

118TH CONGRESS  
1ST SESSION

# H. R. 3392

To support and strengthen the fighter aircraft capabilities of the Air Force,  
and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. BACON (for himself, Mr. CROW, Mr. JAMES, Mr. RUPPERSBERGER, Mr. LAMBORN, and Ms. SLOTKIN) introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To support and strengthen the fighter aircraft capabilities  
of the Air Force, 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 2023”.

6 **SEC. 2. MINIMUM NUMBER OF AIRCRAFT AND FIGHTER**  
7 **SQUADRONS IN THE AIR NATIONAL GUARD.**

8 Section 9062 of title 10, United States Code, is  
9 amended by adding at the end the following new sub-  
10 section:

1 “(1)(1) The aircraft inventory of the Air National  
2 Guard shall include not fewer than 25 fighter aircraft  
3 squadrons each of which shall have a minimum of 18 pri-  
4 mary aircraft authorized.

5 “(2) The Secretary of Defense may waive the require-  
6 ments of paragraph (1) with respect to individual aircraft  
7 if the Secretary—

8 “(A) certifies to the congressional defense com-  
9 mittees that compliance with such requirements is  
10 not feasible due to extraordinary circumstances; and

11 “(B) includes with such certification an expla-  
12 nation of such circumstances.”.

13 **SEC. 3. PLAN ON FIGHTER FORCE RECAPITALIZATION.**

14 (a) PLAN REQUIRED.—The Secretary of the Air  
15 Force, in consultation with the Director of the Air Na-  
16 tional Guard, shall develop a fighter aircraft recapitaliza-  
17 tion plan that provides for—

18 (1) the replacement and modernization of Air  
19 National Guard fighter squadrons at a rate that  
20 shall ensure the full, one-for-one, recapitalization of  
21 Air National Guard fighter squadrons by the end of  
22 fiscal year 2034; and

23 (2) the fielding of the Next Generation Air  
24 Dominance family of systems in the Air National  
25 Guard.

1           (b) SUBMITTAL TO CONGRESS.—Not later than 120  
2 days after the date of the enactment of this Act, the Sec-  
3 retary of the Air Force shall submit to the congressional  
4 defense committees the plan developed under subsection  
5 (a).

6           (c) CONGRESSIONAL DEFENSE COMMITTEES DE-  
7 FINED.—In this section, the term “congressional defense  
8 committees” has the meaning given that term in section  
9 101(a)(16) of title 10, United States Code.

○