

119TH CONGRESS
2D SESSION

S. _____

To establish a pilot program for the retention of experienced regular Air Force fighter aircrew, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BUDD (for himself, Mrs. SHAHEEN, Mr. KING, Mr. SCHMITT, Mr. ROUNDS, Mr. CRAMER, and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish a pilot program for the retention of experienced regular Air Force fighter aircrew, 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 Aircrew Career
5 Flexibility Act”.

6 **SEC. 2. RETENTION OF EXPERIENCED REGULAR AIR FORCE**
7 **FIGHTER AIRCREW PILOT PROGRAM.**

8 (a) ESTABLISHMENT.—Not later than one year after
9 the date of the enactment of this Act, the Secretary of

1 the Air Force shall establish a pilot program, to be known
2 as the “Retention of Experienced Regular Air Force
3 Fighter Aircrew Pilot Program”, to permit one-time, time-
4 limited career intermissions for regular Air Force fighter
5 aircrew to test whether targeted intermissions reduce early
6 separations and preserve experienced fighter aircrew sub-
7 ject matter experts for air staff positions and leadership
8 roles in the active component (in this Act referred to as
9 the “Program”).

10 (b) PARTICIPATION ELIGIBILITY.—Participation in
11 the Program shall be limited as follows:

12 (1) Participants shall be officers in the active
13 component of the Air Force with 11F and 12F Air
14 Force Specialty Code (AFSC) designations.

15 (2) Participants shall have completed their re-
16 spective Undergraduate Pilot Training or Under-
17 graduate Navigator Training active duty service
18 commitment and shall not be subject to any limita-
19 tion with respect to maximum number of years of
20 service or maximum rank.

21 (3) The existence of an active duty service com-
22 mitment (ADSC), other than the commitment re-
23 ferred to in paragraph (2), shall not bar any other-
24 wise eligible individual from participating in the Pro-
25 gram.

1 (4) The Secretary of the Air Force may limit
2 pilot program participation for members tasked for
3 a deployment and should consider the “Prepare”
4 and “Reset” phases of Air Force Generation
5 (AFFORGEN) as opportunities for eligible members
6 to participate in the Program.

7 (5) An individual who is scheduled for a deploy-
8 ment shall be ineligible for participation in the Pro-
9 gram until the individual returns from the deploy-
10 ment or the deployment is cancelled.

11 (6) Wing commanders may limit participation
12 in the Program for purposes of mission require-
13 ments.

14 (c) PROCESS FOR ENTRY.—

15 (1) APPROVAL AUTHORITY.—The Secretary of
16 the Air Force shall delegate to wing commanders the
17 authority to approve entry into the Program.

18 (2) PROCESSING.—The Air Force shall adju-
19 dicate requests for entry into the Program within 30
20 days of receiving written requests from applicants.

21 (3) SCROLLING PROCESS.—The Secretary of
22 the Air Force shall ensure that the Air Force’s offi-
23 cer scrolling process does not interfere with the Pro-
24 gram timelines specified in this section.

25 (d) INTERMISSION PERIOD.—

1 (1) PLACEMENT IN INDIVIDUAL READY RE-
2 SERVE.—Participants in the Program will be placed
3 in the Individual Ready Reserve for the duration of
4 their intermissions from active duty.

5 (2) DURATION.—

6 (A) IN GENERAL.—The duration of the
7 intermission shall be between 4 months and 1
8 year in duration, as selected by the participant.

9 (B) CHANGES.—While on intermission, a
10 participant may request a change in duration,
11 which shall be adjudicated by the wing com-
12 mander within 14 days.

13 (3) TRAINING REQUIREMENTS.—Each partici-
14 pant in the Program shall enter into a written
15 agreement with the Secretary of the Air Force
16 agreeing to undergo during the intermission such in-
17 active service training as the Secretary shall require
18 in order to ensure that the participant retains pro-
19 ficiency, at a level determined by the Secretary to be
20 sufficient, in the military skills, professional quali-
21 fications, and physical readiness of the participant
22 during the inactivation of the participant from active
23 service.

24 (4) RETENTION OF ACCESS AND CERTAIN AC-
25 TIVE STATUS BENEFITS.—The Secretary of the Air

1 Force, to the maximum extent practicable, shall
2 allow participants in the Program to retain their se-
3 curity clearances, access to special access programs
4 and alternative compensatory control measures, net-
5 work access, base access, commissary and exchange
6 access, Common Access Card, and other items to en-
7 sure rapid return to an active status from Individual
8 Ready Reserve status.

9 (5) COMPENSATION AND BENEFITS.—The Sec-
10 retary of Defense shall ensure that while partici-
11 pants in the Program are on intermission, they and
12 their families, as applicable, receive pay and allow-
13 ances in accordance with, and on such terms as pre-
14 scribed under, subsection (f) of section 710 of title
15 10, United States Code, except that subsection
16 (e)(2) of this section, rather than subparagraph (D)
17 of paragraph (3) of such subsection (f), shall govern
18 the active duty service commitment that is required
19 under the agreement described in such paragraph
20 (3).

21 (6) HOUSING.—Participants in the Program re-
22 siding in military installation or government housing
23 shall not be required to vacate their residence during
24 the intermission but shall be responsible for rent
25 payments during the period that basic allowance for

1 housing under section 403 of title 37, United States
2 Code, is suspended.

3 (7) CONTINUED ENTITLEMENTS.—The provi-
4 sions of subsection (h) of section 710 of title 10,
5 United States Code, shall apply with respect to con-
6 tinued entitlements for participants in the Program.

7 (8) COMBINATION OF INTERMISSION WITH PER-
8 MANENT CHANGE OF STATION.—Participants in the
9 Program may combine an intermission with a per-
10 manent change of station (PCS) where operationally
11 feasible.

12 (9) PROMOTION.—Subsection (g)(1) of section
13 710 of title 10, United States Code, shall govern the
14 consideration and eligibility for promotion of Pro-
15 gram participants.

16 (10) EFFECT OF INACTIVATION ON CERTAIN
17 RETIREMENT BENEFITS.—Any period of participa-
18 tion of a member in a program under this section
19 shall not count toward—

20 (A) eligibility for retirement or transfer to
21 the Ready Reserve under either chapter 571 or
22 1223 of title 10, United States Code; or

23 (B) computation of retired or retainer pay
24 under chapter 71 or 1223 of title 10, United
25 States Code.

1 (11) ORDER TO ACTIVE SERVICE.—Under regu-
2 lations prescribed by the Secretary of the Air Force,
3 a participant in the Program may, in the discretion
4 of the Secretary, be required to terminate participa-
5 tion in the Program and be ordered to active service.

6 (e) RETURN TO ACTIVE SERVICE.—

7 (1) EXPEDITED ON-BOARDING.—The Secretary
8 of the Air Force shall provide expedited on-boarding
9 to ensure that a returning participant in the Pro-
10 gram meets prerequisites to perform 11F3/12F3-
11 rated flight duties or 11F4/12F4-rated staff duties
12 within 30 days of reporting back to active duty after
13 an intermission pursuant to subsection (d).

14 (2) ACTIVE DUTY SERVICE COMMITMENT
15 (ADSC).—Upon return to active duty after an inter-
16 mission pursuant to subsection (d), a participant
17 shall incur a concurrent Active Duty Service Com-
18 mitment (ADSC) equal to double the duration of the
19 intermission.

20 (3) EXEMPTION FROM USERRA 5-YEAR REEM-
21 PLOYMENT RIGHTS TIME LIMITATION.—The Sec-
22 retary of the Air Force shall ensure that partici-
23 pants in the Program returning to active duty are
24 placed on orders the Secretary deems to be a critical
25 mission or requirement of the Air Force for pur-

1 poses of the exception to the 5-year reemployment
2 rights time limitation provided for in section
3 4312(c)(4)(D) of title 38, United States Code.

4 (f) PROHIBITION ON USE OF PARTICIPATION AS
5 NEGATIVE FACTOR IN CAREER DEVELOPMENT.—Partici-
6 pation in the Program shall not be used as a negative fac-
7 tor in the context of promotion boards, career development
8 opportunities, assignment matching, selection for
9 intermediate- and senior-level education, or in any other
10 manner with respect to determining career development
11 and progression.

12 (g) REPORT.—

13 (1) IN GENERAL.—Not later than 4 years after
14 the establishment of the Program, the Secretary of
15 the Air Force shall submit to the congressional de-
16 fense committees a report assessing the effectiveness
17 of the Program.

18 (2) ELEMENTS.—The report required under
19 paragraph (1) shall include the following elements:

20 (A) A description of how many eligible air-
21 crew applied for the Program and how many
22 were accepted.

23 (B) An assessment of changes in retention
24 for the 11F and 12F career fields based on the
25 pilot program.

1 (C) An assessment of changes in 11F/12F
2 manning in Air Operations Centers and air
3 staffs as a result of the Program.

4 (D) A description of the out-placement of
5 Program participants after the intermission pe-
6 riod

7 (E) A recommendation from the Air Force
8 whether to continue, discontinue, or modify the
9 Program after it ends pursuant to subsection
10 (h).

11 (h) DURATION.—The pilot program established
12 under this section shall terminate 5 years after it is estab-
13 lished.

14 (i) REGULATIONS.—Not later than 180 days after the
15 date of the enactment of this Act, the Secretary of De-
16 fense, in consultation with the Secretary of the Air Force,
17 shall prescribe regulations to establish and implement the
18 Program.