



FY21
Conferenced Military
Construction/VA
Appropriations Act
Summary of H.R. 133 Consolidated
Appropriations Act, 2021



As of December 27th, 2020

Bill Status

	Passed in Committee	Passed in Chamber	Agreement	Final Passage	Signed into Law
House	July 9, 2020	July 24 th , 2020	December 20 th , 2020	December 21 st , 2020	December 27 th , 2020
Senate	November 10 th , 2020	N/A		December 21 st , 2020	

Executive Summary

This guide provides a short summary and analysis of the many provisions in the Fiscal Year 2021 Military Construction and Veterans Affairs Appropriations Act. To obtain a complete understanding of any particular provision, users are encouraged to review the actual legislative language. The bill and accompanying report are available on the NGB-LL web page at www.nationalguard.mil/ll.

Status:

On December 21, 2020, Congress passed the FY 2021 Omnibus bill which included the FY 2021 Military Construction and Veterans Affairs Appropriations Bill.

The bill includes \$413.6 million for construction or alteration of National Guard facilities in 19 states/territories. The recommendation also supports \$79.3 million in unfunded priorities. Of this, \$349.4 million is provided for Army National Guard military construction and \$64.2 million for Air National Guard military construction.



Army National Guard

(All Dollars in Thousands)

Army National Guard	FY21 President's Budget Request	HAC-M Mark	Delta from FY21 Request	SAC-M Mark	Delta From FY21 Request	Final Bill	Delta From FY21 Request
MILCON Total	\$321,437	\$349,437	\$28,000	\$321,437	--	\$349,437	\$28,000
Minor Construction	\$32,744	\$45,744	\$13,000	\$32,744	--	\$45,744	\$13,000
Planning & Design	\$29,593	\$44,593	\$15,000	\$29,593	--	\$44,593	\$15,000
Sec. 123	--	\$34,835	\$34,835	--	--	--	--
Sec. 124	--	--	--	\$49,835	\$49,835	\$49,835	\$49,835



Air National Guard

(All Dollars in Thousands)

Air National Guard	FY21 President's Budget Request	HAC-M Mark	Delta from FY21 Request	SAC-M Mark	Delta From FY21 Request	Final Bill	Delta From FY21 Request
MILCON Total	\$64,214	\$64,214	--	\$64,214	--	\$64,214	--
Minor Construction	\$9,000	\$9,000	--	\$9,000	--	\$9,000	--
Planning & Design	\$3,414	\$3,414	--	\$3,414	--	\$3,414	--
Sec. 123	--	\$54,700	\$54,700	--	--	--	--
Sec. 124	--	--	--	\$29,500	\$29,500	\$29,500	\$29,500

Provisions of Interest

Sec. 104. – None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

Sec. 107. – None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

Sec. 113. – The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

Sec. 124. – For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2025: “Military Construction, Army”, \$233,000,000; “Military Construction, Navy and Marine Corps”, \$73,100,000; “Military Construction, Air Force”, \$60,000,000; **“Military Construction, Army National Guard”, \$49,835,000; “Military Construction, Air National Guard”, \$29,500,000;** “Military Construction, Air Force Reserve”, \$25,000,000: Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department’s unfunded priority list for fiscal year 2021 submitted to Congress: Provided further, that such projects are subject to authorization to obligation and expenditure of funds to carry out construction: Provided further, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

Sec. 125. – All amounts appropriated to the “Department of Defense – Military Construction, Army”, “Department of Defense – Military Construction, Navy and Marine Corps”, “Department of Defense – Military Construction, Air Force”, and “Department of Defense – Military Construction, Defense-Wide” accounts pursuant to the authorization of appropriations in a National Defense Authorization Act specified for fiscal year 2021 in the funding table in section 4601 of that Act shall be immediately available and allotted to contract for the full scope of authorized projects.

Sec. 127. – For the purposes of this Act, the term “congressional defense committees” means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

Conference Report Language of Interest

Federal State and Local Intelligence Collaboration —

Several states utilize National Guard (NGB) facilities for intelligence analysis and fusion centers. The agreement supports these collaborative co-location projects and urges the Department and the NGB to prioritize such projects, including Sensitive Compartmented Information Facility projects to conduct State and Federal intelligence analysis, in the fiscal year 2022 and future budget submissions.

Military Construction, Army National Guard –

The agreement provides \$349,437,000 for “Military Construction, Army National Guard,” which is \$28,000,000 above the budget request. Within this amount, the agreement includes \$44,593,000 for study, planning, design, architect and engineer services.

Readiness Center Transformation Master Plan –

The Army National Guard (ARNG) should continue to dedicate funding to implement the Readiness Center Transformation Master Plan. Facilities that fail to meet modern safety and security standards, contain hazardous materials and do not account for the needs of male and female soldiers in the modern Army are obstacles to training, readiness, recruitment and retention. The Army and ARNG leadership are urged to sufficiently budget for military construction so that a sustained investment in the Readiness Center transformation plan avoids severely neglected operational facilities.

Military Construction, Air National Guard –

The agreement provides \$64,214,000 for "Military Construction, Air National Guard", which is the same as the budget request. Within this amount, the agreement includes \$3,414,000 for study, planning, design, architect and engineer services.

Corrosion Control Facilities –

The agreement notes concern with dual use fuel cell maintenance and corrosion control facilities that support both Active and Guard requirements. While it is sometimes optimal to share facilities and reduce costs, these arrangements do not always adequately meet the needs of all stakeholders. For example, at Little Rock Air Force Base, corrosion control and fuel cell maintenance that supports Guard activities is being accomplished by sharing the use of active duty host-owned facilities on a space available basis, making it difficult to schedule and complete required maintenance actions. Continued maintenance delays can negatively impact readiness and mission accomplishment. The Committees expect the Air Force and Air National Guard to prioritize such facilities to adequately support Guard requirements in future budget requests.

Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA) –

The agreement provides an additional \$100,000,000 above the budget request to address PFOS and PFOA cleanup. The Secretary of Defense is directed to submit a spend plan no later than 60 days after enactment of this Act regarding the use of these additional funds. There remains concern about the extent of PFOS/PFOA contamination at U.S. military installations. While this division only covers military installations funded through the BRAC account that are affected by PFOS/PFOA, the issue is not limited to the Department of Defense and affects many communities across the Nation. The Department is directed to engage the Environmental Protection Agency as it evaluates the need for a maximum containment level, as provided by the Safe Drinking Water Act, as well as designate these chemicals as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act, and to keep the Committees apprised of new findings of PFOS/PFOA at BRAC sites.

Senate Committee Report Language of Interest**Federal State and Local Intelligence Collaboration.—**

Several states utilize National Guard Bureau [NGB] facilities for intelligence analysis and fusion centers. As previously indicated in Senate Report 115–130 and Senate Report 115–269, the Committee remains supportive of such collaborative co-location projects, particularly as it relates to the NGB's Joint Force Headquarters Analysis Cells concept. The Committee urges the Department and the NGB to prioritize needed workplace replacement projects, including Sensitive Compartmented Information Facility projects to conduct State and Federal intelligence analysis, in the fiscal year 2022 and future budget submissions.

Military Construction Funding Initiatives—

The bill includes funding to address important unfunded priorities included in DoD's unfunded priority lists provided to Congress. This includes an additional \$240,000,000 for the Army,

\$94,900,000 for the Navy and Marine Corps, \$95,700,000 for the Air Force, \$35,500,000 for Defense- Wide, \$49,835,000 for the Army National Guard, \$29,500,000 for the Air National Guard, \$2,500,000 for the Army Reserve, \$12,800,000 for the Navy Reserve, and \$25,000,000 for the Air Force Reserve. All additional funding is reserved for projects that were included in the unfunded priority lists submitted to Congress.

Military Construction, Army National Guard –

The Committee recommends \$321,437,000 for Military Construction, Army National Guard for fiscal year 2021. This amount is \$110,618,000 above the fiscal year 2020 enacted level and equal to the budget request. Further detail of the Committee's recommendation is provided in the State table at the end of this report.

Army National Guard Readiness Centers –

Facilities that fail to meet modern safety and security standards, contain hazardous materials, and do not account for the needs of soldiers in the modern Army, particularly female soldiers, are an obstacle to training, readiness, recruitment and retention. The Committee directs the Army to maintain the pace of readiness center replacement as submitted in its fiscal year 2020 future years defense plan for the Army National Guard.

Military Construction, Air National Guard –

The Committee recommends \$64,214,000 for Military Construction, Air National Guard for fiscal year 2021. This amount is \$100,257,000 below the fiscal year 2020 enacted level and equal to the budget request. Further detail of the Committee's recommendation is provided in the State table at the end of this report.

Corrosion Control Facilities –

The Committee is concerned about dual use fuel cell maintenance and corrosion control facilities supporting both Active and Guard requirements. While it is sometimes optimal to share facilities and reduce resources, sometimes these arrangements do not adequately meet the needs of all stakeholders. For example, at Little Rock Air Force Base, corrosion control and fuel cell maintenance supporting Guard activities is being accomplished with the shared use of active duty host owned facilities on a space available basis, making it difficult to schedule and accomplish required maintenance actions. Continued maintenance delays can negatively impact readiness and mission accomplishment and requirements will only increase as mission sets continue to grow. Therefore, the Committee expects the Air Force and Air National Guard leadership to prioritize facilities for fuel systems maintenance and corrosion control to adequately support Guard requirements in future budget requests.

National Guard and Reservist Access to Mental Health Services –

This Committee acknowledges the importance of providing mental healthcare to all those who have taken the oath in service to our country and recognize that all members of the National Guard and Reserves may benefit from access to mental health services provided by VA, including suicide prevention services.

Per- and Polyfluoroalkyl Substance Exposure –

The Committee is concerned about the exposure of veterans to per- and polyfluoroalkyl substances [PFAS] during their military service and how these chemicals may have affected their health and what resources are available to them. PFAS chemicals have been found in the drinking water at more than 600 military installations nationwide, and their long-term cumulative effects on human health is not yet known. The Committee encourages VA to establish and maintain a registry for veterans who may have been exposed to PFAS due to exposure to Aqueous Firefighting Foam during their military service and develop a public information campaign to inform eligible individuals about the registry.

Perfluorooctane Sulfonate [PFOS] and Perfluorooctanoic Acid [PFOA] –

The Committee provides \$7,500,000 in additional funds for identification, mitigation, and clean-up costs across DoD for PFOS and PFOA. DoD is directed to provide a spend plan for these additional funds to the Committee no later than 30 days after enactment of this act.

House Committee Report Language of Interest

Access Control Points at Air Force and Air National Guard Installations in Urban Areas

The Committee expects the Air Force to accelerate funding for current access control point construction projects to installations that face high-security risks to critical missions. Priority in allocating funds shall be given to access control points in heavily congested areas in large urban settings that place major transportation links at risk of incident closures, or that are required for heavy traffic hazard mitigation, airport security and installation force protection.

Wildland Fire Mission

The Committee directs the National Guard Bureau to prioritize the remodeling and replacement of Air National Guard (ANG) Wing Buildings that support the wildland fire suppression mission and utilize the Modular Airborne Fire Fighting System but are not in compliance with Executive Order 13423. The Committee requests a report within 60 days of enactment of this Act regarding the condition of ANG facilities that support the wildland fire-fighting mission.

Energy Conservation

The Committee commends DOD's forward posture on the need to improve energy resilience and mission assurance, save energy, and reduce energy costs. As DOD works to construct new facilities and upgrade facilities, the Committee directs DOD to increase the integration of alternative energy sources, particularly through renewable sources, throughout military facilities and installations. The Committee directs the Secretary of Defense to provide an updated report no later than 60 days after enactment of this Act on DOD's strategy to: (1) provide latest summary of progress toward achieving Defense base energy independence, including Guard and Reserve facilities; (2) increase energy conservation efforts and on energy cost savings; (3) improved unit readiness; (4) and opportunities for return on investments of existing and planned projects.

Regional Training Institutes

The Committees recognize the importance of Regional Training Institutes (RTI) across the country for the readiness of Army National Guard (ARNG) and are concerned about the lack of infrastructure to support the mission of the RTIs. For example, the RTI at Fort Hood is lacking sufficient facilities to provide the proper training to achieve optimum readiness. The Committee urges the Department to prioritize facilities for this important and vital mission of ARNG and Army Reserve.

Army National Guard (ARNG) Readiness Center Transformation Master Plan

The ARNG completed its Readiness Center Transformation Master Plan (RCTMP) in 2015; however, since that time, the investment in executing the military construction required under the RCTMP has not kept up with the demand. The Committee is concerned that the mission readiness of these critical facilities is further deteriorating, and it encourages increased investments in ARNG Readiness Centers over the FYDP. Further, given the changing conditions of readiness centers across the country since the last RCTMP was completed, the Committee encourages the ARNG to update the RCTMP to ensure its current military construction priorities align with the Transformation Master Plan. Accordingly, the Committee provides an additional \$15,000,000 in Army National Guard planning & design for completion of a Readiness Center Transformation Master Plan update.

Army National Guard Readiness Centers Investment

The Committee appreciates the Army's prioritization of Army National Guard Readiness Centers in its budget request for fiscal year 2021. The Committee remains concerned by the failure of the Army to prioritize investment in ARNG Readiness Centers and arsenals. These facilities are critical to protecting the homeland and responding to domestic emergencies. Their deteriorating conditions are detrimental to the readiness of the ARNG and, in some cases, present significant safety concerns. The Committee encourages the Army to accelerate investments in Readiness Centers in the fiscal year 2022 budget request and Future Years Defense Program and include \$1,200,000,000 for the ARNG Transformation Plan.

Army National Guard Infrastructure and Unspecified Minor Military Construction

The Committee is concerned with the state of ARNG infrastructure across the country. The ARNG has been continuously underfunded for the last several decades. The Committee is aware that reviews have found that billions of dollars will be needed to bring Readiness Centers up to modern standards, yet despite that little progress has been made. With new higher thresholds for Unspecified Minor Military Construction (UMMC), many smaller projects can be accomplished with an increase in this account. While not completely solving the ARNG military construction appropriations issue, this will speed up projects across the country and increase the readiness of the ARNG. The Committee provides \$13,000,000 for this effort in fiscal year 2021 and directs DOD to properly budget for the UMMC account in future years.

ARNG Aviation Support Facilities

The Committee is concerned that ARNG Aviation Support Facilities (AASF) are not prepared to protect and properly maintain next generation airframe priorities simultaneously as the Army. The operation and maintenance of new aircraft platforms requires significant investment in AASFs across the country so that they can provide the required shelter and support for new airframes, as well as regular maintenance for the existing airframes. The Committee urges both the Army and the ARNG to prioritize facilities that support readiness of ARNG aviation units as they prepare to gain new aircraft platforms.



Army National Guard Project List

(All Dollars in Thousands)

State	ARNG Military Construction Project Description	President's Budget Request	HAC-M Mark	SAC-M Mark	Final Bill
AZ	Readiness Center	18,100	\$18,100	\$18,100	\$18,100
CA	Vehicle Maintenance Shop	--	\$9,300 ¹	--	--
CO	Readiness Center	\$15,000	\$15,000	\$15,000	\$15,000
IN	Reserve Center Add/Alt	\$12,000	\$12,000	\$12,000	\$12,000
KY	Reserve Center	\$15,000	\$15,000	\$15,000	\$15,000
MS	Vehicle Maintenance Shop	\$10,400	\$10,400	\$10,400	\$10,400
NE	Vehicle Maintenance Shop	\$9,300	\$9,300	\$9,300	\$9,300
NJ	Readiness Center	\$15,000	\$15,000	\$15,000	\$15,000
OH	Readiness Center	\$15,000	\$15,000	\$15,000	\$15,000
OK	Vehicle Maintenance Shop	--	\$9,800 ²	--	--
OR	Enlisted Barracks, Transient Training	\$9,300	\$25,035 ³	\$9,300	\$9,300

SC	Readiness Center	\$15,000	\$15,000	\$15,000	\$15,000
TN	Readiness Center	\$11,200	\$11,200	\$11,200	\$11,200
TX	Aircraft Maintenance Hangar Add/Alt	\$6,000	\$6,000	\$6,000	\$6,000
TX	Vehicle Maintenance Shop Add/Alt	\$7,800	\$7,800	\$7,800	\$7,800
UT	Readiness Center	\$12,000	\$12,000	\$12,000	\$12,000
WI	Readiness Center Add/Alt	\$11,600	\$11,600	\$11,600	\$11,600
PR	Readiness Center	\$37,000	\$37,000	\$37,000	\$37,000
VI	Army Aviation Support Facility	\$28,000	\$28,000	\$28,000	\$28,000
VI	CST Ready Building	\$11,400	\$11,400	\$11,400	\$11,400

1. Program increase – section 123 unfunded requirements: \$9,300
2. Program increase – section 123 unfunded requirements: \$9,800
3. Program increase – section 123 unfunded requirements: \$15,735



Air National Guard Project List

(All Dollars in Thousands)

State	ANG Energy Resilience and Conservation Investment Program (ERCIP) Description	President's Budget Request	HAC-M Mark	SAC-M Mark	Final Bill
AR	PV Arrays and Battery Storage	--	\$2,600 ¹	--	--
TN	PV Arrays and Battery Storage	--	\$4,780 ²	--	--
State	ANG Military Construction Project Description	President's Budget Request	HAC-M Mark	SAC-M Mark	Final Bill
AL	F-35 Simulator Facility	\$11,600	\$11,600	\$11,600	\$11,600
AL	Base Supply Complex	--	\$10,200 ³	--	--
MD	F-16 Mission Training Center	\$9,400	\$9,400	\$9,400	\$9,400
ND	Consolidated RPA Operational Facilities	--	\$17,500 ⁴	--	--
TX	F-16 Mission Training Center	\$10,800	\$10,800	\$10,800	\$10,800
WA	Air Support Operations Complex	--	\$27,000 ⁵	--	--
GU	Space Control Facility 5	\$20,000	\$20,000	\$20,000	\$20,000

1. Program increase – Energy Resilience and Conservation Investment Program: \$2,600
2. Program increase – Energy Resilience and Conservation Investment Program: \$4,780
3. Program increase – unfunded requirements: \$10,200
4. Program increase – unfunded requirements: \$17,500
5. Program increase – unfunded requirements: \$27,000