

AMENDMENT TO H.R. 5136, AS REPORTED

OFFERED BY M. Pingree

Page 35, strike line 9 and all that follows through
page 37, line 13, and insert the following:

1 (b) CERTIFICATIONS.—Not later than January 15,
2 2011—

3 (1) the Under Secretary of Defense for Acquisi-
4 tion, Technology, and Logistics shall certify in writ-
5 ing to the congressional defense committees that—

6 (A) each of the 11 scheduled system devel-
7 opment and demonstration aircraft planned in
8 the schedule for delivery during 2010 has been
9 delivered to the designated test location;

10 (B) the initial service release has been
11 granted for the F135 engine designated for the
12 short take-off and vertical landing variant;

13 (C) facility configuration and industrial
14 tooling capability and capacity is sufficient to
15 support production of at least 42 F-35 aircraft
16 for fiscal year 2011;

17 (D) block 1.0 software has been released
18 and is in flight test; and

19 (E) the Secretary of Defense has—

1 (i) determined that two F-35 aircraft
2 from low-rate initial production 1 have met
3 established criteria for acceptance; and
4 (ii) accepted such aircraft for delivery;
5 and

6 (2) the Director of Operational Test and Eval-
7 uation shall certify in writing to the congressional
8 defense committees that—

9 (A) the F-35C aircraft designated as CF-
10 1 has effectively accomplished its first flight;

11 (B) the 394 F-35 aircraft test flights
12 planned in the schedule to occur during 2010
13 have been completed with sufficient results;

14 (C) 95 percent of the 3,772 flight test
15 points planned for completion in 2010 were ac-
16 complished; and

17 (D) the conventional take-off and land var-
18 iant low observable signature flight test has
19 been conducted and the results of such test
20 have met or exceeded threshold key perform-
21 ance parameters.

Page 49, strike line 7 and all that follows through
page 52, line 3, and insert the following (and redesignate
section 214 as section 213):

1 SEC. 212. LIMITATION ON USE OF FUNDS FOR AN ALTER-
2 NATIVE PROPULSION SYSTEM FOR THE F-35
3 JOINT STRIKE FIGHTER PROGRAM; [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 (a) LIMITATION ON USE OF FUNDS FOR AN ALTER-
8 NATIVE PROPULSION SYSTEM FOR THE F-35 JOINT
9 STRIKE FIGHTER PROGRAM.—None of the funds author-
10 ized to be appropriated or otherwise made available by this
11 Act may be obligated or expended for the development or
12 procurement of an alternate propulsion system for the F-
13 35 Joint Strike Fighter program until the Secretary of
14 Defense submits to the congressional defense committees
15 a certification in writing that the development and pro-
16 curement of the alternate propulsion system—

17 (1) will—

18 (A) reduce the total life-cycle costs of the
19 F-35 Joint Strike Fighter program; and

20 (B) improve the operational readiness of
21 the fleet of F-35 Joint Strike Fighter aircraft;
22 and

23 (2) will not—

24 (A) disrupt the F-35 Joint Strike Fighter
25 program during the research, development, and
26 procurement phases of the program; and

1 (B) result in the procurement of fewer F-
2 35 Joint Strike Fighter aircraft during the life-
3 cycle of the program.

[REDACTED]

11 (d) OFFSETS.—

12 (1) NAVY JOINT STRIKE FIGHTER F136 DEVEL-
13 OPMENT.—The amount authorized to be appro-
14 priated by section 201(2) for research, development,
15 test, and evaluation for the Navy is hereby decreased
16 by \$242,500,000, with the amount of the decrease
17 to be derived from the amounts available for the
18 Joint Strike Fighter (PE #0604800N) for F136 de-
19 velopment.

20 (2) AIR FORCE JOINT STRIKE FIGHTER F136
21 DEVELOPMENT.—The amount authorized to be ap-
22 propriated by section 201(3) for research, develop-
23 ment, test, and evaluation for the Air Force is here-
24 by decreased by \$242,500,000, with the amount of
25 the decrease to be derived from the amounts avail-

1 able for the Joint Strike Fighter (PE #0604800F)
2 for F136 development.

Page 286, strike line 17 and all that follows through
page 288, line 23, and insert the following:

3 **SEC. 802. DESIGNATION OF F135 ENGINE DEVELOPMENT**
4 **AND PROCUREMENT PROGRAM AS MAJOR**
5 **SUBPROGRAM.**

6 (a) DESIGNATION AS MAJOR SUBPROGRAMS.—Not
7 later than 30 days after the date of the enactment of this
8 Act, the Secretary of Defense shall designate the engine
9 development and procurement program described in sub-
10 section (b) as a major subprogram of the F-35 Lightning
11 II aircraft major defense acquisition program, in accord-
12 ance with section 2430a of title 10, United States Code.

13 (b) DESCRIPTION.—For purposes of subsection (a),
14 the engine development and procurement program is the
15 F135 engine development and procurement program.

16 (c) ORIGINAL BASELINE.—For purposes of reporting
17 requirements referred to in section 2430a(b) of title 10,
18 United States Code, for the major subprogram designated
19 under subsection (a), the Secretary shall use the Milestone
20 B decision for the subprogram as the original baseline for
21 the subprogram.

22 (d) ACTIONS FOLLOWING CRITICAL COST
23 GROWTH.—

1 (1) IN GENERAL.—Subject to paragraph (2), to
2 the extent that the Secretary elects to restructure
3 the F-35 Lightning II aircraft major defense acqui-
4 sition program subsequent to a reassessment and ac-
5 tions required by subsections (a) and (c) of section
6 2433a of title 10, United States Code, during fiscal
7 year 2010, and also conducts such reassessment and
8 actions with respect to the F135 engine development
9 and procurement program (including related report-
10 ing based on the original baseline as defined in sub-
11 section (c)), the requirements of section 2433a of
12 such title with respect to the major subprogram des-
13 ignated under subsection (a) shall be considered to
14 be met with respect to the major subprogram.

15 (2) LIMITATION.—Actions taken in accordance
16 with paragraph (1) shall be considered to meet the
17 requirements of section 2433a of title 10, United
18 States Code, with respect to the major subprogram
19 designated under subsection (a) only to the extent
20 that designation as a major subprogram would re-
21 quire the Secretary of Defense to conduct a reas-
22 sessment and take actions pursuant to such section
23 2433a for such a subprogram upon enactment of
24 this Act. The requirements of such section 2433a
25 shall not be considered to be met with respect to

1 such a subprogram in the event that additional pro-
2 grammatic changes, following the date of the enact-
3 ment of this Act, cause the program acquisition unit
4 cost or procurement unit cost of such a subprogram
5 to increase by a percentage equal to or greater than
6 the critical cost growth threshold (as defined in sec-
7 tion 2433(a)(5) of such title) for the subprogram.

