

119TH CONGRESS  
1ST SESSION

# S. 873

To amend title 10, United States Code, to preserve and recapitalize the fighter aircraft capabilities of the Air Force and its reserve components, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 5, 2025

Mr. CRAPO (for himself, Mr. HICKENLOOPER, Mr. RISCH, Mr. KELLY, Mr. BANKS, Ms. SLOTKIN, Mr. SCOTT of Florida, Mr. PETERS, Mr. YOUNG, Ms. ALSOBROOKS, Mr. CRUZ, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Mr. BENNET, Mr. PADILLA, Ms. SMITH, and Mr. GALLEG0) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to preserve and recapitalize the fighter aircraft capabilities of the Air Force and its reserve components, 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 “Fighter Force Preser-  
5 vation and Recapitalization Act of 2025”.

1 **SEC. 2. MINIMUM NUMBER OF FIGHTER AIRCRAFT IN THE**  
 2 **AIR FORCE AND RESERVE COMPONENTS OF**  
 3 **THE AIR FORCE.**

4 Section 9062(i) of title 10, United States Code, is  
 5 amended—

6 (1) in paragraph (1)—

7 (A) by striking “During” and inserting  
 8 “Except as provided in paragraph (2), during”;

9 (B) by striking “October 1, 2026” and in-  
 10 serting “October 1, 2030”;

11 (C) by striking “1,800” and inserting  
 12 “1,900”; and

13 (D) by striking “1,145” and inserting  
 14 “1,200”;

15 (2) by redesignating paragraph (2) as para-  
 16 graph (3); and

17 (3) by inserting after paragraph (1) the fol-  
 18 lowing new paragraph (2):

19 “(2)(A) Subject to subparagraphs (B) and (C), the  
 20 Secretary of Defense may temporarily reduce the total air-  
 21 craft inventory required by paragraph (1) to enable recapiti-  
 22 talization of units transitioning from one combat-coded  
 23 mission fighter aircraft to a new combat-coded fighter air-  
 24 craft.

25 “(B) A temporary reduction authorized under sub-  
 26 paragraph (A) shall not—

1           “(i) result in less than 1,800 aircraft in the  
2           total aircraft inventory of fighter aircraft at any  
3           given time; or

4           “(ii) exceed two years.

5           “(C)(i) Before authorizing a temporary reduction  
6           under subparagraph (A), the Secretary of Defense shall—

7           “(I) provide notification to the congressional  
8           defense committees; and

9           “(II) identify in such notification the specific  
10          units to be recapitalized.

11          “(ii) The Secretary of Defense may satisfy the re-  
12          quirement for notification under this subparagraph if the  
13          Secretary includes such notification in a fiscal-year quar-  
14          terly report required by subsection (n).”; and

15          (4) in paragraph (3), as redesignated by para-  
16          graph (2), by striking “In this subsection:” and all  
17          that follows through “The term ‘primary mission  
18          aircraft inventory’ means” and inserting “In this  
19          subsection, the term ‘primary mission aircraft inven-  
20          tory’ means”.

21       **SEC. 3. ANNUAL REPORT ON STATUS OF TOTAL FIGHTER**  
22               **AIRCRAFT INVENTORY.**

23          Section 9062 of title 10, United States Code, as  
24          amended by section 2, is further amended by adding at  
25          the end the following new subsection:

1       “(n)(1) Not later than 90 days after the date of the  
2 enactment of the Fighter Force Preservation and Recapi-  
3 talization Act of 2025, and at the end of each fiscal-year  
4 quarter thereafter through September 30, 2030, the Sec-  
5 retary of the Air Force shall submit to the congressional  
6 defense committees a report describing the status of the  
7 total aircraft inventory requirement for fighter aircraft es-  
8 tablished by subsection (i).

9       “(2) Each report required by paragraph (1) shall in-  
10 clude the following:

11           “(A) The overall number of new advanced capa-  
12 bility fighter aircraft, fifth-generation fighter air-  
13 craft, and next-generation air dominance fighter air-  
14 craft received by the Air Force during the fiscal-year  
15 quarter covered by the report.

16           “(B) The mission design series prefix of each  
17 airframe received.

18           “(C) The vendor from which each new fighter  
19 aircraft was received.

20           “(D) The number of new advanced capability  
21 fighter aircraft and fifth-generation fighter aircraft  
22 assigned to units of the Regular Air Force, the Air  
23 Force Reserve, and the Air National Guard during  
24 the fiscal-year quarter covered by the report.

1           “(E) The distribution ratios of new fighter air-  
2           craft received from vendors during the fiscal-year  
3           covered by the report and assigned to units of the  
4           Regular Air Force, the Air Force Reserve, and the  
5           Air National Guard, including—

6                   “(i) the percentage of total new advanced  
7                   capability fighter aircraft and new fifth-genera-  
8                   tion fighter aircraft received that were assigned  
9                   to each component (Regular Air Force, Air  
10                  Force Reserve, and Air National Guard); and

11                  “(ii) the percentage of aircraft assigned to  
12                  each component, disaggregated by mission de-  
13                  sign series prefix.

14           “(F) The number of legacy capability fighter  
15           aircraft retired or divested by the Regular Air Force,  
16           the Air Force Reserve, and the Air National Guard  
17           during the fiscal-year quarter covered by the report,  
18           disaggregated by unit.

19           “(G) An identification of fighter aircraft units  
20           scheduled for recapitalization, including any associ-  
21           ated authorizations for a temporary reduction in the  
22           minimum total aircraft inventory level for fighter  
23           aircraft established by subsection (i).

24           “(H) Any notable trends, issues, or challenges  
25           related to the receipt and assignment of new fighter

1 aircraft during the fiscal-year quarter covered by the  
2 report, including any delays, discrepancies, or other  
3 factors that may have impacted such receipt or as-  
4 signment.

5 “(3) Each report required by paragraph (1) shall be  
6 submitted in unclassified form, unless the Secretary of the  
7 Air Force determines that the inclusion of classified infor-  
8 mation in the report is necessary, in which case the report  
9 may be submitted in classified form or with classified an-  
10 nexes or sections.

11 “(4) Notwithstanding any other provision of law, if  
12 the Secretary of the Air Force does not submit a report  
13 required by paragraph (1) to the congressional defense  
14 committees by the deadline established by such paragraph,  
15 no funds may be obligated or expended for travel by the  
16 Secretary of the Air Force until the report is submitted.”.

17 **SEC. 4. RECAPITALIZATION PRIORITIZATION OF AIR FORCE**  
18 **SERVICE-RETAINED FIGHTER FLEET.**

19 Section 9062 of title 10, United States Code, as  
20 amended by sections 2 and 3, is further amended by add-  
21 ing at the end the following new subsection:

22 “(o)(1) The Secretary of the Air Force shall ensure  
23 that for every four new advanced capability fighter air-  
24 craft, fifth-generation fighter aircraft, and next-generation  
25 air dominance fighter aircraft accepted by the Air Force,

1 not less than three shall be assigned and delivered to a  
 2 fighter aircraft squadron of the Air Force that—

3 “(A) exists as of the date of the enactment of  
 4 the Fighter Force Preservation and Recapitalization  
 5 Act of 2025; and

6 “(B) is service retained.

7 “(2) For each new advanced capability fighter air-  
 8 craft, fifth-generation fighter aircraft, or next-generation  
 9 air dominance fighter aircraft assigned and delivered to  
 10 a fighter aircraft squadron under paragraph (1), the Sec-  
 11 retary of the Air Force may retire a legacy capability  
 12 fighter aircraft from that squadron on a one-for-one  
 13 basis.”.

14 **SEC. 5. PRESERVATION AND RECAPITALIZATION OF AIR**  
 15 **NATIONAL GUARD FIGHTER FLEET.**

16 Section 9062 of title 10, United States Code, as  
 17 amended by sections 2 through 4, is further amended by  
 18 adding at the end the following new subsection:

19 “(p)(1) Except as provided in paragraphs (2) and  
 20 (3), during the period beginning on December 23, 2024,  
 21 and ending on October 1, 2030, the Secretary of the Air  
 22 Force—

23 “(A) shall maintain not less than 25 fighter air-  
 24 craft squadrons of the Air National Guard, including

1 the 25 fighter aircraft squadrons of the Air National  
2 Guard in existence as of December 23, 2024; and

3 “(B) may not retire, reduce funding for, or  
4 place in a status considered excess to the require-  
5 ments of the possessing command and awaiting dis-  
6 position instructions (commonly referred to as ‘XJ’  
7 status) any legacy capability fighter aircraft or fifth-  
8 generation fighter aircraft assigned to any of the 25  
9 fighter aircraft squadrons of the Air National Guard  
10 in existence as of December 23, 2024.

11 “(2) The prohibition under paragraph (1)(B) shall  
12 not apply to individual legacy capability fighter aircraft,  
13 advanced capability fighter aircraft, or fifth-generation  
14 fighter aircraft that the Secretary of the Air Force deter-  
15 mines, on a case-by-case basis, to be no longer mission  
16 capable and uneconomical to repair because of aircraft ac-  
17 cidents, mishaps, or excessive material degradation and  
18 non-airworthiness status of certain aircraft.

19 “(3) For each new advanced capability fighter air-  
20 craft or fifth-generation fighter aircraft assigned and de-  
21 livered to a fighter aircraft squadron maintained under  
22 paragraph (1)(A), the Secretary of the Air Force may re-  
23 tire a legacy capability fighter aircraft from that squadron  
24 on a one-for-one basis.

1 “(4) Section 2244a of this title shall not apply to the  
2 implementation of this subsection.”.

3 **SEC. 6. ANNUAL RECAPITALIZATION PLAN FOR AIR NA-**  
4 **TIONAL GUARD FIGHTER FLEET.**

5 Section 9062 of title 10, United States Code, as  
6 amended by sections 2 through 5, is further amended by  
7 adding at the end the following new subsection:

8 “(q)(1) The Secretary of the Air Force, in consulta-  
9 tion with the Director of the Air National Guard, shall  
10 annually develop a plan to recapitalize the fighter fleet of  
11 the Air National Guard.

12 “(2) The plan required under paragraph (1) shall—

13 “(A) identify each of the 25 fighter aircraft  
14 squadrons of the Air National Guard in existence on  
15 the date of the enactment of this Act;

16 “(B) provide a plan for recapitalization of all  
17 such squadrons at a similar rate as the fighter air-  
18 craft squadrons of the active components of the  
19 Armed Forces, with the same combination of legacy  
20 capability fighter aircraft and advanced capability  
21 fighter aircraft found in fighter aircraft squadrons  
22 of the active Air Force;

23 “(C) establish a timetable for a plan or actions  
24 for the recapitalization proposed under subpara-  
25 graph (B) through October 1, 2030, disaggregated

1 by fighter aircraft squadron and fiscal year, which  
2 shall identify funding required for each fiscal year;

3 “(D) assess budgetary effects on the active  
4 components of the Armed Forces if the recapitaliza-  
5 tion plan proposed under subparagraph (B) were im-  
6 plemented in accordance with the timeline estab-  
7 lished under subparagraph (C);

8 “(E) assess the effects of such plan on the  
9 operational readiness and personnel readiness of the  
10 active and reserve components of the Armed Forces,  
11 including the effects of such plan on the ability of  
12 such components to meet steady state and contin-  
13 gency force presentation and mission requirements  
14 of combatant commanders; and

15 “(F) examine the feasibility of acquiring F-16  
16 Block 70 fighter aircraft for the Air National Guard.

17 “(3)(A) Not later than July 1 of each year through  
18 July 1, 2030, the Secretary of the Air Force shall submit  
19 to the congressional defense committees a report that in-  
20 cludes the plan required under paragraph (1).

21 “(B) The report required under subparagraph (A)  
22 shall be submitted in unclassified form, but may contain  
23 a classified annex.”.

1 **SEC. 7. DEFINITIONS.**

2 Section 9062 of title 10, United States Code, as  
3 amended by sections 2 through 6, is further amended by  
4 adding at the end the following new subsection:

5 “(r) In this section:

6 “(1) The term ‘advanced capability fighter air-  
7 craft’—

8 “(A) means any new production variant of  
9 an airframe type specified in paragraph (4), in-  
10 cluding—

11 “(i) the F–16 Block 70/72 and any  
12 subsequent block; and

13 “(ii) the F–15EX and any subsequent  
14 variant; and

15 “(B) does not include a modified or up-  
16 graded version of a legacy capability fighter air-  
17 craft.

18 “(2) The term ‘fifth-generation fighter aircraft’  
19 means an F–22 aircraft or an F–35 aircraft.

20 “(3) The term ‘fighter aircraft’ means an air-  
21 craft that—

22 “(A) is designated by a mission design se-  
23 ries prefix of F– or A–;

24 “(B) includes one or two crewmembers on  
25 board the aircraft when in operation; and

1           “(C)(i) executes single-role or multi-role  
 2           missions, including air-to-air combat, air-to-  
 3           ground attack, air interdiction, suppression or  
 4           destruction of enemy air defenses, close air sup-  
 5           port, strike control and reconnaissance, combat  
 6           search and rescue support, or airborne forward  
 7           air control; or

8           “(ii) operates collaboratively with an  
 9           uncrewed aircraft operating semi-autonomously  
 10          in proximity.

11          “(4) The term ‘legacy capability fighter air-  
 12          craft’ means a pre-fifth-generation fighter aircraft,  
 13          including—

14               “(A) an F-16 aircraft, whether pre-block  
 15               or post-block;

16               “(B) an F-15C/D/E aircraft; or

17               “(C) an A-10C aircraft.

18          “(5) The term ‘next-generation air dominance  
 19          fighter aircraft’—

20               “(A) means—

21                   “(i) a sixth-generation fighter aircraft  
 22                   capable of interacting collaboratively with  
 23                   uncrewed aircraft operating semi-autono-  
 24                   mously in proximity; or

1                   “(ii) any other fighter aircraft ref-  
2                   erenced or designated as a sixth-generation  
3                   airframe; and

4                   “(B) does not include uncrewed fighter-  
5                   type aircraft.

6                   “(6) The term ‘service retained’, with respect to  
7                   a fighter aircraft unit or a fighter aircraft, means  
8                   that the unit or aircraft—

9                   “(A) is controlled by the Regular Air  
10                  Force, the Air Force Reserve, or the Air Na-  
11                  tional Guard for operational, training, or ad-  
12                  ministrative purposes of the component con-  
13                  cerned; and

14                  “(B) is not assigned to, or under the oper-  
15                  ational control of, a combatant command or  
16                  joint task force.”.

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