H.R. 1540 – FY12 NATIONAL DEFENSE AUTHORIZATION BILL

SUBCOMMITTEE ON TACTICAL AIR AND LAND FORCES

Title I Procurement

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SUMMARY OF BILL LANGUAGE

Titles 1, 2
TITLE I—PROCUREMENT

SUBTITLE B—ARMY PROGRAMS

Section 112—Limitation on Procurement of Stryker Combat Vehicles

This section would limit the procurement of Stryker Combat Vehicles to not more than 100 vehicles unless the Secretary of the Army submits a waiver.

Section 113—Multiyear Procurement Authority for Airframes for Army UH-60M/HH-60M Helicopters and Navy MH-60R/MH-60S Helicopters

This section would authorize the Secretary of the Army to enter a multiyear procurement contract in accordance with section 2306b of title 10, United States Code, for up to 5 years for UH-60M/HH-60M helicopter airframes and, acting as the executive agent for the Department of the Navy, for MH-60R/S airframes.

SUBTITLE C—NAVY PROGRAMS

Section 123—Multiyear Procurement Authority for Mission Avionics and Common Cockpits for Navy MH-60R/S Helicopters

This section would authorize the Secretary of the Navy to enter into one or more multiyear procurement contracts in accordance with section 2306b of title 10, United States Code, for up to 5 years for MH-60R/S mission avionics and common cockpits.

SUBTITLE E—JOINT AND MULTISERVICE MATTERS

Section 141—Joint Improvised Explosive Device Defeat Fund

This section would require the Director, Joint Improvised Explosive Device Defeat Organization to continue to provide a report to the congressional defense committees on the Joint Improvised Explosive Device Defeat Fund that details the monthly commitments, obligations, and expenditures by lines of operation.

Section 143—Limitation on Availability of Funds for Acquisition of Joint Tactical Radio System

This section would limit the obligation of funds of the Joint Tactical Radio System to not more than 70 percent of the requested amount until the Secretary of the Army submits to the congressional defense committees written certification that the acquisition strategy for full rate production includes full and open competition.
Section 211—Limitation on Availability of Funds for the Ground Combat Vehicle Program

This section would limit obligation or expenditure of funds to not more than 70 percent for the Ground Combat Vehicle (GCV) program until the Secretary of the Army provides a report to the defense committees containing an updated analysis of alternatives that includes a quantitative comparison of the most current upgraded Bradley Fighting Vehicle and other alternatives against the revised GCV design concept.

The committee continues to support the Army's goal of pursuing a modernized combat vehicle. However, before the Army starts another major development program that could cost over $30.0 billion, the committee must be convinced that the GCV will be significantly more capable than an upgraded version of current fielded platforms. The committee understands that the Army wants the GCV to carry three additional soldiers, but the committee believes that should not be the primary attribute that drives the decision on continuing the project on its current path. The committee believes that the GCV program should not proceed beyond the technology development phase unless the committee's issues and concerns are addressed.

Section 212—Limitation on the Individual Carbine Program

This section would require the Secretary of the Army to conduct a robust and comprehensive analysis of alternatives (AOA) assessment, similar to a cost and operational effectiveness analysis for the Individual Carbine (IC) program. The section would also prohibit the IC program from moving beyond its milestone C decision point until such analysis has occurred and has been reported to the congressional defense committees not later than 90 days after enactment of this Act.

The committee expects the AOA to evaluate the operational effectiveness and affordability of system alternatives that satisfy the Army's needs for a primary small arms weapon system, highlighting the relationship between cost, schedule, and performance. The committee believes this AOA should include commercial off-the-shelf solutions, solutions requiring minimal developmental efforts, and current programs of record. The committee expects that for each alternative, the analysis would detail implications for doctrine, organizations, training, leadership and education, personnel, and facilities.

The committee understands the objective of the IC program is to procure and field a carbine that can achieve greater accuracy, lethality, and reliability than the
existing M4 carbine, while also providing better ergonomics, and use current accessory items or accessory items with like-capabilities. The committee notes that this program could potentially be worth over $1.0 billion and could replace all M4 carbines in the current inventory. Because of the value and significance of this program, the committee believes an analysis of alternatives is required before any production decision is made.

The committee is also aware that the Army is initiating a competitive product improvement program (PIP) as a near-term solution for system upgrades to the M4 carbine and encourages the Secretary of the Army to consider these product improvements as part of the required AOA. The committee encourages the Secretary of the Army to consider evaluating commercial-off-the-shelf solutions as part of any PIP solution.

Section 215—Limitation on Obligation of Funds for the Propulsion System for the F-35 Lightning II Program

This section would limit the obligation or expenditure of funds for performance improvements to the F-35 Lightning II propulsion system unless the Secretary of Defense ensures the competitive development and production of such propulsion system. This section would define the term "performance improvement," with respect to the propulsion system for the F-35 Lightning II aircraft program, as an increase in fan or core engine airflow volume or maximum thrust in military or afterburner setting for the primary purpose of improving the take-off performance or vertical load bring back of such aircraft, and would not include development or procurement improvements with respect to weight, acquisition cost, operations and support costs, durability, manufacturing efficiencies, observability requirements, or repair costs.

Section 219—Advanced Rotorcraft Flight Research and Development

This section would authorize the Secretary of the Army to conduct a program for flight research and demonstration of advanced helicopter technology in accordance with section 2226(f)(3) of title 10, United States Code.
BILL LANGUAGE

Titles 1, 2
SEC. 1A. LIMITATION ON PROCUREMENT OF STRYKER COMBAT VEHICLES.

(a) LIMITATION.—Except as provided by subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for weapons and tracked combat vehicles, Army, the Secretary of the Army may not procure more than 100 Stryker combat vehicles.

(b) WAIVER.—The Secretary of the Army may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification by the Assistant Secretary of the Army for Acquisition, Technology, and Logistics that—

(1) there are validated needs of the Army requiring the waiver;

(2) all Stryker combat vehicles required to fully equip the nine Stryker brigades and to meet other validated requirements regarding the vehicle have been procured or placed on contract for procurement;

(3) the size of the Stryker combat vehicle fleet not assigned directly to Stryker brigade combat teams is essential to maintaining the readiness of Stryker brigade combat teams; and
With respect to the Stryker combat vehicles planned to be procured pursuant to the waiver, cost estimates are complete for the long-term sustainment of the vehicles.
SEC. 1. MULTIYEAR PROCUREMENT AUTHORITY FOR

AIRFRAMES FOR ARMY UH-60M/HH-60M HELICOPTERS AND NAVY MH-60R/MH-60S HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of airframes for UH-60M/HH-60M helicopters and, acting as the executive agent for the Department of the Navy, for the procurement of airframes for MH-60R/MH-60S helicopters.

(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 a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.
SEC. 123. MULTYEAR PROCUREMENT AUTHORITY FOR MISSION AVIONICS AND COMMON COCKPITS FOR NAVY MH-60R/S HELICOPTERS.

(a) AUTHORITY FOR MULTYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of mission avionics and common cockpits for MH-60R/S helicopters.

(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 a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.
SEC. 1. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.


(b) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2012, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.
SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OF JOINT TACTICAL RADIO SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for other procurement, Army, for covered programs of the joint tactical radio system, not more than 70 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees written certification that the acquisition strategy for the full-rate production of covered programs of such radio system includes full and open competition (as defined in section 2302(3)(D) of title 10, United States Code) that includes commercially developed systems that the Secretary determines are qualified with respect to successful testing by the Army and certification by the National Security Agency.

(b) LRIP.—The limitation under subsection (a) shall not apply to the low-rate initial production of covered programs.

(c) COVERED PROGRAMS.—In this section, the term "covered programs" means, with respect to the joint tactical radio system, the following:

(1) The ground mobile radio.
The handheld, manpack, and small form fit.
SEC. 2. LIMITATION ON AVAILABILITY OF FUNDS FOR THE GROUND COMBAT VEHICLE PROGRAM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Army, for the ground combat vehicle program, not more than 70 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees a report containing an updated analysis of alternatives, including a quantitative analysis, of such program that compares the vehicle survivability, force protection, mobility, and other key capabilities of—

(1) each alternative to the ground combat vehicle, including the upgraded Bradley fighting vehicle that was included in the original analysis of alternatives of such program; and

(2) the revised ground combat vehicle design concept.
SEC. 216.-LIMITATION ON THE INDIVIDUAL CARBINE PROGRAM.

(a) LIMITATION.—Notwithstanding any other provision of law, and except as provided by subsection (b), the individual carbine program may not receive Milestone C approval (as defined in section 2366(e)(8) of title 10, United States Code) until the date on which the Secretary of the Army submits to the congressional defense committees an analysis of alternatives of such program, including, at a minimum, comparisons of the capabilities and costs of—

(1) commercially available weapon systems as of the date of the analysis, including complete weapon systems and kits to apply to existing weapon systems; and

(2) weapon systems that are fielded as of the date of the analysis that include any required improvements.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification that the waiver is in the national security interests of the United States because such limitation is delaying the fielding of capabilities that address urgent...
1 operational needs with respect to combat theaters of operations.
SEC. 2/5. LIMITATION ON OBLIGATION OF FUNDS FOR THE PROPULSION SYSTEM FOR THE F-35 LIGHTNING II AIRCRAFT PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the propulsion system for the F-35 Lightning II aircraft program may be obligated or expended for performance improvements to such propulsion system unless the Secretary of Defense ensures the competitive development and production of such propulsion system.

(b) PERFORMANCE IMPROVEMENT DEFINED.—In this section, the term "performance improvement", with respect to the propulsion system for the F-35 Lightning II aircraft program, means an increase in fan or core engine airflow volume or maximum thrust in military or afterburner settings for the primary purpose of improving the takeoff performance or vertical load bring back of such aircraft. The term does not include development or procurement improvements with respect to weight, acquisition costs, operations and support costs, durability, manufacturing efficiencies, observability requirements, or repair costs.
SEC. 219. ADVANCED ROTORCRAFT FLIGHT RESEARCH AND DEVELOPMENT.

(a) PROGRAM REQUIRED.—The Secretary of the Army may conduct a program for flight research and demonstration of advanced rotorcraft technology.

(b) GOALS AND OBJECTIVES.—The goals and objectives of the program authorized by subsection (a) are as follows:

(1) To flight demonstrate the ability of advanced rotorcraft technology to expand the flight envelope and improve the speed, range, ceiling, survivability, reliability, and affordability of current and future rotorcraft of the Department of Defense.

(2) To mature advanced rotorcraft technology and obtain flight-test data to—

(A) support the assessment of such technology for future rotorcraft platform development programs of the Department; and

(B) have the ability to add such technology to the existing rotorcraft of the Department to extend the capability and life of such rotorcraft until next-generation platforms are fielded.

(c) ELEMENTS OF PROGRAM.—The program authorized by subsection (a) shall include—
(1) integration and demonstration of advanced rotorcraft technology to meet the goals and objectives described in subsection (b); and

(2) flight demonstration of the advanced rotorcraft technology test bed under the experimental airworthiness process of the Federal Aviation Administration or other appropriate airworthiness process approved by the Secretary of Defense.

(d) QUALIFIED CONTRACTOR.—

(1) IN GENERAL.—The Secretary of the Army may award a contract for the program authorized by subsection (a) to a contractor that—

(A) has demonstrated the capability to design, fabricate, qualify, and flight test experimental rotorcraft; and

(B) maintains a reasonable level of aircraft flight risk liability insurance that names the Federal Government as an additional insured party.

(2) SMALL BUSINESS CONCERN.—In awarding a contract under paragraph (1), the Secretary shall fully consider proposals submitted by small business concerns (as defined in section 2226(f)(3) of title 10, United States Code).
SUMMARY OF DIRECTIVE REPORT
LANGUAGE

Titles 1, 2
TITLE I—PROCUREMENT
Airborne Reconnaissance Low
Body armor investment strategy

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
Active protection systems technology development
Status of Future Combat Systems contract actions
Vertical lift consortium
DIRECTIVE REPORT LANGUAGE

Titles 1, 2
TITLE I—PROCUREMENT

Airborne Reconnaissance Low

The Airborne Reconnaissance Low (ARL) is a multifunction, day/night, all weather DHC-7 fixed-wing reconnaissance aircraft. The Army is evaluating options to modernize the ARL fleet. The committee directs the Secretary of the Army to provide a report to the congressional defense committees, the Senate Select Committee on Intelligence, and the House Permanent Select Committee on Intelligence on the current state of the ARL fleet, including reliability and maintainability within 90 days after the date of the enactment of this Act. The report should also include a review of the options currently under consideration for major ARL modernization programs.

Body armor investment strategy

The committee notes that section 141 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) required the Secretary of Defense to establish procurement line items and research and development program elements for body armor programs. The committee notes the Secretary of Defense has failed to establish procurement line items and as a result, the committee is concerned about the long term investment strategy for body armor. The committee understands that under the Department’s existing budgetary policy, funding to procure body armor, clothing, and other personal protective gear is typically included in the Operation and Maintenance appropriations account and is categorized as an “expendable” item. The committee is aware that the O&M appropriation accounts allow for greater flexibility in funding based on dynamic annual program requirements. The committee also notes that establishing a separate, procurement line item would not prevent the Department from continuing to use the O&M appropriation for sustainment purposes or limit the military departments’ ability to use rapid acquisition authorities to ensure the fastest possible exploitation of body armor material improvements, production, or fielding.

The committee believes that establishing an individual procurement line item would generate better accountability and transparency in long term planning, programming, and investment by the military services for the acquisition of body armor. Further, a long term investment strategy based on future requirement estimates could better position the body armor industrial base to rapidly respond to new threats or requirements as well as accelerate the amount of industry investment to further advancements in survivability and weight reduction.

Therefore, the committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to notify the congressional defense committees in writing beginning 90 days after the date of enactment of this Act on the actions being taken by the Department to comply with the creation of a
procurement line item required by section 141 of the National Defense Authorization Act for Fiscal Year 2010 or provide justification for having not complied with the requirement. The committee further directs the Under Secretary to review the current definition of "expendable items" and determine whether body armor should still be considered an expendable item rather than a program system and to report the findings to the congressional defense committees within 60 days after the date of enactment of this Act.
Active protection systems technology development

The committee continues to believe that active protection systems (APS) will be a critical component of all future Army and Marine Corps combat vehicles including both tracked and wheeled platforms, due to the anticipated advances in threats, such as missiles, mines, improvised explosive devices, and rocket-propelled grenades. The committee notes that section 216 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), required the Department of Defense to conduct a series of tests of available APS systems, to inform future APS research or procurement decisions. The committee understands that the last of these systems will complete testing in the summer of 2011. The committee notes that several of the systems tested were developed, in part, using Department of Defense research and development funds from the Future Combat Systems program. The other systems tested were foreign or commercially-developed.

The committee believes that the investments in sensor and interception APS technologies to-date should not wasted. The committee notes that future upgrades of Abrams tanks, Bradley Fighting Vehicles, Amphibious Assault Vehicles, as well as new vehicles such as the Ground Combat Vehicle, will likely require the incorporation of APS technology in order to achieve future survivability requirements. For those and other vehicles, the committee encourages the leveraging of effective APS technologies that were developed with past Department of Defense funding, if they meet requirements and are affordable. Therefore, the committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to provide a report to the congressional defense committees by February 28, 2012, that describes the results of the APS testing conducted under section 216 of Public Law 110-181. The report should also identify government-developed APS technologies that could be used to equip combat vehicles and all funds that have been allocated in fiscal year 2013 and beyond to further develop and field these technologies.

Status of Future Combat Systems contract actions

The committee notes that the Army has terminated the Future Combat Systems (FCS) and Early Infantry Brigade Combat Team (EIBCT) development activities after spending approximately $20.0 billion dollars since 2003. The committee understands that the Army has chosen to continue development of multiple legacy FCS systems and capabilities within various funding lines, although precisely which efforts the Army is continuing is still unclear. The committee understands that the termination of these two major programs has resulted in extensive contract termination negotiations with the prime contractor and its
subcontractors, which has an associated cost and timeframe. The committee believes that in order for Congress to make informed funding decisions, the Army must provide an accounting of the FCS legacy efforts that it expects to continue, as well as cost and schedule projections for closing out the original FCS and EIBCT development contracts. Therefore, the committee directs the Secretary of the Army to submit a report to the congressional defense committees by April 1, 2012 that shows all current and projected funding in regards to FCS legacy efforts. The report should include the status of all terminated and pending contract actions resulting from the termination of the FCS and EIBCT programs.

Vertical lift consortium

The committee recognizes the essential role that vertical lift aircraft serve as a critical enabler for the Department’s execution of time-sensitive and terrain-restricted combat and humanitarian missions around the world. The committee notes that the requirements of the combatant commanders for vertical lift capabilities continue to increase. The committee supports the Department’s future vertical lift initiative to improve the long-term state of military vertical lift aircraft. The committee also supports the Department’s efforts to promote the formation of, and its subsequent engagement with the Vertical Lift Consortium (VLC), a non-profit corporation with open membership made up of large, small, and non-traditional U.S. businesses and academia engaged in rotorcraft technology development. The Department established an Other Transaction Agreement (OTA) with the VLC which provides a mechanism for it to receive direct feedback regarding the development of realistic and achievable requirements, and provides a simplified contract vehicle for the competitive award of contracts for the rapid and low-cost flight demonstration of vertical lift technologies responsive to warfighter needs.

The committee notes that despite encouraging the establishment of the VLC, the Department has yet to fund it. The committee encourages the Department to take action to either fund the VLC or to disestablish it in the near future. In addition, the committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit a report to the congressional defense committees by April 1, 2012, that states the Department’s current and future plans for the VLC.