AMENDMENT TO RULES COMMITTEE PRINT 117–54
OFFERED BY MR. KINZINGER OF ILLINOIS

At the end of subtitle C of title I, add the following new section:

SEC. 1. REQUIREMENT TO MAINTAIN FLEET OF MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT.

(a) MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT.—

(1) IN GENERAL.—The Secretary of the Air Force, in coordination with Director of the Air National Guard, shall maintain a fleet of fixed wing, manned ISR/IAA aircraft to conduct operations pursuant to the provisions of law specified in paragraph (2).

(2) PROVISIONS SPECIFIED.—The provisions of law specified in this paragraph are the following:

(A) Sections 124 and 284 of title 10, United States Code.

(B) Section 112 of title 32, United States Code.

(b) LIMITATION.—

(1) In general.—Except as provided in paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 for the Air Force may be obligated or expended to retire, divest, realign, or placed in storage or on backup aircraft inventory status, or to prepare to retire, divest, realign, or place in storage or on backup aircraft inventory status, any RC–26B aircraft.

(2) Exception.—

(A) In general.—The limitation in paragraph (1) shall not apply to individual RC–26 aircraft that the Secretary of the Air Force determines, on a case-by-case basis, to be no longer mission capable because of a Class A mishap.

(B) Certification required.—If the Secretary of the Air Force determines under subparagraph (A) that an aircraft is no longer mission capable, the Secretary shall submit to the congressional defense committees a certifi-
cation that the status of such aircraft is due to
a Class A mishap and not due to lack of maint-
tenance or repairs or other reasons.

(c) FUNDING FOR RC–26B MANNED INTELLIGENCE,
SURVEILLANCE, AND RECONNAISSANCE PLATFORM.—

(1) Of the amount authorized to be appro-
priated in section 301 for operation and mainte-
nance as specified in the corresponding funding in
section 4301, for operation and maintenance, Air
National Guard, the Secretary of the Air Force shall
transfer up to $18,500,000 for the purposes of the
RC–26B manned intelligence, surveillance, and re-
connaissance platform.

(2) Of the amount authorized to be appro-
priated in section 421 for military personnel, as
specified in the corresponding finding table in sec-
tion 4401, the Secretary of the Air Force shall
transfer up to $13,000,000 from military personnel,
Air National Guard for personnel who operate and
maintain the RC–26B manned intelligence, surveil-
ance, and reconnaissance platform.

(d) MEMORANDUM OF AGREEMENT.—Notwith-
standing any other provision of law, the Secretary of De-
fense may enter into one or more memoranda of agree-
ment or cost sharing agreements with other Federal enti-
ties for the purposes of assisting with the missions and activities of such entities.

(c) INDEPENDENT ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation shall conduct an independent assessment to determine how the Air Force can—

(1) provide manned ISR/IAA capabilities for the purposes of conducting operations pursuant to the provisions of law specified in subsection (a)(2); and

(2) maintain and modernize the manned ISR/IAA aircraft fleet over the period of ten years following the date of the enactment of this Act.

(f) COMPTROLLER GENERAL STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct an independent study of the platforms used to conduct title 32 operations by manned ISR/IAA aircraft in light of the proposal of the Air Force to retire and divest the RC–26B aircraft fleet.

(2) BRIEFING.—Not later than September 31, 2023, the Comptroller General shall provide to the congressional defense committees a briefing on the
preliminary findings of the study under paragraph (1). The briefing shall include an assessment of—

(A) the alternatives considered by the Air Force that led to the recommendation to retire the RC–26B aircraft, including the relative costs, benefits, and assumptions associated with the alternatives to such retirement;

(B) any capability gaps in manned ISR/IAA that would be created by such retirement;

(C) the extent to which the Department of Defense has plans to address any capability gaps identified under subparagraph (B); and

(D) any capability gaps in manned ISR/IAA that could be created by the added cost to the Air Force of retaining the RC–26B fleet.

(3) REPORT.—As soon as practicable after the date of the briefing under paragraph (2), the Comptroller General shall submit to the congressional defense committees a report on the final results of the study conducted under paragraph (1).

(g) ISR/IAA DEFINED.—In this section, the term “ISR/IAA” means—

(1) intelligence, surveillance, and reconnaissance; and
(2) incident awareness and assessment.