

119TH CONGRESS  
1ST SESSION

# H. R. 2327

To require the Secretary of the Air Force to take steps to ensure the continued production and procurement of advanced capability fighter aircraft and fifth generation fighter aircraft until the fighter units of the Air National Guard are fully recapitalized, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2025

Mr. JAMES (for himself and Mr. DAVIS of North Carolina) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To require the Secretary of the Air Force to take steps to ensure the continued production and procurement of advanced capability fighter aircraft and fifth generation fighter aircraft until the fighter units of the Air National Guard are fully recapitalized, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air National Guard  
5 Squadron Preservation Act of 2025”.

1 **SEC. 2. STATEMENT OF POLICY.**

2 It is the policy of the United States to maintain the  
3 capabilities, experience, and strength of the Total Fighter  
4 Force needed to confront any threats by ensuring that the  
5 service retain force structure through the fighter aircraft  
6 squadrons across the Air National Guard are fully recapitalized.  
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8 **SEC. 3. RECAPITALIZATION OF AIR NATIONAL GUARD**  
9 **FIGHTER FLEET.**

10 (a) PLAN FOR SUSTAINMENT AND RECAPITALIZATION OF AIR NATIONAL GUARD FIGHTER FLEET.—Section 154(b)(2) of the National Defense Authorization Act  
11  
12 for Fiscal Year 2025 (Public Law 118–159) is amended  
13 by inserting “, fifth generation fighter aircraft,” after  
14 “legacy capability fighter aircraft”.  
15

16 (b) PROCUREMENT OF FIGHTER AIRCRAFT.—

17 (1) IN GENERAL.—The Secretary of the Air  
18 Force shall take such steps as may be necessary to  
19 ensure the continued production and procurement of  
20 at least one model of advanced capability fighter aircraft and at least one model of fifth generation  
21 fighter aircraft until the date on which the Secretary  
22 certifies to the congressional defense committees  
23 that the Secretary has replaced all legacy capability  
24 fighter aircraft within each covered Air National  
25

Guard fighter unit with an advanced capability fighter aircraft or fifth generation fighter aircraft.

(2) CONTRACTS.—For purposes of fulfilling the requirements of paragraph (1), the Secretary shall—

(A) seek to enter into a contract for the procurement of advanced capability fighter aircraft and fifth generation fighter aircraft; or

(B) modify a contract to provide for the procurement of additional advanced capability fighter aircraft and fifth generation fighter aircraft.

(3) GAO REVIEW AND REPORT.—

(A) REVIEW.—The Comptroller General of the United States shall conduct a review of advanced capability fighter aircraft. Such review shall include—

(i) an assessment of any challenges to the procurement of such aircraft by the Secretary; and

(ii) recommendations on how to solve such challenges.

(B) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall provide to the congressional defense committees a briefing on the

1 preliminary findings of the review conducted  
2 under subparagraph (A).

3 (C) REPORT.—Not later than 30 days  
4 after the Comptroller General provides a brief-  
5 ing under subparagraph (B), the Comptroller  
6 General shall submit to the congressional de-  
7 fense committees a final report on the review  
8 conducted under subparagraph (A).

9 (4) REPORT ON PROGRESS.—Not later than  
10 180 days after the Comptroller General provides a  
11 report under paragraph (3)(C) and on an annual  
12 basis thereafter, the Secretary shall submit to the  
13 congressional defense committees a report on the  
14 progress of the Secretary in—

15 (A) implementing the recommendations of  
16 the Comptroller General issued pursuant to  
17 paragraph (3); and

18 (B) replacing the legacy capability fighter  
19 aircraft within each covered Air National Guard  
20 fighter unit with an advanced capability fighter  
21 aircraft, fifth generation fighter aircraft, or  
22 next-generation air dominance fighter aircraft.

23 (c) FEASIBILITY STUDY ON ADVANCED CAPABILITY  
24 FIGHTER AIRCRAFT.—

1           (1) STUDY.—The Secretary, in consultation  
2           with the Director of the Air National Guard, shall  
3           conduct a study to determine the need for procuring  
4           advanced capability fighter aircraft for use by the  
5           active and reserve components of the Air Force.

6           (2) ELEMENTS.—The study under paragraph  
7           (1) shall—

8                   (A) take into account any plans of the Sec-  
9                   retary to implement unmanned or autonomous  
10                  capabilities in any fighter aircraft of the active  
11                  or reserve components of the Air Force;

12                  (B) calculate any cost savings in long-lead  
13                  time, supply chain acquisition, and labor attrib-  
14                  uted to any sales of the Block 70/72 variant or  
15                  later variant of the F-16 fighter aircraft by the  
16                  military of a foreign country;

17                  (C) identify which reserve and active fight-  
18                  er units of the Air Force would be eligible for  
19                  recapitalization with advanced capability fighter  
20                  aircraft;

21                  (D) identify how advanced capability fight-  
22                  er aircraft would meet steady state and contin-  
23                  gency force presentation and mission require-  
24                  ments of combatant commanders; and

1 (E) identify whether a multiyear contract  
2 would be the best method for acquiring ad-  
3 vanced capability fighter aircraft.

4 (3) REPORT.—Not later than 180 days after  
5 the date of the enactment of this Act, the Secretary  
6 shall submit to the congressional defense committees  
7 the findings of the study conducted pursuant to this  
8 subsection.

9 (d) DEFINITIONS.—In this Act:

10 (1) The term “advanced capability fighter air-  
11 craft” means a Block 70/72 variant or later variant  
12 of the F-16 fighter aircraft, an F-15EX fighter air-  
13 craft, any future variant of such fighter aircraft, or  
14 any other more advanced capability fighter aircraft  
15 (other than a fifth generation fighter aircraft) iden-  
16 tified by the Secretary.

17 (2) The term “congressional defense commit-  
18 tees” has the meaning given such term in section  
19 101(a)(16) of title 10, United States Code.

20 (3) The term “covered Air National Guard  
21 fighter unit” means any fighter unit of the Air Na-  
22 tional Guard with respect to which the Secretary has  
23 not commenced or completed the process of replac-  
24 ing the legacy capability fighter aircraft of such unit  
25 with advanced capability fighter aircraft or fifth gen-

1       eration fighter aircraft as of the date of the enact-  
2       ment of this Act.

3           (4) The term “fifth generation” has the mean-  
4       ing given such term in section 154(d)(2) of the Na-  
5       tional Defense Authorization Act for Fiscal Year  
6       2025 (Public Law 118–159).

7           (5) The term “fighter aircraft” has the mean-  
8       ing given such term in section 9062(i)(2) of title 10,  
9       United States Code.

10          (6) The term “legacy capability fighter air-  
11       craft”—

12                (A) has the meaning given such term in  
13       section 154(d)(4) of the National Defense Au-  
14       thorization Act for Fiscal Year 2025 (Public  
15       Law 118–159); and

16                (B) does not include the Block 70/72 vari-  
17       ant of the F–16 fighter aircraft.

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