense radar Hawaii	
	Guam defense (land-based Aegis)	RDT&E, DW	115	Land-Based SM–3 (LBSM3)	
	Aegis and Aegis Ashore (other than Guam)	PDW	34	Aegis BMD	
		PDW	35	Aegis BMD AP	
		PDW	37	SM-3 IIAS	
		PDW	40	Aegis Ashore Ph. III	
		PDW	42	Aegis BMD Hardware and software	
		RDT&E, DW	82	Aegis BMD	

CRS Table (Number)	CRS Program Label	Appropriation Account	Congressional Line #	Congressional Line Label	Proj. ID
		RDT&E, DW	113	Aegis BMD test	
	Terminal (short-range) defense (THAAD and Patriot)	PDW	31	THAAD	
		MIPA	3	MSE Missile (Patriot)	
		MIPA	3	MSE Missile (Patriot)	OCO
		MIPA	16	Patriot Mods	
		RDT&E, DW	76	BMD Terminal Defense Segment	
		RDT&E, DW	112	BMD Terminal Defense Segment Test	
	Israeli cooperative defense programs	PDW	38	Israeli Programs	
		PDW	39	Short Range Ballistic Missile Defense (SRBMD)	
		RDT&E, DW	88	Israeli Cooperative Programs	
	Hypersonic defense	RDT&E, DW	98	Hypersonic Defense	
	Hypersonic missile attack detection	RDT&E, DW	121	Space Technology Development and Prototyping	
Selected Military Space Programs (**Table 9**)	National Security Space Launch	PSF	13	National Security Space Launch	
		RDT&E, SF	20	National Security Space Launch	
	Global Positioning System III	PSF	6	GPS III Follow On	
		PSF	7	GPS III Space Segment	
		PSF	8	Global Positioning (Space)	
		RDT&E, SF	2	NAVSTAR Global Positioning System (User Equipment)	
		RDT&E, SF	12	GPS Follow On (GPS III)	
		RDT&E, SF	29	NAVSTAR Global Positioning System (Space and Control Segments)	
		RDT&E, SF	33	GPS III Space Segment	
		RDT&E, SF	37	GPS III Operational Control segment	
	Infrared Missile Attack Detection (SBIRS, OPIR)	PSF	11	SBIRS High (Space)	
		RDT&E, SF	19	Next generation OPIR	
Selected Ground	Amphibious Combat Vehicle	PMC	2	Amphib. Combat Veh. Fam.	

CRS Table (Number)	CRS Program Label	Appropriation Account	Congressional Line #	Congressional Line Label	Proj. ID
Combat Systems (**Table 10**)		RDT&E, N	163	MC Assault Veh. Syst. Devel.	
	Armored Multi-Purpose Vehicle	WTCV	2	Armored Multi-Purpose Veh (AMPV)	
	Bradley infantry fighting vehicle upgrades	WTCV	5	Bradley program mods	
	Guided Multiple Launch Rocket System (GMLRS) and mods	MIPA	11	Guided MLRS rockets	
		MIPA	12	MLRS practice rockets	
		PMC	12	Guided MLRS Rocket (GMLRS)	
		PMC	12	Guided MLRS Rocket (GMLRS)	OCO
		RDT&E, A	245	Guided Multiple-Launch Rocket System (GMLRS)	
		MIPA	13	HIMARS	
		MIPA	22	MLRS mods	
	Indirect Fire Protection Capability	MIPA	5	IFPC	
		RDT&E, A	167	IFPC Inc. 2—Block 1	
	Iron Dome	PDW	41	Iron Dome	
	M-1 Abrams tank upgrades	WTCV	13	M-1 Mods	
		WTCV	14	M-1 Upgrades	
	Mobile Protected Firepower	RDT&E, A	127	Armored Systems Modernization (ASM)-Eng Dev	
	M-SHORAD	MIPA	2	M-SHORAD procurement	
		MIPA	2	M-SHORAD	OCO
	M-SHORAD (DE)	RDT&E, A	169	Emerging Technology Issues	F13
	Optionally Manned Fighting Vehicle	RDT&E, A	176	Manned Ground Vehicle	
	Paladin self-propelled howitzer	WTCV	7	Paladin Integrated Management	
		RDT&E, A	234	155 mm. SP Howitzer Improv.	
	Stryker troop carrier mods	WTCV	4	Stryker upgrades	
Selected Shipbuilding	DDG-51-class Aegis destroyer	SCN	10	DDG-51	
		SCN	11	DDG-51 (AP-CY)	

CRS Table (Number)	CRS Program Label	Appropriation Account	Congressional Line #	Congressional Line Label	Proj. ID
Programs (**Table 11**)	Expeditionary Fast Transport (EPF)	SCN	19	Expeditionary Fast Transport	
	Ford-class aircraft carrier	SCN	3	Carrier Replacement Program (CVN 80)	
		SCN	4	Carrier Replacement Program (CVN 81)	
	Guided-missile frigate (FFG)	SCN	13	FFG-Frigate	
	Large- and Medium-Sized Unmanned Surface Vessels	RDT&E, N	27	Large Unmanned Surface Vehicles (LUSVs)	
	Large Unmanned Undersea Vessel	RDT&E, N	80	Large Unmanned Undersea Vehicles	
		RDT&E, N	89	Advanced Undersea Prototyping	
	Landing Helicopter Assault (LHA)	SCN	17	LHA Replacement	
	Landing Platform Dock (LPD)	SCN	14	LPD Flight II	
	Next Generation Logistics Ship (NGLS)	RDT&E, N	45	Ship Concept Advanced Design	4045
	Nuclear-powered carrier refueling and modernization	SCN	7	CVN Refueling Overhauls	
		SCN	8	CVN Refueling Overhauls (AP-CY)	
	Light Amphibious Warship (LAW)	RDT&E, N	45	Ship Concept Advanced Design	4044
	Towing, salvage, and rescue ship (TATS)	SCN	22	Towing, Salvage, and Rescue Ship (ATS)	
	Virginia-class attack submarine	SCN	5	Virginia Class Submarine	
		SCN	6	Virginia Class Submarine (AP-CY)	
Selected Military Aircraft Programs (**Table 12**)	F-35 and mods	APN	3	Joint Strike Fighter CV	
			4	Joint Strike Fighter CV (AP-CY)	

CRS Table (Number)	CRS Program Label	Appropriation Account	Congressional Line #	Congressional Line Label	Proj. ID
			5	JSF STOVL	
			6	JSF STOVL (AP-CY)	
			62	F-35 STOVL Series (mods)	
			63	F-35 CV Series (mods)	
		APAF	1	F-35	
			2	F-35 (AP-CY)	
			33	F-35 Modifications	
		RDT&E, N	148	Joint Strike Fighter (JSF) - EMD	
			149	Joint Strike Fighter (JSF)	
			200	F-35 C2D2	
			201	F-35 C2D2	
		RDT&E, AF	96	F-35 EMD	
			191	F-35 Squadrons	
	F-15 and mods	APAF	4	F-15EX	
			5	F-15EX (AP-CY)	
			29	F-15 (mods)	
			34	mods F-15 EPAWSS	
		RDT&E, AF	106	F-15 EPAWSS	
			188	F-15E squadrons	
			192	F-15 EX	
	F/A-18E/F, EA-18G and mods	APN	1	F/A-18E/F (Fighter) Hornet (MYP)	
			28	F-18 A-D Unique (mods)	
			29	F-18E/F and EA-18G Modernization and Sustain[ment]	
			32	Infrared Search and Track (IRST)	
			34	F-18 Series (mods)	
		RDT&E, N	75	F/A-18 Infrared Search and Track (IRST)	
			112	EA-18	
			208	F/A-18 Squadrons	
	F-22 mods	APAF	32	F-22A (mods)	
			35	Increment 3.2B	
		RDT&E, AF	190	F-22A squadrons	

CRS Table (Number)	CRS Program Label	Appropriation Account	Congressional Line #	Congressional Line Label	Proj. ID
	Next-Generation Air Dominance (future fighter)	RDT&E, AF	59	Next-Generation Air Dominance	
	AH-64	APA	7	AH-64 Apache Block IIIA Reman	
			8	AH-64 Apache Block IIIA Reman (AP-CY)	
	CH-47	APA	14	CH-47 Helicopter	
			15	CH-47 Helicopter (AP-CY)	
	Future vertical lift, attack reconnaissance aircraft	RDT&E, A	90	Aviation - Advanced Development	
	Improved helicopter engine	RDT&E, A	224	Improved Turbine Engine Program	
	UH-60	APA	11	UH-60 Blackhawk (MYP)	
			12	UH-60 Blackhawk (MYP) (AP-CY)	
			13	UH-60 Blackhawk A and L Models	
	KC-46A tanker	APAF	4	KC-46A tanker	
		RDT&E, AF	111	KC-46A Tanker Squadrons	
	MQ-9	APAF	20	MQ-9	
			68	MQ-9 mods	
			65	MQ-9 UAV	
		RDT&E, AF	184	MQ-9	
		RDT&E, DW	256	MQ-9	
	MQ-4/RQ-4	APN	21	MQ-4 Triton	
			65	MQ-4 Series (mods)	
		APAF	65	RQ-4 UAV Mods	
		RDT&E, N	244	MQ-4C Triton	
			252	RQ-4 Modernization	
		RDT&E, AF	270	RQ-4 UAV	
			272	NATO AGS	
	MQ-25	RDT&E, N	159	Unmanned Carrier Aviation	

Sources: CRS analysis of House Appropriations Committee report (H.Rept. 116-453) to accompany H.R. 7617; H.R. 7617 (Division A); Explanatory Statement to accompany Senate Appropriations Committee draft of the Department of Defense Appropriations Bill, 2021, November 10, 2020; U.S. Congress, House Committee on

Appropriations, *Consolidated Appropriations Act, 2021, H.R. 133 / Public Law 116–260, [Legislative Text and Explanatory Statement] Book 1 of 2, Divisions A-F*, committee print, 117th Cong., 1st sess., March 2021, 43-750 (Washington, DC: GPO, 2021), at https://www.govinfo.gov/content/pkg/CPRT-117HPRT43749/pdf/CPRT-117HPRT43749.pdf.

Notes: APA = Aircraft Procurement, Army; APAF = Aircraft Procurement, Air Force; APN = Aircraft Procurement, Navy; MIPA = Missile Procurement, Army; MPAF = Missile Procurement, Air Force; PDW = Procurement, Defense-Wide; PMC = Procurement, Marine Corps; PSF = Procurement, Space Force; RDT&E, A = Research, Development, Test, and Evaluation, Army; RDT&E, AF = Research, Development, Test, and Evaluation, Air Force; RDT&E, DW = Research, Development, Test, and Evaluation, Defense-Wide; RDT&E, N = Research, Development, Test, and Evaluation, Navy; RDT&E, SF = Research, Development, Test, and Evaluation, Space Force; SCN = Shipbuilding and Conversion, Navy; WPN, = Weapons Procurement, Navy; WTCV = Procurement of Weapons and Tracked Combat Vehicles, Army.

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