

**Floor Amendment No. 3098 to S 4638 - Sen. Scott - COUNTERING CCP DRONES**

[SA 3098](#). Mr. SCOTT of Florida (for himself and Mr. Warner) submitted an amendment intended to be proposed by him to the bill [S. 4638](#), to authorize appropriations for fiscal year 2025 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_ . COUNTERING CCP DRONES.

(a) Determination of Whether Unmanned Aircraft Systems Manufacturers Are Chinese Military Companies.--Pursuant to the annual review required under section 1260H(a) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 113 note), the Secretary of Defense shall determine if any entity that manufactures or assembles unmanned aircraft systems (as defined in section 44801 of title 49, United States Code), or any subsidiary, parent, affiliate, or successor of such an entity, should be identified under such section 1260H(a) as a Chinese military company operating directly or indirectly in the United States.

(b) Addition of Certain Equipment and Services of DJI Technologies and Autel Robotics to Covered Communications Equipment and Services List.--

(1) In general.--Section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) is amended--

(A) in subsection (c), by adding at the end the following:

``(5) The communications equipment or service being--

``(A) communications or video surveillance equipment produced or provided by--

``(i) Shenzhen Da-Jiang Innovations Sciences and Technologies Company Limited (commonly known as `DJI Technologies`);

``(ii) Autel Robotics; or

``(iii) with respect to an entity described in clause (i) or (ii) (referred to in this clause as a `named entity')--

``(I) any subsidiary, affiliate, or partner of the named entity;

``(II) any entity in a joint venture with the named entity;

or  
``(III) any entity to which the named entity has issued a license to produce or provide that telecommunications or video surveillance equipment; or

``(B) telecommunications or video surveillance services, including software, provided by an entity described in subparagraph (A) or using equipment described in that subparagraph.

``(6) (A) The communications equipment or service being any communications equipment or service produced or provided by

an entity--

``(i) that is a subsidiary, affiliate, or partner of an entity that produces or provides any communications equipment or service described in any of paragraphs (1) through (5) (referred to in this subparagraph as a `covered entity');

``(ii) that is in a joint venture with a covered entity; or

``(iii) to which a covered entity has issued a license to produce or provide that communications equipment or service.

``(B) An executive branch interagency body described in paragraph (1) may submit to the Commission a petition to have an entity recognized as an entity to which subparagraph (A) applies.''; and

(B) by adding at the end the following:

``(e) Inapplicability to Authorized Intelligence Activities.--

``(1) Definitions.--In this subsection, the terms `intelligence' and `intelligence community' have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

``(2) Inapplicability.--Notwithstanding any other provision of this section, an action by the Commission under subsection (b) (1) based on a determination made under paragraph (5) or (6) of subsection (c) shall not apply with respect to any--

``(A) activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.);

``(B) activity of an element of the intelligence community relating to intelligence; or

``(C) activity of, or procurement by, an element of the intelligence community in support of an activity relating to intelligence.''.

(2) Conforming amendments.--Section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) is amended by striking ``paragraphs (1) through (4)'' each place that term appears and inserting ``paragraphs (1) through (6)''.

(3) Effective date.--This subsection, and the amendments made by this subsection, shall take effect on the date that is 180 days after the date of enactment of this Act.

(c) First Responder Secure Drone Program.--

(1) Definitions.--In this subsection:

(A) Eligible entity.--

(i) In general.--The term `eligible entity' means an agency of an entity described in clause (ii) that has as a primary responsibility the maintenance of public safety.

(ii) Entity described.--An entity described in this clause is any of the following:

(I) Each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(II) A political subdivision, including a unit of local government, of an entity described in subclause (I).

(III) A Tribal Government.

(B) Eligible small unmanned aircraft system.--The term `eligible small unmanned aircraft system' means a small

unmanned aircraft system, as defined in part 107 of title 14, Code of Federal Regulations (or any successor regulation), that--

(i) was not designed, manufactured, or assembled, in whole or in part, by a foreign entity of concern; or  
(ii) does not include software or 1 or more critical components from a foreign entity of concern.

(C) Foreign entity of concern.--The term ``foreign entity of concern'' has the meaning given the term in section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651).

(D) Secretary.--The term ``Secretary'' means the Secretary of Transportation.

(E) Unmanned aircraft system.--The term ``unmanned aircraft system'' has the meaning given such term in section 44801 of title 49, United States Code.

(2) Authority.--Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, in coordination with the Attorney General, to be known as the First Responder Secure Drone Program, to provide grants to eligible entities to facilitate the use of eligible small unmanned aircraft systems.

(3) Use of grant amounts.--An eligible entity may use a grant provided under this subsection to--

(A) purchase or lease eligible small unmanned aircraft systems;

(B) purchase or lease software, training, and other services reasonably associated with the purchase or lease of eligible small unmanned aircraft systems; and

(C) dispose of unmanned aircraft systems owned by the eligible entity.

(4) Restrictions on grant uses.--In administering grants under this program, the Secretary, in coordination with the Attorney General, shall ensure funds are used in a manner that safeguards civil liberties and mitigates cybersecurity risks concerning the operation and use of the eligible small unmanned aircraft system.

(5) Application.--To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require, including an assurance that the eligible entity or any contractor of the eligible entity, will comply with relevant Federal regulations.

(6) Federal share.--

(A) In general.--Except as provided in subparagraph (B), the Federal share of the allowable costs of a project carried out using a grant provided under this subsection shall not exceed 50 percent of the total allowable project costs.

(B) Waiver.--The Secretary may increase the Federal share under subparagraph (A) to up to 75 percent if an eligible entity--

(i) submits a written application to the Secretary requesting an increase in the Federal share; and

(ii) demonstrates that the additional assistance is necessary to facilitate the acceptance and full use of a grant under this subsection, due to circumstances such as alleviating economic hardship, meeting additional workforce

needs, or any other uses that the Secretary determines to be appropriate.

(7) Sunset of program.--The program established under this subsection shall end on the date that is the earlier of--

(A) the date on which all appropriations authorized under paragraph (7) are expended; and

(B) the date that is 2 years after the date of enactment of this Act.

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