

119TH CONGRESS  
2D SESSION

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To provide a prohibition on certain reductions to MQ-9 aircraft units, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. CRUZ (for himself, Mr. KELLY, and Ms. SLOTKIN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To provide a prohibition on certain reductions to MQ-9 aircraft units, 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 “Sustainment of Un-  
5 manned Systems, Total Force Aircraft Inventory, and Na-  
6 tional Guard Protection Act” or the “SUSTAIN Act”.

1 **SEC. 2. PROHIBITION ON CERTAIN REDUCTIONS TO MQ-9**  
2 **AIRCRAFT UNITS.**

3 (a) PROHIBITION.—Except as provided in this sec-  
4 tion, during the covered period, the Secretary of the Air  
5 Force may not—

6 (1) divest, deactivate, redesignate, consolidate,  
7 transfer, initiate any action to retire, place in  
8 backup aircraft inventory status, or otherwise reduce  
9 the mission capability of any MQ-9 aircraft or MQ-  
10 9 aircraft unit in existence on the date of the enact-  
11 ment of this Act, including by—

12 (A) reducing the total primary aerospace  
13 vehicle authorization (PAA) number of MQ-9  
14 aircraft assigned to any unit of the Air Na-  
15 tional Guard below the levels in effect on such  
16 date of enactment; or

17 (B) reducing the primary mission aircraft  
18 inventory of MQ-9 aircraft of the Air Force  
19 below the levels in effect on such date of enact-  
20 ment;

21 (2) modify the designed operational capability  
22 statement for any MQ-9 aircraft unit, as in effect  
23 on the date of the enactment of this Act, in a man-  
24 ner that would reduce the capabilities of such a unit  
25 below the levels specified in such statement as in ef-  
26 fect on such date; or

1           (3) reduce, below the levels in effect on such  
2           date of enactment, the number of personnel assigned  
3           to units responsible for the operation and mainte-  
4           nance of MQ-9 aircraft if such reduction would af-  
5           fect the ability of such units to meet the capability  
6           described in paragraph (2).

7           (b) EXCEPTION FOR INDIVIDUAL AIRCRAFT.—The  
8           prohibition under subsection (a) shall not apply to an indi-  
9           vidual MQ-9 aircraft if the Secretary of the Air Force—

10           (1) determines, on a case-by-case basis, that the  
11           aircraft is unsafe to operate, uneconomical to repair,  
12           or no longer mission capable due to mishap damage,  
13           structural condition, airworthiness, obsolescence, or  
14           other material sustainment issue; and

15           (2) meets the requirements of subsection (c)  
16           with respect to the MQ-9 aircraft unit concerned.

17           (c) EXCEPTION FOR MISSION CONVERSION.—The  
18           prohibition under subsection (a) shall not apply to an MQ-  
19           9 aircraft unit if the Secretary of the Air Force, with the  
20           approval of the applicable governor pursuant to section  
21           104(e) of title 32, United States Code—

22           (1) assigns to such unit a new primary mission;

23           (2) certifies to the congressional defense com-  
24           mittees that such mission will maintain or enhance

1 the operational capability of such unit within the  
2 total force; and

3 (3) submits to the congressional defense com-  
4 mittees a plan describing—

5 (A) the personnel impacts of mission con-  
6 version;

7 (B) the projected operational capability of  
8 the new mission, including programmed funding  
9 and required manpower;

10 (C) the timeline for transition; and

11 (D) any associated aircraft, systems, or in-  
12 frastructure requirements.

13 (d) CONSULTATION REQUIREMENT.—The Secretary  
14 of the Air Force shall consult with the Chief of the Na-  
15 tional Guard Bureau and the Director of the Air National  
16 Guard before taking any action to retire, divest, reduce,  
17 realign, restructure, redesignate, consolidate, transfer, or  
18 otherwise modify any MQ-9 aircraft or MQ-9 aircraft  
19 unit assigned to the Air National Guard.

20 **SEC. 3. REPORT ON RECAPITALIZATION PLAN.**

21 (a) REPORT REQUIRED.—Not later than 180 days  
22 after the date of the enactment of this Act, the Secretary  
23 of the Air Force, in coordination with the Director of the  
24 Air National Guard, shall submit to the congressional de-

1 fense committees a report on the plan of the Department  
2 of the Air Force to recapitalize the MQ-9 aircraft fleet.

3 (b) ELEMENTS.—The report required by subsection  
4 (a) shall include the following:

5 (1) An assessment of the current operational  
6 status, projected service life, and mission require-  
7 ments of the MQ-9 aircraft fleet.

8 (2) A description of planned modernization ef-  
9 forts, sustainment activities, and capability upgrades  
10 for MQ-9 aircraft through fiscal year 2035.

11 (3) An assessment of options for recapitaliza-  
12 tion or modernization MQ-9 aircraft.

13 (4) A description of the role of the Air National  
14 Guard in the future MQ-9 aircraft force structure  
15 and recapitalization strategy.

16 (5) A projected timeline and estimated funding  
17 requirements associated with recapitalization of the  
18 MQ-9 aircraft fleet.

19 (6) An identification of any legislative authori-  
20 ties required to implement the recapitalization plan.

21 **SEC. 4. DEFINITIONS.**

22 In this Act:

23 (1) CONGRESSIONAL DEFENSE COMMITTEES.—  
24 The term “congressional defense committees” has

1 the meaning given that term in section 101(a) of  
2 title 10, United States Code.

3 (2) COVERED PERIOD.—The term “covered pe-  
4 riod” means the period beginning on the date of the  
5 enactment of this Act and ending on September 30,  
6 2032.

7 (3) DESIGNED OPERATIONAL CAPABILITY  
8 STATEMENT.—The term “designed operational capa-  
9 bility statement” has the meaning given that term in  
10 Air Force Instruction 10–201.