SEC. 1018. QUADRENNIAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Section 231a of title 10, United States Code, is amended to read as follows:

"§ 231a. Long-range plan for procurement of aircraft for the Navy and Air Force

"(a) QUADRENNIAL AIRCRAFT PROCUREMENT PLAN.—At the same time that the budget of the President is submitted under section 1105(a) of title 31 during each year in which the Secretary of Defense submits a quadrennial defense review, the Secretary of Defense shall submit to the congressional defense committees a long-range plan for the procurement of covered aircraft for the Department of the Navy and the Department of the Air Force that supports the aviation force structure recommendations of the quadrennial defense review.

"(b) MATTERS INCLUDED.—Each aircraft procurement plan under subsection (a) shall include the following:

"(1) A detailed schedule for procurement of covered aircraft for the Department of the Navy and the Department of the Air Force for the 10-year period beginning on the date on which the plan is submitted.

"(2) A notional procurement schedule for the 20-year period beginning on the date that is 10 years after the date on which the plan is submitted.

"(3) For the procurement schedules under paragraph (1)—

"(A) the estimated levels of annual funding necessary to carry out such schedule;

"(B) a determination by the Director of Cost Assessment and Program Evaluation of the level of funding necessary to carry out such schedules; and

"(C) an evaluation by the Director of the potential risk associated with such schedules, including detailed effects on operational plans, missions, deployment schedules, and fulfillment of the requirements of the commanders of the combatant commands.

"(c) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT.— If the budget for a fiscal year provides for funding of the procurement of covered aircraft for either the Department of the Navy or the Department of the Air Force at a level that is less than the level determined necessary by the Director of Cost Assessment and Program Evaluation under subsection (b)(3)(B), the Secretary of Defense shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the budget, including the risk associated with a reduced force structure of aircraft that may result from funding covered aircraft procurement at such level.

"(d) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

"(e) DEFINITIONS.—In this section:

"(1) The term 'covered aircraft' means the following:

"(A) Fighter aircraft.

"(B) Attack aircraft.

"(C) Bomber aircraft.

"(D) Strategic lift aircraft.

"(E) Intratheater lift aircraft.

"(F) Intelligence, surveillance, and reconnaissance aircraft.

"(G) Tanker aircraft.

"(H) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

"(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(3) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

"(4) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231a and inserting the following new item:

''231a. Long-range plan for procurement of aircraft for the Navy and the Air Force.''.

Section-by-Section Analysis

This proposal would convert the Air Force and Navy aircraft procurement plan requirement under section 231a of title 10, United States Code, from an annual to a quadrennial requirement. Quadrennial reporting would provide adequate update insights in a procurement process that exhibits relatively small fluctuations in the long term. Furthermore, the current plan supplements several other information sources supporting Congressional oversight of procurement in the fiscal years defense plan (FYDP). The annual reporting requirement is also

inefficient. On a quadrennial cycle, the report will provide Congress sufficient understanding of aircraft procurement plans while improving Department of Defense (DoD) efficiency.

Aircraft procurement plans beyond the FYDP exhibit relatively small fluctuations from one year to the next. Comparing the Fiscal Year (FY) 2012 plan to the previous year's report, most procurement remained largely unchanged. Outside the FYDP, procurement and inventory data follow steady and predictable patterns centering on introduction, sustainment, and recapitalization of major weapons systems. These plans involve level of effort funding guided by rough economic assumptions and coarse service obligation authority estimates. Procurement plans specific to an aircraft type are also captured in selected acquisition reports. In fact, barring aircraft industry perturbations similar to those recently experienced in the F-35 program, the quadrennial defense review and the analyses supporting it constitute the major source of change to procurement and force structure.

Within the FYDP, aircraft procurement is divulged through a variety of media. The budget rollout and hearing process provides the members of Congress an in-depth review of what aircraft will be procured and why. The inventory data associated with the Presidential budget provide Congress detailed insights into planned procurement and inventories by aircraft type. By definition, service procurement and inventory plans within the FYDP are affordable within the planned DoD budget. And, every year, both Office of the Secretary of Defense (OSD) and the services respond to numerous Congressional inquiries involving specific aircraft programs. DoD procurement plans within the FYDP will be no less clear if the Sec 231a report is converted to a quadrennial cycle.

The conversion to quadrennial reporting would also improve DoD efficiency. The department endures staggering reporting requirements levied by Congress and among its components. The FY 2011 aircraft procurement plan cost DoD an estimated 37,000 dollars. By converting the report to a quadrennial requirement, the DoD could save over 110,000 dollars better spent on other endeavors.

The aircraft procurement plan requirement in section 231a of title 10, United States Code, merits revision. On a quadrennial reporting interval, Congress will gain an accurate long-term appraisal of DoD procurement plans consistent with the quadrennial defense review. The annual budget process will clarify procurement plans as they draw closer and enter the FYDP. And, the OSD and service staffs will save time and money. Legislative relief converting the aircraft procurement plan to a quadrennial requirement should be effected for FY 2012.

The proposal does omit the requirement in present law (10 U.S.C. 231a(a)(2)) to certify that the budget for the fiscal year in which the plan is submitted and the budget for the future-years defense program are sufficiently funded. Since the President's budget proposals are a form of legislative recommendation, this provision could raise concerns under the Recommendations Clause, which commits to the President the discretion to recommend only "such Measures as he shall judge necessary and expedient." Therefore, notwithstanding that the provision is in current law, DoD has omitted that provision from the text of the proposed revision.

Budget Implications: This report has minimal budget implications save for the manpower and

resultant financial savings it creates. However, compiling the annual report costs the DoD approximately $37,000 per year, leading to $111,000 total savings by transitioning to a quadrennial requirement.

Changes to Existing Law: This proposal would replace the existing text of section 231a of title 10, United States Code, with a new text. The new text is shown in the proposal above. The current text of that section is set forth below:

~~SEC. 141. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.~~

~~(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:~~

~~''§ 231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification~~

~~''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for each fiscal year—~~

~~''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy and the Department of the Air Force developed in accordance with this section; and~~

~~''(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.~~

~~''(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:~~

~~''(1) Fighter aircraft.~~

~~''(2) Attack aircraft.~~

~~''(3) Bomber aircraft.~~

~~''(4) Strategic lift aircraft.~~

~~''(5) Intratheater lift aircraft.~~

~~''(6) Intelligence, surveillance, and reconnaissance aircraft.~~

~~''(7) Tanker aircraft.~~

~~''(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.~~

~~''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.~~

~~''(2) Each annual aircraft procurement plan shall include the following:~~

~~''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy and the Department of the Air Force over the next 30 fiscal years.~~

~~''(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).~~

~~''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.~~

~~''(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force meet the national security requirements of the United States.~~

~~''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.~~

~~''(e) DEFINITIONS.—In this section:~~

~~''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.~~

~~''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.~~

~~''(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.''.~~

~~(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:~~
~~''231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.''~~