



ACQUISITION INNOVATION  
RESEARCH CENTER

# Supplemental GMU Research to Support the PPBE Commission

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**Commission on Planning, Programming, Budgeting, and Execution (PPBE) Reform**

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## ACRONYMS AND ABBREVIATIONS

<b>ACAT</b>	Acquisition Category
<b>AOR</b>	Area of Responsibility
<b>ASD (SO/LIC)</b>	Assistant Secretary of Defense for Special Operations and Low Intensity Conflict
<b>BES</b>	Budget Estimate Submission
<b>CAPE</b>	Cost Assessment and Program Evaluation
<b>CCIF</b>	Combatant Commander Initiative Fund
<b>CCMD</b>	Combatant Command
<b>CCSA</b>	Combatant Command Support Agent
<b>CGA</b>	Capabilities Gap Assessment
<b>COCOM</b>	Combatant Command
<b>CPA</b>	Chairman's Program Assessment
<b>CPR</b>	Chairman's Program Recommendation
<b>DAS</b>	Defense Acquisition System
<b>DAVE</b>	Defense Acquisition Visibility Environment
<b>DARPA</b>	Defense Advanced Research Projects Agency
<b>DFARS</b>	Defense Federal Acquisition Regulation Supplement
<b>DoD</b>	Department of Defense
<b>DPG</b>	Defense Planning Guidance
<b>EDI</b>	European Deterrence Initiative
<b>FAR</b>	Federal Acquisition Regulation
<b>FCB</b>	Functional Capabilities Board
<b>FY</b>	Fiscal Year
<b>FYDP</b>	Future Years Defense Program
<b>GMU</b>	George Mason University
<b>IPL</b>	Integrated Priority List
<b>IRB</b>	Institutional Review Board
<b>JCIDS</b>	Joint Capabilities Integration and Development System
<b>JEON</b>	Joint Emergent Operational Need
<b>JRAC</b>	Joint Rapid Acquisition Cell
<b>JROC</b>	Joint Requirements Oversight Council



<b>JUON</b>	Joint Urgent Operational Need
<b>MDA</b>	Missile Defense Agency
<b>MDAP</b>	Major Defense Acquisition Program
<b>MDD</b>	Material Development Decision
<b>MFP</b>	Major Force Program
<b>MTA</b>	Middle Tier of Acquisition
<b>NATO</b>	North Atlantic Treaty Organization
<b>NDAA</b>	National Defense Authorization Act
<b>NSA</b>	National Security Agency
<b>O&amp;M</b>	Operation & Maintenance
<b>OSD</b>	Office of the Secretary of Defense
<b>OT</b>	Other Transaction
<b>OTA</b>	Other Transaction Authority
<b>OUUSD(A&amp;S)</b>	Office of the Under Secretary of Defense for Acquisition and Sustainment
<b>PBR</b>	Program Budget Review
<b>PEO</b>	Program Executive Office
<b>POM</b>	Program Objective Memorandum
<b>PPBE</b>	Planning, Programming, Budgeting, and Execution
<b>PDI</b>	Pacific Deterrence Initiative
<b>RDT&amp;E</b>	Research, Development, Test, and Evaluation
<b>SAT</b>	Simplified Acquisition Threshold
<b>UON</b>	Urgent Operational Need
<b>UPL</b>	Unfunded Priority List
<b>USCYBERCOM</b>	United States Cyber Command
<b>USEUCOM</b>	United States European Command
<b>USINDOPACOM</b>	United States Indo-Pacific Command
<b>USSOCOM</b>	United States Special Operations Command
<b>USSPACECOM</b>	United States Space Command
<b>USSTRATCOM</b>	United States Strategic Command
<b>USTRANSCOM</b>	United States Transportation Command

## ***U.S. Combatant Command Planning, Programming, Budgeting, and Execution authorities***

### **1.0 OVERVIEW**

This research supplements the Final Technical Report, “Case Studies of Technology Transition,” submitted on December 22, 2023.<sup>1</sup> It addresses two related questions:

- “Can new authorities granted to combatant command be part of the solution for the development and delivery of needed warfighting capabilities?”
- “Are alternative Planning, Programming, Budgeting, and Execution (PPBE) approaches such as those employed in U.S. Special Operations Command (USSOCOM) viable models for other combatant commands?”

The questions are addressed through a review of the statutes, regulations, and directives concerning combatant command authorities in relation to the requirements, budget, and acquisition processes. The study examines combatant commands with unique authorities and explains their basis. Then the study looks at recent government and congressionally mandated commission reports as well as current legislation in relation to the suitability of new combatant command programming, budget, and acquisition authorities. The study concludes with assessments and a recommendation.

### **STUDY BACKGROUND**

In the George Mason University (GMU) Baroni Center for Government Contracting final report on technology transition case studies submitted to the Commission on PPBE Reform, a government interviewee at the Joint Rapid Acquisition Cell (JRAC), within the Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), stipulated that timely response to new combatant command urgent and emerging needs was not a priority for the military services whose focus is on existing programs. Of note, this view was offered by a member of the Office of the Secretary Defense (OSD) staff, and not a member of either a combatant command or the military services.<sup>2</sup>

Two industry interviewees associated with the JRAC case study research also offered that “[Combatant commands] were insufficiently integrated into the PPBE process,” and “suggested that money be given directly to [combatant commands] for taking control of decisions to meet the needs of the warfighter.”<sup>3</sup>

In turn, this study (1) examines the combatant commands’ role in the PPBE process and (2) explores whether there are suitable, plausible models for additional PPBE authorities and responsibilities for geographic combatant commands, such as those already held by particular functional combatant commands with unique programming, budgeting, and acquisition authorities authorized in law.

## STUDY KEY TAKEAWAYS

Additional programming, budget, and acquisition authorities for combatant commands are not a solution for the development and delivery of needed warfighting capabilities. Alternative programming, budget, and acquisition approaches such as those employed in USSOCOM and other functional combatant commands are not viable models for geographic combatant commands.

- Combatant commands have specific *operational* roles and authorities that are intentionally distinct from the military service “*title 10 man, equip, train*” and defense agency *research & development* responsibilities.
- All combatant commands possess the authority to:
  - » inform planning in the PPBE process,
  - » determine programming in the PPBE process,
  - » influence budgeting in the PPBE process, and
  - » shape execution in the PPBE process.
- The unique programming, budget, and acquisition authorities granted to USSOCOM and U.S. Cyber Command (USCYBERCOM) were created to advance investment in specific functional and single-domain capabilities that had not been previously prioritized by the military services. Similar authorities are ill-matched to other combatant commands. Likewise, U.S. Transportation Command (USTRANSCOM) has a specific contracting authority and revolving fund budget narrowly suited to its particular responsibilities.
- A number of commissions and reports have examined both the options for accelerating defense capability development and delivery as well as strengthening combatant command authorities. None have recommended expanding combatant command programming, budgeting, and acquisition authorities beyond what is presently in statute.
- Based on the reasons noted above and discussed below, combatant commands are sufficiently integrated into the PPBE process. Moreover, geographic combatant commands do not warrant and are unlikely to be legislated new programming, budget, and acquisition authorities, or sources of funding, to take control of decisions to meet the needs of the warfighter within their area of responsibility.



## METHODOLOGY

This study was conducted using the following methodology:

- **Literature review.** The study team examined key publicly available information including government documents (principally budget justification books and Congressional bill and report language); government reports; think tank reports; newspaper/trade articles; and other sources.
- **Identify key PPBE-related issues.** For the research and analysis, the study team developed hypotheses from the literature review. These hypotheses became the source for subsequent interview questions as well as follow-on readings.
- **Conduct interviews.** The study team conducted interviews with former and current combatant command, industry, and government personnel. Please note, the GMU Institutional Review Board (IRB) Office determined on June 16, 2023 that this project is exempt from IRB review according to federal regulations.
- **Compile study.** The lead case author developed a draft 7-page paper based on the interviews, analysis, and literature review that was reviewed by the study team before revision, expansion, and submission to the Commission.

## 1.1 COMBATANT COMMAND AUTHORITIES

Combatant command authorities function in conjunction with those of the military services and the defense agencies in the context of the Defense Department's requirements, budget, and acquisition processes. There is a division of responsibilities. The role of combatant commands is to execute deterrence, warfighting, and operations other than war missions within their geographic or functional area of responsibility. The military services "man, train, and equip the force." Defense agencies support specific activities that cross-cut DoD – some of these agencies provide the department with research & development supporting the future adoption and integration of advanced technology. This division of responsibilities in support of the U.S. warfighter is dictated based on their scope and complexity, and further distinctions are made to designate the entities responsible for carrying out these roles (e.g., there are 11 combatant commands, 5 military services, and 16 research and development defense agencies).<sup>4</sup>

Though combatant commands are responsible for operations, they do participate directly in the PPBE process. Also, the combatant commands contribute to the capability acquisition programming, budget justifications, and legislative determinations through the Joint Capabilities Integration and Development System (JCIDS) processes. That said, combatant commands – other than USSOCOM and USCYBERCOM – are outside the Defense Acquisition System (DAS) other than being part of the JCIDS process informing and preceding a Material Development Decision (MDD) and a solution's entry into the acquisition management system.<sup>5</sup>

In contrast to the combatant commands, the military services hold the responsibilities and authorities, per "Title 10," to "man, train, and equip." Accordingly, the services receive the vast bulk of Department of Defense (DoD) funding for acquisition. For example, of the enacted 2023 Fiscal Year (FY) \$852B DoD appropriations, (a) 80% of the total went to the services, and (b) 95% of procurement went to the services. Also, in contrast to the combatant commands, *specific* defense agencies with research and development missions – for example, the Defense Advanced Research Projects Agency (DARPA) and the Missile Defense Agency – have the directed authority and responsibility for major research and development efforts, and receive 25% of the DoD Research, Development, Test and Evaluation (RDT&E) funding in FY 2023 appropriations.<sup>6</sup>

### COMBATANT COMMANDS AND REQUIREMENTS

The combatant commands have the authority and the capacity to assert requirements for new capabilities and capacities. These are likely to be funded if those requirements are an overt priority for the command's commander and supported by the Department's senior most political appointees through the DPG and PPBE process.

Combatant commands participate directly in the determination of capabilities requirements through JCIDS. As a major part of the JCIDS, combatant commands are expected to address new operational requirements by submitting to the Joint Staff J-8 either a Joint Emergent Operational Need (JEON) or Joint Urgent Operational Need (JUON). These submissions in turn are reviewed by the Functional Capabilities Board (FCB) and the Joint Requirements Oversight Council (JROC) before approval. Also, as a part of JCIDS, the combatant commands have the responsibility to perform an Assessment of Operational Utility on whatever capability has been developed and delivered to answer the JEON/JUON - that is, the combatant command can stipulate that the requirement was not met and an additional capability is required.<sup>7</sup>

A major part of JCIDS is the annual combatant commander submission of Integrated Priority Lists (IPLs) to the Joint Staff. Combatant commanders identify capability gaps that introduce a level of risk to their ability to execute the Operational, Contingency, and Campaign Plans. These IPLs are analyzed by the Joint Staff, coordinated FCB and JROC through the Capability Gap Assessment (CGA). The CGA informs the development of the Chairman's Program Recommendation (CPR), which is a principal foundation for the production of the Secretary of Defense's Defense Planning Guidance. The IPLs and CGA also inform JROC decisions with regard to JEONS and JUONS.<sup>8</sup>

## COMBATANT COMMANDS AND FUNDING

The combatant commands have the authority and the capacity to request and advocate for funding to address their priorities, which are then likely to be approved and receive appropriations if those needs constitute a priority for the command's commander.

Combatant commands participate directly in budget determinations through the PPBE process. Combatant commands request and receive funding for joint exercises, force training, contingencies, and selected operations. At the start of each annual budget cycle, the combatant commands are expected to submit funding requests to the Joint Staff for the Chairman's Program Recommendation. These funding requests can be for a combatant command's operations or for service capabilities that are applicable to a combatant command's mission. The CPR informs the Secretary of Defense's annual Defense Planning Guidance (DPG), the foundation for the military service budget requests. Subsequently, in the budget process, the combatant commands are expected to submit funding proposals to the Joint Staff for the Chairman's Program Assessment (CPA). Together the CPR and CPA are the foundation for the Vice Chairman of the Joint Chiefs of Staff and the Joint Staff J-8 Director advocacy on behalf of the combatant commands during the OSD Program Budget Review (PBR) of the military services budget requests. Moreover, combatant commands can participate in the OSD Cost Analysis & Program Evaluation (CAPE) staff-led PBR working groups through to PBR adjudication in the Defense Management Action Group chaired by the Deputy Secretary of Defense.<sup>9</sup>

After the President's Budget Request is submitted to Congress, the combatant commands, like the services, are directed by law to provide a list of Unfunded Priorities (UPL) (that is, items not included in the President's Budget Request) which can be addressed by Congressional authorization and appropriation plus-ups. Likewise, combatant commanders testify to House and Senate authorizers and appropriators. The commands conduct their own Congressional relations and host Congressional delegations and staff delegations.<sup>10</sup>

Ultimately, combatant command funding – except in the case of USSOCOM, USCYBERCOM, and USTRANSCOM – is appropriated to the military services through a designated Combatant Command Support Agent (CCSA) – commonly one of the service component commands subordinate to the germane combatant command. For example, in the case of U.S. Indo-Pacific Command (USINDOPACOM), the U.S. Navy is the Combatant Command Support Agent, and the U.S. Pacific Fleet headquarters is the entity through which funding flows to the Combatant Command. In FY 2023 Operations & Maintenance (O&M), Congress enacted \$78,893 million in Combatant Commander Core Operations and \$343,928 million in Combatant Commander Direct Mission Support for USINDOPACOM. Lastly, either before or during the year in which funds are executed, the Combatant Command can request for the Chairman of the Joint Chiefs of Staff (CJCS) to allocate additional monies from the Combatant Commander Initiative Fund (CCIF).<sup>11</sup>

## COMBATANT COMMANDS AND ACQUISITION

Combatant commands – except in the case of USSOCOM, USCYBERCOM, and USTRANSCOM – are not components of the acquisition management system. Other than in the case of the aforementioned functional commands, combatant commands do not have an Acquisition Executive or Program Executive Offices for the development and delivery of capabilities. Moreover, the geographic combatant commands are not actors in DoD Directive 5000.01 – The Defense Acquisition System or DoD Instruction 5000.02 Operation of the Defense Acquisition System. Despite not being part of the acquisition management system and not having their own contracting officers, geographic combatant commands are subject to the Federal Acquisition Regulations (FAR) and Defense Federal Acquisition Regulations Supplement (DFARS) for the procurement of goods and services.<sup>12</sup>

Prior to the National Defense Authorization Act (NDAA) for Fiscal Year 2024, except in the case of USSOCM, USCYBERCOM, and USTRANSCOM, combatant command authority did not include the authority to make binding contracts or modify existing contracts. Geographic combatant commands directed and coordinated contingency contracting support through their subordinate Service components and CCSA. However, Section 843 of the FY 2024 NDAA stipulates special authority for rapid contracting to combatant commanders. Combatant commanders may request this special authority from “a director of contracting, or a principal deputy to a director of contracting, serving in the office of the Secretary of a military department, the headquarters of a military department, the head of a Defense Agency, a subordinate command headquarters, or in a major systems or logistics contracting activity in the Department of Defense.” If granted, the command can then respond to time-sensitive or unplanned emergency situations either for purchases below the micro-purchase threshold or in Simplified Acquisition procedures, without going through their CCSA. In effective terms, the purchases still must go through a contracting office with the appropriate warrant, regardless of this legislated change, and the allowable amounts are a restoration of the ceiling allowable through the CCSAs prior to 2021.<sup>13</sup>

In general, these combatant command – except those made by USSOCOM – purchases, whether through their CCSA or after review and approval by a senior contracting official as noted above, are again subject to the FAR and Simplified Acquisition Thresholds and are for “operations – not “acquisition” (research and development or procurement).<sup>14</sup>

## 1.2 EXCEPTIONS TO THE RULE

Of the eleven combatant commands, four provide particular and separate examples of exceptions to the rule in relation to funding and acquisition. The first is USSOCOM - a functional command with management responsibility for a Major Force Program. The second is USCYBERCOM - a functional command, with oversight of a warfighting domain, and co-headquartered with a defense agency. The third is USTRANSCOM - a functional command with special contracting authority. The fourth is the USINDOPACOM - a geographic command. In addition, the formation of the Missile Defense Agency (MDA) and the U. S. Space Force are informative examples.

### U.S. SPECIAL OPERATIONS COMMAND (AND OTHERS)

In each of the cases discussed in this section, the problem solved by Congress was the military services' prioritizations of traditional, core roles and missions over other operational capabilities which the services judged as supplemental, rather than principal.

Distinct from other combatant commands, USSOCOM has unique programming, budgeting, and acquisition authorities and responsibilities. As the management authority for the Defense Department's Major Force Program 11 (MFP-11) Special Operations, USSOCOM functions in the PPBE process similar to a military service rather than a combatant command. USSOCOM is vested with the authority to submit an annual Program Objective Memorandum (POM) and Budget Estimate Submission (BES). Likewise, USSOCOM has the authority and responsibility to develop, acquire, and sustain special operations-peculiar equipment.<sup>15</sup>

Beyond, MFP-11, USSOCOM also obligates Military Service and Agency monies that provide support to Special Operations with MFP-2 General Purpose Forces and MFP-6 Research and Development funds. This requires USSOCOM to be closely connected to the military services' requirements and acquisition organizations.

The command's authorities are unique in that USSOCOM is solely responsible for the requirements, programming, budgeting, and acquisition of MFP-11 special operations capabilities. The effectiveness of the command's use of MFP-11 resources in rapidly fielding capabilities is directly connected to both the scale of those capabilities and the command.<sup>16</sup>

The relatively small procurement quantities involved and their limited complexity, allow USSOCOM to rapidly answer the capability needs with the same statutory, regulatory, and policy programming, budgeting, and acquisition rules as the military services. USSOCOM is not responsible for building nuclear submarines, fighter aircraft, satellites, or complex command, control, and communication architectures suitable for large ground formations. The command's emphasis on small-scale, targeted acquisitions is key to the program's success.<sup>17</sup>

USSOCOM has the added advantage of holding military service-like authorities without being encumbered by being the size of a military service. In the military services, requirements offices, programming offices, and acquisition offices are separated underneath their own particular and geographically separate three-star or four-star general or flag officers. In USSOCOM, all these functions are co-located and answer to the combatant command's two-star chief of staff. With co-located offices answering to the same leadership and a smaller, more targeted scope of responsibility, USSOCOM is positioned for rapid action.<sup>18</sup>

- The USSOCOM *requirements* office deliberately writes requirements in a manner to afford USSOCOM programmers and acquisition office flexibility and speed in answering those requirements. The emphasis given by USSOCOM requirements is allowing for independent program office decisions. This is not the approach taken by the military service requirement offices. The USSOCOM requirements emphasis given to speed and program office flexibility directly enable rapid action.
- USSOCOM *programmers* are not confronted with making funding choices for disparate stakeholders. Unlike military service programmers, USSOCOM programmers are focused on special operations capabilities for their command. Without the need for finding trade-offs among competing priorities and conflicting interests, programmers are positioned to support rapid solutions to requirements.
- The USSOCOM *Program Executive Offices* (PEOs) answer to the command's career government Senior Executive Service Acquisition Executive. This hierarchy is distinct from the military service PEOs who answer to a political appointee in their service secretariats [the office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD (SO/LIC)) provides USSOCOM political appointee oversight and support akin to a service secretariat. This includes a budgetary role and responsibility similar to those of the Secretaries of the military departments. However, the ASD (SO/LIC) office does not include a subordinate senate confirmed, presidential appointee, and supporting acquisition staff, equivalent to the service department secretariats' Assistant Secretaries for Research, Development and Acquisition who serve as the Acquisition Executives who manage their respective department's research, development, and acquisition activities and serves as a program decision authority. For MFP-11, the Acquisition Executive is inside USSOCOM.]. This allows for more rapid decision-making than seen inside the military services.<sup>19</sup>

The rationale for granting USSOCOM the programming, budget, and acquisition authorities that allow them to meet their own particular capabilities requirements was based on the military services' previous inability to provide funding support for these needs. Congress and an independent review had deduced that the military services did not answer the combatant command's requirements even when appropriated the funds by Congress to do so. Congress rectified this issue by making an exception in law empowering USSOCOM with the management authority for MFP-11 funds and vesting the command with special operations-specific acquisition authority.<sup>20</sup>

This has been a success. USSOCOM's MFP-11 responsibility, as well as its programming, budget, and acquisition authorities, along with the relatively small scope of its procurements, have led to efficient and rapid capability fielding of special operations capabilities, which had been lacking before Congressional intervention [of note, this is distinct from the fielding of MFP-2 and MFP-6 funded capabilities coordinated with the military services].

Congress intervened for the same purpose of answering special capability requirements in the case of the Missile Defense Agency. Congress determined that military service investment in ballistic missile defense neither met Congressional intent nor matched the international threat. Congress' finding was the Department of the Army prioritized its core missions to the detriment of ballistic missile defense investment. In reaction to this finding, Congress removed the Ballistic Missile Defense Organization from the Department of the Army and renamed the organization the Missile Defense Agency. Congress gave budget and acquisition authority to this new defense agency. Moreover, Congress directed the Missile Defense Agency, alone among the defense agencies, to annually submit an unfunded priority list to Congress, like the military services and combatant commands as well as to present Congress reports on procurement and RDT&E investment.<sup>21</sup>

Another example with a similar basis for congressional action was the 2020 NDAA creation of the U.S. Space Force. As initiated originally by Representatives James Cooper (D-TN-5) and Michael Rogers (R-AL-3) in the House of Representatives 2018 National Defense Authorization Act (which was not passed by the Senate), Congress determined that the U.S. Air Force's space-related funding allocation and acquisition decisions were unaligned with congressional intent and strategic requirements and that the U.S. Air Force was not adequately investing in Space. In turn, legislation established the Space Force to protect and increase investment in Space per the congressional interpretation of strategic imperatives (please see endnote for further detail).<sup>22</sup>

## U.S. CYBER COMMAND

USCYBERCOM authorities reflect both Congress' proactive measure to avoid military services prioritization of the services' core roles and missions over cyber requirements, as well as the additional congressional aim to assert oversight of USCYBERCOM spending.

USCYBERCOM was originally established as a sub-unified command under U.S. Strategic Command in 2009. It was elevated to a combatant command in 2017 as a mechanism for more appropriately addressing the requirements in the cyber domain.

Congress granted USCYBERCOM acquisition authority in 2016 legislation due to its unique warfighting domain and its dual-headquarters relationship with the National Security Agency (NSA). Accordingly, USCYBERCOM established a PEO – which will be fully operational by 2027 – to function per regulations governing the DAS. Initially, the Combatant Command's acquisition authority was capped at \$75M and then increased to \$600M. Since then, the Fiscal Year 2022 NDAA expanded the command's responsibility for direct control and management of planning, programming, budgeting, and execution of the resources to maintain the Cyber Mission Force - one element of USCYBERCOM. This responsibility took effect in 2024 and includes USCYBERCOM submitting a POM and BES for \$332.6M in O&M, \$1.1B in RDT&E, and \$129M in procurement. However, this is still a fraction of the funding directly or indirectly allocated to DoD cyber. In total, the USCYBERCOM programming and acquisition authority is responsible for 14% of the \$13.5B Defense Cyber budget requested by the Administration for 2024.<sup>23</sup>

The granting of budget and acquisition authorities to USCYBERCOM both resembles and expounds upon the special authorities identified in the previously described examples. The USCYBERCOM exception to the rule is akin to the USSOCOM, MDA, and Space Force cases. Operations in the cyber domain are outside the traditional military services roles and missions, and Congress' action is intended to ensure the cyber mission and cyber domain capability requirements are properly funded, and acquired.

Of note, in granting budget and acquisition authorities to USCYBERCOM, Congress additionally addressed the factors of the command's dual headquarters with the NSA. The NSA has its own budget and acquisition authorities. Without the USCYBERCOM budget and acquisition authorities, the relationship between the combatant command and the agency was one of dependency of the former on the latter. Congress acknowledged the dependency, but in granting unique authorities provided a path to ensure the military operational command would eventually have its own resource decisions, separate from the intelligence community. This factor held particular of meaning to the House and Senate defense authorizers as the NSA is an intelligence agency. Congressional authorizer oversight of the NSA comes from the Senate and House intelligence committees - not the defense committees. By granting USCYBERCOM authorities, the committees were ensuring their oversight of the command.<sup>24</sup>

As well, Congressional action was also a response to the bulk of “military” cyber appropriations being funded through Army O&M while the USCYBERCOM CCSA was U.S. Air Force Cyber Command. This arrangement combined with the fungible nature of O&M money meant USCYBERCOM’s obligations were not transparent to the extent expected and desired by Congress. In turn, Congress granting USCYBERCOM budget and acquisition authorities allow the House and Senate Armed Services Committees and Defense Appropriations Sub-Committees greater visibility – and influence – into the Command’s investments.<sup>25</sup>

## U.S. TRANSPORTATION COMMAND

USTRANSCOM holds a specific contracting authority germane to its operational mission and responsibilities. This is unique. Other than in the two cases immediately above and USTRANSCOM, combatant commands previous to the FY 2024 Defense Authorization did not hold any authority to make binding contracts or modify existing contracts. USTRANSCOM’s strategic transportation contracts commonly are inter-theater and have an area of performance outside the operational area. The rationale for the command’s special allowance for contracting is based on the nature of the contracts in most cases crossing geographic command boundaries and involving high-demand, low-density transportation assets.<sup>26</sup>

## U.S. INDO-PACIFIC COMMAND (AND U.S. EUROPEAN COMMAND)

USINDOPACOM has received special treatment from Congress in the past few years as a result of the Combatant Command’s prioritized area of responsibility (AOR) which includes China. The exceptions made for INDOPACOM are different from the others above and are aimed at Congress’ explicit and expanded demands for *strategy, information, and additional justification* in support of increased investment in joint capabilities relevant to the Indo-Pacific AOR.

Through language in the past half-dozen defense authorization acts, Congress has asked for the Defense Department to establish a new strategy for the Pacific and identify appropriation lines directly associated with resourcing that strategy. That is, legislation has asked that there be a new, more robust justification for more spending on the Pacific and that the spending to fulfill this justification be expressly identified. No other combatant command has an equivalent degree of overt backing for increased spending and activity. Building on these directives, Congress has required the Commander of USINDOPACOM to provide the House and Senate defense committees additional reports on the command’s operational, program, and funding needs. All combatant commands testify in annual “posture” hearings, in effect justifying the Defense Department’s annual budget request. Likewise, all combatant commands are required in law to submit their unfunded priority lists to Congress. But, beyond the norm, USINDOPACOM’s additional “Section 1253” (required by S.1790 – National Defense Authorization Act for Fiscal Year 2020) and “Section 1242” (required by S.1605 – National Defense Authorization Act for Fiscal Year 2022) reports to Congress – both in documents and in hearings – have given the command additional opportunities for advocacy in support of their funded and unfunded requests.<sup>27</sup>

To demonstrate the uniqueness of the Congressional treatment of USINDOPACOM, note the above Congressional directives requiring reports and testimony as well as the Congressional creation of the Pacific Deterrence Initiative (PDI) in contrast to the Congressional treatment of U.S. European Command (USEUCOM) and the European Deterrence Initiative (EDI).

EDI was created by the Department of Defense and the Obama administration during 2014 (as the European Reassurance Initiative) as a funding mechanism in response to the Russian invasion of Ukraine and annexation of Crimea. Albeit, Congress funded EDI per the Obama administration’s requests and there were Congressional questions regarding the Trump administration’s reduction in EDI funding, Congress has not directed USEUCOM to provide separate reports and testimony highlighting the command’s concerns and requirements in the past decade whereas Congress has done this for USINDOPACOM.



The uniqueness in Congress' approach to USINDOPACOM likewise is demonstrated in contrast to Congress' absence of similar advocacy for USEUCOM during the past two years of Russia's ongoing full-scale conventional war in Europe – initiated and continued by Russia's regime putatively in response to their perception that Ukraine was soon to join U.S.-led NATO. Though the 2024 Ukraine funding supplemental to counter Russia has as of this date been blocked by Republican members of the House of Representatives, Congress did fund earlier bills in 2022 and 2023. Nonetheless, during this war, Congress has not legislated USEUCOM to report and testify on the command's requirements to deter or defeat a Russian expansion of the war into NATO. This is to highlight Congresses' 2020 Section 1253 and 2022 Section 1242 sponsorship for USINDOPACOM were sui generis measures relative to other combatant commands, particularly combatant commands who are geographic like USINDOPACOM.

The results of this Congressional sponsorship for USINDOPACOM are plain. Legislative support has been overt. The 2022 enacted PDI-related appropriations were for \$5B – above the President's request of \$4.68B. PDI funding in FY 2023 was \$11.5B, a doubling of the \$6B requested by the Administration [EDI was authorized \$4.2B per the President's request]. The FY 2024 defense authorization included \$14.7B for PDI when the President asked for \$9B [EDI was authorized \$3.6B per the President's request].<sup>28</sup>

The explanation of the exception to the rule – advocacy legislation directing reports and testimony beyond the normal Unfunded Priority List submission and posture hearing – in the case of USINDOPACOM is different from the authorities granted the functional combatant commands discussed in the sections above.

First, the character of USINDOPACOM is unlike that of USSOCOM and USCYBERCOM. USINDOPACOM is a geographic combatant command, responsible for integrating joint components both in operations, as well as in training within the Command's area of responsibility. USINDOPACOM's mission is fundamentally holistic, comprehensive, joint, and multi-domain. These responsibilities, like those of other geographic combatant commands, are different from USSOCOM and USCYBERCOM, which are concerned with a specific function or a single domain.

Second, the nature of USINDOPACOM's exception to the rule is distinct. As stated above, Congress' provisions in relation to the other cases discussed in sections above were actions to work around the military services' investment prioritization of their service core roles and missions over other functions, tasks, and domains - special operations, ballistic missile defense, cyber, and space. Those congressional actions were fundamentally aimed at shifting resources and specific resource decisions away from the military services when they were not seen as central to the services' roles and missions. Completely different is the case of USINDOPACOM, where the exception to the rule is Congress' explicit and expanded summoning of a strategy and justification in support of increased investment in capabilities relevant to the Indo-Pacific AOR.

All of this is context for observing that the importance of the USINDOPACOM case is *what has not been legislated*: no PPBE or acquisition-related authorities have been granted the command. Congress has not given USINDOPACOM any unique authority – beyond a directed additional opportunity to be a prop for capability investment justification. To state it bluntly, if Congress is so concerned with USINDOPACOM's capabilities that it gives the command voice that no other geographic command enjoys – including the one with a major war in its AOR – but still does not grant USINDOPACOM even minor acquisition authorities, then it should be plain that such authorities are not germane to a geographic command.

### 1.3 U.S. STRATEGIC COMMAND

Based off the unique authorities granted USSOCOM, USCYBERCOM, and USTRANSCOM, as well as the creation of the U.S. Space Force to complement the U.S. Space Command (USSPACECOM), this research sought to examine whether or not the remaining functional command, U.S. Strategic Command (USSTRATCOM), is a reasonable candidate for programming, budget, and acquisition authorities. An examination of the potential for USSTRATCOM to be granted added authorities to more rapidly develop and deploy capabilities provides insight into the potential for the other combatant commands – the geographic commands – to be granted similar authorities.

Considering the specialized characteristics of the nuclear force and the imperative of nuclear deterrence as an existential component of national security, the necessity for adequate programming and acquisition of nuclear weapons, as well as nuclear command, control, and communications, capabilities is apparent. However, there has been no recent recommendation to vest USSTRATCOM with new programming, budgeting, and acquisition authorities. Four recent government and congressionally mandated commissions — the 2019 Congressionally-mandated Advisory Panel on Streamlining and Codifying Acquisition Regulations (Section 809 Panel) report, the 2022 Nuclear Posture Review, the 2023 final report of the Congressional Commission on the Strategic Posture of the United States, and the 2024 final report of the Congressionally-mandated Commission on PPBE Reform — had the opportunity to recommend USSTRATCOM's programming, budgeting, and acquisition authorities be expanded. None made such a recommendation.<sup>29</sup>

That none of these four reports recommended USSTRATCOM receive programming, budgeting, and acquisition authority reflects that such a proposal is not germane to improving nuclear capabilities development, adoption, and integration.

The 2023 Strategic Posture Commission did observe:

DOD has established initiatives to more rapidly develop and deploy new systems, and to overcome the funding and acquisition challenges that comprise the “valley of death,” where many promising technologies are not scaled up and effectively applied to national security missions. Examples of models for rapid acquisition and leveraging commercial technologies include the Defense Innovation Unit, the Space Development Agency, AFWERX [Air Force Work Project] and SpaceWERX.<sup>30</sup>

However, the Strategic Posture Commission's two recommendations in response were as follows:

Defense and Energy should establish agile acquisition pathways and set aside specific budget lines and funding to rapidly acquire and leverage innovative commercial technologies for applications to strategic deterrence. The Departments should work with Congress to allow the budget flexibility necessary, while providing transparency and ensuring accountability, to enable rapid acquisition for use of new technologies and concepts.<sup>31</sup>

USSOCOM and USCYBERCOM authorities were not mentioned as models. In lieu of a change to the programming, budgeting, and acquisition authorities held by the Combatant Command, the Commission's recommendations called for an expansion of the military services' acquisition pathways and program office spending flexibility. Specifically, the recommendations were to mitigate the dilatory effects of (1) the requirements process and (2) the constraints of congressional oversight on program office agility in execution.

The first recommendation to “establish agile acquisition pathway” refers to a copying of the Defense Department’s relatively recent creation of the Middle Tier of Acquisition (MTA) pathway and the Software Acquisition pathway. These pathways have various attributes intended to allow for faster development and deployment of capabilities to answer combatant command requirements. One of their most meaningful characteristics allows for the bypassing of the traditional generation, review, and approval processes for requirements. This bypass recommendation reflects the recognition that the requirements process often consumes two years and that its documents are subsequently found to be unnecessarily constrictive during capability development.<sup>32</sup>

The second recommendation to “set aside specific budget lines and funding” refers to creating an allowance for funding lines that provide program managers flexibility in execution. Historically, Congressional authorizers and appropriators have intended for the Defense Department to be as clear and specific as possible in RDT&E and Procurement budget request justifications. As a consequence, program managers find themselves constrained by the testing or acquisition spending plan they developed two years before execution and which Congress debated and marked a year before execution. Program managers can make requests to DoD and Congress for funding changes during execution – Below Threshold and Above Threshold reprogramming, respectively. However, the approval of these requests depends upon the various concerns and priorities of key decision-makers. Moreover, these requests can take long periods to be processed, which can affect the progress of defense programs, particularly when program offices do not receive the funds (for which they can request changes to) until halfway through a fiscal year due to congressional continuing resolutions delays. The Strategic Posture Commission’s recommendation to “set aside specific budget lines and funding” recognizes that budget execution rule constraints on program manager spending of their appropriations can negatively impact the appropriations process.<sup>33</sup>

The issues identified above vis-à-vis USSTRATCOM reflect the DoD-wide (a) slow speed of the requirements system and (b) the lack of program office agility in the obligation of funds. Of note, the Section 809 Panel and the Commission on PPBE Reform both acknowledge these issues, *but do not recommend new authorities for command commands to address them*.<sup>34</sup>

Addressing (a) above, the usual two-and-a-half year processing of an operational need by the requirements system is not resolved by combatant commands answering their own requirements. Instead, what merits attention is fixing the offices and processes in the military services and Joint Staff which develops and validates requirements. While programmers and budgeteer PPBE work is calendar-driven and acquisition officers are subject to cost, schedule, and performance metrics, requirements officers have no accountability. They can take as long as they wish to produce or not produce a validated requirement document – and they have no accountability for the outcome of that requirement document (their only accountability is to the military or political authority which subjectively reviews the document before the acquisition process and industry have to grapple with it).

Similarly, addressing (b) above, restraints on program office agility in the year of execution, is not answered by establishing combatant command program offices to develop and field capabilities. Instead, what merits attention is providing greater obligation agility to program offices. The PPBE process demands over two years for a program office to receive funds after a spending plan is created.<sup>35</sup> Invariably, during that time, program offices face unforeseen opportunities and challenges, technology updates, and the threat evolves as well. Despite these changes during the time that has passed, program offices do not have the authority to make changes to the spending plan authorized and appropriated by Congress except below what is now a \$15M threshold and only with the approval of DoD senior acquisition decision-makers. As a consequence, program offices experience delays because they do not have the authority to adapt to circumstances.<sup>36</sup>

That is, giving combatant commands the authority to do everything for themselves does not address the core issues.

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On a separate note, related to USSTRATCOM, this year's 2024 NDAA includes the prescription to establish a new MFP and budget assessment for nuclear command, control, and communications. Congress is unlikely to subsequently vest USSTRATCOM with new authorities responsible for two MFPs (MFP-1 Strategic Forces and MFP-13 Nuclear Command, Control, and Communications), which contain the command's specialized capabilities. Each of these MFPs are orders of magnitude larger than USSOCOM's MFP-11 and they include several very large acquisition programs, any one of which involves a complexity and life-cycle period far beyond anything in MFP-11. In drafting and debating this legislation, Congress has examined what needs to be changed to protect and advance the nuclear triad and its command, control and communications modernization – and determined what is warranted is additional transparency and Congressional oversight rather than new programming, budget, and acquisition authorities for combatant commands.<sup>37</sup>

The extrapolation here is that if Congress does not see giving USSTRATCOM new programming, budgeting, and acquisition authorities as a solution, then there is no reason to believe geographic commands are suited to such authorities.

## 1.4 ASSESSMENT

During PPBE case study research, an industry interview participant asserted that combatant commands are insufficiently integrated into the PPBE process, and that funding should be directly appropriated to combatant commands to answer warfighting procurement requirements. Analysis of current authorities, exceptions to the rule, and current reports and legislation counter the assertion.

Combatant commands are a central actor in requirements identification and advocacy for warfighter capabilities. Combatant commands have the authority and the capacity throughout the PPBE process to request and advocate for funding to address their requirements, which are then likely to be approved and receive appropriations if those needs are a priority for the command's commander.

Combatant commands inform and influence the annual Secretary of Defense DPG which both directs the military services acquisition priorities as well as serves as the standard by which the military service program and budget requests are evaluated and changed during PBR. Likewise, the combatant commands participate in the Defense Department's PBR.

Combatant commands submit their UPL to Congress and testify to House and Senate authorizers and appropriators, as well as conduct their own Congressional relations and host Congressional delegations and staff delegations.

Combatant commands are not components of the acquisition management system. They lack an Acquisition Executive and PEOs. Also, the geographic commands lack contracting authority. Any change would be significant and likely have unforeseen and unintended consequences.

Functional combatant commands hold programming, budget, and acquisition authorities where Congress has deemed their required specialized capabilities or contracting demands outside those developed and delivered by the military services.

USINDOPACOM provides an example of Congress facilitating and supporting substantive increased investment in the capabilities requested by a geographic combatant command without necessitating additional budgetary or acquisition authorities for that command.

There is no indication by recent administration and congressionally mandated reviews or current legislation that combatant commands should join USSOCOM and USCYBERCOM in being granted PPBE and acquisition authorities.

New PPBE authorities for combatant commands are not a decisive solution for improving the development and delivery of capabilities to the warfighters, and USSOCOM's unique acquisition authorities are currently only known to be viable for fulfillment of its respectively unique mandate and mission—not the domain of other combatant commands.

## 1.5 RECOMMENDATIONS

The study team recommends no immediate changes to the current combatant commander PPBE or acquisition authorities. The unique programming, budgeting, and acquisition authorities of USSOCOM and USCYBERCOM are not known to be viable models for other combatant commands. By statute and practice, combatant commands are responsible for combat, deterrence, and humanitarian operations. Adding programming, budgeting, and acquisition duties to a combatant command when those responsibilities already belong to the military services could potentially lead to unintended consequences, such as distracting and confusing the commands, the services, and industry.

At present, to address the input of the combatant commands into the PPBE process within the context of rapidly changing technological and national security needs, DoD should focus on addressing relevant aspects of the requirements process through JCIDS.

## 1.6 ENDNOTES

<sup>1</sup> McGinn, John G. (Jerry), et al. "Case Studies of Technology Transition," Greg and Camille Baroni Center of Government Contracting, George Mason University, Final Technical Report AIRC-2023-TR-019. Submitted to the Planning, Programming, Budgeting, and Execution Reform Commission, December 2023.

<sup>2</sup> Ibid. Page 97.

<sup>3</sup> Ibid. Pages 100-101.

<sup>4</sup> 10 U.S. Code § 164 - Commanders of combatant commands: assignment; powers and duties. 10 U.S. Code § 7013 - Secretary of the Army. 10 U.S. Code § 8013 - Secretary of the Navy. 10 U.S. Code § 9013 - Secretary of the Air Force. 10 U.S. Code § 9081 - The United States Space Force. Sergeant, John. Department of Defense Research, Development, Test, and Evaluation (RDT&E): Appropriations Structure. Congressional Research Service Report. R44711. September 7, 2022.

<sup>5</sup> CJCSI 5123.011. Charter of the Joint Requirements Oversight Council and Implementation of the Joint Capabilities Integration and Development System. 30 October 2021. Also see, CJCSI 8501.01B Chairman of the Joint Chiefs of Staff, Combatant Commanders, Chief, National Guard Bureau, and Joint Staff Participation in the Planning, Programming, Budgeting and Execution Process, 21 August 2012. As well see DOD Directive 5000.01 The Defense Acquisition System. September 9, 2020; 10 U.S. Code Chapter 205 - Defense Acquisition System; and, DoD Instruction 5000.2 Operation of the Defense Acquisition System, January 23, 2020.

<sup>6</sup> H.R. 2671 - Consolidated Appropriations Act, 2023, Public Law 117-328. H.R. 7776 - James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Public Law 117-263.

<sup>7</sup> CJCSI 5123.011. Charter of the Joint Requirements Oversight Council and Implementation of the Joint Capabilities Integration and Development System. 30 October 2021.

<sup>8</sup> Ibid.

<sup>9</sup> CJCSI 5123.011. Charter of the Joint Requirements Oversight Council and Implementation of the Joint Capabilities Integration and Development System. 30 October 2021. Also see, CJCSI 8501.01B Chairman of the Joint Chiefs of Staff, Combatant Commanders, Chief, National Guard Bureau, and Joint Staff Participation in the Planning, Programming, Budgeting and Execution Process, 21 August 2012.

<sup>10</sup> 10 U.S. Code § 222a - Unfunded priorities of the armed forces and combatant commands: annual report.

<sup>11</sup> For CCSA, see DODI 5100.03 Support of the Headquarters of Combatant and Subordinate Unified Commands, September 7, 2017. For CCIF, see 10 U.S. Code § 166a - Combatant commands: funding through the Chairman of Joint Chiefs of Staff.

<sup>12</sup> DOD Directive 5000.01 The Defense Acquisition System. September 9, 2020. Also, 10 U.S. Code Chapter 205 - Defense Acquisition System; and, DoD Instruction 5000.2 Operation of the Defense Acquisition System, January 23, 2020.

<sup>13</sup> 10 USC 1737: Definitions and general provisions. H.R. 2670 - National Defense Authorization Act for Fiscal Year 2024, Public Law 118-31. Section 843. Joint Publication 4-10 - Operational Contract Support, July 16, 2014. 10 U.S. Code § 3204 - Use of procedures other than competitive procedures.

<sup>14</sup> Title 48 of the Code of Federal Regulations, Federal Acquisition Regulations (FAR), Part 2 - Simplified Acquisition Procedures. Title 48 of the Code of Federal Regulations, Federal Acquisition Regulations (FAR), Part 13 - Simplified Acquisition Procedures. H.R. 2670 - National Defense Authorization Act for Fiscal Year 2024, Public Law 118-31. Section 843. For the dollar amount in Section 843, note that prior to the 2021 NDAA, the governing statute was 10 U.S. Code § 3204 - Use of procedures other than competitive procedures which allowed for \$10,000,000; whereas after the 2021 NDAA, 10 USC 3205: Simplified procedures for small purchases allowed for \$5,000,000.

<sup>15</sup> 10 U.S. Code § 167 - Unified combatant command for special operations forces. For the original legislation and the directive of creating Major Force Program 11: S.2638 - National Defense Authorization Act for Fiscal Year 1987; Public Law 91-661; Section 1311 paragraph (b), subparagraphs (e) and (f), and paragraph (c).

<sup>16</sup> USSOCOM Product Manager, phone interview with John Davis, February 14, 2024.

<sup>17</sup> US Army Project Manager, phone interview with John Davis, February 22, 2024. USSOCOM Product Manager, phone interview with John Davis, February 14, 2024. PEO SOF Warrior Operations, phone interview with John Davis, February 21, 2024.

<sup>18</sup> USSOCOM Product Manager, phone interview with John Davis, February 14, 2024. PEO SOF Warrior Operations, phone interview with John Davis, February 21, 2024.

<sup>19</sup> PEO SOF Warrior Operations, phone interview with John Davis, February 21, 2024. 10 U.S. Code § 138 – Assistant Secretaries of Defense (b)(2). 10 U.S. Code § 139b – Secretariat for Special Operations; Special Operations Policy and Oversight Council. Secretary of Defense Memorandum, Organizational Role of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, November 18, 2020.

<sup>20</sup> United States Special Operations Command History 20: 1987-2007; Proven in the Past, Vigilant Today, Prepared for the Future. Found at <https://irp.fas.org/agency/dod/socom/2007history.pdf>. Also see Locher, James. Defense Organization: The Need for Change: staff report to the Committee on Armed Services, United States Senate. S. prt. 99-86 (United States. Congress (99th, 1st Session: 1985).

<sup>21</sup> For the establishment of the Missile Defense Agency and the granting of the initial authorities see S.1438 - National Defense Authorization Act for Fiscal Year 2002; 10 U.S. Code § 205; and Department of Defense Directive 5134.09. 10 U.S. Code § 222b directs the Missile Defense Agency, alone among the defense agencies, to annually submit an unfunded priority list to Congress, like the military services and combatant commands. 10 U.S. Code § 223-5 directs the Missile Defense Agency to present Congress reports on procurement and RDT&E investment.



<sup>22</sup> For the U.S. Space Force see S.1790 - National Defense Authorization Act for Fiscal Year 2020, Public Law 116-92, 10 U.S. Code Chapter 908; also, 10 U.S. Code § 9081. Of note, the Cooper-Rogers sponsored creation of the Space Force can be found in the HASC 2018 NDAA approved by the House of Representatives on July 14, 2017. In conference October 25 through November 8, the House 2018 NDAA bill language was removed by Senate negotiators. Secretary of Defense James Mattis and Secretary of the Air Force Heather Wilson, Air Force Chief of Staff David Goldfein, and unnamed White House staff opposed the creation of the Space Force both in writing and interviews. Albeit the Presidential Space Policy Directive-4 of February 19, 2019 directed DoD to submit a legislative proposal to create the U.S. Space Force, this should not be confused as a Presidential initiative – instead it should be understood in terms of Congressman Rogers’ effectiveness in making the case to then-Vice President Michael Pence. Preceding SPD-4, the 2019 NDAA, August 13, 2018, Section 1601 amends 10 U.S. Code § 169 to reestablish U.S. Space Command (as a sub-unified command under USSTRATCOM), and in Section 1607 directs the Secretary of Defense to conduct a review and report by March 2019 on the national security space enterprise – including the effectiveness and efficiency of the national security space enterprise to rapidly research, develop, acquire, and deploy space capabilities and capacities to deter and defend the national security space assets of the United States; and to respond to any new threat to such space assets. The subsequent review acknowledged a new independent service was required to ensure Space-related “man, equip, train” responsibilities were fulfilled. The creation of the U.S. Space came from Congress.

<sup>23</sup> For the elevation of USCYBERCOM to a combatant command and the granting of the initial authorities: S.2943 - National Defense Authorization Act for Fiscal Year 2017, Public Law 114-328; see Section 923 of the Conference Report, 114-840; also 10 U.S. Code § 167h - Unified combatant command for cyber operations. For the most recent expansion of authorities: S.1605 - National Defense Authorization Act for Fiscal Year 2022, Public Law 117-21: sections 1507 and 1571 of the conference report. (S.1790 - National Defense Authorization Act for Fiscal Year 2020; 10 U.S. Code Chapter 908)

<sup>24</sup> Former OSD CAPE Space Cost Assessment Division Head interview, Jeff Kojac, January 20, 2024.

<sup>25</sup> Ibid.

<sup>26</sup> Joint Publication 4-10 - Operational Contract Support, July 16, 2014. DOD 4500.9R The Defense Transportation Regulation.

<sup>27</sup> S.1790 - National Defense Authorization Act for Fiscal Year 2020, Public Law 116-92; Section 1253; S.1605 - National Defense Authorization Act for Fiscal Year 2022, Public Law 117-81; Section 1242.

<sup>28</sup> Office of the Under Secretary of Defense (Comptroller), Pacific Deterrence Initiative, Department of Defense Budget Fiscal Year (FY) 2022, May 2021. Office of the Under Secretary of Defense (Comptroller), Pacific Deterrence Initiative, Department of Defense Budget Fiscal Year (FY) 2023, April 2022. Office of the Under Secretary of Defense (Comptroller), Pacific Deterrence Initiative, Department of Defense Budget Fiscal Year (FY) 2024, March 2023.

<sup>29</sup> Report of the Advisory Panel on Streamlining and Codifying Acquisition Regulations, Volumes 1-3, January 2018-January 2019. 2022 Nuclear Posture Review. The Department of Defense. October 27, 2022. The Congressional Commission on the Strategic Posture of the United States. America’s Strategic Posture: The Final Report of the Congressional Commission on the Strategic Posture of the United States. October, 2023. Commission on Planning, Programming, Budgeting, and Execution Reform. Defense Resourcing for the Future: Final Report. March 2024.

<sup>30</sup> The Congressional Commission on the Strategic Posture of the United States. America’s Strategic Posture: The Final Report of the Congressional Commission on the Strategic Posture of the United States. October, 2023. Page 72.

<sup>31</sup> Ibid. Page 74.

<sup>32</sup> DoD Instruction 5000.2 Operation of the Defense Acquisition System, January 23, 2020.

<sup>33</sup> For a discussion of reprogramming, see Riccard, Taylor. Transfer and Reprogramming of Appropriations: An Overview. Congressional Research Service report. R47600. June 20, 2023. Also, for an explanation of the context of these restraints – DoD transfer of funds and violation of the constitutional separation of powers – see McGarry, Brendan. DOD Transfer and Reprogramming Authorities: Background, Status, and Issues for Congress. Congressional Research Service report. R46421. June 17, 2020.

<sup>34</sup> Report of the Advisory Panel on Streamlining and Codifying Acquisition Regulations, Volumes 1-3, January 2018-January 2019. Commission on Planning, Programming, Budgeting, and Execution Reform. Defense Resourcing for the Future: Final Report. March 2024.

<sup>35</sup> “Two-and-a-half years:” Military service program offices build their budget in the autumn. That winter and spring, military service programmers evaluate, adjudicate, and aggregate program office plans into the POM which is submitted to the service secretariat in the early summer and transferred into the BES and updates the FYDP. That subsequent autumn, OSD leads the Department-wide program budget review which brings another update to the FYDP and the President’s budget submission to Congress that following February (unless there is a new administration or a long CR, and the President’s budget is delayed). Congress then debates the budget until passing Defense appropriations into law – which traditionally happens immediately before Christmas and approximately 80 days after the fiscal year has begun. Program offices ultimately receive their funds (the amount above what was granted by CR) roughly 45 to 60 days after appropriations. Obligation rarely occurs before another two weeks have passed and the bulk of obligations take place between April and August: that is, 30-35 months after the initial program office planning began for that fiscal year.

<sup>36</sup> Commission on Planning, Programming, Budgeting, and Execution Reform. Defense Resourcing for the Future: Final Report. March 2024.

<sup>37</sup> H.R. 2670 - National Defense Authorization Act for Fiscal Year 2024, Public Law 118-31. Section 1631.

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## **Task 2: Planning, Programming, Budgeting, and Execution (PPBE) Process Research**

### **2.0 DATA REIEW**

This review supplements and completes the Final Technical Report, “Planning, Programming, Budgeting, and Execution (PPBE) Process Research,” submitted on December 22, 2023.<sup>1</sup> Task 2.1 in the Statement of Work for that report requested an assessment of whether the PPBE process should be the same for programs that breach the Major Defense Acquisition Program (MDAP) threshold (10 USC 4201), Major Systems threshold (10 USC 2302d), and non-major systems. The initial assessment did not find sufficient evidence to suggest that PPBE should be different for programs based upon their acquisition category (ACAT). This assessment relied primarily on secondary data and thus this follow-on task was an attempt by the research team to utilize primary data from the Defense Acquisition Visibility Environment (DAVE) to confirm/validate the secondary data used in the assessment.

This validation/confirmation process involved collecting and constructing defense program data into a panel (longitudinal). The resulting panel included 2,769 programs of which 1,179 were active. While the reported results below focus on active programs, a review of all programs produced similar results to those for active programs. Roughly two dozen potentially usable variables were collected/compiled in the panel. But for many variables, most programs were not categorized in the raw data and therefore subsequently uninformative during the review. Thus, many of the variables collected could not be used to identify characteristics associated with acquisition categories due to lack of coding in the raw data. Additionally, the research team was unable to obtain data for an adequate number of different fiscal years. Therefore, any characteristics requiring a time series for validation/confirmation were unable to be addressed (i.e., variables related to cost and schedule). Even with these constraints, the research team was able to review a handful of characteristics initially presented in Table 1 of the PPBE Process Research Report as well as a few additional characteristics not initially presented.

Based upon the review of observable characteristics, the data from DAVE confirms what was initially presented as accurate and therefore the observations in the PPBE Process Research Report are also accurate. The characteristics that were able to be validated/confirmed include the distribution of programs across acquisition categories (albeit ACAT III appears to have been overinflated in the initial presentation of acquisition category characteristics as roughly 1/5th of programs are not categorized in DAVE, due to using the MTA pathway); the distribution of programs in each acquisition category across lead components; the distribution of programs in each acquisition category across Milestone Decision Authority; and the distribution of programs in each acquisition category across commodity type, also known as system type in DAVE (although it should be noted that the vast majority of ACAT II and ACAT III programs are not categorized under system type). Additionally, the research team was able to observe a couple of extra characteristics not initially presented under Task 2.1. Most PEOs include programs in each of the acquisition categories (i.e., large, medium, and small-sized programs are not clustered under PEOs). Furthermore, joint programs are included in all acquisition categories although they are more/less frequent in certain acquisition categories (i.e., MDAPs are more frequently joint programs than ACAT II or ACAT III; only a few ACAT II programs are joint; and a fair percentage of ACAT III programs are joint but less than MDAPs).

<sup>1</sup> John G. (Jerry) McGinn, et al., “Planning, Programming, Budgeting, and Execution (PPBE) Process Research,” Greg and Camille Baroni Center of Government Contracting, George Mason University, Final Technical Report AIRC-2023-TR-020. Submitted to the Planning, Programming, Budgeting, and Execution Reform Commission, December 2023.