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Military Space Reform: FY2020 NDAA Legislative Proposals

Introduction

At a National Space Council meeting on June 18, 2018, President Donald Trump said, “I am hereby directing the Department of Defense and Pentagon to immediately begin the process necessary to establish a space force as the sixth branch of the armed forces.” One of the purposes for creating a separate military service for space is to protect American interest in outer space. On February 19, 2019, the President signed Space Policy Directive-4 (SPD-4) directing the Secretary of Defense to submit a legislative proposal that would establish a U.S. Space Force, if enacted by Congress. In alignment with the President’s National Security Strategy and the National Strategy for Space, the Space Force is intended to secure the vital interest of unfettered access to and freedom to operate in space while expanding American dominance in the space domain. Subsequently, on February 28, 2019, the Department of Defense (DOD) submitted a legislative proposal to Congress to create the U.S. Space Force.

Background

The FY2020 President’s space-related budget request of \$306.0 million would fund the

- creation of the U.S. Space Force (USSF) – a separate military service under the Department of the Air Force (\$72.4 million) (similar to the Marine Corps/Navy relationship);
- reestablishment of the U.S. Space Command (USSPACECOM)—the 11th combatant command, (\$83.8 million); and
- maintenance of Space Development Agency (SDA)—created in March 2019 to accelerate the process for acquiring space systems to meet emerging space threats, (\$149.8 million).

Table 1. FY2020 Budget Request
(in millions of dollars of budget authority)

Title	Budget Request	H.R. 2500 (House- Authorized)	S. 1790 (Senate- Authorized)
USSF	\$72.4	\$15.0 ^a	\$72.4
SDA	\$149.8	\$149.8	\$149.8
USSPACE COM	\$83.8	\$83.8	\$83.8
Total	\$306.0	\$248.6	\$306.0

Source: Office of the Under Secretary of Defense (Comptroller) and FY2020 NDAA (H.R. 2500 and S. 1790).

- a. H.R. 2740 House-passed appropriations bill appropriates \$15 million to study the potential establishment of a Space Force.

Both the House- and Senate-passed versions of the FY2020 National Defense Authorization Act (H.R. 2500 and S.

1790, respectively) would support the Administration’s proposal to create a separate military service for space; H.R. 2500 would authorize less funding to do so. Also, the House-passed FY2020 defense appropriations bill (H.R. 2740) would appropriate the funding “to study and refine plans for the potential establishment of a Space Force.” See **Table 1**.

Legislative Activity

If Congress authorizes a U.S. Space Force, it would be the first time a new military branch would have been established since 1947, when Congress voted to create the U.S. Air Force. The origins of the current space force debate trace back to the Rumsfeld Commission in 2001. In the late 1990s, congressional concerns intensified regarding the DOD and Intelligence Community’s (IC’s) management and execution of national security space programs. At that time, Congress passed legislation to create three commissions to assess certain aspects of space activities. One was the Commission to Assess United States National Security Space Management and Organization in the FY2000 NDAA, P.L. 106-65, known as the Rumsfeld Commission. The commission’s final report suggested a “Space Corps” within the Air Force—analogueous to the Marine Corps within the Department of the Navy—that might someday lead to a separate Space Department apart from the Air Force. In 2018, the House Armed Services Committee (HASC) Strategic Forces Subcommittee included an NDAA provision to create a U.S. Space Corps, recognizing space as a war fighting domain. Despite Air Force leaders opposing the idea to create a separate military service during HASC hearings, the House passed a version of the NDAA that included language to establish the Space Corps, though it was not included in the final FY2018 NDAA (P.L. 115-91).

Military Space Proposals

In the President’s FY2020 Budget request, DOD described a Space Force as “a fundamental step in transforming our approach to space from a combat support function to a warfighting domain.” DOD further stated, “The establishment of the U.S. Space Force will help ensure the United States is postured to deter aggression and outpace potential adversaries in order to protect and defend our national interests in the face of a changing space environment and growing threats.” Air Force leaders initially opposed the creation of the Space Force. Top service officials now support the proposed reorganization for space, according to their testimonies during the FY2020 President’s budget posture review hearings (see **Table 2**).

The Senate FY2020 NDAA (S. 1790) would authorize funding amount equal to the President’s \$72.4 million request. The House FY2020 NDAA (H.R. 2500) would

authorize the creation of a U.S. Space Corps at a lower funding level of \$15.0 million. On September 17, 2019, the

House inserted the text of H.R. 2500 as an amendment to S. 1790 for the purpose of conference negotiations.

Table 2. Selected Proposed Space Provisions

	Administration's Space Force Proposal	H.R. 2500 (House-Authorized)	S. 1790 (Senate-Authorized)
Organization within Air Force	U.S. Space Force	U.S. Space Corps	U.S. Space Force
Military Leadership (4 star General)	Chief of Staff	Commandant	Commander
Civilian Leadership (appointee)	Under Secretary of the Air Force for Space	No civilian position	Asst. Secretary of Defense (ASD) for Space Policy
Timeline	Headquarters Initial stand-up FY2020	Transition period of January 1, 2021 through December 30, 2023	Report to Congress on structure and cost due by January 2021
New Military/Civilian Positions	Creates and adds both military and civil service positions	Transfers existing positions and does not create new ones	Transfers existing positions and does not create new ones
Navy & Army Space Units	Included	Requires DOD to submit report to Congress	Not included
USSPACECOM	Included	Included	Included
Space Development Agency	Not included	Included	Included

Source: H.R. 2500 (passed House July 12, 2019), S. 1790 (passed Senate June 27, 2019), and Administration's Space Proposal.

Implications for Congress

The total amount in the President's FY2020 budget request for national defense is \$750.0 billion. Of this amount, \$306.0 million is requested for space organizations (Space Force, USSPACECOM, and SDA). The Trump Administration officially stood up the U.S. Space Command on August 29, 2019. The DOD had established a USSPACECOM in 1985, but later disbanded it in 2002 to focus on homeland security after the terror attacks of September 11, 2001. The President has the authority to establish a unified combatant command related to space, while Congress has the authority to decide the final outcome of the space reformation proposals through the appropriations bill and the defense authorization bill.

Potential Questions for Deliberations and Reconciliation

- How would the proposed military service for space be structured?
- Should there be a Senate-confirmed civilian position for Space at the service secretary level and/or in the Office of the Secretary of Defense (OSD)?
- Would the new military service dedicated to space include National Guard and Reserve components?
- What is the funding level authorized to be appropriated for the new space organizations (full or partial)?

CRS Products

CRS In Focus IFI1172, *"Space Force" and Related DOD Proposals: Issues for Congress*, by Kathleen J. McInnis and Stephen M. McCall

CRS In Focus IFI1244, *FY2020 National Security Space Budget Request: An Overview*, by Stephen M. McCall and Brendan W. McGarry

CRS In Focus IFI1203, *Proposed Civilian Personnel System Supporting "Space Force"*, by Alan Ott

Other Resources

Department of Defense, *United States Space Force Strategic Overview*, February 2019

Center for Strategic & International Studies, *Space Force or Space Corps? Competing Visions for a New Military Service*, June 2019

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