



ASSOCIATION OF OLD CROWS ADVOCACY NEWSLETTER November 25, 2020

Congress Returns for Lame Duck Session

On November 16, Congress returned for its Lame Duck session following an unusual election season with several races remaining uncalled. Both the House and Senate have a full plate of pending legislation to consider over the next several weeks. The Lame Duck session currently runs through December 10, excluding the week of November 21 for the Thanksgiving holiday.

Aside from another COVID relief package, Congress must wrap up its work on the FY 2021 budget, including defense spending and the FY 2021 National Defense Authorization Act. On the budget front, back in August, we took a look at the history of passing defense appropriations bills in election years. As Table 1 shows, since 2004 (FY 2005 appropriations), defense appropriations bills were not signed into law until the start of the next administration. This would indicate that Congress is not afraid to punt with another long-term CR before the current CR expires on December 11. However, there are indications that Congress does not want to repeat the past and the prevailing sentiment is that Congress can achieve an agreement on an Omnibus Appropriations bill before the current CR expires. But hope springs eternal when Congress has a month to negotiate.

Election Year	Fiscal Year	Type	Bill No.	Signed	Notes
2004	2005	Presidential	HR 1268	5/11/2005	CR until Emergency Supplemental
2006	2007	Mid-term	HR 5631	9/29/2006	
2008	2009	Presidential	HR 2346	6/24/2009	CR until Emergency Supplemental
2010	2011	Mid-term	HR 1363	4/9/2011	CR until final passage
2012	2013	Presidential	HR 933	3/26/2013	CR until Remaining Year Approps
2014	2015	Mid-term	H.R. 83	12/16/2014	CR until remaining year Omnibus
2016	2017	Presidential	H.R. 244	5/5/2017	CR until remaining year Omnibus
2018	2019	Mid-term	HR 6157	9/28/2018	Minibus

Table 1. Defense Appropriations During Election Years

Talks begin on Omnibus Appropriations

On November 10, the Senate Appropriations Committee released its FY 2021 spending levels and details for each of its 12 appropriations bills. Even though the Senate has not passed any appropriations bill, this procedural move officially begins formal negotiation with the House to advance an end-of-session Omnibus Appropriations Act. This also represents the first formal appropriations activity in the Senate this year.

ADVOCACY NEWSLETTER

For Defense, the Senate Appropriations Committee allocates \$696 billion in total funding, including \$68.7 billion for Overseas Contingency Operations (OCO) funding. This is roughly the same top-line number as the House, which provided \$695.12 billion in total defense spending, including \$68.4 for OCO. Table 2 shows the breakdown of major accounts. Again, no dramatic differences signal potential roadblocks to passage; however, most of the disagreements between House and Senate negotiators are found in the other appropriations bills, most notably around how each chamber deals with spending cap-exempt emergency spending on Coronavirus measures.

According to the Defense Appropriations Committee, their defense bill includes full funding for Next Generator Interceptor, full funding for a SM-3 Block IB multi-year procurement contract, and full funding for the Long Range Discrimination Radar. The bill also provides \$1.69 billion for 17 additional F-35s, an additional \$1.1 billion for Science and Technology (S&T) activities, full funding for the Department of the Navy's unmanned enabling technologies activities includes autonomous technology, command and control, and sensor development and experimentation. Finally, the bill provides \$449 million to support DoD's 5G program. We will dive deeper into EW and EMS-related accounts in the next newsletter.

Again, the defense appropriations bill will not move on its own. It will be part of an Omnibus Appropriations Act. There is optimism surrounding the outcome of the Omnibus, but nothing is certain. It is also important to keep in mind that following the signing of the FY 2018 Omnibus Appropriations Act, President Trump signaled that he would sign another Omnibus measure. How that pronouncement influences his desire to sign an Omnibus this year is uncertain and depends on the pathway to resolving the presidential election.

NDAAs Move Closer to Agreement, but Obstacles Remain

Last week, House and Senate Conferees met to discuss a final agreement on the National Defense Authorization Act (NDA). The formal conference meeting of bipartisan leadership suggests that a deal is very close, but no details have been released yet. The main obstacle to an agreement appears to be language to rename US military bases that were named after Confederate Generals. Senate Republicans have stated that

Category	FY 2020 Total	2021 President's Request	House Total	Senate Total
MILPER	\$142,446,067	\$150,524,104	\$149,355,652	\$149,616,480
O&M	\$199,415,415	\$196,630,496	\$196,703,001	\$194,797,478
Procurement	\$133,879,995	\$130,866,091	\$133,633,757	\$133,304,819
R&D	\$104,431,232	\$106,224,793	\$104,348,089	\$104,080,076
OCO	\$70,665,000	\$68,650,238	\$68,435,000	\$68,650,000
Subtotal of Major Accounts	\$650,837,709	\$652,895,722	\$652,475,499	\$650,448,853

Table 2. Major DoD Account Funding

ADVOCACY NEWSLETTER

they will not accept any renaming provision. Meanwhile, Democrats have refused to accept a bill without such a provision. The Trump Administration has also strongly opposed this effort, but recent reports suggest they are reconsidering their position.

The fate of the NDAA primarily rests on this issue, and developments in the presidential election will likely play a role in its resolution over the next two weeks. However, this means the House and Senate have likely agreed to almost everything else, including key provisions that AOC tracking. AOC is monitoring Senate language to move Electromagnetic Spectrum Operations (EMSO) under the Chairman of the Joint Chiefs of Staff (CJCS) as a Chairman's Controlled Activity (CCA), microelectronics manufacturing strategy, policy on Rare Earth Materials to support the US industrial base, and several reports and oversight actions on EW and SIGINT-related programs, capabilities, and training. We will update you as information becomes available. In the meantime, visit the [AOC Advocacy page](#) for information items of interest in the House and Senate versions of the NDAA.

DoD Makes it Harder to Research Budget Materials

Back on November 3, the DOD announced that it is ending public access to its research tools that allow for more straightforward navigation of defense budget materials. The Defense Technical Information Center (DTIC) is moving these unclassified materials behind a firewall accessible to government employees only. The stated justification for this move is that this is a duplicative service along with the DOD Comptroller site, which is far less easy to navigate.

There is concern that this is an unnecessary decision that hurts transparency and makes it harder for defense companies to research budget documentation necessary to compete and track program developments. This may be especially true for niche technologies and programs that require more intensive research. AOC is monitoring this decision, its implementation, and its effect. In the meantime, it is essential to know that this decision does not affect the budget research tools that AOC has at its disposal. We welcome feedback on how this decision may affect non-government stakeholders in our community to work collaboratively on a solution to or reversal of this decision.

Business Opportunities

Army Combined Regional Cyber Centers

According to Bloomberg Government, on November 6, the US Army Cyber Command released a Request for Information (RFI) signaling an effort to combine its five cybersecurity centers under one contract, which could be valued at up to \$10 million. The five centers include Fort Huachuca (AZ), Wiesbaden (Germany), Camp Walker (Korea), Fort Schafter (HI), and Camp Arifjan (Kuwait). The RFI proposes that bringing these centers together under one contract will enable greater standardization in Army Cyber Command operations and services. RFI responses are due December 7, and an RFP release is expected by January 2021.

Future Army System of Integrated Targets (FASIT) Technical Data Package (TDP)

On November 12, the Army Program Executive Office for Simulation, Training, and Instrumentation (PEO STRI) FASIT Program released an RFI on TDPs for FASIT's primary live-fire range Presentation Devices (PD), and development of the Communication Architecture for Army live fire ranges. As part of this RFI, PEO STRI is soliciting industry feedback on the information developed in the Target Analysis Report (TAR) and Requirements Traceability Verification Matrix (RTVM). According to Bloomberg Government, the contract is valued at \$3.57 million - \$5.23 million. Responses are due by November 30, and an RFP is expected in December 2020.

Radio Frequency (RF) Amplifier Assets for the Joint Tactical Information Distribution System (JTIDS) AN/URC-107

On November 9, the USAF Materiel Command (AFMC) Sustainment Center (AFSC) Communications out of Warner Robins, GA, released an RFP to repair the RF amplifier assets for the JTIDS AN/URC-107. This contract is valued at below \$1 million for a basic 12-month period plus four additional ordering periods, plus an optional six-month extension. RFP response is due by December 24, 2020.