

BLACKBURN\_1

*Marsha Blackburn*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To prohibit the Federal Aviation Administration from awarding any Federal assistance to entities from certain foreign countries for projects related to unmanned aircraft systems, and for other purposes.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.**

**S.** \_\_\_\_\_

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2024 through 2028, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. BLACKBURN

Viz:

1 At the appropriate place in title VIII, insert the following:  
2

3 **SEC. \_\_\_\_ . STOP ILLICIT DRONES ACT.**

4 (a) DEFINITIONS.—In this section:

5 (1) COVERED FOREIGN COUNTRY.—The term  
6 “covered foreign country” means any of the following:  
7

8 (A) The People’s Republic of China.

9 (B) The Russian Federation.

10 (C) The Islamic Republic of Iran.

1 (D) The Democratic People's Republic of  
2 Korea.

3 (E) The Bolivarian Republic of Venezuela.

4 (F) The Republic of Cuba.

5 (G) Any other country the Administrator  
6 deems necessary.

7 (2) COVERED FOREIGN ENTITY.—The term  
8 “covered foreign entity” means an entity that is—

9 (A) included on the Consolidated Screening  
10 List maintained by the Under Secretary of  
11 Commerce for International Trade;

12 (B) domiciled in a covered foreign country;

13 (C) subject to influence or control by the  
14 government of a covered foreign country; or

15 (D) owned by an entity that is described in  
16 subparagraph (A), (B), or (C).

17 (3) UNMANNED AIRCRAFT SYSTEM; UAS.—The  
18 terms “unmanned aircraft system” and “UAS” have  
19 the meaning given the term “unmanned aircraft sys-  
20 tem” in section 44801 of title 49, United States  
21 Code.

22 (b) PROHIBITION ON FUNDING FOR ENTITIES FROM  
23 COVERED FOREIGN COUNTRIES FOR PROJECTS RELATED  
24 TO UNMANNED AIRCRAFT SYSTEMS.—

1 (1) AVIATION RESEARCH GRANTS PROGRAM.—

2 Not later than 180 days after the date of enactment  
3 of this section, the Administrator shall amend FAA  
4 Order 9550.7B, Aviation Research Grants Program  
5 (dated November 25, 2014), as well as any cor-  
6 responding policy or guidance material, to prohibit—

7 (A) any covered foreign entity from receiv-  
8 ing aviation research and development grants  
9 for any project related to unmanned aircraft  
10 systems; and

11 (B) any entity from using such grants to  
12 partner with or otherwise transact business re-  
13 lating to covered unmanned aircraft systems  
14 with covered foreign entities.

15 (2) AVIATION WORKFORCE DEVELOPMENT PRO-  
16 GRAMS.—Section 625(c) of the FAA Reauthorization  
17 Act of 2018 (49 U.S.C. 40101 note), as amended by  
18 section 501 of this Act, is amended—

19 (A) in paragraph (1), in the matter pre-  
20 ceding subparagraph (A), by striking “An ap-  
21 plication for a grant” and inserting “Subject to  
22 paragraph (4), an application for a grant”;

23 (B) in paragraph (2), in the matter pre-  
24 ceding subparagraph (A), by striking “An ap-

1           plication for a grant” and inserting “Subject to  
2           paragraph (4), an application for a grant”; and  
3           (C) by adding at the end the following new  
4           paragraph:

5           “(4) APPLICATIONS FROM COVERED FOREIGN  
6           ENTITIES.—

7           “(A) PROHIBITION.—Beginning on the  
8           date of enactment of this paragraph, an appli-  
9           cation for a grant under the program estab-  
10          lished under subsection (a)(1) or (a)(2) may  
11          not be submitted for an eligible project related  
12          to unmanned aircraft systems (as defined in  
13          section 44801 of title 49, United States Code)  
14          by—

15                 “(i) a covered foreign entity; or

16                 “(ii) an entity that uses or intends to  
17                 use such grant to benefit a covered foreign  
18                 entity.

19           “(B) DEFINITIONS.—For purposes of this  
20          paragraph:

21                 “(i) COVERED FOREIGN COUNTRY.—

22                 The term ‘covered foreign country’ means  
23                 any of the following:

24                         “(I) The People’s Republic of  
25                         China.

1 “(II) The Russian Federation.

2 “(III) The Islamic Republic of  
3 Iran.

4 “(IV) The Democratic People’s  
5 Republic of Korea.

6 “(V) The Bolivarian Republic of  
7 Venezuela.

8 “(VI) The Republic of Cuba.

9 “(VII) Any other country the Ad-  
10 ministrator of the Federal Aviation  
11 Administration deems necessary.

12 “(ii) COVERED FOREIGN ENTITY.—  
13 The term ‘covered foreign entity’ means an  
14 entity that is—

15 “(I) included on the Consolidated  
16 Screening List maintained by the  
17 Under Secretary of Commerce for  
18 International Trade;

19 “(II) domiciled in a covered for-  
20 eign country;

21 “(III) subject to influence or con-  
22 trol by the government of a covered  
23 foreign country; or

1                   “(IV) owned by an entity that is  
2                   described in subclause (I), (II), or  
3                   (III).”.

4                   (3) CENTERS OF EXCELLENCE.—

5                   (A) COMMUNITY AND TECHNICAL COLLEGE  
6                   CENTERS OF EXCELLENCE IN SMALL UN-  
7                   MANNED AIRCRAFT SYSTEM TECHNOLOGY  
8                   TRAINING.—Section 631 of the FAA Reauthor-  
9                   ization Act of 2018 (49 U.S.C. 40101 note) is  
10                  amended—

11                  (i) in subsection (a), by striking “Not  
12                  later than 180 days” and inserting “Sub-  
13                  ject to subsection (f), not later than 180  
14                  days”; and

15                  (ii) by adding at the end the following  
16                  new subsection:

17                  “(f) PROHIBITION.—

18                  “(1) IN GENERAL.—Beginning on the date of  
19                  enactment of this subsection, the Secretary of  
20                  Transportation may not designate any covered for-  
21                  eign entity as a Center of Excellence under sub-  
22                  section (a).

23                  “(2) DEFINITIONS.—For purposes of this sub-  
24                  section:

1                   “(A) COVERED FOREIGN COUNTRY.—The  
2 term ‘covered foreign country’ means any of the  
3 following:

4                   “(i) The People’s Republic of China.

5                   “(ii) The Russian Federation.

6                   “(iii) The Islamic Republic of Iran.

7                   “(iv) The Democratic People’s Repub-  
8 lic of Korea.

9                   “(v) The Bolivarian Republic of Ven-  
10 ezuela.

11                   “(vi) The Republic of Cuba.

12                   “(vii) Any other country the Adminis-  
13 trator of the Federal Aviation Administra-  
14 tion deems necessary.

15                   “(B) COVERED FOREIGN ENTITY.—The  
16 term ‘covered foreign entity’ means an entity  
17 that is—

18                   “(i) included on the Consolidated  
19 Screening List maintained by the Under  
20 Secretary of Commerce for International  
21 Trade;

22                   “(ii) domiciled in a covered foreign  
23 country;

1                   “(iii) subject to influence or control by  
2                   the government of a covered foreign coun-  
3                   try; or

4                   “(iv) owned by an entity that is de-  
5                   scribed in clause (i), (ii), or (iii).”.

6                   (B) REGIONAL CENTERS OF AIR TRANS-  
7                   PORTATION EXCELLENCE.—Section 44513 of  
8                   title 49, United States Code, is amended—

9                   (i) in subsection (a), by striking “The  
10                   Administrator” and inserting “Subject to  
11                   subsection (i), the Administrator”; and

12                   (ii) by adding at the end the following  
13                   new subsection:

14                   “(i) PROHIBITION.—

15                   “(1) IN GENERAL.—Beginning on the date of  
16                   enactment of this subsection, the Administrator may  
17                   not issue a grant under subsection (a) to a covered  
18                   foreign entity to establish or operate a regional cen-  
19                   ter of air transportation excellence related to un-  
20                   manned aircraft systems (as defined in section  
21                   44801).

22                   “(2) DEFINITIONS.—For purposes of this sub-  
23                   section:



1           “(A) COVERED FOREIGN COUNTRY.—The  
2 term ‘covered foreign country’ means any of the  
3 following:

4           “(i) The People’s Republic of China.

5           “(ii) The Russian Federation.

6           “(iii) The Islamic Republic of Iran.

7           “(iv) The Democratic People’s Repub-  
8 lic of Korea.

9           “(v) The Bolivarian Republic of Ven-  
10 zuela.

11           “(vi) The Republic of Cuba.

12           “(vii) Any other country the Adminis-  
13 trator deems necessary.

14           “(B) COVERED FOREIGN ENTITY.—The  
15 term ‘covered foreign entity’ means an entity  
16 that is—

17           “(i) included on the Consolidated  
18 Screening List maintained by the Under  
19 Secretary of Commerce for International  
20 Trade ;

21           “(ii) domiciled in a covered foreign  
22 country;

23           “(iii) subject to influence or control by  
24 the government of a covered foreign coun-  
25 try; or

1                   “(iv) owned by an entity that is de-  
2                   scribed in clause (i), (ii), or (iii).”.

3                   (4) OTHER FAA FUNDING.—

4                   (A) FACILITIES, PERSONNEL, AND RE-  
5                   SEARCH.—

6                   (i) IN GENERAL.—Chapter 445 of title  
7                   49, United States Code, is amended by  
8                   adding at the end the following new sec-  
9                   tion:

10                   **“§ 44520. Prohibition on drone-related funding to cov-  
11                   ered foreign entities**

12                   “(a) IN GENERAL.—The Administrator of the Fed-  
13                   eral Aviation Administration may not issue a grant under  
14                   this chapter to a covered foreign entity for any project  
15                   related to unmanned aircraft systems.

16                   “(b) DEFINITIONS.—For purposes of this section:

17                   “(1) COVERED FOREIGN COUNTRY.—The term  
18                   ‘covered foreign country’ means any of the following:

19                   “(A) The People’s Republic of China.

20                   “(B) The Russian Federation.

21                   “(C) The Islamic Republic of Iran.

22                   “(D) The Democratic People’s Republic of  
23                   Korea.

24                   “(E) The Bolivarian Republic of Ven-  
25                   ezuela.

1                   “(F) The Republic of Cuba.

2                   “(G) Any other country the Administrator  
3 of the Federal Aviation Administration deems  
4 necessary.

5                   “(2) COVERED FOREIGN ENTITY.—The term  
6 ‘covered foreign entity’ means an entity that is—

7                   “(A) included on the Consolidated Screen-  
8 ing List maintained by the Under Secretary of  
9 Commerce for International Trade;

10                   “(B) domiciled in a covered foreign coun-  
11 try;

12                   “(C) subject to influence or control by the  
13 government of a covered foreign country; or

14                   “(D) owned by an entity that is described  
15 in subparagraph (A), (B), or (C).

16                   “(3) UNMANNED AIRCRAFT SYSTEM.—The term  
17 ‘unmanned aircraft system’ has the meaning given  
18 that term in section 44801.

19                   “(c) EFFECTIVE DATE.—The prohibition under sub-  
20 section (a) shall apply to any grant awarded by the Ad-  
21 ministrator on or after the date of enactment of this sec-  
22 tion.”.

23                   (ii) CLERICAL AMENDMENT.—The  
24 analysis for chapter 445 of such title 49 is



1                   “(III) The Islamic Republic of  
2                   Iran.

3                   “(IV) The Democratic People’s  
4                   Republic of Korea.

5                   “(V) The Bolivarian Republic of  
6                   Venezuela.

7                   “(VI) The Republic of Cuba.

8                   “(VII) Any other country the Ad-  
9                   ministrators of the Federal Aviation  
10                  Administration deems necessary.

11                  “(ii) COVERED FOREIGN ENTITY.—  
12                  The term ‘covered foreign entity’ means an  
13                  entity that is—

14                         “(I) included on the Consolidated  
15                         Screening List maintained by the  
16                         Under Secretary of Commerce for  
17                         International Trade;

18                         “(II) domiciled in a covered for-  
19                         eign country;

20                         “(III) subject to influence or con-  
21                         trol by the government of a covered  
22                         foreign country; or

23                         “(IV) owned by an entity that is  
24                         described in subclause (I), (II), or  
25                         (III).”.

1           (C) AIP FUNDING ELIGIBILITY.—Section  
2           44810(e) of title 49, United States Code, is  
3           amended—

4                   (i) by striking “ELIGIBILITY.—Upon  
5           the certification” and inserting “ELIGI-  
6           BILITY.—

7           “(1) IN GENERAL.—Subject to paragraph (2),  
8           upon the certification”; and

9                   (ii) by adding at the end the following  
10           new paragraph:

11           “(2) PROHIBITION.—

12                   “(A) IN GENERAL.—The Administrator  
13           may not award a grant under paragraph (1) to  
14           a covered foreign entity for any project related  
15           to unmanned aircraft systems.

16                   “(B) EFFECTIVE DATE.—The prohibition  
17           under subparagraph (A) shall apply to any  
18           grant awarded under paragraph (1) on or after  
19           the date of enactment of the Stemming The  
20           Operation of Pernicious and Illicit Drones Act.

21                   “(C) DEFINITIONS.—For purposes of this  
22           subsection:

23                           “(i) COVERED FOREIGN COUNTRY.—

24                   The term ‘covered foreign country’ means  
25           any of the following:

1                   “(I) The People’s Republic of  
2                   China.

3                   “(II) The Russian Federation.

4                   “(III) The Islamic Republic of  
5                   Iran.

6                   “(IV) The Democratic People’s  
7                   Republic of Korea.

8                   “(V) The Bolivarian Republic of  
9                   Venezuela.

10                  “(VI) The Republic of Cuba.

11                  “(VII) Any other country the Ad-  
12                  ministrators deems necessary.

13                  “(ii) COVERED FOREIGN ENTITY.—

14                  The term ‘covered foreign entity’ means an  
15                  entity that is—

16                   “(I) included on the Consolidated  
17                   Screening List or Entity List main-  
18                   tained by the Under Secretary of  
19                   Commerce for International Trade;

20                   “(II) domiciled in a covered for-  
21                   eign country;

22                   “(III) subject to influence or con-  
23                   trol by the government of a covered  
24                   foreign country; or

1                   “(IV) owned by an entity that is  
2                   described in subclause (I), (II), or  
3                   (III).”.

4           (c) PROHIBITION ON FAA OPERATION, PROCURE-  
5   MENT, OR CONTRACTING ACTION WITH RESPECT TO COV-  
6   ERED UNMANNED AIRCRAFT SYSTEMS.—

7           (1) IN GENERAL.—Chapter 448 of title 49,  
8           United States Code, as amended by this Act, is  
9           amended by adding at the end the following new sec-  
10          tion:

11       **“§ 44816. Prohibition on operation, procurement, or**  
12               **contracting action with respect to cov-**  
13               **ered unmanned aircraft systems**

14       “(a) IN GENERAL.—Subject to subsection (b), the  
15   Administrator shall not—

16           “(1) operate a covered unmanned aircraft sys-  
17          tem; or

18           “(2) enter into, extend, or renew a contract—

19               “(A) for the procurement of a covered un-  
20               manned aircraft system; or

21               “(B) with an entity that operates (as de-  
22               termined by the Administrator) a covered un-  
23               manned aircraft system in the performance of  
24               any Federal Aviation Administration contract.



1           “(b) EXEMPTION.—The restrictions under subsection  
2 (a) shall not apply if the operation, procurement, or con-  
3 tracting action is for the purpose of—

4           “(1) detection or counter-UAS system surrogate  
5 testing and training (including at Federal Aviation  
6 Administration-approved testing sites);

7           “(2) intelligence, electronic warfare, and infor-  
8 mation warfare operations, testing (including at  
9 Federal Aviation Administration-approved testing  
10 sites), analysis, and training; or

11           “(3) research to inform unmanned aircraft sys-  
12 tem data-driven policy decisions, safety assessments,  
13 procedures, rulemaking, and standards to safely in-  
14 tegrate emerging entrants into the national airspace  
15 system (including at Federal Aviation Administra-  
16 tion-approved testing sites).

17           “(c) WAIVER.—The Administrator may waive the re-  
18 strictions under subsection (a) on a case by case basis by  
19 certifying, in writing, to the Secretary of Homeland Secu-  
20 rity and the appropriate committees of Congress that the  
21 operation, procurement, or contracting action is required  
22 in the public interest.

23           “(d) REPLACEMENT OF COVERED UNMANNED AIR-  
24 CRAFT SYSTEMS.—Not later than 1 year after the date  
25 of enactment of this section, the Administrator shall re-

1 place any covered unmanned aircraft system that is owned  
2 or operated by the Federal Aviation Administration as of  
3 the date of enactment of this section with an unmanned  
4 aircraft system manufactured in the United States or an  
5 allied country (as that term is defined in section  
6 2350f(d)(1) of title 10, United States Code).

7 “(e) REPORT TO CONGRESS.—Not later than 180  
8 days after the date of enactment of this section, the Ad-  
9 ministrator shall submit to the appropriate committees of  
10 Congress a report that includes—

11 “(1) a description of the changes the Federal  
12 Aviation Administration has made to its operation,  
13 procurement, and contracting processes to ensure  
14 that the Administration does not acquire any cov-  
15 ered unmanned aircraft system;

16 “(2) the number of covered unmanned aircraft  
17 systems that needed to be replaced in accordance  
18 with subsection (d), including—

19 “(A) an explanation of the purposes for  
20 which such covered unmanned aircraft systems  
21 were used;

22 “(B) a description of the unmanned air-  
23 craft systems that the Administrator will pur-  
24 chase to replace such covered unmanned air-  
25 craft systems; and

1                   “(C) the cost to replace the identified un-  
2                   manned aircraft systems; and

3                   “(3) any other information determined appro-  
4                   priate by the Administrator.

5                   “(f) DEFINITIONS.—In this section:

6                   “(1) ADMINISTRATOR.—The term ‘Adminis-  
7                   trator’ means the Administrator of the Federal Avia-  
8                   tion Administration.

9                   “(2) APPROPRIATE COMMITTEES OF CON-  
10                  GRESS.—The term ‘appropriate committees of Con-  
11                  gress’ means—

12                   “(A) the Committee on Commerce,  
13                   Science, and Transportation of the Senate;

14                   “(B) the Subcommittee on Transportation,  
15                   Housing and Urban Development, and Related  
16                   Agencies of the Committee on Appropriations of  
17                   the Senate;

18                   “(C) the Committee on Transportation and  
19                   Infrastructure of the House of Representatives;  
20                   and

21                   “(D) the Subcommittee on Transportation,  
22                   Housing and Urban Development, and Related  
23                   Agencies of the Committee on Appropriations of  
24                   the House of Representatives.

1           “(3) COVERED FOREIGN COUNTRY.—The term  
2           ‘covered foreign country’ means any of the following:

3                   “(A) The People’s Republic of China.

4                   “(B) The Russian Federation.

5                   “(C) The Islamic Republic of Iran.

6                   “(D) The Democratic People’s Republic of  
7           Korea.

8                   “(E) The Bolivarian Republic of Ven-  
9           ezuela.

10                  “(F) The Republic of Cuba.

11                  “(G) Any other country the Administrator  
12           deems necessary.

13           “(4) COVERED UNMANNED AIRCRAFT SYS-  
14           TEM.—The term ‘covered unmanned aircraft system’  
15           means an unmanned aircraft system that is—

16                   “(A) included on the Consolidated Screen-  
17           ing List maintained by the Under Secretary of  
18           Commerce for International Trade;

19                   “(B) produced by an entity domiciled in a  
20           covered foreign country; or

21                   “(C) produced by an entity subject to in-  
22           fluence or control by the government of a cov-  
23           ered foreign country.”.

24           (2) CLERICAL AMENDMENT.—The analysis for  
25           chapter 448 of such title is amended by inserting

1 after the item relating to section 44815 the fol-  
2 lowing:

“44816. Prohibition on operation, procurement, or contracting action with re-  
spect to covered unmanned aircraft systems.”.