

February 26, 2021

FY2021 Military Construction Appropriations: An Overview of Division J of P.L. 116-260

Overview

On December 27, 2020, then-President Donald Trump signed the Consolidated Appropriations Act, 2021 (P.L. 116-260), which included as Division J the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2021. Division J provided funding to support the Department of Defense's (DOD) military installations and housing portfolio. (For more on Veterans Affairs appropriations, see CRS Report R46459, *Department of Veterans Affairs FY2021 Appropriations*, by Sidath Viranga Panangala, Jared S. Sussman, and Heather M. Salazar.)

Division J provided \$8.41 billion in discretionary budget authority for DOD military construction (MILCON) projects, family housing programs, and other activities. That figure includes funding for the base budget and Overseas Contingency Operations (OCO). Excluding one-time natural disaster relief provided in FY2020 for projects to replace or rebuild infrastructure damaged by Hurricanes Florence and Michael, flooding and earthquakes, the FY2021 enacted level reflects a decrease of \$3.55 billion (30%) from the FY2020 enacted level. The FY2021 enacted level is \$0.25 billion (3%) more than the President's budget

request (see **Table 1** below; for a historical funding perspective, see **Figure 1** on the next page).

Legislative Activity

On February 10, 2020, then-President Trump submitted an FY2021 budget request that included \$8.16 billion for DOD MILCON and family housing activities.

On July 9, 2020, the House Appropriations Committee approved its version of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill, 2021. On July 13, the panel reported H.Rept. 116-445 to accompany the legislation, introduced as H.R. 7609. On July 24, the House approved the measure as part of H.R. 7608, which included three other appropriations bills.

The Senate Appropriations Committee did not mark up a version of the legislation. On November 10, 2020, Senator Richard Shelby, chair of the Senate Committee on Appropriations, released drafts of all 12 annual appropriations bills and accompanying explanatory statements intended to further negotiation on annual appropriations between the House and the Senate.

Table 1. FY2021 Military Construction and Family Housing Appropriations
(in billions of dollars of budget authority)

Appropriation Category (Title)	FY2020 Enacted	FY2021 Requested	FY2021 House-passed	FY2021 Senate draft	FY2021 Enacted
Military Construction (Title I)	8.80	6.46	6.37	6.15	6.25
Family Housing (Title I)	1.32	1.35	1.35	1.32	1.34
Administrative Provisions (Title I)	1.19	0.00	2.36	0.59	0.47
OCO/GWOT (Title IV)	0.64	0.35	0.35	0.35	0.35
Subtotal	11.96	8.16	10.44	8.41	8.41
Natural Disaster Relief (Title V)	6.23	0.00	0.00	0.00	0.00
Total	18.19	8.16	10.44	8.41	8.41

Source: CRS analysis of funding tables in explanatory statement accompanying Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2021 (Division J of P.L. 116-260), in the House, *Congressional Record*, daily edition, vol. 166 (December 21, 2020), pp. H8747-H8765; Comparative Statement of New Budget (Obligational) Authority for 2020 and Budget Requests and Amounts Recommended in the Bill for 2021 in H.Rept. 116-445, pp. 128-147; and Senate Appropriations Committee majority draft explanatory statement accompanying Senate Appropriations Committee majority draft bill, pp. 98-108.

Notes: The Senate Appropriations Committee's Defense Subcommittee did not mark up a version of the FY2021 defense appropriations act. On November 10, 2020, the Committee released drafts of all 12 annual appropriations bills and accompanying explanatory statements. Totals may not sum due to rounding.

Selected Policy Matters

Installations and Resilience. Section 132 of Division J provided \$4 million each to the Army and Air Force and \$7 million to the Navy and Marine Corps to enhance “military installation resilience.” The funding is intended to support developing projects, conducting studies, and updating Unified Facilities Criteria (UFC), according to the accompanying explanatory statement. It is also intended to ensure installations “remain operational against natural and manmade threats,” with an emphasis on reducing the impacts of natural disasters. (For more information, see CRS Insight IN11566, *Military Installation Resilience: What Does It Mean?*, by G. James Herrera.)

Deterrence Initiatives. Section 401 of Division J restricted DOD from obligating or expending planning and design funds for European Deterrence Initiative (EDI) construction projects until it submits to congressional defense committees a list of all such projects anticipated to be carried out from FY2022 through FY2026. The legislation did not provide explicit funding for the Pacific Deterrence Initiative (PDI). The explanatory statement specified \$10 million in Defense-Wide funding for “Strategic Construction in the Indo-Pacific Region.”

Border Barrier. Sections 129 and 513 of the House-passed bill (H.R. 7608) would have prohibited the use of FY2021 or prior-year MILCON funding to design, construct, or carry out construction projects or access roads along the southern U.S. border. On July 23, 2020, in a Statement of Administration Policy, the White House objected to these provisions. The Senate Appropriations Committee draft bill and the enacted legislation did not include the provisions.

Bases Named after Confederate Officers. Section 130 of the House-passed bill (H.R. 7608) would have prohibited the use of FY2021 MILCON funding to construct a project on a military installation bearing the name of a confederate officer, unless a process to replace such names commenced. The White House, in the Statement of Administration Policy, objected to the provision. The Senate Appropriations Committee draft bill and the enacted legislation did not include the provision.

Funding for Projects Not in Budget Request

Section 124 of Division J provided \$470 million in MILCON funding for projects not in the budget request but identified on the military departments’ FY2021 unfunded priority lists (amounts rounded to nearest million):

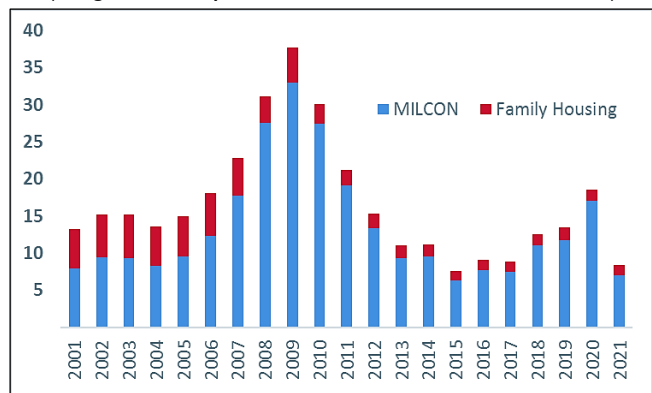
- \$233 million to the Military Construction, Army account. The Army sought funding for a Child Development Center (CDC) at the Aliamanu Military Reservation, Hawaii (\$65 million); Unaccompanied Enlisted Personnel Housing at Fort Wainwright, Alaska (\$59 million); a CDC at Fort Wainwright (\$60 million); and a CDC at Schofield Barracks, Hawaii (\$49 million).
- \$73 million to the Military Construction, Navy and Marine Corps account. The Navy sought funding for magazines (i.e., ammunition/explosives storage) at Seal Beach, California (\$22 million); Perimeter Security at Naval Computer and Telecommunications Area Master Station Atlantic Detachment (NCTAMS LANT) in Cutler, Maine (\$26 million); and Combat Water

Survival Training Facility at Camp Pendleton, California (\$25 million).

- \$60 million to the Military Construction, Air Force account. The Air Force sought funding for a Flight Test Engineering Laboratory Complex at Edwards Air Force Base, California (\$40 million); Organic Software Sustainment Center at Hill Air Force Base, Utah (\$10 million); and the first increment of the B-21 Two-Bay Low-Observable (LO) Restoration Facility (i.e., a stealth coatings/composite repair hangar) at Ellsworth Air Force Base, South Dakota (\$10 million).
- \$50 million to the Military Construction, Army National Guard account. The Army National Guard sought funding for Enlisted Barracks, Transient Training at Hermiston, Oregon (\$16 million); National Guard Readiness Center at Fort Chaffee, Arkansas (\$15 million); National Guard Vehicle Maintenance Shop at Ardmore, Oklahoma (approximately \$10 million); and National Guard Vehicle Maintenance Shop at Bakersfield, California (\$9 million).
- \$30 million to the Military Construction, Air National Guard account. The Air National Guard sought funding for a Consolidated Remotely Piloted Aircraft Operations facility at Hector International Airport, North Dakota (\$18 million); and a base supply complex at the Montgomery Regional Airport, Alabama (\$12 million).
- \$25 million to the Military Construction, Air Force Reserve account. The Air Force Reserve sought funding for a facility to house an F-35 Squadron Operations/Aircraft Maintenance Unit at Naval Air Station Joint Reserve Base Fort Worth, Texas.

Figure 1. Military Construction and Family Housing Appropriations, FY2001 – FY2021

(budget authority in billions of constant FY2021 dollars)



Source: DOD, *National Defense Budget Estimates for FY2021*, Table 6-8; DOD Budget Authority by Public Law Title (FY 1948 to FY 2025); explanatory statement accompanying P.L. 116-260.

Notes: FY2001-FY2020 figures from DOD Table 6-8; FY2021 figures from explanatory statement accompanying P.L. 116-260. Amounts include OCO and emergency funding.

Brendan W. McGarry, Analyst in U.S. Defense Budget
G. James Herrera, Analyst in U.S. Defense Readiness and Infrastructure

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