

AMENDMENT NO. _____ Calendar No. _____

Purpose: To add communications equipment and services produced or provided by Shenzhen Da-Jiang Innovations Sciences and Technologies Company Limited and Autel Robotics to the list that the Federal Communications Commission is required to maintain under the Secure and Trusted Communications Networks Act of 2019.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

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.

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 Mr. SCOTT of
Florida (for himself and Mr. WARNER)

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . COUNTERING CCP DRONES.**
- 3 (a) DETERMINATION OF WHETHER UNMANNED AIR-
- 4 CRAFT SYSTEMS MANUFACTURERS ARE CHINESE MILI-
- 5 TARY COMPANIES.—Pursuant to the annual review re-
- 6 quired under section 1260H(a) of the William M. (Mac)
- 7 Thornberry National Defense Authorization Act for Fiscal

1 Year 2021 (Public Law 116–283; 10 U.S.C. 113 note),
2 the Secretary of Defense shall determine if any entity that
3 manufactures or assembles unmanned aircraft systems (as
4 defined in section 44801 of title 49, United States Code),
5 or any subsidiary, parent, affiliate, or successor of such
6 an entity, should be identified under such section
7 1260H(a) as a Chinese military company operating di-
8 rectly or indirectly in the United States.

9 (b) ADDITION OF CERTAIN EQUIPMENT AND SERV-
10 ICES OF DJI TECHNOLOGIES AND AUTEL ROBOTICS TO
11 COVERED COMMUNICATIONS EQUIPMENT AND SERVICES
12 LIST.—

13 (1) IN GENERAL.—Section 2 of the Secure and
14 Trusted Communications Networks Act of 2019 (47
15 U.S.C. 1601) is amended—

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

18 “(5) The communications equipment or service
19 being—

20 “(A) communications or video surveillance
21 equipment produced or provided by—

22 “(i) Shenzhen Da-Jiang Innovations
23 Sciences and Technologies Company Lim-
24 ited (commonly known as ‘DJI Tech-
25 nologies’);

1 “(ii) Autel Robotics; or

2 “(iii) with respect to an entity de-
3 scribed in clause (i) or (ii) (referred to in
4 this clause as a ‘named entity’)—

5 “(I) any subsidiary, affiliate, or
6 partner of the named entity;

7 “(II) any entity in a joint ven-
8 ture with the named entity; or

9 “(III) any entity to which the
10 named entity has issued a license to
11 produce or provide that telecommuni-
12 cations or video surveillance equip-
13 ment; or

14 “(B) telecommunications or video surveil-
15 lance services, including software, provided by
16 an entity described in subparagraph (A) or
17 using equipment described in that subpara-
18 graph.

19 “(6)(A) The communications equipment or
20 service being any communications equipment or
21 service produced or provided by an entity—

22 “(i) that is a subsidiary, affiliate, or part-
23 ner of an entity that produces or provides any
24 communications equipment or service described

1 in any of paragraphs (1) through (5) (referred
2 to in this subparagraph as a ‘covered entity’);

3 “(ii) that is in a joint venture with a cov-
4 ered entity; or

5 “(iii) to which a covered entity has issued
6 a license to produce or provide that communica-
7 tions equipment or service.

8 “(B) An executive branch interagency body de-
9 scribed in paragraph (1) may submit to the Commis-
10 sion a petition to have an entity recognized as an en-
11 tity to which subparagraph (A) applies.”; and

12 (B) by adding at the end the following:

13 “(e) INAPPLICABILITY TO AUTHORIZED INTEL-
14 LIGENCE ACTIVITIES.—

15 “(1) DEFINITIONS.—In this subsection, the
16 terms ‘intelligence’ and ‘intelligence community’
17 have the meanings given those terms in section 3 of
18 the National Security Act of 1947 (50 U.S.C. 3003).

19 “(2) INAPPLICABILITY.—Notwithstanding any
20 other provision of this section, an action by the
21 Commission under subsection (b)(1) based on a de-
22 termination made under paragraph (5) or (6) of
23 subsection (e) shall not apply with respect to any—

1 “(A) activity subject to the reporting re-
2 quirements under title V of the National Secu-
3 rity Act of 1947 (50 U.S.C. 3091 et seq.);

4 “(B) activity of an element of the intel-
5 ligence community relating to intelligence; or

6 “(C) activity of, or procurement by, an ele-
7 ment of the intelligence community in support
8 of an activity relating to intelligence.”.

9 (2) CONFORMING AMENDMENTS.—Section 2 of
10 the Secure and Trusted Communications Networks
11 Act of 2019 (47 U.S.C. 1601) is amended by strik-
12 ing “paragraphs (1) through (4)” each place that
13 term appears and inserting “paragraphs (1) through
14 (6)”.

15 (3) EFFECTIVE DATE.—This subsection, and
16 the amendments made by this subsection, shall take
17 effect on the date that is 180 days after the date of
18 enactment of this Act.

19 (c) FIRST RESPONDER SECURE DRONE PROGRAM.—

20 (1) DEFINITIONS.—In this subsection:

21 (A) ELIGIBLE ENTITY.—

22 (i) IN GENERAL.—The term “eligible
23 entity” means an agency of an entity de-
24 scribed in clause (ii) that has as a primary

1 responsibility the maintenance of public
2 safety.

3 (ii) ENTITY DESCRIBED.—An entity
4 described in this clause is any of the fol-
5 lowing:

6 (I) Each of the 50 States, the
7 District of Columbia, the Common-
8 wealth of Puerto Rico, the United
9 States Virgin Islands, Guam, Amer-
10 ican Samoa, and the Commonwealth
11 of the Northern Mariana Islands.

12 (II) A political subdivision, in-
13 cluding a unit of local government, of
14 an entity described in subclause (I).

15 (III) A Tribal Government.

16 (B) ELIGIBLE SMALL UNMANNED AIR-
17 CRAFT SYSTEM.—The term “eligible small un-
18 manned aircraft system” means a small un-
19 manned aircraft system, as defined in part 107
20 of title 14, Code of Federal Regulations (or any
21 successor regulation), that—

22 (i) was not designed, manufactured,
23 or assembled, in whole or in part, by a for-
24 eign entity of concern; or

1 (ii) does not include software or 1 or
2 more critical components from a foreign
3 entity of concern.

4 (C) FOREIGN ENTITY OF CONCERN.—The
5 term “foreign entity of concern” has the mean-
6 ing given the term in section 9901 of the Wil-
7 liam M. (Mac) Thornberry National Defense
8 Authorization Act for Fiscal Year 2021 (15
9 U.S.C. 4651).

10 (D) SECRETARY.—The term “Secretary”
11 means the Secretary of Transportation.

12 (E) UNMANNED AIRCRAFT SYSTEM.—The
13 term “unmanned aircraft system” has the
14 meaning given such term in section 44801 of
15 title 49, United States Code.

16 (2) AUTHORITY.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary shall establish a program, in coordination
19 with the Attorney General, to be known as the First
20 Responder Secure Drone Program, to provide grants
21 to eligible entities to facilitate the use of eligible
22 small unmanned aircraft systems.

23 (3) USE OF GRANT AMOUNTS.—An eligible enti-
24 ty may use a grant provided under this subsection
25 to—

1 (A) purchase or lease eligible small un-
2 manned aircraft systems;

3 (B) purchase or lease software, training,
4 and other services reasonably associated with
5 the purchase or lease of eligible small un-
6 manned aircraft systems; and

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

9 (4) RESTRICTIONS ON GRANT USES.—In admin-
10 istering grants under this program, the Secretary, in
11 coordination with the Attorney General, shall ensure
12 funds are used in a manner that safeguards civil lib-
13 erties and mitigates cybersecurity risks concerning
14 the operation and use of the eligible small unmanned
15 aircraft system.

16 (5) APPLICATION.—To be eligible to receive a
17 grant under this subsection, an eligible entity shall
18 submit to the Secretary an application at such time,
19 in such form, and containing such information as
20 the Secretary may require, including an assurance
21 that the eligible entity or any contractor of the eligi-
22 ble entity, will comply with relevant Federal regula-
23 tions.

24 (6) FEDERAL SHARE.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the Federal share of the al-
3 lowable costs of a project carried out using a
4 grant provided under this subsection shall not
5 exceed 50 percent of the total allowable project
6 costs.

7 (B) WAIVER.—The Secretary may increase
8 the Federal share under subparagraph (A) to
9 up to 75 percent if an eligible entity—

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

13 (ii) demonstrates that the additional
14 assistance is necessary to facilitate the ac-
15 ceptance and full use of a grant under this
16 subsection, due to circumstances such as
17 alleviating economic hardship, meeting ad-
18 ditional workforce needs, or any other uses
19 that the Secretary determines to be appro-
20 priate.

21 (7) SUNSET OF PROGRAM.—The program es-
22 tablished under this subsection shall end on the date
23 that is the earlier of—

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

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