

119TH CONGRESS
1ST SESSION

S. _____

To amend the Harmonized Tariff Schedule of the United States to increase the rate of duty on unmanned aircraft imported from the People’s Republic of China, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Harmonized Tariff Schedule of the United States to increase the rate of duty on unmanned aircraft imported from the People’s Republic of China, 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 “Drones for America
5 Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) the United States has a national security
2 interest in securing the supply chain for unmanned
3 aircraft in the United States;

4 (2) implementing tariffs on unmanned aircraft
5 and components for such aircraft from the People's
6 Republic of China has the effect of incentivizing
7 sourcing from the United States and allies of the
8 United States, which in turn has the effect of pro-
9 moting resilient supply chains for unmanned aircraft
10 and components for such aircraft; and

11 (3) applying protective duties against foreign
12 adversary countries, such as the People's Republic of
13 China, is prudent and necessary to safeguard the do-
14 mestic unmanned aircraft industry.

15 **SEC. 3. DUTY INCREASE FOR IMPORTS OF UNMANNED AIR-**
16 **CRAFT FROM THE PEOPLE'S REPUBLIC OF**
17 **CHINA.**

18 (a) IN GENERAL.—Subchapter III of chapter 99 of
19 the Harmonized Tariff Schedule of the United States (in
20 this Act referred to as the “HTS”) is amended as follows:

21 (1) By inserting in numerical sequence the fol-
22 lowing, with the article description for heading
23 9903.87.01 having the same degree of indentation as
24 the article description for heading 9903.85.11:

“	Articles that are the product of			
	China:			

3

9903.87.01	Unmanned aircraft, as provided for in note 31 to this subchapter (provided for in subheadings 8806.10.00, 8806.21.00, 8806.22.00, 8806.23.00, 8806.24.00, 8806.29.00, 8806.91.00, 8806.92.00, 8806.93.00, 8806.94.00, or 8806.99.00)	The rate of duty provided in note 31 to this subchapter	The duty provided in the applicable sub-heading	The duty provided in the applicable sub-heading	
9903.87.02	Parts of unmanned aircraft of heading 8806, as provided for in note 31 to this subchapter (provided for in subheadings 8807.10.00, 8807.20.00, or 8807.30.00)	The rate of duty provided in note 31 to this subchapter	The duty provided in the applicable sub-heading	The duty provided in the applicable sub-heading	”.

1 (2) By inserting in numerical sequence the fol-
2 lowing new U.S. note:

3 “31.(a) Products of China classified in headings
4 9903.87.01 and 9903.87.02 shall be subject to an ad
5 valorem rate of duty specified in subdivision (b),
6 which shall, notwithstanding U.S. note 1 to this sub-
7 chapter, be in addition to—

8 “(i) the rates of duty provided for such ar-
9 ticles in chapter 88 and this subchapter; and

10 “(ii) any other applicable duties (including
11 antidumping and countervailing duties), fees,
12 exactions, or charges.

13 “(b) The rates of duty specified in this subdivi-
14 sion and applicable with respect to products of
15 China classified in headings 9903.87.01 and
16 9903.87.02 are as follows:

17 “(i) With respect to products entered for
18 consumption, or withdrawn from warehouse for

1 consumption, on or after 12:01 a.m. eastern
2 time on the day that is 30 days after the date
3 of the enactment of the Drones for America Act
4 through 11:59 p.m. eastern time on the day
5 that is 1 year after such date of enactment,
6 30%.

7 “(ii) With respect to products entered for
8 consumption, or withdrawn from warehouse for
9 consumption, on or after 12:01 a.m. eastern
10 time on the day after the day that is 1 year
11 after such date of enactment through 11:59
12 p.m. eastern time on the day that is 2 years
13 after such date of enactment, 35%.

14 “(iii) With respect to products entered for
15 consumption, or withdrawn from warehouse for
16 consumption, on or after 12:01 a.m. eastern
17 time on the day after the day that is 2 years
18 after such date of enactment through 11:59
19 p.m. eastern time on the day that is 3 years
20 after such date of enactment, 40%.

21 “(iv) With respect to products entered for
22 consumption, or withdrawn from warehouse for
23 consumption, on or after 12:01 a.m. eastern
24 time on the day after the day that is 3 years
25 after such date of enactment through 11:59

1 p.m. eastern time on the day that is 4 years
2 after such date of enactment, 45%.

3 “(v) With respect to products entered for
4 consumption, or withdrawn from warehouse for
5 consumption, on or after 12:01 a.m. eastern
6 time on the day after the day that is 4 years
7 after such date of enactment, \$100 each +
8 50%.

9 “(c) Products of China that are classified in
10 headings 9903.87.01 and 9903.87.02 that are eligi-
11 ble for temporary duty exemptions or reductions
12 under subchapter II to this chapter shall be subject
13 to the rates of duty specified in subdivision (b) not-
14 withstanding such exemptions or reductions.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall with respect to articles entered for con-
17 sumption, or withdrawn from warehouse for consumption,
18 on or after 12:01 a.m. eastern time on the day that is
19 30 days after the date of the enactment of this Act.

20 **SEC. 4. STRENGTHENED RULES OF ORIGIN FOR ENTRIES**
21 **OF UNMANNED AIRCRAFT AND PARTS FOR**
22 **UNMANNED AIRCRAFT.**

23 (a) IN GENERAL.—Notwithstanding any provision of
24 the general notes to the HTS, unmanned aircraft classi-
25 fied under heading 8806 of the HTS, and parts for such

1 aircraft classified under heading 8807 of the HTS, may
2 not enter the customs territory of the United States un-
3 less—

4 (1)(A) in the case of an unmanned aircraft, the
5 entry of the aircraft is accompanied by a certificate
6 or other documentation required by U.S. Customs
7 and Border Protection establishing that the aircraft
8 does not contain a flight controller, radio, data
9 transmission device, camera, gimbal, permanent
10 magnets (including neodymium iron boron magnets),
11 ground control system, operating software, network
12 connectivity hardware, or data storage manufactured
13 in the People's Republic of China; and

14 (B) in the case of a part, the entry of the part
15 is accompanied by a certificate or other documenta-
16 tion required by U.S. Customs and Border Protec-
17 tion establishing that the part was not manufactured
18 in the People's Republic of China; and

19 (2) U.S. Customs and Border Protection con-
20 firms the veracity of the certificate or other docu-
21 mentation required by paragraph (1).

22 (b) EXEMPTION.—

23 (1) IN GENERAL.—Subsection (a) shall not
24 apply with respect to unmanned aircraft classified
25 under heading 8806 of the HTS that—

1 (A) the Federal Aviation Administration
2 has, before January 1, 2026—

3 (i) authorized for operations under
4 the provisions of part 135 of title 14, Code
5 of Federal Regulations; or

6 (ii) included in an air carrier's exemp-
7 tion under section 44807 of title 49,
8 United States Code; and

9 (B) are not manufactured in whole by a
10 covered foreign entity or in a foreign adversary
11 country.

12 (2) LIST.—Not later than January 1, 2026, the
13 Administrator of the Federal Aviation Administra-
14 tion shall—

15 (A) provide the Commissioner for U.S.
16 Customs and Border Protection with a list of
17 unmanned aircraft that qualify for the exemp-
18 tion under this subsection; and

19 (B) certify that the list required by sub-
20 paragraph (A) contains only unmanned aircraft
21 that are not manufactured in whole by a cov-
22 ered foreign entity or in a foreign adversary
23 country.

24 (c) APPLICABILITY.—The prohibition under sub-
25 section (a) shall apply—

1 (1) with respect to unmanned aircraft classified
2 under heading 8806 of the HTS, on and after Janu-
3 ary 1, 2028; and

4 (2) with respect to parts for such aircraft clas-
5 sified under heading 8807 of the HTS, on and after
6 January 1, 2031.

7 **SEC. 5. GRANT PROGRAM TO ENSURE FIRST RESPONDERS,**
8 **FARMERS AND RANCHERS, AND CRITICAL IN-**
9 **FRASTRUCTURE PROVIDERS HAVE SECURE**
10 **UNMANNED AIRCRAFT SYSTEMS.**

11 (a) SECURE UNMANNED AIRCRAFT SYSTEMS TRUST
12 FUND.—

13 (1) ESTABLISHMENT.—There is established in
14 the Treasury of the United States a fund, to be
15 known as the “Secure Unmanned Aircraft Systems
16 Trust Fund” (in this section referred to as the
17 “Trust Fund”), consisting of—

18 (A) amounts transferred to the Trust
19 Fund under paragraph (2); and

20 (B) any amounts that may be credited to
21 the Trust Fund under paragraph (3).

22 (2) TRANSFER OF AMOUNTS.—

23 (A) IN GENERAL.—The Secretary of the
24 Treasury shall transfer to the Trust Fund,
25 from the general fund of the Treasury, for fis-

cal year 2026 and each fiscal year thereafter,
an amount equivalent to the amount received
into the general fund during that fiscal year
and attributable to duties imposed and collected
by the United States under headings
9903.87.01 and 9903.87.02 of the HTS and in
accordance with U.S. note 31 to subchapter III
of chapter 99 of the HTS, as added by section
3(a).

(B) FREQUENCY OF TRANSFERS.—The
Secretary shall transfer amounts required by
subparagraph (A) to the Trust Fund not less
frequently than quarterly.

(3) INVESTMENT OF AMOUNTS.—

(A) INVESTMENT OF AMOUNTS.—The Sec-
retary shall invest such portion of the Trust
Fund as is not required to meet current with-
drawals in interest-bearing obligations of the
United States or in obligations guaranteed as to
both principal and interest by the United
States.

(B) INTEREST AND PROCEEDS.—The in-
terest on, and the proceeds from the sale or re-
demption of, any obligations held in the Trust

1 Fund shall be credited to and form a part of
2 the Trust Fund.

3 (4) USE OF AMOUNTS.—

4 (A) IN GENERAL.—Amounts in the Trust
5 Fund shall be available, without further appro-
6 priation, to carry out the grant program estab-
7 lished under subsection (b).

8 (B) AVAILABILITY OF AMOUNTS.—
9 Amounts in the Trust Fund shall be available
10 for obligation and expenditure during the fiscal
11 year during which the amounts were trans-
12 ferred or credited to the Trust Fund and the
13 fiscal year thereafter.

14 (C) REPORTS REQUIRED.—Not later than
15 1 year after the date of the enactment of this
16 Act, and annually thereafter, the Secretary
17 shall submit to Congress a report on amounts
18 disbursed from the Trust Fund in the preceding
19 year.

20 (b) GRANT PROGRAM.—

21 (1) IN GENERAL.—Beginning not later than 1
22 year after the date of the enactment of this Act, the
23 Secretary of Homeland Security shall establish and
24 carry out a program to provide grants—

1 (A) to first responders, farmers and ranch-
2 ers, and providers of critical infrastructure to—

3 (i) purchase or lease secure unmanned
4 aircraft systems;

5 (ii) support operational capabilities of
6 such systems by the grant recipient; and

7 (iii) support the program management
8 capability of the grant recipient to use
9 such systems; and

10 (B) to entities that manufacture compo-
11 nents for unmanned aircraft systems in the
12 United States—

13 (i) for workforce development; and

14 (ii) to otherwise increase the capacity
15 to manufacture such components in the
16 United States.

17 (2) CONSULTATION.—In carrying out the pro-
18 gram established under paragraph (1), the Secretary
19 shall—

20 (A) consult with the Secretary of Agri-
21 culture with respect to developing criteria for
22 reviewing applications for grants submitted on
23 behalf of farmers and ranchers; and

1 (B) consult with the Secretary of Trans-
2 portation with respect to providing grants to
3 providers of critical infrastructure.

4 (3) PRIORITY FOR GRANTS.—Of the amounts in
5 the Trust Fund in any fiscal year—

6 (A) not more than 60 percent of such
7 amounts shall be made available for grants to
8 first responders under subparagraph (A) of
9 paragraph (1);

10 (B) not more than 20 percent of such
11 amounts shall be made available for grants to
12 farmers and ranchers under that subparagraph;

13 (C) not more than 20 percent of such
14 amounts shall be made available for grants to
15 providers of critical infrastructure under that
16 subparagraph; and

17 (D) not more than 10 percent of such
18 amounts shall be made available for grants to
19 entities that manufacture components for un-
20 manned aircraft systems in the United States
21 under subparagraph (B) of that paragraph.

22 (4) REVIEW OF APPLICATIONS.—

23 (A) DEADLINE.—

24 (i) IN GENERAL.—Except as provided
25 in clause (iii), the Secretary shall approve

1 or deny an application for a grant under
2 the program established under paragraph
3 (1) not later than 90 days after the date
4 the Secretary receives the application.

5 (ii) ALLOCATION TIMING.—Amounts
6 available for providing grants under the
7 program established under paragraph (1)
8 shall be allocated on a first-come, first-
9 served basis, determined by the date the
10 Secretary receives the application.

11 (iii) ADDITIONAL TIME NEEDED FOR
12 REVIEW.—If the Secretary determines
13 that, because an excessive number of appli-
14 cations have been filed at one time, the
15 Secretary needs additional time to process
16 the applications, the Secretary may extend
17 the deadline under clause (i) for not more
18 than 45 days.

19 (B) EFFECT OF DENIAL.—Denial of an
20 application for a grant under the program es-
21 tablished under paragraph (1) shall not pre-
22 clude the applicant from resubmitting the appli-
23 cation with additional documentation or submit-
24 ting a new application at a later date.

1 (5) REPORT REQUIRED.—Not later than 1 year
2 after the date on which the program is established
3 under paragraph (1), and annually thereafter, the
4 Secretary shall submit to Congress a report on the
5 implementation of the program in the year preceding
6 submission of the report, including a description of
7 all grants provided under the program during that
8 year and the amounts of such grants.

9 **SEC. 6. DEFINITIONS.**

10 In this Act:

11 (1) AIR CARRIER.—The term “air carrier” has
12 the meaning given that term in section 40102 of
13 title 49, United States Code.

14 (2) COVERED FOREIGN ENTITY.—The term
15 “covered foreign entity” means a foreign entity that
16 is—

17 (A) on the Federal Government’s Consoli-
18 dated Screening List;

19 (B) domiciled in the People’s Republic of
20 China or subject to influence or control by the
21 Government of the People’s Republic of China;

22 (C) identified by the Secretary of Defense
23 under section 1260H(a) of the William M.
24 (Mac) Thornberry National Defense Authoriza-
25 tion Act for Fiscal Year 2021 (Public Law

1 116–283; 10 U.S.C. 113 note) as a Chinese
2 military company operating directly or indi-
3 rectly in the United States;

4 (D) on the Non-SDN Chinese Military-In-
5 dustrial Complex Companies List maintained by
6 the Office of Foreign Assets Control of the De-
7 partment of the Treasury pursuant to Execu-
8 tive Order 13959 (50 U.S.C. 1701 note; relat-
9 ing to addressing the threat from securities in-
10 vestments that finance communist Chinese mili-
11 tary companies);

12 (E) on a list maintained under clause (i),
13 (ii), (iv), or (v) of section 2(d)(2)(B) of the Act
14 entitled “An Act to ensure that goods made
15 with forced labor in the Xinjiang Autonomous
16 Region of the People’s Republic of China do not
17 enter the United States market, and for other
18 purposes”, approved December 23, 2021 (Pub-
19 lic Law 117–78; 22 U.S.C. 6901 note) (com-
20 monly referred to as the “Uyghur Forced Labor
21 Prevention Act”); or

22 (F) a covered foreign entity, as defined in
23 section 1822 of the American Security Drone
24 Act of 2023 (title XVIII of Public Law 118–31;
25 137 Stat. 691; 41 U.S.C. note prec. 3901).

1 (3) CRITICAL INFRASTRUCTURE.—The term
2 “critical infrastructure” has the meaning given that
3 term in the Critical Infrastructures Protection Act
4 of 2001 (42 U.S.C. 5195c).

5 (4) CUSTOMS TERRITORY OF THE UNITED
6 STATES.—The term “customs territory of the United
7 States” has the meaning given that term in general
8 note 2 of the HTS.

9 (5) FIRST RESPONDER.—The term “first re-
10 sponder” has the meaning given that term in section
11 3025 of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (34 U.S.C. 10705).

13 (6) FOREIGN ADVERSARY COUNTRY.—The term
14 “foreign adversary country” means a covered nation,
15 as defined in section 4872(f) of title 10, United
16 States Code.

17 (7) SECURE UNMANNED AIRCRAFT SYSTEM.—
18 The term “secure unmanned aircraft system” means
19 an unmanned aircraft system (as defined in section
20 44801 of title 49, United States Code) that is not
21 manufactured or assembled by a covered foreign en-
22 tity or in a foreign adversary country.