

118TH CONGRESS  
2D SESSION

# H. RES. 1549

Expressing the sense of the House of Representatives on contract breaches and other failures under the F-35 aircraft program.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2024

Mr. GAETZ (for himself and Mr. MOULTON) submitted the following resolution; which was referred to the Committee on Armed Services

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## RESOLUTION

Expressing the sense of the House of Representatives on contract breaches and other failures under the F-35 aircraft program.

Whereas the Department of Defense started the F-35 program in 2001 to develop a fifth-generation fighter aircraft intended to replace a range of aging aircraft in the United States military services' inventories;

Whereas the F-35 Lightning II aircraft is the Department of Defense's most expensive weapon system, with the Department estimating the F-35 program will cost over \$2,000,000,000,000 to buy, operate, and sustain over its lifetime;

Whereas the F-35 program is more than a decade delayed and has cost \$209,000,000,000 more than originally planned;

Whereas the F-35 program resulted in a Nunn-McCurdy breach in March 2010 after the unit cost of each aircraft grew by more than 50 percent over the original program baseline;

Whereas the F-35 program has revised its baseline schedule four times since 2012 due to delays in development;

Whereas the Department of Defense currently estimates the Air Force will pay \$6,600,000 annually to operate and sustain each individual aircraft, which is well above the \$4,100,000 original target, and the Air Force increased the amount of money it can afford to spend per F-35 aircraft to \$6,800,000 per year;

Whereas despite increasing projected costs, no F-35 variant met its performance goals from fiscal years 2019 through 2023 for mission capable rates, the percentage of time the aircraft can perform one of its tasked missions, or for full mission capable rates, the percentage of time during which the aircraft can perform all tasked missions;

Whereas the monthly average readiness rates for the United States F-35 fleet is 53.1 percent mission capable and only 29.3 percent full mission capable, far below the Department of Defense target of 90 percent mission capability for the F-35A and 85 percent for the F-35B and C;

Whereas the Department of Defense has consistently failed to invest in adequate depot capacity, which contributes up to a 10-percent reduction in the F-35's mission capable rate;

Whereas the Department of Defense sends 73 percent of all F-35 aircraft parts back to industry sources for repairs

due to lack of depot capacity, despite depot repairs being twice as fast;

Whereas the F-35 Joint Program Office reported in 2023 that the F-35 fleet would fly 300,524 hours per year, which is a reduction of almost 82,000 flight hours per year or 21 percent from its 2020 Annual Cost Estimate because it is too costly for the services to operate;

Whereas Pratt & Whitney, subcontracted to produce the engine for the aircraft, did not deliver any engines on time in 2023, with an average delay of more than 2 months, and delivered 97 percent of the engines late in 2022 and 96 percent of the engines late in 2021;

Whereas the F-35 engine needs to be overhauled more often than originally anticipated, from approximately every 2,000 flight hours to every 1,600 flight hours, because the current system does not have enough power or cooling capabilities to support both current and future capabilities;

Whereas Lockheed Martin, the prime aircraft contractor, delivered 91 percent of aircraft late in 2023 and 50 percent of aircraft late in 2022;

Whereas Lockheed Martin is not meeting its goals for the number of hours its workforce spends on scrap, rework, and repair, which occur when production defects result in additional work to fix the defect;

Whereas hardware and software delays associated with the Technology Refresh 3 (TR-3) upgrades resulted in the Department of Defense refusing to accept delivery of aircraft from July 2023 through July 2024, until Lockheed Martin was able to deliver a minimally acceptable TR-3 configured aircraft;

Whereas, despite the year-long delay, the TR–3 configured aircraft are not combat capable and can only conduct training missions until Lockheed Martin delivers the full TR–3 capability, which is currently estimated to take 12 to 16 months;

Whereas the TR–3 delays have also subsequently delayed the Block 4 modernization effort for the F–35 aircraft, which is necessary to address new threats that have emerged since the Department of Defense established the aircraft’s original requirements in 2000; and

Whereas, in February 2021, General CQ Brown acknowledged the serious issues with the F–35 program and said the Air Force needed to explore new and more cost-effective measures by “not ruling out starting from scratch. I want to be able to build something new and different, that’s not the F–16”: Now, therefore, be it

1       *Resolved*, That it is the sense of the House of Rep-  
2       resentatives that—

3               (1) Lockheed Martin and its subcontractors’ in-  
4       ability to deliver F–35 aircraft with modernized ca-  
5       pabilities on time and within projected costs have de-  
6       graded our military’s capabilities and raised the  
7       risks for our warfighters;

8               (2) Lockheed Martin and its subcontractors are  
9       in breach of contract with respect to the deliverables  
10      on the F–35 aircraft contract; and

11              (3) the Department of Defense has failed to  
12      adequately hold itself and Lockheed Martin account-

- 1 able for the numerous failures within the F-35 air-
- 2 craft program.

