



# Military Construction: Analysis of the FY2012 Appropriation and Authorization

Daniel H. Else  
Specialist in National Defense

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## Summary

This report focuses on those government activities funded under the Fiscal Year (FY) 2012 military construction appropriation, examines trends in military construction funding, and outlines military construction issues extant in each of the major regions of U.S. military activity.

President Barack Obama submitted his FY2012 appropriations request to Congress on February 14, 2011. His military construction appropriations request for \$14.7 billion in new budget authority fell approximately \$9.9 billion below the amount enacted for FY2010 and \$3.0 billion below that enacted for FY2011. Much of that reduction came from military base closure accounts. Initiated in late 2005, the current base realignment and closure (BRAC) round is expected to conclude in September 2011. Funding needed in FY2010 and FY2011 for construction and movement of organizations will not be needed in FY2012 and subsequent years. In addition, the President requested less regular military construction for FY2012 than in earlier years. Finally, funding for construction supporting Overseas Contingency Operations (OCO, or active military operations in Iraq and Afghanistan), appropriations for which totaled \$1.4 billion in FY2010 and \$1.3 billion in FY2011, has been virtually eliminated, with only \$217 million in the regular FY2012 appropriation requested for construction within U.S. Central Command (CENTCOM). The first military construction bill (H.R. 2055) was passed by the House on June 14, 2011.

Construction issues within the United States center on relocations associated with the BRAC movements, the proposed transfer of a nuclear-powered aircraft carrier from Norfolk, VA, to Mayport, FL, the potential to move detainees from Naval Station Guantanamo, and the possible expansion of the Army's Piñon Canyon Maneuver Site.

In the Pacific region, topics of major interest include planned relocations of U.S. Marine forces within the Japanese Prefecture of Okinawa and from Okinawa to the U.S. Territory of Guam, movement of U.S. garrisons in the Republic of Korea, and normalization of duty there, which will lengthen tours and bring many more military families to Korea.

Troops are also moving within Europe and redeploying to the United States. Active duty military personnel stationed in Europe now number only one-quarter of the force present in 1980, and garrisons in Germany are being concentrated into two large military communities near Landstuhl and Vilseck. At least one major combat formation scheduled to move to the United States during the past few years has been retained at its garrison in Germany pending a military basing review.

Military responsibility for much of Africa is now exercised by U.S. Africa Command (AFRICOM). Though headquartered in Germany, AFRICOM has one enduring military garrison site on the continent, at Camp Lemonier, Djibouti. Press accounts have indicated that a new permanent home for AFRICOM headquarters might be located in southeastern Virginia.

Southwest Asia, the area of responsibility for CENTCOM, has seen ongoing military operations for almost a decade. Since FY2004, Congress has given DOD special authority to use some operations and maintenance funds for military construction outside of the normal appropriations process. H.R. 1540, the House-passed National Defense Authorization Act for 2012, would extend that authority into FY2012. Funds for military construction had been provided through special emergency supplemental appropriations, but beginning in FY2010, these funds were folded into the base budget—though still categorized separately from normal construction requests. CENTCOM construction has fallen with the FY2012 request.

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# Military Construction Funding Trends, FY2010-FY2012

## Appropriations Overview

On February 14, 2011, President Barack Obama submitted to Congress his request for military construction appropriations to support federal government operations during FY2012, which will begin on October 1, 2011 (see **Table 1**). The timing of his request was unusual because it overlapped the congressional process of appropriating for government operations during FY2011. A full-year continuing appropriations bill (H.R. 1473, P.L. 112-10) that included military construction was enacted on April 15, 2011.

The House Committee on Appropriations introduced its Military Construction, Veterans Affairs, and Related Agencies Appropriations Act for 2012 (H.R. 2055) on May 31. The House began debate on June 2 and passed the bill on June 14, 2011. Debate and amendment on the House floor encompassed several provisions that could affect the cost of and competition for military construction projects. One debate centered on Section 415, which was eventually stricken by recorded vote, 204-203 (H.Amdt. 411, Roll no. 413). The section would have barred the use of military construction funds to enforce Executive Order 13502 (41 U.S.C. 251 note). This order permits executive agencies to specify that “project labor agreements” (PLA) be used on construction costing \$25 million or more. These PLAs are pre-hire collective bargaining agreements with labor organizations that establish the terms and conditions of employment on specific construction projects.<sup>1</sup> Another amendment, proposed on the floor, would have barred the imposition of Davis-Bacon prevailing wage standards on military construction projects. The motion was defeated in a recorded vote, 178-232 (H.Amdt. 413, Roll no. 414).<sup>2</sup>

**Table 1. Military Construction Appropriations Accounts by Title, FY2010-FY2012**  
(total budget authority in thousands of dollars)

Account	FY2010 Enacted (P.L. 111-117)	FY2011 Full-Year Continuing Appropriation (P.L. 112-10, Div B, Title X)	FY2012 Request	FY2012 House Bill (H.R. 2055)
Grand Total, Title I	23,279,950	16,587,773	14,766,047	14,165,347
Grand Total, Title IV	1,398,984	1,222,852	—	—
Grand Total	24,678,934	17,810,625	14,766,047	14,165,347

**Source:** CRS calculation based on data appearing in **Table A-1** and **Table A-2**.

**Note:** Appropriations figures portray total budget authority made available under the relevant bills. This includes New Budget Authority and rescinded appropriations and may differ from tables produced by others.

<sup>1</sup> For more information on project labor agreements, see CRS Report R41310, *Project Labor Agreements*, by Gerald Mayer.

<sup>2</sup> Broader discussions of the use of Davis-Bacon wage rates can be found in CRS Report R40663, *The Davis-Bacon Act and Changes in Prevailing Wage Rates, 2000 to 2008*, by Gerald Mayer, and CRS Report 94-408, *The Davis-Bacon Act: Institutional Evolution and Public Policy*, by William G. Whittaker.

## **FY2012 Military Construction Authorization and Appropriations**

Section 114 of Title 10, United States Code, requires that Congress authorize the appropriation of funding to the Department of Defense for certain purposes, including military construction, as part of the annual appropriations cycle. This authorization is effected through the enactment of the annual National Defense Authorization Act (NDAA), of which one division constitutes the Military Construction Authorization Act. The NDAA for FY2012 (H.R. 1540) was introduced in the House on April 14, 2011. The House Committee on Armed Services reported its amendment of the bill on May 17 (H.Rept. 112-78, with a supplemental report, H.Rept. 112-78, Part 2, submitted on May 23). The House passed the bill by recorded vote, 322-96 (Roll no. 375), on May 26, and the Senate received it on June 6, 2011.

In addition to authorizing military construction appropriations, the act provides additional authorities related to military construction and family housing. It routinely authorizes specific construction projects and land acquisitions, property improvements, and the like. It can also forbid various actions. For example, Section 2307 of the House version of H.R. 1540 would prohibit the disestablishment, closure, or realignment of any element of the Air Force's Air and Space Operations Center until the Department of the Air Force takes certain specified actions.<sup>3</sup>

The military construction appropriation, Title I of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, pays for the building of new military facilities required for new weapons systems, including aircraft and naval vessels; the redeployment of military forces to new locations; the improvement of military living and working conditions; the reduction of facility operating costs; and the improvement of military productivity at both active and reserve component facilities. Military construction funds also pay for construction and movement of organizations mandated in base closure and realignment actions, and for the environmental remediation required for the disposal of defense real property as required by the base closure acts of 1988 and 1990, as amended.<sup>4</sup>

Another appropriation within the bill provides funding for the North Atlantic Treaty Organization (NATO) Security Investment Program (NSIP), which constitutes the U.S. contribution to a 28-nation collective account for the acquisition and construction of international collective defense facilities within the North Atlantic Treaty Area.

Other subaccounts finance all costs associated with construction, improvement, operation, and leasing of all government-provided military family housing. The Family Housing Improvement Fund (FHIP) finances the DOD portion of the various public-private partnerships resulting from

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<sup>3</sup> More information on the National Defense Authorization Act for FY2012 may be found in CRS Report R41861, *Defense: FY2012 Budget Request, Authorization and Appropriations*, by Pat Towell.

<sup>4</sup> These acts were the Defense Authorization Amendments and Base Closure and Realignment Act, 1988 (P.L. 100-526, Div A, Title XII, Part D, § 1231(17), 101 Stat. 1161), and the Defense Base Closure and Realignment Act, 1990 (P.L. 101-510, Div B, Title XXIX, Part A, § 2911, 104 Stat. 1819). A number of CRS products have addressed various aspects of military installation closures. Current products include CRS Report RS22147, *Military Base Closures: Socioeconomic Impacts*, by Tadlock Cowan and Oscar R. Gonzales; CRS Report RL34709, *Economic Development Assistance for Communities Affected by Employment Changes Due to Military Base Closures (BRAC)*, by Oscar R. Gonzales; and CRS Report R40476, *Base Realignment and Closure (BRAC): Transfer and Disposal of Military Property*, by R. Chuck Mason. Examples of other products include CRS Report RS22184, *Military Base Closures: Redevelopment Assistance Programs*, by Baird Webel; CRS Report RL32963, *The Availability of Judicial Review Regarding Military Base Closures and Realignments*, by Ryan J. Watson; and CRS Report RL33137, *Military Base Closures and the Impact Aid Program for Education*, by Rebecca R. Skinner.

the privatization of much of the inventory of domestic military family housing under the Military Housing Privatization Initiative (MHPI) begun during the late 1990s. A separate account, the Unaccompanied Housing Improvement Fund, performs the same function for the barracks or dormitories that house single service members or those whose families do not relocate with a change of duty stations. The Homeowners Assistance Fund (HAF) was created during the mid-1960s to assist DOD family homeowners who are forced to sell their houses in markets depressed by base closures, but eligibility to apply for such assistance was temporarily expanded to include military members who purchased homes during the so-called “housing bubble” and who were ordered to change duty stations during the subsequent “housing crisis.” The Secretary of Defense terminated this temporary eligibility late in 2010, as permitted under the enabling statute.

A final subaccount funds the construction of facilities at several chemical munitions depots. These munitions, such as nerve gases, have been banned from use in warfare by international treaty, and highly sophisticated industrial plants at select depots have been constructed to demilitarize (render non-lethal) and safely dispose of U.S. chemical munitions stockpiles. Construction for this program is nearing completion.

Titles II and III of the bill fund the benefits programs and operations of the Department of Veterans Affairs and several federal agencies, including the American Battle Monuments Commission, the Armed Forces Retirement Home, the U.S. Court of Appeals for Veterans Claims, and Arlington National Cemetery. These titles are not addressed in this report.<sup>5</sup>

Title IV was a temporary appropriation provision dedicated to military construction supporting “overseas contingency operations” (OCO), such as the ongoing ground force deployments to U.S. Central Command (CENTCOM). During the first years of active military engagement in CENTCOM, such construction was paid for through a series of emergency supplemental appropriations. In recent years, the Obama Administration has moved this funding into the regular appropriations process, designating it as “Title IV (OCO)” military construction. FY2012 marks the first year when no funds have been requested to fund OCO construction.<sup>6</sup>

On June 2, 2011, the House took up H.R. 2055, its version of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act for FY2012, passing an amended version on June 14. This bill would appropriate \$14.2 billion in new budget authority for military construction and family housing. This would be a reduction of \$0.6 billion (4.1%) below the presidential request, but this figure does not count \$237.1 million in budget authority from previous appropriations that would be rescinded, effectively recycling funding into the new fiscal year. Therefore, the total military construction and family housing appropriation that would be enacted in this bill would come to \$14.4 billion—\$14.2 billion in new budget authority and \$0.2 billion in unexpired, unobligated funds reclaimed from previous fiscal years. The Senate has not yet taken up its version of the bill.

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<sup>5</sup> Detailed discussions of veterans affairs appropriations may be found in CRS Report R41343, *Veterans Medical Care: FY2011 Appropriations*, by Sidath Viranga Panangala; and CRS Report R41688, *Veterans Affairs: A Preliminary Analysis of the FY2012 Appropriations Request*, by Christine Scott and Sidath Viranga Panangala.

<sup>6</sup> Nevertheless, the President’s request did include \$80 million for military construction in Afghanistan at Bagram Air Base, \$100 million for work in Bahrain, and \$37 million for construction in Qatar.

## Military Construction Funding Levels, FY2010-FY2012

As FY2010 expired at the end of September of that year, Congress passed the first of what would become eight continuing appropriations bills to fund FY2011.<sup>7</sup> The initial continuing appropriation, while allowing for spending on military construction at a rate equal to that enacted for FY2010, barred DOD from initiating any new construction projects. Sec. 101 of the act permitted the continuation of projects that were provided for in the FY2010 appropriation, but Sec. 102 stated that no funds provided under the appropriation could be used to initiate any project “for which appropriations, funds, or other authority were not available during fiscal year 2010.” This restriction was not lifted until the enactment of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112-10) on April 15, 2011, more than halfway into FY2011. The forced moratorium allowed Congress to reclaim some FY2011 funding through the rescission process and apply it to the FY2012 appropriation. The House began debate on the Military Construction Appropriations Act for FY2012 (H.R. 2055), on June 2, and passed the bill in its amended form on June 14, 2011.

Funding enacted for FY2010 and FY2011, the President’s request for FY2012, and H.R. 2055 are laid out in **Table 2**. The amounts shown are “new budget authority” (NBA), the new appropriations needed to fund the various accounts for the years indicated. NBA is the total appropriation amount required for a given year minus reductions and rescissions mandated by subsequent legislation. A more detailed comparison, which includes these additional details, may be found in the Appendix in **Table A-1** and **Table A-2**. Note that the NBA presented in these tables *does not* reflect changes in accounts made by amendments adopted during floor debate.

**Table 2. Military Construction Appropriations Accounts, FY2010-FY2012**

(new budget authority, thousands of dollars)

Account	FY2010 Enacted (P.L. 111-117)	FY2011 Full-Year Continuing Appropriation (P.L. 112-10, Div B, Title X)	FY2012 Request	FY2012 House Bill (H.R. 2055)
Military Construction, Army	3,456,419	3,517,023	3,235,991	3,041,491
Military Construction, Navy and Marine Corps	3,482,535	3,235,954	2,461,547	2,436,547
Military Construction, Air Force	1,255,567	983,081	1,364,858	1,247,358
Military Construction, Defense-wide	2,942,519	2,718,816	3,848,757	3,533,757
<b>Total, Active Components</b>	<b>11,137,040</b>	<b>10,454,874</b>	<b>10,911,153</b>	<b>10,259,153</b>

<sup>7</sup> The continuing appropriations for FY2011 were, in chronological order, H.R. 3081 (P.L. 111-242, October 1–December 3, 2010), H.J.Res. 101 (P.L. 111-290, December 4–December 18, 2010), H.J.Res. 105 (P.L. 111-317, December 19–December 21, 2010), H.R. 3082 (P.L. 111-322, December 22, 2010–March 4, 2011), H.J.Res. 44 (P.L. 112-4, March 5–March 18, 2011), H.J.Res. 48 (P.L. 112-6, March 19–April 8, 2011), H.R. 1363 (P.L. 112-8, April 9–April 15, 2011), and H.R. 1473 (P.L. 112-10, April 16–September 30, 2011). For additional information on continuing appropriations, see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by Sandy Streeter; CRS Report R41771, *FY2011 Appropriations in Budgetary Context*, by D. Andrew Austin and Amy Belasco; and the Congressional Budget Office website, *Continuing Resolutions for FY2011*, <http://www.cbo.gov/publications/collections/collections.cfm?collect=17>.

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<b>Account</b>	<b>FY2010 Enacted (P.L. 111-117)</b>	<b>FY2011 Full-Year Continuing Appropriation (P.L. 112-10, Div B, Title X)</b>	<b>FY2012 Request</b>	<b>FY2012 House Bill (H.R. 2055)</b>
Military Construction, Army National Guard	549,056	871,917	773,592	773,592
Military Construction, Air National Guard	364,226	194,596	116,246	116,246
Military Construction, Army Reserve	431,566	317,539	280,549	280,549
Military Construction, Navy Reserve	125,874	61,434	26,299	26,299
Military Construction, Air Force Reserve	112,269	7,816	33,620	33,620
<b>Total, Reserve Components</b>	<b>1,582,991</b>	<b>1,453,302</b>	<b>1,230,306</b>	<b>1,230,306</b>
<b>Total, Military Construction</b>	<b>12,720,031</b>	<b>11,908,176</b>	<b>12,141,459</b>	<b>11,489,459</b>
<b>NATO Security Investment Program</b>	<b>197,414</b>	<b>258,366</b>	<b>272,611</b>	<b>272,611</b>
Family Housing Construction, Army	273,236	92,184	186,897	186,897
Family Housing Ops and Debt, Army	523,418	517,104	494,858	494,858
Family Housing Construction, Navy and Marine Corps	146,569	186,071	100,972	100,972
Family Housing Ops and Debt, Navy and Marine Corps	368,540	365,613	367,863	367,863
Family Housing Construction, Air Force	66,101	77,869	84,804	84,804
Family Housing Ops and Debt, Air Force	502,936	512,764	404,761	404,761
Family Housing Construction, Defense-wide	2,859	—	—	—
Family Housing Ops and Debt, Defense-wide	49,214	50,363	50,723	50,723
DOD Family Housing Improvement Fund	2,600	1,094	2,184	2,184
Homeowners Assistance Fund	323,225	16,482	1,284	1,284
<b>Total, Family Housing</b>	<b>2,258,698</b>	<b>1,819,544</b>	<b>1,694,346</b>	<b>1,694,346</b>
<b>Chemical Demilitarization Construction, Defense-wide</b>	<b>151,541</b>	<b>124,721</b>	<b>75,312</b>	<b>75,312</b>
<b>Base Realignment and Closure</b>	<b>7,952,266</b>	<b>2,476,996</b>	<b>582,319</b>	<b>482,319</b>
<b>Total, Title I<sup>a</sup></b>	<b>23,279,950</b>	<b>16,587,773</b>	<b>14,766,047</b>	<b>14,014,047</b>
<b>Total, Title IV<sup>b</sup></b>	<b>1,398,984</b>	<b>1,222,852</b>	<b>—</b>	<b>—</b>
<b>Grand Total</b>	<b>24,678,934</b>	<b>17,810,625</b>	<b>14,766,047</b>	<b>14,014,447</b>



**Source:** H.Rept. 111-366; P.L. 112-10; DOD Budget Justification Material, FY2012; H.R. 2055.

- a. Title I funds normal military construction and family housing projects.
- b. Title IV was a temporary funding classification that replaced the separate emergency supplemental funding of previous years for Overseas Contingency Operations, primarily in areas of active military operations.

## Regional Command Construction Issues

### Northern Command (NORTHCOM)

The geographic land area comprising U.S. Northern Command includes the contiguous United States, Alaska, Canada, and Mexico.

The principal military construction issues within Northern Command center on the relocation of personnel and organizations within the continental United States and the redeployment of troops from garrisons overseas to domestic duty stations.

The largest portion of domestic relocation was required by the 2005 Defense Base Closure and Realignment Commission (also known as the BRAC Commission). Over the past six years, the defense agencies and military departments have carried out a highly complex—and often contentious—program of construction and movement mandated by the Commission that required the appropriation of approximately \$35 billion. The 2005 BRAC round, save for environmental cleanup and disposal of surplus property, is scheduled to be completed not later than September 15, 2011. Nevertheless, perceiving military service inability to fully implement some of the more complex commission recommendations by the statutorily mandated deadline, Section 2704 of H.R. 1540, the NDAA for FY2012, would permit the Secretary of Defense to extend the completion of as many as seven recommendations for up to a year.<sup>8</sup>

Another section of the bill, Section 2707, would prevent the use of more than 1,000 parking spaces at the site of BRAC Commission Recommendation 133 until the Secretary of Defense takes certain actions, including the completion of a number of traffic mitigation projects. BRAC 133, as it is called, will move a large number of defense workers to newly constructed facilities at the Mark Center in Arlington, Virginia. Congress has questioned the ability of that site to absorb the expected increase in surface traffic generated by the transfers and has written provisions similar to this into previous versions of the NDAA.

Associated with the domestic BRAC, and funded through the BRAC appropriation, is the construction needed to house units repositioned to the United States as part of the parallel Integrated Global Presence and Basing Strategy (IGPBS), later renamed the Global Defense Posture Realignment (GDPR).

Separate from the 2005 BRAC round, DOD announced plans to permanently move one of the Navy's aircraft carriers from its home port of Norfolk, VA, to a new duty station in Mayport, FL. The announced reasoning for the move is strategic. Currently, the naval station at Norfolk is the sole Navy facility along the nation's eastern or southern coasts with the needed facilities and

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<sup>8</sup> The recommendations to be selected by the Secretary have not been identified.

capacity to service a nuclear-powered aircraft carrier.<sup>9</sup> The Navy became concerned that stationing all Atlantic Fleet carriers at a single port facility could offer a vulnerability to potential adversaries and decided to build a second facility at Mayport, estimating the cost of the project at \$580 million. Thus far, Congress has not appropriated the necessary construction funds, although the budget request includes some ancillary items that would support future facility construction.<sup>10</sup> The FY2012 request does not include funding to build the needed facilities. Section 2204 of H.R. 1540 (NDAA for FY2012) would bar the use of any appropriations for FY2012 for “architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.”<sup>11</sup>

A provision in H.R. 2055, Section 412 of the military construction appropriation, would prevent the use of funds for any construction in the United States to house any Guantanamo detainees. Section 128 would forbid the use of funds to support “any action that relates to or promotes the expansion of the boundaries or size of the Piñon Canyon Maneuver Site, Colorado.” This prohibition stems from an attempt several years ago by the Army to request authorization to expand the maneuver area. Stiff local resistance led to the insertion of this language into the annual military construction appropriation.

## **Pacific Command (PACOM)**

U.S. Pacific Command (PACOM) is geographically the largest of the combatant commands, holding within its area of responsibility most of the Pacific and Arctic Oceans; the People’s Republic of China; Mongolia; the Democratic People’s Republic of Korea (North Korea); the Republic of Korea (South Korea); Japan and the Philippines; Indonesia; the countries of Southeast Asia; the southern Asian, Oceanic, and Australian landmasses to the western border of India; and the corresponding sea areas of the Indian Ocean. Three major force movements and their associated construction are imminent or underway in the Pacific region.

GAO recently completed an analysis of the costs associated with changes in the U.S. military posture in Asia, finding that

DOD’s posture planning guidance does not require the U.S. Pacific Command to include comprehensive cost data in its theater posture plan, and as a result, DOD lacks critical information that could be used by decision makers as they deliberate on posture requirements and affordability.... Without comprehensive and routine reporting of posture costs, DOD decision makers will not have the full fiscal context in which to develop posture plans and requirements, and congressional committees will lack a full understanding of the potential funding requirements associated with DOD budget requests.<sup>12</sup>

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<sup>9</sup> The USS *John F. Kennedy*, the Navy’s last conventionally fueled aircraft carrier, was decommissioned on August 1, 2007. All active aircraft carriers are now nuclear powered.

<sup>10</sup> For a much more extensive examination of the Mayport carrier issue, see CRS Report R40248, *Navy Nuclear Aircraft Carrier (CVN) Homeporting at Mayport: Background and Issues for Congress*, by Ronald O’Rourke.

<sup>11</sup> For more information regarding the proposed relocation to Mayport, see CRS Report R41254, *Defense: FY2011 Authorization and Appropriations*, coordinated by Pat Towell.

<sup>12</sup> U.S. Government Accountability Office, *Defense Management: Comprehensive Cost Information and Analysis of Alternatives Needed to Assess Military Posture in Asia*, GAO-11-316, May 25, 2011, frontispiece.

## **MCAS Futenma Replacement**

As the result of intergovernmental agreements, Japan has undertaken the construction of a new air facility in the Prefecture of Okinawa for the use of U.S. Marine Corps aviation units now operating from Marine Corps Air Station (MCAS) Futenma, near the prefecture capital of Naha. Upon completion of the new station, the existing facility is to be returned to sole Japanese control.

The selection of a new site for the Futenma Replacement Facility (FRF) and other Japanese domestic political considerations have delayed initiation of construction of the new facility.<sup>13</sup> Nevertheless, the Japanese press recently announced agreement between the two national governments on a potential site and runway configuration.<sup>14</sup> These plans may be formalized at a joint U.S.–Japan ministerial meeting on June 21, 2011. However, both governments concluded that adherence to the original 2014 completion date would be impossible, announcing afterward that the FRF would be completed “at the earliest possible date after 2014.”<sup>15</sup> and there may be provisions introduced in the Senate’s version of the NDAA calling for a review of the relocation plan.<sup>16</sup>

## **Guam Redeployment**

The two governments have also agreed to move approximately 8,000 Marines from their present garrisons in Okinawa to facilities in the U.S. Territory of Guam, approximately 1,400 miles to the east. The Japan has pledged to provide approximately \$6 billion of the estimated \$10 billion needed for the relocation.<sup>17</sup>

Congress has criticized the pace of DOD planning for the move. During consideration of FY2011 appropriations, the Senate Committee on Appropriations recommended deferring \$464.6 million in requested construction funding from overseas projects in Guam, Europe, Korea, and other locations pending the completion of a DOD review of its global posture.<sup>18</sup> Nevertheless, the redeployment is inextricably linked to the FRF project. DOD is awaiting “tangible progress” on the part of the Japanese in constructing the FRF before commencing the construction necessary to house the Marines relocating from Okinawa.<sup>19</sup>

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<sup>13</sup> For additional information and analysis of U.S.-Japanese security relations, see CRS Report RL33436, *Japan-U.S. Relations: Issues for Congress*, coordinated by Emma Chanlett-Avery.

<sup>14</sup> “Minister Tells Okinawa Gov. of Plan to Proceed with Futenma Relocation,” *Kyodo News*, June 13, 2011, posted online at 01:17.

<sup>15</sup> William Wan, “U.S., Japan Agree to Delay Relocation of Air Base on Okinawa,” *The Washington Post*, June 22, 2011, p. A9.

<sup>16</sup> “U.S. Defense Budget Bill to Urge Review of Futenma Plan: Senator,” *Kyodo News*, June 14, 2011, posted online at 13:39.

<sup>17</sup> Of this sum, the Government of Japan has committed to provide \$2.8 billion in cash, with the remainder taking the form of recoverable financial instruments.

<sup>18</sup> U.S. Congress, Senate Committee on Appropriations, Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, *Military Construction and Veterans Affairs, and Related Agencies Appropriations Bill, 2010*, Report to accompany S. 3615, 111<sup>th</sup> Cong., 2<sup>nd</sup> sess., July 19, 2010, S.Rept. 111-226, p. 9.

<sup>19</sup> Additional information on and analysis of the Marine relocation can be found in CRS Report RS22570, *Guam: U.S. Defense Deployments*, by Shirley A. Kan.

## **Korea Transformation**

Since the Armistice on the Korean Peninsula ended combat in 1954, U.S. ground forces have been concentrated in a number of forward bases distributed along the demarcation line between South Korea and North Korea, with a major headquarters complex at Yongsan, adjacent to the capital of Seoul.

Following agreements between South Korea and the U.S., the headquarters of U.S. Forces, Korea (USFK) and U.S. Army and Air Force units are being concentrated into two large military communities centered on Osan Air Base and Camp Humphreys, south of the capital. Additionally, tours of duty for military personnel are being lengthened, and servicemembers will soon be permitted to bring their families with them, significantly increasing the size of those communities. In its May 2011 report on the military posture in Asia, the GAO noted that they

obtained DOD cost estimates that total \$17.6 billion through 2020 for initiatives in South Korea, but DOD cost estimates are incomplete. One initiative, to extend the tour length of military service members and move thousands of dependents to South Korea ... could cost DOD \$5 billion by 2020 and \$22 billion or more through 2050, but this initiative was not supported by a business case analysis that would have considered alternative courses of action and their associated costs and benefits. As a result, DOD is unable to demonstrate that tour normalization is the most cost-effective approach to meeting its strategic objectives. This omission raises concerns about the investments being made in a \$13 billion construction program at Camp Humphreys, where tour normalization is largely being implemented.<sup>20</sup>

## **European Command (EUCOM)**

U.S. European Command (EUCOM) encompasses the countries in Europe, Russia, Israel, Greenland, and Iceland. The EUCOM commander simultaneously serves as NATO's Supreme Allied Commander, Europe (SACEUR). Because Europe was long considered the front line during the Cold War, the bulk of U.S. forces permanently garrisoned overseas was stationed within the EUCOM area of responsibility. In 1980, more than 331,000 servicemembers were on duty in the countries of Western and Southern Europe and afloat on adjacent seas. Of these, more than 244,000, along with their families and associated civilian employees, were stationed in what was then West Germany.

With the end of the Cold War, these garrisons saw significant reductions in their size. By 1999, Europe and adjacent waters hosted approximately 116,200 U.S. servicemembers, with 65,000 of those located in Germany. As of September 30, 2010, the number in and around Europe had fallen to 79,000, with 53,900 located in Germany, 9,600 in Italy, and 9,200 in the United Kingdom.<sup>21</sup>

As part of the GDPR mentioned earlier, Army and Air Force personnel in the Federal Republic of Germany are being consolidated into two large military communities centered at Kaiserslautern (known to many servicemembers as "K-Town") in the country's southwest near Frankfurt, and Grafenwöhr-Vilseck in eastern Bavaria near the Czech border. For the past several years, military construction supporting this relocation has concentrated in these areas.

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<sup>20</sup> GAO-11-316, frontispiece. Additional details on the relocation of U.S. forces on the Korean Peninsula may be found in CRS Report R41481, *U.S.-South Korea Relations*, coordinated by Mark E. Manyin.

<sup>21</sup> U.S. military manpower levels are regularly reported by the Defense Manpower Data Center. Its military personnel figures can be accessed at <http://siadapp.dmdc.osd.mil/personnel/MILITARY/miltop.htm>.

A significant portion of the combat power remaining in the Army portion of EUCOM was scheduled to redeploy to new posts in the southwestern United States as part of the GDPR, but the Secretary of Defense agreed to reconsider the movement of two brigade combat teams after the most recent Quadrennial Defense Review reviewed the U.S. interest in supporting NATO.<sup>22</sup>

The President's FY2012 request includes \$563 million for construction in Germany. It includes \$249 million for Army construction of the relocated European Army and Air Force Exchange Central Distribution Facility (later not supported by the House), various training and communications facilities, barracks, and family housing. The DOD Education Agency (DODEA) is requesting \$207 million to build, expand, or replace elementary, middle, and high schools at several locations. The Tricare Management Agency plans to replace the military medical center at Rhine Ordnance Barracks at a total cost of \$1.2 billion and is requesting \$71 million for the first increment of funding.<sup>23</sup> The Air Force is asking for \$35 million to build a new airman's dormitory at Ramstein Air Base, and the Defense Information Systems Agency (DISA) is asking for \$2.4 million to upgrade its facility serving U.S. Army, Europe, headquarters near Stuttgart.

## **Africa Command (AFRICOM)**

Until U.S. Africa Command (AFRICOM) was activated in 2008, military affairs on the continent were the responsibility of EUCOM. With creation of AFRICOM headquarters, much of that responsibility shifted to the new command (Egypt, though, did not transfer to AFRICOM).

Funds for the construction of two headquarters buildings at Camp Lemonier, Djibouti, were requested in FY2011. One of these was intended for Camp Lemonier itself, while the other was planned for the use of Combined Joint Task Force-Horn of Africa (CJTF-HOA). While the task force comprises the majority of personnel assigned to the installation, Camp Lemonier is limited in size. In its report on the military construction appropriation for FY2011, the Senate Committee on Appropriations noted that DOD had not submitted a requested report on plans for future operations of both Camp Lemonier and CJTF-HOA and recommended that funds for a separate task force headquarters be denied.<sup>24</sup> The President's request for FY2012 includes \$43.5 million for construction of housing at the camp and \$46.0 million for facility improvements at the adjoining airfield. The House version of H.R. 2055 fully funded this request.

Since its creation, AFRICOM headquarters has been located in Germany. Press reports have mentioned discussions concerning its potential movement to the Norfolk, VA, area.<sup>25</sup> In its report on the NDAA for FY2012, the House Committee on Armed Services noted that Commander, U.S. Africa Command, has studied various alternatives for moving his headquarters to the United

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<sup>22</sup> Jason Sherman, "QDR Reconsidering Plan to Move Two Brigades from Europe to U.S.," *Inside the Pentagon*, August 13, 2009, vol. 25, no. 32.

<sup>23</sup> Rhine Ordnance Barracks, part of the Kaiserslautern Military Community, is a major deployment terminus for U.S. forces stationed in the European Central Region. Located adjacent to Ramstein Air Base and near major ammunition storage sites, the barracks will act as a major outfitting and processing station for any unit being deployed from the region on a military operation.

<sup>24</sup> S.Rept. 111-226, p. 16.

<sup>25</sup> Robert McCabe, "JFCOM Downsizing to be Complete by March 2012," *The Virginian Pilot & Ledger Star*, February 10, 2011, p. A1.

States and directed the Secretary of Defense to report the conclusions of that study not later than April 1, 2012.<sup>26</sup>

## **Central Command (CENTCOM)**

The area of responsibility assigned to U.S. Central Command (CENTCOM) includes Egypt, the Arabian Peninsula, and much of south and southwestern Asia. CENTCOM has been the primary focal point of U.S. military operations since early 2002.

While considerable construction in the CENTCOM area has been funded in previous years, the FY2012 request for appropriations includes only \$80 million for a new entry control point and phases (slices) of funding for a barracks and drainage system at Bagram Air Base in Afghanistan. The House version of H.R. 2055 supports that funding.

Nevertheless, since FY2004, Congress has annually renewed a temporary authority permitting the Secretary of Defense to use operations and maintenance (O&M) funding in the defense appropriation for military construction in support of overseas contingency operations. This discretion, referred to as “Sec. 2808 authority” for the provision originally granting it in the FY2004 National Defense Authorization Act (P.L. 108-136), has varied over the years in the amount of funding available and the locations where it may be used, rising as high as \$500 million for FY2009. Sec. 2804 of the Ike Skelton National Defense Authorization Act, 2011 (P.L. 111-383) limited funding to \$100 million and restricted its use to Afghanistan. Section 2805 of the House version of the FY2012 NDAA would reauthorize this authority for an additional year, through September 30, 2012.

Legislative language used by congressional appropriators and authorizers has sought to distinguish between construction intended to support short-term expeditionary military operations and permanent garrisoning of troops in either Iraq or Afghanistan. That language has prevented funds from being used for the “permanent stationing” of forces and stressed that construction is to support “operational requirements of a temporary nature.”

Nevertheless, this stance has softened somewhat in recent years. Sec. 2806 of P.L. 110-417, the Duncan Hunter National Defense Authorization Act for FY2009, exempted construction in Afghanistan from the existing ban on the use of O&M funds “deemed as supporting a long-term presence.”

A detailed discussion of war-related construction funding may be found in CRS Report R41232, *FY2010 Supplemental for Wars, Disaster Assistance, Haiti Relief, and Other Programs*, coordinated by Amy Belasco.

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<sup>26</sup> U.S. Congress, House Committee on Armed Services, *National Defense Authorization Act for Fiscal Year 2012*, Report of the Committee on Armed Services House of Representatives on H.R. 1540 together with additional views [including cost estimate of the Congressional Budget Office], 112<sup>th</sup> Cong., 1<sup>st</sup> sess., May 17, 2011, H.Rept. 112-78 (Washington: GPO, 2011), p. 288.

## **FY2011 Continuing Appropriations**

Federal funding for FY2011 was provided through a series of eight continuing appropriations of varying lengths.<sup>27</sup> Normally, a continuing appropriation permits government agencies to operate at the same rate as experienced in the most recent full-year appropriation—in this case FY2010—for the duration of the appropriation.

The first bill of the series, the Continuing Appropriations Act, 2011 (P.L. 111-242), was enacted on September 30, 2010, and provided funding through December 3, 2010. This original Act, rather than merely extending existing appropriations into the new year, adjusted the amounts available to several appropriations accounts from their prorated FY2010 levels. The most substantial adjustment to military construction accounts was the reduction of the BRAC 2005 account from the \$8.0 billion needed near the height of BRAC construction in FY2010 to \$2.4 billion. Nevertheless, the act also contained the following text:

Sec. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2010 or prior years; (2) the increase in production rates above those sustained with fiscal year 2010 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2010.

This section, therefore, did not permit the initiation of any new FY2011 construction projects. None of the subsequent enacted appropriations altered this language until the enactment of the Full-Year Continuing Appropriation Act for FY2011 (P.L. 112-10) on April 15, 2011.

## **FY2012 Appropriations**

The President submitted his FY2012 appropriation request for military construction and family housing to Congress on February 14, 2011, and the House passed its version of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act (H.R. 2055) on June 14, 2011. The overall level of funding in the President's request represents a 17.1% (\$3.0 billion) reduction below the combined Title I (military construction) and Title IV (Overseas Contingency Operations construction) amount enacted for FY2011. The House version of H.R. 2055 funding levels in New Budget Authority represent a 20.5% (\$3.6 billion) reduction from FY2011 enacted amounts.

The major portion of that reduction comes from the \$2.1 billion less in BRAC 2005 funding needed to support the first post-implementation year of that program. The President's FY2012 request is less than one-quarter of the amount needed during the last year of BRAC construction and movement. The President also requested no funds for the Overseas Contingency Operations

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<sup>27</sup> For detailed information on these continuing appropriations, see CRS Report RL30343, *Continuing Resolutions: Latest Action and Brief Overview of Recent Practices*, by Sandy Streeter.

construction account. This represented \$1.2 billion in the FY2011 appropriation. Even though the FY2012 base budget request includes \$80 million in construction for Afghanistan, plus another \$137 million elsewhere in Central Command, this marks a substantial reduction in construction activity in the area of the most intense U.S. military operations.

## Questions for Congress

As Members of Congress and the defense committees consider the President's request for FY2012, a number of questions may suggest themselves:

- To what extent did the delay in FY2011 appropriations disrupt executive branch planning and commitment of construction funds?
- Do the findings made by the GAO regarding U.S. basing in Asia indicate inadequate management and planning on the part of DOD, or are there extenuating circumstances that inhibit DOD's ability to effectively plan and execute the adjustment of its military posture there?
- How, and to what extent, will limits on government debt impact both the timing and the number of military construction projects that can be undertaken?
- Does the prohibition on congressionally directed spending ("earmarks") limit Congress's ability to exercise its constitutional power to "raise and support Armies" and "provide and maintain a Navy," and if so, how and to what extent?
- Is it appropriate for DOD to assist local jurisdictions in absorbing the demands on infrastructure and services created by significantly increased military community size? If so, what legislation is required to create the necessary authority and/or additional funding?
- Would new authority to extend implementation of some recommendations of the 2005 BRAC Commission reflect the complexity of the current BRAC round, or have the military services not adequately planned to the mandatory deadline?



## Appendix. Detailed Military Construction Appropriations Tables

**Table A-1. Title I Military Construction Appropriations Accounts, FY2010-FY2012**  
(budget authority in thousands of dollars)

Account	FY2010 Enacted (P.L. 111-117)	FY2011 Full-Year Continuing Appropriation (P.L. 112-10, Div B, Title X)	FY2012 Request	FY2012 House Bill (H.R. 2055)
Military Construction, Army	3,719,419	3,787,598	3,235,991	3,141,491
Rescissions	-33,000	-263,000	—	-100,000
Reduction	-230,000	-7,575	—	—
Total New BA	3,456,419	3,517,023	3,235,991	3,041,491
Military Construction, Navy and Marine Corps	3,769,003	3,303,611	2,461,547	2,461,547
Rescissions	-51,468	-61,050	—	-25,000
Reduction	-235,000	-6,607	—	—
Total New BA	3,482,535	3,235,954	2,461,547	2,459,047
Military Construction, Air Force	1,450,426	1,106,995	1,364,858	1,279,358
Rescissions	-130,768	-121,700	—	-32,000
Reduction	—	-2,214	—	—
Total New BA	1,255,567	983,081	1,364,858	1,276,158
Military Construction, Defense-wide	3,093,679	2,873,062	3,848,757	3,665,157
Rescissions	-151,160	-148,500	—	-131,400
Reduction	—	-5,746	—	—
Total New BA	2,942,519	2,718,816	3,848,757	3,533,757
<b>Total, Active Components</b>	<b>11,137,040</b>	<b>10,454,874</b>	<b>10,911,153</b>	<b>10,310,453</b>
Military Construction, Army National Guard	582,056	873,664	773,592	773,592
Rescissions	-33,000	—	—	—
Reduction	—	-1,747	—	—
Total New BA	549,056	871,917	773,592	773,592
Military Construction, Air National Guard	371,226	194,986	116,246	116,246
Rescissions	-7,000	—	—	—
Reduction	—	-390	—	—

<b>Account</b>	<b>FY2010 Enacted (P.L. 111-117)</b>	<b>FY2011 Full-Year Continuing Appropriation (P.L. 112-10, Div B, Title X)</b>	<b>FY2012 Request</b>	<b>FY2012 House Bill (H.R. 2055)</b>
Total New BA	364,226	194,596	116,246	116,246
Military Construction, Army Reserve	431,566	318,175	280,549	280,549
Reduction	—	-636	—	—
Total New BA	431,566	317,539	280,549	280,549
Military Construction, Navy Reserve	125,874	61,557	26,299	26,299
Reduction	—	-123	—	—
Total New BA	125,874	61,434	26,299	26,299
Military Construction, Air Force Reserve	112,269	7,832	33,620	33,620
Reduction	—	-16	—	—
Total New BA	112,269	7,816	33,620	33,620
<b>Total, Reserve Components</b>	<b>1,582,991</b>	<b>1,453,302</b>	<b>1,230,306</b>	<b>1,230,306</b>
<b>Total, Military Construction</b>	<b>12,720,031</b>	<b>11,908,176</b>	<b>12,141,459</b>	<b>11,540,759</b>
(Appropriations)	13,655,518	12,527,480	12,141,459	11,777,859
(Rescissions)	-406,396	-594,250	—	-237,100
(Reductions)	-529,091	-25,054	—	—
<b>NATO Security Investment Program</b>	197,414	258,884	272,611	272,611
Reduction	—	-518	—	—
Total New BA	<b>197,414</b>	<b>258,366</b>	<b>272,611</b>	<b>272,611</b>
Family Housing Construction, Army	273,236	92,369	186,897	186,897
Reduction	—	-185	—	—
Total New BA	273,236	92,184	186,897	186,897
Family Housing Ops and Debt, Army	523,418	518,140	494,858	494,858
Reduction	—	-1,036	—	—
Total New BA	523,418	517,104	494,858	494,858
Family Housing Construction, Navy and Marine Corps	146,569	186,444	100,972	100,972
Reduction	—	-373	—	—
Total New BA	146,569	186,071	100,972	100,972

<b>Account</b>	<b>FY2010 Enacted (P.L. 111-117)</b>	<b>FY2011 Full-Year Continuing Appropriation (P.L. 112-10, Div B, Title X)</b>	<b>FY2012 Request</b>	<b>FY2012 House Bill (H.R. 2055)</b>
Family Housing Ops and Debt, Navy and Marine Corps	368,540	366,346	367,863	367,863
Reduction	—	-733	—	—
Total New BA	368,540	365,613	367,863	367,863
Family Housing Construction, Air Force	66,101	78,025	84,804	84,804
Reduction	—	-156	—	—
Total New BA	66,101	77,869	84,804	84,804
Family Housing Ops and Debt, Air Force	502,936	513,792	404,761	404,761
Reduction	—	-1,028	—	—
Total New BA	502,936	512,764	404,761	404,761
Family Housing Construction, Defense-Wide	2,859	—	—	—
Family Housing Ops and Debt, Defense-Wide	49,214	50,464	50,723	50,723
Reduction	—	-101	—	—
Total New BA	49,214	50,363	50,723	50,723
DOD Family Housing Improvement Fund	2,600	1,096	2,184	2,184
Reduction	—	-2	—	—
Total New BA	2,600	1,094	2,184	2,184
Homeowners Assistance Fund	323,225	16,515	1,284	1,284
Reduction	—	-33	—	—
Total New BA	323,225	16,482	1,284	1,284
<b>Total, Family Housing</b>	<b>2,258,698</b>	<b>1,819,544</b>	<b>1,694,346</b>	<b>1,694,346</b>
(Appropriations)	2,258,698	1,823,191	1,694,346	1,694,346
(Reductions)	0	-3,647	0	0
<b>Chemical Demilitarization Construction, Defense-wide</b>	151,541	124,971	75,312	75,312
Reduction	—	-250	—	—
Total New BA	<b>151,541</b>	<b>124,721</b>	<b>75,312</b>	<b>75,312</b>
<b>Base Realignment and Closure</b>				

<b>Account</b>	<b>FY2010 Enacted (P.L. 111-117)</b>	<b>FY2011 Full-Year Continuing Appropriation (P.L. 112-10, Div B, Title X)</b>	<b>FY2012 Request</b>	<b>FY2012 House Bill (H.R. 2055)</b>
BRAC,1990	496,768	360,474	323,543	323,543
Rescissions	—	—	—	-100,000
Reduction	—	-721	—	—
<b>Total New BA</b>	<b>496,768</b>	<b>359,753</b>	<b>323,543</b>	<b>223,543</b>
BRAC,2005	7,455,498	2,354,285	258,776	258,776
Rescissions	—	-232,363	—	—
Reduction	—	-4,709	—	—
<b>Total New BA</b>	<b>7,455,498</b>	<b>2,117,213</b>	<b>258,776</b>	<b>258,776</b>
<b>Total, BRAC</b>	<b>7,952,266</b>	<b>2,476,966</b>	<b>582,319</b>	<b>482,319</b>
(Appropriations)	7,952,266	2,714,759	582,319	582,319
(Rescissions)	—	-232,363	—	-100,000
(Reductions)	—	-5,430	—	—
<b>Grand Total, Title I</b>	<b>23,279,950</b>	<b>16,587,773</b>	<b>14,766,047</b>	<b>14,014,047</b>
(Appropriations)	24,215,437	17,449,285	14,766,047	14,402,447
(Rescissions)	-406,396	-826,613	—	-388,400
(Reductions)	-529,091	-34,899	—	—

**Source:** H.Rept. 111-366; P.L. 112-10; DOD Budget Justification Material, FY2012; H.R. 2055.

**Table A-2. OCO Military Construction Appropriations Act Counts, FY2010-FY2012**  
(budget authority in thousands of dollars)

<b>Account</b>	<b>FY2010 Enacted (P.L. 111-117)</b>	<b>FY2011 Full-Year Continuing Appropriation (P.L. 112-10, Div B, Title X)</b>	<b>FY2012 Request</b>	<b>FY2012 House Bill (H.R. 2055)</b>
Military Construction, Army	924,484	981,346	—	—
Military Construction, Army (Emergency)	—	—	—	—
Military Construction, Air Force	474,500	195,006	—	—
Military Construction, Air Force (Emergency)	—	—	—	—
Military Construction, Defense- wide	—	46,500	—	—
Military Construction, Defense- wide (Emergency)	—	—	—	—
<b>Grand Total, Title IV</b>	<b>1,398,984</b>	<b>1,222,852</b>	<b>—</b>	<b>—</b>

**Source:** H.Rept. 111-366; P.L. 112-10; DOD Budget Justification Material, FY2012; H.R. 2055.

## **Author Contact Information**

Daniel H. Else  
Specialist in National Defense  
delse@crs.loc.gov, 7-4996