

FY2024 NDAA: Military Construction and Housing Authorizations

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The Biden Administration’s Fiscal Year 2024 (FY2024) budget requested **\$16.675 billion** for U.S. Department of Defense (DOD) Military Construction (MILCON) accounts, which included funding for Military Construction and Family Housing programs. The funding requested was 12.4% percent less than the FY2023 enacted amount.

The House Armed Services Committee-reported version of an FY2024 NDAA (H.R. 2670; H.Rept. 118-125) would have authorized **\$17.475 billion** for DOD’s MILCON programs—\$800 million (4.8%) more than requested. Of that amount, H.R. 2670 would have authorized 26 earmarks, known as **Community Project Funding** items, totaling \$480 million.

The Senate Armed Services Committee-reported FY2024 NDAA (S. 2226; S.Rept. 118-58) would have authorized **\$16.675 billion** for DOD’s MILCON programs, as requested. S. 2226 did not contain any earmarks, known as Congressionally Directed Spending items.

Congress passed the FY2024 NDAA (P.L. 118-31; H.Rept. 118-301), which **became law** on December 22, 2023. The law authorized **\$18.175 billion** for Military Construction (MILCON) accounts—\$1.5 billion more (9.0%) more than the Biden Administration’s request. Of that amount, the law contained 25 Community Project Funding items totaling **\$559.4 million**. See **Table 1**.

Table 1. FY2024 NDAA Funding Authorizations for Selected Military Construction Accounts

(in thousands of dollars of discretionary budget authority)

Account	FY2024 Request	House Authorized	Senate Authorized	Enacted
Military Construction, Army	\$1,470,555	\$1,803,165	1,644,779	\$1,912,289
Military Construction, Navy	\$6,022,187	\$5,412,514	4,668,487	\$5,304,040
Military Construction, Air Force	\$2,605,314	\$3,045,314	3,071,814	\$3,158,014

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Account	FY2024 Request	House Authorized	Senate Authorized	Enacted
Military Construction, Defense-wide	\$2,984,682	\$2,856,147	\$3,162,706	\$3,198,571
Military Construction, Army National Guard	\$340,186	\$590,942	\$650,568	\$732,078
Military Construction, Army Reserve	\$107,076	\$225,076	\$170,076	\$234,076
Military Construction, Navy and Marine Reserve	\$51,291	\$66,291	\$51,291	\$66,291
Military Construction, Air National Guard	\$178,722	\$331,064	\$322,292	\$361,265
Military Construction, Air Force Reserve	\$291,572	\$344,072	\$309,572	\$346,572
NATO Security Investment Program	\$293,434	\$293,434	\$293,434	\$343,434
Family Housing ^a	\$1,933,644	\$1,960,644	\$1,933,644	\$1,972,033
Family Housing Improvement Fund (FHIF)	\$6,611	\$6,611	\$6,611	\$6,611
Unaccompanied Housing Improvement Fund (UHIF)	\$496	\$496	\$496	\$496
Base Realignment and Closure ^b	\$389,174	\$539,174	\$389,174	\$539,174
Total Division B, Military Construction	\$16,674,944	\$17,474,944	\$16,674,944	\$18,174,944

Source: U.S. Congress, Conference Committee, *National Defense Authorization Act for Fiscal Year 2024*, conference report to accompany H.R. 2670, 118th Cong., 1st sess., H.Rept. 118-301, December 6, 2023, pp. [1391-1392](#). For House and Senate authorized budget numbers, see funding tables in H.Rept. 118-125, Sec. 4601; and S.Rept. 118-58, Sec. 4601.

Notes:

- a. Family Housing amounts reflect a subtotal of amounts for the following accounts: Family Housing Construction, Army; Family Housing Operation & Maintenance, Army; Family Housing Construction, Navy and Marine Corps; Family Housing Operation & Maintenance, Navy and Marine Corps; Family Housing Construction, Air Force; Family Housing Operation & Maintenance, Air Force; Family Housing Operation & Maintenance, Defense-Wide.
- b. Base Realignment and Closure amounts reflect a subtotal of amounts for the following accounts: Base Realignment and Closure—Army, Base Realignment and Closure—Navy; Base Realignment and Closure—Air Force; and Base Realignment and Closure—Defense-Wide.

Selected Policy Provisions

Policy provisions in the FY2024 NDAA that may affect military construction and housing programs include the following:

Military Construction

[Section 2801](#) amended [10 U.S.C. §2391](#) to make the Defense Community Infrastructure Pilot (DCIP) program permanent.

[Section 2802](#) modified thresholds for minor MILCON as codified in [10 U.S.C. §2805](#) to define an unspecified minor MILCON project as a construction project that has an approved cost equal to or less than \$9 million.

[Section 2805](#) created [10 U.S.C. §2817](#), expanding authority to use O&M funds for certain MILCON projects in friendly foreign countries if the projects support air or sea ports of debarkation, or rail or other logistical support locations.

[Section 2807](#) granted authority to utilize cost-plus incentive-fee contracting for MILCON projects associated with the [Sentinel](#) intercontinental ballistic missile weapons system.

[Section 2810](#) raised the threshold for minor MILCON projects in the Indo-Pacific Command (INDOPACOM) area of operations to define an unspecified minor MILCON project as one that has an approved cost up to \$15 million. The law also authorized \$62 million for unspecified minor MILCON in INDOPACOM.

Privatized Housing

[Section 2821](#) establishes a DOD Military Family Readiness Working Group for Military Housing.

[Section 2822](#) amended [10 U.S.C. §2878\(f\)\(2\)](#), requiring DOD to notify Congress when negotiating with a privatized housing company for the extension of any ground lease of property. The provision requires notification about whether the privatized housing company is in compliance with the Military Housing Privatization Initiative (MHPI) Tenant Bill of Rights codified at [10 U.S.C. §2890](#). The provision also prohibits [certain payments](#) to MHPI companies unless DOD determines that the company is in compliance with the MHPI Tenant Bill of Rights.

[Section 2823](#) requires MHPI companies to notify tenants about a proposed nondisclosure agreement and provide a waiting period of 10 business days so tenants may seek legal counsel before being required to sign such an agreement.

[Section 2825](#) requires the Secretary of Defense to implement the recommendations made in an April 2023 [report](#) from the U.S. Government Accountability Office.

Unaccompanied Housing

[Section 2831](#) amended [10 U.S.C. §2856](#) to require the Secretary of Defense to establish and enforce standards for DOD unaccompanied housing facilities regarding design, floor space, and level of maintenance required. The provision requires that all housing assigned to servicemembers meet the new requirements within two years of the law's enactment.

[Section 2832](#) required the Secretary of Defense to establish standards for unaccompanied housing facilities regarding condition; safety and security; and “habitability, health and environmental comfort.”

[Section 2833](#) modified the procedures for a military department to waive requirements related to unaccompanied housing standards. The provision created [10 U.S.C. 2856a](#), requiring the Secretary of a military department to approve any such waivers and stipulates that the Secretary may do so only after exhausting options that include a) use of available privately-owned military housing; b) modifying the “unit integrity” policies that typically require servicemembers from the same unit to live in the same housing facility; and c) authorizing servicemembers to receive a Basic Allowance for Housing (BAH).

[Section 2834](#) required the Secretary of Defense to submit annual certifications that the repairs and improvements needed for unaccompanied housing facilities do not exceed 20% of the total replacement costs of such facilities, a standard set by [current DOD policy](#).

[Section 2835](#) authorized a pilot program for replacing substandard enlisted barracks using O&M or unspecified minor MILCON funding.

[Section 2836](#) required the establishment a civilian employee at the housing office at each military installation to oversee unaccompanied housing facilities and related issues.

[Section 2837](#) requires the Secretary of Defense to issue rules for managing work orders related to maintenance work for unaccompanied housing facilities and to establish performance metrics to track the maintenance work performed.

[Section 2838](#) requires the establishment of a DOD-wide index for evaluating the condition of unaccompanied housing facilities.

[Section 2839](#) requires annual reports to Congress on the condition of unaccompanied military housing facilities based on the uniform index required under [Section 2838](#).

[Section 2840](#) requires the Secretary of Defense to notify Members of Congress if the Secretary enters into any agreement that provides DOD housing facilities for use by another federal agency in the Member's district.

[Section 2841](#) required DOD to eliminate the use of waivers for construction standards for new unaccompanied housing facilities.

Installation Management

[Section 2851](#) required the Secretary of Defense to initiate standardization of rules for installation access across DOD.

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