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DIRECTING THE SECRETARY OF DEFENSE TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES THE FISCAL YEAR 2010 30-YEAR AVIATION PLAN RELATING TO THE LONG-TERM AVIATION PLANS OF THE DEPARTMENT OF DEFENSE, AS REQUIRED BY SECTION 231a OF TITLE 10, UNITED STATES CODE

REPORT

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H. RES. 478



JUNE 19, 2009.—Referred to the House Calendar and ordered to be printed

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RESOLUTION OF INQUIRY DIRECTING THE SECRETARY OF DEFENSE TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES THE FISCAL YEAR 2010 30-YEAR AVIATION PLAN RELATING TO THE LONG-TERM AVIATION PLANS OF THE DEPARTMENT OF DEFENSE, AS REQUIRED BY SECTION 231a OF TITLE 10, UNITED STATES CODE

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Mr. SKELTON, from the Committee on Armed Services,
submitted the following

R E P O R T

[To accompany H. Res. 478]

[Including cost estimate of the Congressional Budget Office]

The Committee on Armed Services, to whom was referred the resolution (H. Res. 478) directing the Secretary of Defense to transmit to the House of Representatives the fiscal year 2010 30-year aviation plan relating to the long-term aviation plans of the Department of Defense, as required by section 231a of title 10, United States Code, having considered the same, report favorably thereon with an amendment and recommend that the resolution as amended be agreed to.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That the Secretary of Defense is directed to transmit to the House of Representatives, not later than September 15, 2009—

(1) the fiscal year 2010 30-year aviation plan relating to the long-term aviation plans of the Department of Defense, as required by section 231a of title 10, United States Code; and

(2) the required assessment by the Secretary regarding the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force, as outlined in the aviation plan, meet the national security requirements of the United States; and

(3) if the aircraft procurement budget is insufficient to meet applicable requirements of the plan, the required assessment that describes and discusses the risks associated with the reduced force structure of aircraft.

PURPOSE AND BACKGROUND

Section 231(a) of title 10, United States Code, requires that the Secretary of Defense submit with the budget request required by section 1105(a) of title 31, United States Code, for each fiscal year, a long-range term aviation plan. The long-range plan must describe

the aircraft force structure required to meet the current national security strategy or the current quadrennial defense review and must certify that the procurement plan and that the budget request for the current year and programmed for future years are sufficient to maintain such a naval force.

The budget request submitted pursuant to section 1105(a) of title 10, United States Code, for fiscal year 2010 did not contain the long-range aviation plan. On May 21, 2009, the Honorable Randy Forbes of Virginia submitted House Resolution 478, a resolution of inquiry, which would direct the Secretary of Defense to transmit, within 14 days of the adoption of the resolution, to the House of Representatives, the long-range aviation plan for aircraft along with all documents, including telephone and electronic mail records, logs and calendars, and records of internal discussions in the possession of the Secretary of Defense, the Secretary of the Navy, and the Director of the Office of Management and Budget relating to the long-range procurement plan for aircraft. The resolution was referred to the Committee on Armed Services.

Clause 7 of rule XIII of the Rules of the House of Representatives provides for a committee to report on a qualifying resolution of inquiry, such as House Resolution 478, within 14 legislative days or a privileged motion to discharge the committee is in order. House Resolution 478 was referred to the Committee on Armed Services on May 21, 2009.

On June 16, 2009, the Committee on Armed Services took up House Resolution 478 for the purpose of reporting a recommendation to the House. House Resolution 478 was amended to require the Secretary of Defense submit only the long-term aviation plan and assessments required by section 231(a) of title 10, United States Code, by September 15, 2009.

Under the rules and precedents of the House, a resolution of inquiry is one of the means by which the House may request information from the head of one of the executive departments. It is a simple resolution making a demand of the head of an executive department to furnish the House of Representatives with specific information in the possession of the executive branch. It is not used to request opinions or to require an investigation on a subject.

LEGISLATIVE HISTORY

House Resolution 478 was introduced on May 21, 2009, and referred to the Committee on Armed Services.

On June 16, 2009, the Committee on Armed Services held a mark-up session to consider House Resolution 478, as introduced. The committee, a quorum being present, ordered to be reported House Resolution 478, as amended, to the House with a favorable recommendation by a voice vote.

COMMITTEE POSITION

On June 16, 2009, the Committee on Armed Services, a quorum being present, ordered to be reported House Resolution 478, as amended, to the House with a favorable recommendation by a voice vote.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee estimates the costs of implementing the resolution would be minimal. The Congressional Budget Office did not provide a cost estimate for the resolution.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI, House Resolution 478 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities pursuant to clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures.

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the bill does not authorize specific program funding.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, Section 8 of the United States Constitution.

STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104–4, this legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no unfunded federal intergovernmental mandates.

RECORD VOTE

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, there were no record votes taken with respect to the committee's consideration of House Resolution 478.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Clause 3(e) of rule XIII of the Rules of the House of Representatives requires an elaboration or description of how the reported bill proposes to repeal or amend a statute or part thereof. There were no changes in existing law made by House Resolution 478, as reported.

ADDITIONAL AND DISSENTING VIEWS

Clause 3(a) of rule XIII requires that the report include all supplemental, minority, or additional views that have been submitted. None have been submitted by the time of the filing of the report.

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