SEC. 120. FORD CLASS AIRCRAFT CARRIER PROCUREMENT.

(a) CONTRACT AUTHORITY FOR CONSTRUCTION OF AIRCRAFT CARRIERS DESIGNATED AS CVN-78, CVN-79, AND CVN-80.—In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN-21 class aircraft carrier designated CVN-78, CVN-79 or CVN-80, the Secretary of the Navy may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding four fiscal years, in the case of the vessel designated CVN-78, and the succeeding five fiscal years, in the case of the vessels designated CVN-79 and CVN-80.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 121 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104) is repealed.

Section-by-Section Analysis

This proposal would allow the Secretary of the Navy to enter into a contract for construction of CVN-21 class aircraft carrier, designated CVN-79, that is funded by the Department of the Navy (DON) incrementally over six years, starting in fiscal year (FY) 2013. Currently, the Navy has statutory authority to incrementally fund construction of all three ships of the CVN 21 class (CVN-78, -79, and -80) over five years. Section 121 of the John Warner National Defense Authorization Act (NDAA) for FY 2007 provides for construction funding over four years, and section 124 of the NDAA for FY 2012 amended section 121 by extending construction funding by another year, for a total of five years. However, based on revised funding profile, the CVN-79 requires six years of incremental funding. For CVN-78, the current authority for five years is sufficient and retained by this proposal.

This proposal would also allow the Secretary of the Navy to enter into a contract for construction of CVN-21 class aircraft carrier, designated CVN-80, funded incrementally over six

years, starting in FY 2018. With two prior years of advance procurement funding, CVN-80 would be funded over a total of eight years, consistent with Office of Management and Budget guidance.

This proposal would: (1) support the optimal build profile that minimizes overall construction cost; (2) provide sufficient margin to meet key operation timelines; and (3) meet affordability requirements within a fiscally constrained environment.

Budgetary Implications: This proposal supports the FY 2013 President's Budget funding profile, which fully funds the estimated cost of the CVN-79 from FY 2013 to FY 2018

RESOURCE REQUIREMENTS ($MILLIONS)								
	FY 2013	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
Carrier Replacement (Full Funding)	608.2	666.1	2,999.1	979.4	1,823.8	SCN	02	0001
Carrier Replacement (Advance Procurement)	0	0	0	682.8	1,043.8			
Total	608.2	666.1	2999.1	1662.2	2867.6			

Changes to Existing Law: This proposal would make the following change to existing law:

Section 121 of the John Warner National Defense Authorization Act for Fiscal Year 2007
(Public Law 109-364; 120 Stat. 2104)

~~SEC. 121. CVN-21 CLASS AIRCRAFT CARRIER PROCUREMENT.~~

~~(a) Contract Authority for Construction.--In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN-21 class aircraft carrier designated CVN-78, CVN-79, or CVN-80, as applicable, the Secretary may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding three fiscal years.~~

~~(b) Condition for Out-Year Contract Payments.--A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.~~

~~(c) Repeal of Superceded Provision.--Section 128 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3159) is repealed.~~