

**H.R. 1540 – FY12 NATIONAL DEFENSE  
AUTHORIZATION BILL**

**SUBCOMMITTEE ON TACTICAL AIR AND LAND  
FORCES**

Title I Procurement

Title II Research, Development, Test, and Evaluation

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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.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### SUBTITLE B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

#### 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**

1 SEC. 112. LIMITATION ON PROCUREMENT OF STRYKER  
2 COMBAT VEHICLES.

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

9 (b) WAIVER.—The Secretary of the Army may waive  
10 the limitation under subsection (a) if the Secretary sub-  
11 mits to the congressional defense committees written cer-  
12 tification by the Assistant Secretary of the Army for Ac-  
13 quisition, Technology, and Logistics that—

14 (1) there are validated needs of the Army re-  
15 quiring the waiver;

16 (2) all Stryker combat vehicles required to fully  
17 equip the nine Stryker brigades and to meet other  
18 validated requirements regarding the vehicle have  
19 been procured or placed on contract for procure-  
20 ment;

21 (3) the size of the Stryker combat vehicle fleet  
22 not assigned directly to Stryker brigade combat  
23 teams is essential to maintaining the readiness of  
24 Stryker brigade combat teams; and

1           (4) with respect to the Stryker combat vehicles  
2           planned to be procured pursuant to the waiver, cost  
3           estimates are complete for the long-term  
4           sustainment of the vehicles.



1 SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR  
2 AIRFRAMES FOR ARMY UH-60M/HH-60M HELI-  
3 COPTERS AND NAVY MH-60R/MH-60S HELI-  
4 COPTERS.

5 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—  
6 Subject to section 2306b of title 10, United States Code,  
7 the Secretary of the Army may enter into one or more  
8 multiyear contracts, beginning with the fiscal year 2012  
9 program year, for the procurement of airframes for UH-  
10 60M/HH-60M helicopters and, acting as the executive  
11 agent for the Department of the Navy, for the procure-  
12 ment of airframes for MH-60R/S helicopters.

13 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-  
14 MENTS.—A contract entered into under subsection (a)  
15 shall provide that any obligation of the United States to  
16 make a payment under the contract for a fiscal year after  
17 fiscal year 2012 is subject to the availability of appropria-  
18 tions for that purpose for such later fiscal year.

1 SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR  
2 MISSION AVIONICS AND COMMON COCKPITS  
3 FOR NAVY MH-60R/S HELICOPTERS.

4 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

5 Subject to section 2306b of title 10, United States Code,  
6 the Secretary of the Navy may enter into one or more  
7 multiyear contracts, beginning with the fiscal year 2012  
8 program year, for the procurement of mission avionics and  
9 common cockpits for MH-60R/S helicopters.

10 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-

11 MENTS.—A contract entered into under subsection (a)  
12 shall provide that any obligation of the United States to  
13 make a payment under the contract for a fiscal year after  
14 fiscal year 2012 is subject to the availability of appropria-  
15 tions for that purpose for such later fiscal year.

1 SEC. 141. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT  
2 FUND.

3 (a) USE AND TRANSFER OF FUNDS.—Subsections  
4 (b) and (c) of section 1514 of the John Warner National  
5 Defense Authorization Act for Fiscal Year 2007 (Public  
6 Law 109-364; 120 Stat. 2439), as in effect before the  
7 amendments made by section 1503 of the Duncan Hunter  
8 National Defense Authorization Act for Fiscal Year 2009  
9 (Public Law 110-417; 122 Stat. 4649), shall apply to the  
10 funds made available to the Department of Defense for  
11 the Joint Improvised Explosive Device Defeat Fund for  
12 fiscal year 2012.

13 (b) MONTHLY OBLIGATIONS AND EXPENDITURE RE-  
14 PORTS.—Not later than 15 days after the end of each  
15 month of fiscal year 2012, the Secretary of Defense shall  
16 provide to the congressional defense committees a report  
17 on the Joint Improvised Explosive Device Defeat Fund ex-  
18 plaining monthly commitments, obligations, and expendi-  
19 tures by line of action.

1 SEC. 1~~42~~<sup>43</sup>. LIMITATION ON AVAILABILITY OF FUNDS FOR  
2 ACQUISITION OF JOINT TACTICAL RADIO  
3 SYSTEM.

4 (a) LIMITATION.—Of the funds authorized to be ap-  
5 propriated by this Act or otherwise made available for fis-  
6 cal year 2012 for other procurement, Army, for covered  
7 programs of the joint tactical radio system, not more than  
8 70 percent may be obligated or expended until the date  
9 on which the Secretary of the Army submits to the con-  
10 gressional defense committees written certification that  
11 the acquisition strategy for the full-rate production of cov-  
12 ered programs of such radio system includes full and open  
13 competition (as defined in section 2302(3)(D) of title 10,  
14 United States Code) that includes commercially developed  
15 systems that the Secretary determines are qualified with  
16 respect to successful testing by the Army and certification  
17 by the National Security Agency.

18 (b) LRIP.—The limitation under subsection (a) shall  
19 not apply to the low-rate initial production of covered pro-  
20 grams.

21 (c) COVERED PROGRAMS.—In this section, the term  
22 “covered programs” means, with respect to the joint tac-  
23 tical radio system, the following:

24 (1) The ground mobile radio.

1 (2) The handheld, manpack, and small form fit.

1 SEC. 211. LIMITATION ON AVAILABILITY OF FUNDS FOR  
2 THE GROUND COMBAT VEHICLE PROGRAM.

3 Of the funds authorized to be appropriated by this  
4 Act or otherwise made available for fiscal year 2012 for  
5 research, development, test, and evaluation, Army, for the  
6 ground combat vehicle program, not more than 70 percent  
7 may be obligated or expended until the date on which the  
8 Secretary of the Army submits to the congressional de-  
9 fense committees a report containing an updated analysis  
10 of alternatives, including a quantitative analysis, of such  
11 program that compares the vehicle survivability, force pro-  
12 tection, mobility, and other key capabilities of—

13 (1) each alternative to the ground combat vehi-  
14 cle, including the upgraded Bradley fighting vehicle  
15 that was included in the original analysis of alter-  
16 natives of such program; and

17 (2) the revised ground combat vehicle design  
18 concept.

1 SEC. 212. LIMITATION ON THE INDIVIDUAL CARBINE PRO-  
2 GRAM.

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

12 (1) commercially available weapon systems as of  
13 the date of the analysis, including complete weapon  
14 systems and kits to apply to existing weapon sys-  
15 tems; and

16 (2) weapon systems that are fielded as of the  
17 date of the analysis that include any required im-  
18 provements.

19 (b) WAIVER AUTHORITY.—The Secretary of Defense  
20 may waive the limitation under subsection (a) if the Sec-  
21 retary submits to the congressional defense committees  
22 written certification that the waiver is in the national secu-  
23 rity interests of the United States because such limitation  
24 is delaying the fielding of capabilities that address urgent

1 operational needs with respect to combat theaters of oper-  
2 ations.



1 SEC. 2 <sup>15</sup>. LIMITATION ON OBLIGATION OF FUNDS FOR  
2 THE PROPULSION SYSTEM FOR THE F-35  
3 LIGHTNING II AIRCRAFT PROGRAM.

4 (a) LIMITATION.—None of the funds authorized to  
5 be appropriated by this Act or otherwise made available  
6 for fiscal year 2012 for the propulsion system for the F-  
7 35 Lightning II aircraft program may be obligated or ex-  
8 pended for performance improvements to such propulsion  
9 system unless the Secretary of Defense ensures the com-  
10 petitive development and production of such propulsion  
11 system.

12 (b) PERFORMANCE IMPROVEMENT DEFINED.—In  
13 this section, the term “performance improvement”, with  
14 respect to the propulsion system for the F-35 Lightning  
15 II aircraft program, means an increase in fan or core en-  
16 gine airflow volume or maximum thrust in military or  
17 afterburner settings for the primary purpose of improving  
18 the takeoff performance or vertical load bring back of such  
19 aircraft. The term does not include development or pro-  
20 curement improvements with respect to weight, acquisition  
21 costs, operations and support costs, durability, manufac-  
22 turing efficiencies, observability requirements, or repair  
23 costs.

1 SEC. 219. ADVANCED ROTORCRAFT FLIGHT RESEARCH  
2 AND DEVELOPMENT.

3 (a) PROGRAM REQUIRED.—The Secretary of the  
4 Army may conduct a program for flight research and dem-  
5 onstration of advanced rotorcraft technology.

6 (b) GOALS AND OBJECTIVES.—The goals and objec-  
7 tives of the program authorized by subsection (a) are as  
8 follows:

9 (1) To flight demonstrate the ability of ad-  
10 vanced rotorcraft technology to expand the flight en-  
11 velope and improve the speed, range, ceiling, surviv-  
12 ability, reliability, and affordability of current and  
13 future rotorcraft of the Department of Defense.

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

16 (A) support the assessment of such tech-  
17 nology for future rotorcraft platform develop-  
18 ment programs of the Department; and

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

23 (c) ELEMENTS OF PROGRAM.—The program author-  
24 ized by subsection (a) shall include—

1           (1) integration and demonstration of advanced  
2 rotorcraft technology to meet the goals and objec-  
3 tives described in subsection (b); and

4           (2) flight demonstration of the advanced rotor-  
5 craft technology test bed under the experimental air-  
6 worthiness process of the Federal Aviation Adminis-  
7 tration or other appropriate airworthiness process  
8 approved by the Secretary of Defense.

9 (d) QUALIFIED CONTRACTOR.—

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

13           (A) has demonstrated the capability to de-  
14 sign, fabricate, qualify, and flight test experi-  
15 mental rotorcraft; and

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

20           (2) SMALL BUSINESS CONCERN.—In awarding  
21 a contract under paragraph (1), the Secretary shall  
22 fully consider proposals submitted by small business  
23 concerns (as defined in section 2226(f)(3) of title  
24 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.



## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### *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 be 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.