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HASC Communications Office (202) 225-2539

## **The National Defense Authorization Act for Fiscal Year 2013 Highlights of H.R. 4310**

The National Defense Authorization Act for Fiscal Year 2013 (FY13 NDAA), H.R. 4310, passed the House Armed Services Committee by a **bipartisan 56-5** vote on May 10, 2012. The legislation **provides the pay, funding and authorities for America's men and women in uniform**, and is the key mechanism by which Congress fulfills its primary constitutional responsibility to **"provide for the common defense."**

In the legislation, Chairman McKeon and members of the House Armed Services Committee show their commitment to:

- Restore fiscal sanity to a defense budget that is inconsistent with the threats America faces;
- Keep faith with America's men and women in uniform;
- Align our military posture in a dangerous world; and
- Rebuild a force after a decade at war.

### **RESTORING STRATEGY AND SANITY TO THE DEFENSE BUDGET**

*The FY13 NDAA begins to restore fiscal sanity to the defense budget, reflecting concern about America's mounting debt, but also ensuring that our armed forces have the resources they need to meet an increasingly dangerous world. It also recognizes that the military has absorbed 50% of deficit reduction efforts to date, though it comprises only 20% of the federal budget.*

**AUTHORIZED FUNDING LEVELS** - The bill authorizes **funding for National Defense at \$554.2 billion** for the Base Budget, and **\$88.5 billion for overseas contingency operations**. This level of funding is **consistent with the House-passed Budget**. It is \$3.7 billion above the President's budget request, and is an incremental step to address the \$46 billion decrease when considering where the President proposed National Defense would be for fiscal year 2013 in last year's budget.

Both the President's budget request and the House-passed budget authorized National Defense above the Budget Control Act (BCA); however, in crafting the House budget, the House was careful to identify other non-defense sources to accommodate the needed increase in national security accounts while reducing overall funding below the BCA cap.

### **KEEPING FAITH WITH THE WARFIGHTER AND MILITARY FAMILIES**

*The FY13 NDAA provides our war fighters and their families with the care and support they need, deserve, and have earned; while ensuring that proposed drawdown plans do not cut to the heart of the Army and Marine Corps. Vital provisions include:*

**TROOP PAY** - The FY13 NDAA authorizes a **1.7% pay increase** and extends bonuses and special pay for our men and women in uniform.

**TRICARE** - The FY13 NDAA restates the firmly-held sense of Congress that prior service to our nation is a prepayment of healthcare benefits in retirement. As such, it rejects the President's proposal to increase some TRICARE fees and establish new TRICARE fees. The President' budget proposed more than doubling pharmacy co-pays, an annual enrollment fee for the TRICARE for Life benefit for Medicare-eligible retirees, income-based enrollment fees for TRICARE Prime, and an annual enrollment fee for TRICARE Standard and Extra and raising

TRICARE Standard and Extra deductibles. In contrast, the FY13 NDAA includes a modest increase in TRICARE pharmacy co-pays in 2013 and a cap on pharmacy co-pays beginning in 2014 that would allow fees to rise by no more than the annual retiree COLA. This is offset by a 5-year pilot program that requires TRICARE for life recipients to obtain refills of maintenance drugs through the TRICARE mail-order program.

- **Limiting Troop Reductions.** As the size of the military is reduced, the FY13 NDAA caps the number of troops that can be separated from the force in a single year. The bill also mandates that in the future, funding for troops designated for separation must be part of Department of Defense's (DOD) base budget and not carried in accounts for contingency operations.
- **Combating Sexual Assault.** The FY13 NDAA reflects a bipartisan effort to provide significant new regulations and procedures for combating and prosecuting sexual assault within the military.
- **Military Chaplains.** Includes a religious freedom conscience clause for military chaplains and service members.

### ALIGNING MILITARY POSTURE IN A DANGEROUS WORLD

*The NDAA ensures that America's military is robust, flexible, and capable. The bill will provide our warfighters with the time, resources, and authorities they need to win the war in Afghanistan and continue to prosecute the wider War on Terror. In addition the NDAA:*

**DETAINEES** - This year, through the incorporation of the **Right to Habeas Corpus Act**, the bill makes clear beyond a shadow of a doubt that every American will have his day in court. The FY13 NDAA also **prohibits the transfer of detainees from Guantanamo Bay to the United States** and prohibits use of funds to house Guantanamo terrorist detainees in the United States. As terrorists have decentralized and sought new safe havens from which to carry out attacks on U.S. soil, Congress acted last year to ensure our military men and women risking their lives to defend us from such attacks on are on solid legal ground. Last year the FY12 NDAA reaffirmed the authority to go after terrorists who are part of or substantially supporting al Qaeda, the Taliban, or associated forces.

**AFGHANISTAN** – The FY13 NDAA requires the President to notify Congress of any planned force reductions in Afghanistan prior to any public announcement of such a decision. Notification would include assessment of conditions on the ground that enable such a force reduction, including the relevant security risks associated with the reduction in force levels, and an assessment of the operational capability of the Afghan National Security Forces (ANSF).

The FY13 NDAA also includes a Sense of Congress that we should: maintain security gains as the U.S. transitions security to the Afghans; transition to advise and assist at the earliest as conditions on the ground allow; and not maintain an indefinite combat mission. The President should: consider our Commander on the ground's assessment for a combat presence through 2013; maintain a force of at least 68,000 through 2014 unless fewer forces achieves objectives (68,000 is the post surge withdrawal level expected this September 2012); and maintain troop presence and funding sufficient to advise and assist the ANSF after 2014.

- **Force Protection.** Prohibits use of private security contractors for force protection of US troops in Afghanistan.
- **Special Operations.** Enables Special Operations Forces to sustain the current fight and rebalance across the globe where appropriate to counter and mitigate threats, and work with partner nations. Preserves and institutionalizes other capabilities such as irregular warfare and security force assistance within the services and U.S. Special Operations Command.
- **North Korea, China, Iran.** Requires Combatant Commanders to give their assessment of capability gaps against North Korea, China, and Iran.
- **Iran.** Reinforces the United States' commitment to use all elements of national power to prevent Iran from acquiring a nuclear weapon and enhances the credibility of the military option, should it prove necessary.

- **Support for Israel.** Supports key allies, including Israeli Cooperative Missile Defense programs like Iron Dome.
- **Pakistan.** Freezes security assistance funding to Pakistan until Pakistan reopens vital supply routes to U.S. troops in Afghanistan.
- **Nuclear Modernization, Oversight and NNSA Reform.** Modernizes and supports DOD's nuclear forces, including intercontinental ballistic missiles and nuclear bombers and the Navy's strategic submarines and submarine-launched ballistic missiles. Strengthens congressional oversight of the nation's nuclear weapons war plan. Reforms the National Nuclear Security Administration's governance and management systems to make the agency more independent and efficient.
- **Homeland Missile Defense.** Supports a robust national missile defense, including \$100 million for an East Coast third site for national missile defense to align with the rising threat from Iran.
- **Space.** Provides additional funding for national security space programs, approximately \$50 million above the Administration's request.
- **Cyber.** Increases oversight on development of cyber operations capabilities.
- **Science and Technology.** Supports several key areas of science and technology investments to ensure the Department meets future defense needs.
- **Audit Readiness.** Implements recommendations from the HASC Financial Management and Auditability Reform Panel that will improve execution and management of Department of Defense Enterprise Resource Planning systems.

### **REBUILDING A MILITARY TESTED BY A DECADE AT WAR**

*The bill restores and retains vital systems, platforms, and authorities needed to maintain America's combat power after a decade of war while declining to take up Administration requests, such as two rounds of base closure, which could damage vital military infrastructure. In addition, the NDAA:*

- **Preserves Air National Guard Aircraft & Manpower.** In contrast to the President's budget proposal, the FY13 NDAA preserves tactical airlift crucial to DOD's ability to support warfighters on the ground with agile combat support, such as C-130 Hercules, C-23 Sherpas, and C-27J Spartan aircraft proposed for early retirement. Maintains close air support and ground interdiction capabilities provided by A-10 Warthogs and F-16 Fighting Falcons slated for premature divestment prior to the forecasted service-life end of each aircraft. The Committee believes these assets remain vital to governors who have important roles as first responders in times of crisis.
- **Navy Cruisers.** Restores three of the four Navy cruisers proposed for early retirement in Fiscal Year 2013, each of the cruisers has more than a decade of useful service left, and can help make up the lack of combat power behind the President's "pivot" to Asia.
- **Global Hawk.** Retains the Air Force's Global Hawk Block 30 unmanned intelligence, surveillance, and reconnaissance aircraft as they support the deployed warfighter, rather than shifting this asset to storage.
- **Counter-IED.** Supports counter-IED funding for the warfighter.
- **Heavy Armor.** Sustains America's heavy armored production base by maintaining minimum sustained production of Abrams tanks, Bradley fighting vehicles, and Hercules recovery vehicles.
- **Airborne Electronic Warfare.** Maintains the option for additional airborne electronic warfare capabilities by supporting advance procurement for the EA-18G.
- **Army Ground Combat.** Fully funds the Army Ground Combat Vehicle development program.
- **Aircraft.** Fully funds requests for 50 AH-64 Apaches, 59 UH-60 Blackhawks, and 44 CH-47 Chinooks, 29 F-35 Lightning II aircraft, 26 F-18 E/F Super Hornets, V-22 aircraft, 36 MQ-9 Reaper UAS.
- **Submarines.** Authorizes a multi-year procurement for up to 10 Virginia-class submarines.
- **Destroyers.** Authorizes a multi-year procurement for up to 10 DDG-51 Arleigh Burke class destroyers.

**COMPETITION AND INNOVATION** - The FY13 NDAA introduces bipartisan reforms aimed at the way the Defense Department interacts with the private sector, **opening more opportunities for small businesses, increasing competition, and spurring innovation.** The bill requires the Secretary of Defense to report to

Congress on areas of risk within the defense industrial base. It also requires the Secretary to develop a national security strategy for the industrial base and eliminates obstacles to small business competition for Defense Department initiatives. The measure also restores a long-standing balance of depot-level maintenance between the Defense Department and the private sector.

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**COURTESY OF HOUSE ARMED SERVICES COMMITTEE  
CHAIRMAN BUCK MCKEON (R-CA)**