

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5072

By Delegates Nestor, Kimble, Zatezalo, Phillips,
Kump, Ridenour, Mazzocchi, Longanacre, Cooper,
Heckert, and Hanshaw (Mr. Speaker)

[Introduced January 25, 2024; Referred to the
Committee on the Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §15-17-1, §15-17-2, §15-17-3, and §15-17-4, all relating to the creation of The
 3 Act to Prohibit the Purchase of Small Unmanned Aircrafts Manufactured or Assembled by
 4 a Covered Foreign Entity; providing for definitions; prohibiting the purchase of small
 5 unmanned aircraft from covered foreign entities; and providing for the drone replacement
 6 grant program.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 17. THE ACT TO PROHIBIT THE PURCHASE OF SMALL UNMANNED
 AIRCRAFTS MANUFACTURED OR ASSEMBLED BY A COVERED FOREIGN
 ENTITY.**

§15-17-1. Short title.

1 This article may be cited as "The Act to Prohibit the Purchase of Small Unmanned Aircrafts
 2 Manufactured or Assembled by a Covered Foreign Entity."

§15-17-2. Definitions.

- 1 (a) "Covered Foreign Entity" means an individual, foreign government, or a party:
 2 (1) On the Consolidated Screening List or Entity List as designated by the United States
 3 Secretary of Commerce.
 4 (2) Domiciled in the People's Republic of China or the Russian Federation.
 5 (3) Under the influence or control by the government of the People's Republic of China or
 6 the Russian Federation.
 7 (4) That is a subsidiary or affiliate of an individual, government or party referred to above.
 8 (b) "Public entity" means West Virginia, or a political subdivision of West Virginia, including
 9 all boards, authorities, commissions, agencies, committees, councils, university departments, or
 10 other state entities created by the West Virginia constitution or law.
 11 (c) "Small Unmanned Aircraft System" means unmanned, powered aircraft that:

12 (1) Is operated without the possibility of direct human intervention from within or on the
13 aircraft;

14 (2) Can be expendable or recoverable; and

15 (3) Weighs less than 55 pounds including the weight of anything attached to or carried by
16 the aircraft.

§15-17-3. Purchase of small unmanned aircraft from covered foreign entities.

1 (a) A public entity shall not purchase or otherwise acquire a small unmanned aircraft
2 system that is manufactured or assembled by a covered foreign entity.

3 (b) No state funds may be used in connection with small unmanned aircraft systems
4 manufactured or assembled by a covered foreign entity, including without limitation state funds:

5 (1) Awarded through a contract, grant, or cooperative agreement; or

6 (2) Otherwise made available.

7 (b) On or after May 1, 2027, a public entity shall not operate a small unmanned aircraft
8 manufactured or assembled by a covered foreign entity.

9 (c) The Secretary of the Department of Homeland Security may waive the restrictions
10 upon:

11 (1) His or her review of the necessity to purchase a small unmanned aircraft system that is
12 manufactured or assembled by a covered foreign entity due to exigent circumstances, Counter
13 Unmanned Aircraft Systems, or criminal investigative purposes; and

14 (2) Notification to the Legislature.

§15-17-4. Drone replacement grant program.

1 (a) Subject to appropriation, a drone replacement grant program will be created within the
2 Department of Homeland Security beginning no later than 270 days after enactment.

3 (b) The program shall provide funds to public safety agencies impacted by the above
4 provisions.

5 (c) Those departments that turn in drones to the Department of Homeland Security that are

6 not in compliance with the above provisions will be eligible for appropriated funds to acquire
7 compliant systems and training.

8 (d) The drone must not have reached its end of life and must still be in working condition.
9 Funds shall be provided based upon the drone's current purchase value. Grant funds may only be
10 used to purchase drones that are in compliance with the above sections.

11 (e) Those agencies desiring to purchase new drones must detail specific platforms they
12 wish to purchase alongside a training and use plan.

13 (f) The Department of Homeland Security shall develop an application process and
14 allocate funds on a first-come, first-served basis, determined by the date the Department of
15 Homeland Security receives the properly completed application. The Department of Homeland
16 Security may adopt rules to implement this program.

17 (g) Approved replacement drones must be in compliance h the above sections. This
18 includes, but is not limited to, drones that have received:

19 (1) Defense Innovation Unit's (DIU) Blue sUAS certification.

20 (2) The Association for Uncrewed Vehicle Systems' (AUVSI) Green UAS certification.

NOTE: The purpose of this bill is create the Act to Prohibit the Purchase of Small Unmanned Aircrafts Manufactured or Assembled by a Covered Foreign Entity. The bill provides for definitions. The bill prohibits the purchase of small unmanned aircraft from covered foreign entities. Finally, the bill provides for the drone replacement grant program.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.